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Document No. 4019

**DEPARTMENT OF LABOR, LICENSING, AND REGULATION**

**OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**

CHAPTER 71

Statutory Authority: 1976 Code Sections 41-3-40 and 41-15-210

71-400 through 71-410. Occupational Safety and Health Act

**Synopsis**:

The South Carolina Department of Labor, Licensing and Regulation, Office of Occupational Safety and Health is amending Regulations 71-400 through 71-410 to reflect recent amendments made to the South Carolina Occupational Safety and Health Act by 2008 Act 188.

**Instructions:**

The following sections of regulation 71-400 through 71-410 are modified as provided below.

**Text:**

SUBARTICLE 4.

ENFORCEMENT OF VIOLATIONS

71‑400. Definitions.

As used in this Subarticle, unless the context clearly requires otherwise

 A. “Act” means Act 379, South Carolina Acts and Joint Resolutions, 1971, as amended, and State Laws enacted by the South Carolina General Assembly.

 B. “Administrator” means that person in the South Carolina Department of Labor, Licensing and Regulation, who is designated by the Director as responsible for the supervision of the activities of the Occupational Safety and Health Division.

 C. “Affected Employee” shall mean an employee of a cited employer who is exposed to the alleged hazard described in the citation, as a result of his employment.

 D. “Agency” means the South Carolina Department of Labor, Licensing and Regulation.

 E. “Authorized Employee Representative” means a labor organization which has a collective bargaining relationship with the cited employer and which represents affected employees.

 F. “Citation” means a written communication issued by the Director or his designated representative pursuant to Section 41‑15‑280, Code of Laws, State of South Carolina, 1976, as amended. For the purpose of this section, the word “citation” includes “amended citation”.

 G. “Compliance Manager” means that person in the Department of Labor, State of South Carolina, who is designated by the Administrator as responsible for inspections made pursuant to the State’s Occupational Safety and Health Laws.

 H. “Day” means calendar day.

 I. “Director” means the Director, South Carolina Department of Labor, Licensing and Regulation.

 J. “Employee” means any person employed by an individual, partnership, joint venture, cooperative association or corporation doing business in the State, or by the State of South Carolina or any political subdivision thereof.

 K. “Employer” means any individual, partnership, joint venture, cooperative association or corporation doing business in the State and the State of South Carolina and any political subdivision thereof which employs one (1) or more persons to perform work within the State of South Carolina.

 L. “Industrial Hygienist” means any individual commissioned by the Director to enforce health statutes, rules and regulations.

 M. “Notification of Proposed Penalty” means a written communication issued by the Director or his designated representative to an employer to notify the employer of penalties proposed under Section 41‑15‑320, Code of Laws, State of South Carolina, 1976, as amended.

 N. “OSH Compliance Officer” means any individual commissioned by the Director to enforce safety and health statutes, rules and regulations.

 O. “Party” means any individual, partnership, joint venture, cooperative association, corporation, State of South Carolina or any political subdivision thereof who shall have a vested interest to participate in a hearing conducted in accordance with this subarticle.

 P. “Person” means any individual, partnership, joint venture, cooperative association, corporation, organization of employees, or the State of South Carolina or any political subdivision thereof.

 Q. “Representative” means any person, including an authorized employee representative, authorized by a party, survivor, orintervener to represent him in a proceeding.

 R. “Rules and Regulations” means any rules and regulations promulgated and adopted by the Department.

 S. “State” means the State of South Carolina.

71‑401. Citation; Notice of De Minimis Violation.

 A. The Compliance Manager shall review the report of inspection of each OSH Compliance Officer and Industrial Hygienist. If the report indicates a violation of the state statutes or rules and regulations, there shall be issued to each employer, by certified mail or by personal service, a citation(s). Any citation shall be issued with reasonable promptness after the termination of the inspection. No citation shall be issued after the expiration of six (6) months following the occurrence of the inspection. Citations shall detail the conditions and circumstances of the violation, and refer to applicable statutes, rules and regulations or order alleged to have been violated. The citation shall also fix a reasonable time for abatement of the violation(s). Where a citation is issued as a result of a request for inspection under Subarticle 5, R. 71‑508, copies of the citation shall also be sent by certified mail to the employee or employee representative who made such request. If appropriate, a citation will be issued to an employer even where the employer abates immediately.

