# PART 1903-INSPECTIONS, CITATIONS AND PROPOSED PENALTIES

*(§§ 1903.18 to 1903.19) - English version typeset from the official eCFR XML (version of October 16, 2026)*

## § 1903.18 Failure to correct a violation for which a citation has been issued.

**(a)** If an 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 Area Director shall, if appropriate, consult with the Regional Solicitor, and he shall notify the employer by certified mail or by personal service by the Compliance Safety and Health Officer of such failure and of the additional penalty proposed under § 1903.15(d)(5) by reason of such failure. The period for the correction of a violation for which a citation has been issued shall not begin to run until the entry of a final order of the Review Commission in the case of any review proceedings initiated by the employer in good faith and not solely for delay or avoidance of penalties.

**(b)** Any employer receiving a notification of failure to correct a violation and of proposed additional penalty may, under section 10(b) of the Act, notify the Area Director in writing that he intends to contest such notification or proposed additional penalty before the Review Commission. Such notice of intention to contest shall be postmarked within 15 working days of the receipt by the employer of the notification of failure to correct a violation and of proposed additional penalty. The Area Director shall immediately transmit such notice to the Review Commission in accordance with the rules of procedure prescribed by the Commission.

**(c)** Each notification of failure to correct a violation and of proposed additional penalty shall state that it shall be deemed to be the final order of the Review Commission and not subject to review by any court or agency unless, within 15 working days from the date of receipt of such notification, the employer notifies the Area Director in writing that he intends to contest the notification or the proposed additional penalty before the Review Commission.

[36 FR 17850, Sept. 4, 1971, as amended at 81 FR 43453, July 1, 2016]

## § 1903.19 Abatement verification.

Purpose. OSHA's inspections are intended to result in the abatement of violations of the Occupational Safety and Health Act of 1970 (the OSH 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)** Definitions-(1) Abatement means action by an employer to comply with a cited standard or regulation or to eliminate a recognized hazard identified by OSHA during an inspection.

**(2)** Abatement date means:

**(i)** For an uncontested citation item, the later of:

**(A)** The date in the citation for abatement of the violation;

**(B)** The date approved by OSHA or established in litigation as a result of a petition for modification of the abatement date (PMA); or

**(C)** The date established in a citation by an informal settlement agreement.

**(ii)** For a contested citation item for which the Occupational Safety and Health Review Commission

(OSHRC) has issued a final order affirming the violation, the later of:

**(A)** The date identified in the final order for abatement; or

**(B)** The date computed by adding the period allowed in the citation for abatement to the final order date;

**(C)** The date established by a formal settlement agreement.

**(3)** Affected employees means those employees who are exposed to the hazard(s) identified as violation(s) in a citation.

**(4)** Final order date means:

**(i)** For an uncontested citation item, the fifteenth working day after the employer's receipt of the citation;

**(ii)** For a contested citation item:

**(A)** The thirtieth day after the date on which a decision or order of a commission administrative law judge has been docketed with the commission, unless a member of the commission has directed review; or

**(B)** Where review has been directed, the thirtieth day after the date on which the Commission issues its decision or order disposing of all or pertinent part of a case; or

**(C)** The date on which a federal appeals court issues a decision affirming the violation in a case in which a final order of OSHRC has been stayed.

**(5)** Movable equipment means a hand-held or non-hand-held machine or device, powered or unpowered, that is used to do work and is moved within or between worksites.

**(c)** 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 (c)(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:

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

**(ii)** Notes in the citation that abatement has occurred.

**(3)** The employer's certification that abatement is complete must include, for each cited violation, in addition to the information required by paragraph (h) of this section, the date and method of abatement and a statement that affected employees and their representatives have been informed of the abatement.

Appendix A contains a sample Abatement Certification Letter.

**(d)** Abatement documentation. (1) The employer must submit to the Agency, along with the information on abatement certification required by paragraph (c)(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.

**(e)** 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 citation 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.

Appendix B contains a Sample Abatement Plan form.

**(f)** 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:

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

**(ii)** 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;

**(iii)** Whether additional progress reports are required; and

**(iv)** 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.

Appendix B contains a Sample Progress Report form.

**(g)** 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 representatives about abatement activities (for example, for employers who have mobile work operations), the employer must:

**(i)** 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

**(ii)** 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.

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

**(ii)** The employer must comply with an employee's or employee representative's request to examine and copy abatement documents within 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:

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

**(ii)** Remain posted for three working days after submission to the Agency.

**(h)** Transmitting abatement documents. (1) The employer must include, in each submission required by this section, the following information:

**(i)** The employer's name and address;

**(ii)** The inspection number to which the submission relates;

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

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

**(v)** 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.

**(i)** 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 worksite or between worksites.

Attaching a copy of the citation to the equipment is deemed by OSHA to meet the tagging requirement of paragraph (i)(1) of this section as well as the posting requirement of 29 CFR 1903.16.

**(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.

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:

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

**(ii)** For non-hand-held equipment, prior to moving the equipment within or between worksites.

**(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 (i)(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 attached until:

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

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

**(iii)** The Commission issues a final order vacating the citation.

## Appendices to § 1903.19-Abatement Verification

Appendices A through C provide information and nonmandatory guidelines to assist employers and employees in complying with the appropriate requirements of this section.

## Appendix A to Section 1903.19-Sample Abatement-Certification Letter (Nonmandatory)

(Name), Area Director

U. S. Department of Labor-OSHA

Address of the Area Office (on the citation)

[Company's Name]

[Company's Address]

The hazard referenced in Inspection Number [insert 9-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:

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:

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

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

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

Signature

Typed or Printed Name

## Appendix B to Section 1903.19-Sample Abatement Plan or Progress Report (Nonmandatory)

(Name), Area Director

U. S. Department of Labor-OSHA

Address of Area Office (on the citation)

[Company's Name]

[Company's Address]

Check one:

Abatement Plan [ ]

Progress Report [ ]

Inspection Number

Page __ of ____

Citation Number(s)*

Item Number(s)*

| Action | Proposed Completion Date (for abatement plans only) | Completion Date (for progress reports only) |
|---|---|---|
| 1. | | |
| | | |
| | | |
| 2. | | |
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| Action | Proposed Completion Date (for abatement plans only) | Completion Date (for progress reports only) |
|---|---|---|
| 3. | | |
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| 7. | | |
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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 to Section 1903.19-Sample Warning Tag (Nonmandatory)

*[Figure in the official text - eCFR graphic 'ec27oc91.000.gif' - image not reproduced in this typeset edition]*

[62 FR 15337, Mar. 31, 1997]