

## Occupational Safety and Health Admin., Labor

## § 1903.2

(b) The decision revoking the determination shall also reflect the Assistant Secretary's determination that concurrent Federal enforcement and standards authority will be reinstated within the State for a reasonable time until he has withdrawn his approval of the plan, or any separable portion thereof, pursuant to part 1955 of this chapter or he has determined that the State has met the criteria for an 18(e) determination pursuant to the applicable procedures of this subpart.

### § 1902.53 Publication of decisions.

All decisions on the reconsideration of an affirmative 18(e) determination shall be published in the FEDERAL REGISTER.

## PART 1903—INSPECTIONS, CITATIONS AND PROPOSED PENALTIES

Sec.

- 1903.1 Purpose and scope.
- 1903.2 Posting of notice; availability of the Act, regulations and applicable standards.
- 1903.3 Authority for inspection.
- 1903.4 Objection to inspection.
- 1903.5 Entry not a waiver.
- 1903.6 Advance notice of inspections.
- 1903.7 Conduct of inspections.
- 1903.8 Representatives of employers and employees.
- 1903.9 Trade secrets.
- 1903.10 Consultation with employees.
- 1903.11 Complaints by employees.
- 1903.12 Inspection not warranted; informal review.
- 1903.13 Imminent danger.
- 1903.14 Citations; notices of de minimis violations; policy regarding employee rescue activities.
- 1903.14a Petitions for modification of abatement date.
- 1903.15 Proposed penalties.
- 1903.16 Posting of citations.
- 1903.17 Employer and employee contests before the Review Commission.
- 1903.18 Failure to correct a violation for which a citation has been issued.
- 1903.19 Abatement verification.
- 1903.20 Informal conferences.
- 1903.21 State administration.
- 1903.22 Definitions.

AUTHORITY: Sections 8 and 9 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 658); 5 U.S.C. 553; Secretary of Labor's Order No. 1-90 (55 FR 9033) or 6-96 (62 FR 111), as applicable.

Section 1903.7 also issued under 5 U.S.C. 553.

SOURCE: 36 FR 17850, Sept. 4, 1971, unless otherwise noted.

### § 1903.1 Purpose and scope.

The Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 *et seq.*, 29 U.S.C. 651 *et seq.*) requires, in part, that every employer covered under the Act furnish to his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees. The Act also requires that employers comply with occupational safety and health standards promulgated under the Act, and that employees comply with standards, rules, regulations and orders issued under the Act which are applicable to their own actions and conduct. The Act authorizes the Department of Labor to conduct inspections, and to issue citations and proposed penalties for alleged violations. The Act, under section 20(b), also authorizes the Secretary of Health, Education, and Welfare to conduct inspections and to question employers and employees in connection with research and other related activities. The Act contains provisions for adjudication of violations, periods prescribed for the abatement of violations, and proposed penalties by the Occupational Safety and Health Review Commission, if contested by an employer or by an employee or authorized representative of employees, and for judicial review. The purpose of this part 1903 is to prescribe rules and to set forth general policies for enforcement of the inspection, citation, and proposed penalty provisions of the Act. In situations where this part 1903 sets forth general enforcement policies rather than substantive or procedural rules, such policies may be modified in specific circumstances where the Secretary or his designee determines that an alternative course of action would better serve the objectives of the Act.

### § 1903.2 Posting of notice; availability of the Act, regulations and applicable standards.

(a)(1) Each employer shall post and keep posted a notice or notices, to be