 B. Notice of De Minimis Violation. The Compliance Manager shall review the report of inspection of each OSH Compliance Officer and Industrial Hygienist. If the report indicates a violation of the state statutes or rules and regulations which have no direct or immediate relationship to safety or health, the Compliance Manager may issue a notice of de minimis violation if he shall determine that such notice shall be beneficial to the health and safety of employees. Such notice of de minimis violation shall be in the form of a recommendation only and may not be contested.

 C. The issuance of a citation does not constitute a determination that a violation of state statutes or rules and regulations has occurred, but it is an allegation that such may have occurred, unless there is a failure to contest as provided for in accordance with Articles 3 and 5 of Chapter 23, Title1 and the rules of the Administrative Law Court, or, if contested, unless the violation is determined have existed by a final order of the Administrative Law Court or by a final adjudication in the courts of this State.

71‑402. Proposed Penalty.

 A. After, or concurrent with, the issuance of a citation, and within a reasonable time of the inspection, the Compliance Manager shall notify the employer by certified mail or by personal service of the proposed penalty under Section 41‑15‑300, Code of Laws of South Carolina, 1976, as amended, or that no penalties are proposed.

 B. The Compliance Manager or his representative shall determine the amount of any proposed penalty, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations in accordance with Section 41‑15‑320, Code of Laws of South Carolina, 1976, as amended.

 C. Appropriate penalties may be proposed with respect to alleged violations even though after being informed of such an alleged violation by the OSH Compliance Officer or the Industrial Hygienist, the employer immediately abates or initiates steps to abate such violation. A penalty shall not be proposed for de minimis violations.

 D. The issuance of a proposed penalty does not constitute an obligation unless there is a failure to contest the proposed penalty as provided in accordance with Articles 3 and 5 of Chapter 23, Title 1 and the rules of the Administrative Law Court, or, if contested, unless the proposed penalty is determined to be an obligation under Section 41‑15‑320, Code of Laws of South Carolina, 1976, as amended, by an order of the Administrative Law Court or upon final adjudication in the courts of this State.

71‑403. Posting of Citation.

 A. Upon receipt of a citation under the Act, the employer shall immediately post such citation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employer’s operations, it is not practical to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. The employer shall take steps to ensure that the citation is not altered, defaced, or covered by other material. Notices of de minimis violations need not be posted.

 B. Each citation, or a copy thereof, shall remain posted until the violation has been abated, or for three working days, whichever is later. The filing by the employer of a notice of contest under R. 71‑407 shall not affect his posting responsibility under this section.

 C. Any employer failing to comply with the provisions of paragraphs A and B of this regulation shall be subject to citation and penalty in accordance with the provisions of Section 41‑15‑320, Code of Laws of South Carolina, 1976, as amended.

71‑404. Failure to Correct Violation for Which Citation Has Been Issued.

 A. If any subsequent inspection discloses that an employer has failed to correct an alleged violation for which a citation has been issued within the period permitted for its correction, the Compliance Manager shall notify the employer by certified mail or by personal service of such failure and of the penalty proposed under Section 41‑15‑320, South Carolina Code of Laws, 1976, as amended, by reason of such failure, and of a later date after which an additional penalty may be assessed for continued failure to correct the violation.

 B. Any employer receiving a notification of failure to correct a violation and of proposed penalty may notify the Director, in writing, that he intends to contest such notification of proposed penalty or citation. Such right to contest notification of failure to correct a violation or proposed penalty may be made by the employee, as well as the employer, by notifying the Director, in writing. Such notice of contest shall comply with Articles 3 and 5 of Chapter 23, Title 1 and the rules of the Administrative Law Court.

 C. Each notification of failure to correct a violation and of proposed penalty shall state that it will be deemed to be the final order of the Director and not subject to review by any court or agency unless, within twenty (20) days from the date of receipt of such notification, the employer notifies the Director in writing that he contests the notification or the proposed penalty. Such notice of contest shall comply with Articles 3 and 5 of Chapter 23, Title 1 and the rules of the Administrative Law Court.

71‑405. Petition for Modification of Abatement.

 A. Filing. If the employer has made a good faith effort to comply with the abatement period, but has not been able to do so by the prescribed date because of factors beyond his control, he may file a Petition for Modification of Abatement. The petition must be filed with the Compliance Manager no later than the end of the next working day following the date on which abatement was to have been completed. The petition shall state why the abatement cannot be completed within the prescribed time, the steps taken to achieve compliance, and what interim steps are being taken to protect the employees from the cited hazard. Affected employees and their authorized representative (if any) must be also notified in writing of the petition by posting of the petition at the same location the citation is posted, and the petition shall remain posted for a period of ten (10) days.

 B. Incomplete Petition for Modification of Abatement. Should a Petition for Modification of Abatement be submitted to the Compliance Manager which does not meet the requirements of this regulation, the Compliance Manager shall immediately notify the employer of the deficiency and may allow up to an additional five (5) days to meet the requirements. Incomplete Petitions for Modification of Abatement may be objected to by the Compliance Manager.

 C. Objections to Petition for Modification of Abatement. Affected employees or their authorized representative may file an objection in writing to a petition for modification of abatement with the Compliance Manager. Failure to file such objection within ten (10) days of the date of posting of such petition or of service upon an authorized representative shall constitute a waiver of any further right to object to the petition unless good cause is shown for such failure. Where any petition is objected to by the Compliance Manager or affected employees, the petition, citation, and any objections shall be immediately forwarded to the Administrative Law Court for determination.

 D. Service. Unless otherwise ordered, service may be accomplished by postage prepaid first class mail or by personal delivery. Service is deemed effective at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery). Service and notice to employees represented by an authorized employee representative shall be deemed accomplished in the manner prescribed in paragraph B of this regulation.

 E. Failure to File. Where the employer fails to file with the Compliance Manager a Petition for Modification of Abatement within the time prescribed in paragraph A of this regulation, and the normal twenty (20) day period for citation contest has passed, the abatement period shall be deemed a final order of the Director unless good cause is shown for such failure. Where any filing required by this regulation is made or proposed to be made later than the period specified therefore herein, the Compliance Manager may nevertheless consider the merits of the objection or petition if he finds that there was a good cause for such delay and that such delay was not excessive. If the Compliance Manager shall determine that there was not good cause or that the delay was excessive, he shall recommend the denial of and thereby object to the Petition for Modification of Abatement in accordance with paragraph C of this regulation.

71‑406. Informal Conference.

 A. Authority. At the request of either the employer, an affected employee, or representative of employees, the Compliance Manager or his designated representative may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, notice of proposed penalty, or notification of failure to correct violation. The settlement of any issue at such conference shall be subject to these rules and regulations of procedure. If the conference is requested by the employer, an affected employee or his representative shall be afforded an opportunity to participate, at the discretion of the Compliance Manager or his designated representative. Any party may be represented by legal counsel. No such conference or request for conference shall operate as a stay of the twenty (20) day period for filing a Notice of Protest, and no such conference or request for conference will be held or accepted subsequent to receipt of a Notice of Contest as defined in Articles 3 and 5 of Chapter 23, Title 1 and the rules of the Administrative Law Court.

 B. Requesting Informal Conference. Request for an informal conference may be made orally or in writing to the Compliance Manager.

 C. (Deleted).

 D. Conduct of Informal Conference. The Compliance Manager shall conduct the informal conference or designate his representative to conduct same.

 E. Location. Informal conferences may be conducted by the Compliance Manager or his representative at a site convenient to the party requesting such conference.

 F. Time. Informal conferences will be conducted as soon as possible after such request is made.

 G. Decision. To the extent possible a decision of the Compliance Manager or his designated representative will be made at the close of the informal conference and communicated promptly to the parties.

71‑407. Employer or Employee Contest.

 A. Any employer to whom a citation or notice of proposed penalty has been issued may serve a notice of contest upon the Director that it does contest such citation, proposed penalty, abatement date, or any combination thereof in accordance with the rules of procedure of Articles 3 and 5 of Chapter 23, Title 1 and the rules of the Administrative Law Court.

 B. Any employee or any employee representative of an employer to whom a citation or notice of proposed penalty has been issued, may serve a notice of contest upon the Director that it does contest such citation, proposed penalty, abatement date, or any combination thereof in accordance with the rules of procedure of Articles 3 and 5 of Chapter 23, Title 1 and the rules of the Administrative Law Court.

71‑408. Failure to Contest.

Where the employer, employee or employee representative fails to file a notice of contest pursuant to the rules of procedure of the Administrative Law Court, the citation and proposed penalty shall be deemed a final order of the Director not subject to administrative review unless good cause is shown for such failure. Where the filing of notice of contest is made later than the period specified, the Director may nevertheless waive his objection to the late contest, if he finds that there was good cause for such delay and that the delay was not excessive.

71‑409. Withdrawal, Modification or Amendment to Citation and Proposed Penalty.

 A. The Occupational Safety and Health Division of the South Carolina Department of Labor, Licensing and Regulation may withdraw, modify or amend a citation and/or proposed penalty during the twenty (20) day period before the citation and/or proposed penalty becomes a final order of the Director, provided there has been no contest filed.

 B. After the expiration of the twenty (20) day period or after Notice of Protest has been filed, the Director may on his own motion withdraw, modify or amend a citation and/or proposed penalty, provided same does not unduly prejudice the position of any party.

 C. After the Notice of Protest is filed and received by the Administrative Law Court, any action to withdraw, modify, or amend a citation or proposed penalty shall be according to the rules of the Administrative Law Court.

71-410. Abatement Verification.

PURPOSE: OSHA’s inspections are intended to result in the abatement of violations of the South Carolina Occupational Safety and Health Act. This section sets forth the procedures OSHA will use to ensure abatement. These procedures are tailored to the nature of the violation and the employer’s abatement actions.

 A. Scope and application. This section applies to employers who receive a citation for a violation of the Occupational Safety and Health Act.

 B. Abatement certification.

 (1) Within 10 calendar days after the abatement date, the employer must certify to OSHA (The Agency) that each cited violation has been abated, except as provided in paragraph (B)(2) of this section.

 (2) The employer is not required to certify abatement if the OSHA Compliance Officer, during the on-site portion of the inspection:

 (a) Observes, within 24 hours after a violation is identified, that abatement has occurred; and

 (b) Notes in the citation that abatement has occurred.

 (3) The employer’s certification that abatement is complete must include, for each citated violation, in addition to the information required by paragraph (G) of this section that affected employees and their representatives have been informed of the abatement

Note to paragraph (B): Appendix A contains a sample abatement certification letter.

 C. Abatement documentation.

 (1) The employer must submit to the Agency, along with the information on abatement certification required by paragraph (B)(3) of this section, documents demonstrating that abatement is complete for each willful or repeat violation and for any serious violation for which the Agency indicates in the citation that such abatement documentation is required.

 (2) Documents demonstrating that abatement is complete may include, but are not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

 D. Abatement plans.

 (1) The Agency may require an employer to submit an abatement plan for each cited violation (except an other-than-serious violation) when the time permitted for abatement is more than 90 calendar days. If an abatement plan is required, the citations must so indicate.

 (2) The employer must submit an abatement plan for each cited violation within 25 calendar days from the final order date when the citation indicates that such a plan is required. The abatement plan must identify the violation and the steps to be taken to achieve abatement, including a schedule for completing abatement and, where necessary, how employees will be protected from exposure to the violative condition in the interim until abatement is complete.

Note to paragraph (D): Appendix B contains a sample abatement plan form.

 E. Progress reports.

 (1) An employer who is required to submit an abatement plan may also be required to submit periodic progress reports for each cited violation. The citation must indicate:

 (a) That periodic progress reports are required and the citation items for which they are required;

 (b) The date on which an initial progress report must be submitted, which may be no sooner than 30 calendar days after submission of an abatement plan;

 (c) Whether additional progress reports are required;

 (d) The date(s) on which additional progress reports must be submitted.

 (2) For each violation, the progress report must identify, in a single sentence if possible, the action taken to achieve abatement and the date the action was taken.

Note to paragraph (E): Appendix B contains a sample progress report form.

 F. Employee notification.

 (1) The employer must inform affected employees and their representative(s) about abatement activities covered by this section by posting a copy of each document submitted to the Agency or a summary of the document near the place where the violation occurred.

 (2) Where such posting does not effectively inform employees and their representative(s) about abatement activities (for example, for employers who have mobile work operations), the employer must:

 (a) Post each document or a summary of the document in a location where it will be readily observable by affected employees and their representatives; or

 (b) Take other steps to communicate fully to affected employees and their representatives about abatement activities.

 (3) The employer must inform employees and their representatives of their right to examine and copy all abatement documents submitted to the Agency.

 (a) An employee or an employee representative must submit a request to examine and copy abatement documents within three (3) working days of receiving notice that the documents have been submitted.

 (b) The employer must comply with an employee’s or employee representative’s request to examine and copy abatement documents within five (5) working days of receiving the request.

 (4) The employer must ensure that notice to employees and employee representatives is provided at the same time or before the information is provided to the Agency and that abatement documents are:

 (a) Not altered, defaced, or covered by other material; and

 (b) Remain posted for three (3) working days after submission to the Agency.

 G. Transmitting abatement documents.

 (1) The employer must include, in each submission required by this section, the following information:

 (a) The employer’s name and address;

 (b) The optional report number to which the submission relates;

 (c) The citation and item numbers to which the submission relates;

 (d) A statement that the information submitted is accurate; and

 (e) The signature of the employer or the employer’s authorized representative.

 (2) The date of postmark is the date of submission for mailed documents. For documents transmitted by other means, the date the Agency receives the document is the date of submission.

 H. Movable equipment.

 (1) For serious, repeat, and willful violations involving movable equipment, the employer must attach a warning tag or a copy of the citation to the operating controls or to the cited component of equipment that is moved within the work site or between work sites.

Note to paragraph (H)(1): Attaching a copy of the citation to the equipment is deemed by OSHA to meet the tagging requirement of paragraph (H)(1) of this section as well as the posting requirement of 71-403 in this subarticle.

 (2) The employer must use a warning tag that properly warns employees about the nature of the violation involving the equipment and identifies the location of the citation issued.

Note to paragraph (H)(2): Non-Mandatory Appendix C contains a sample tag that employers may use to meet this requirement.

 (3) If the violation has not already been abated, a warning tag or copy of the citation must be attached to the equipment.

 (a) For hand-held equipment, immediately after the employer receives the citation; or

 (b) For non-hand-held equipment, prior to moving the equipment within or between work sites.

 (4) For the construction industry, a tag that is designed and used in accordance with 29 CFR 1926.20(b)(3) and 29 CFR 1926.200(h) is deemed by OSHA to meet the requirements of this section when the information required by paragraph (H)(2) is included on the tag.

 (5) The employer must assure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or covered by other material.

 (6) The employer must assure that the tag or copy of the citation attached to movable equipment remains until:

 (a) The violation has been abated and all abatement verification documents required by this regulation have been submitted to the Agency;

 (b) The cited equipment has been permanently removed from service or is no longer within the employer’s control; or

 (c) The Court issues a final order vacating the citation.

Appendices Abatement Verification

Note: Appendices A through C provide information and non-mandatory guidelines to assist employers and employees in complying with the appropriate requirements of this section.

Appendix A: Sample Abatement Certification Letter (Non-mandatory)

(Name), Administrator

S.C. Department of Labor, Licensing & Regulation OSHA

Address of the Area Office (on the citation)

[Company’s Name]

[Company’s Address]

The hazard referenced in Optional Report No. (inset 6-digit #) for violation identified as:

Citation [insert #] and item [insert #] was corrected on [insert date] by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Citation [insert #] and item [insert #] was corrected on [insert date] by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Citation [insert #] and item [insert #] was corrected on [insert date] by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Citation [insert #] and item [insert #] was corrected on [insert date] by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I attest that the information contained in this document is accurate.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

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Typed or Printed Name

Appendix B: Sample Abatement Plan or Progress Report (Non-mandatory)

(Name), Administrator

S.C. Department of Labor, Licensing & Regulation – OSHA

Address of Area Office (on the citation)

[Company’s Name]

[Company’s Address]

Check one:

 Abatement Plan []

 Progress Report []

Optional Report Number\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Page \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Item Number(s)\*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Action Proposed

 Completion Completion

 Date (for Date (for

 Abatement Progress reports

 Plans only) only)

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6.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

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7.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date required for final abatement:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I attest that the information contained in this document is accurate.

Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Typed or Printed Name

Name of primary point of contact for questions: (optional)

Telephone Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\*Abatement plans or progress reports for more than one citation item may be combined in a single abatement plan or progress report if the abatement actions, proposed completion dates, and actual completion dates (for progress reports only) are the same for each of the citation items.

**Appendix C --- Sample Warning Tag (Nonmandatory)**

**WARNING:**

EQUIPMENT HAZARD

CITED BY OSHA

EQUIPMENT CITED:

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

HAZARD CITED

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

FOR DETAILED INFORMATION

SEE OSHA CITATION POSTED AT:

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**BACKGROUND COLOR -- ORANGE**

**MESSAGE COLOR -- BLACK**

**Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

The updated regulations will reflect recent amendments made to the Occupational Safety and Health Act (2008 Act 188) and will reflect the jurisdiction of the Administrative Law Court to review citations and notifications of failure to abate, with the associated abatement dates and proposed penalties.