

**Sec. 31-371-14. Citations; notices of de minimis violations**

(a) The Commissioner shall review the inspection reports of the Occupational Safety and Health Officers. If on the basis of the report the Commissioner believes that the employer has violated a requirement of section 31-370 of the Act, of any standard, rule or order promulgated pursuant to section 31-372 of the Act, or of any substantive rule published by the Occupational Safety and Health Division, he shall, if appropriate, consult with the Occupational Safety and Health Division Attorney, and he shall issue to the employer either a citation or a notice of de minimis violations which have no direct or immediate relationship to safety or health. An appropriate citation or notice of de minimis violations shall be issued even though after being informed of an alleged violation by the Occupational Safety and Health Officer, the employer immediately abates, or initiates steps to abate, such alleged violation. Any citation or notice of de minimis violations shall be issued with reasonable promptness after termination of the inspection. No citation may be issued under this section after the expiration of 6 months following the occurrence of any alleged violation.

(b) Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provisions of the Act, standard, rule, regulation, or order alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.

(c) If a citation or notice of de minimis violations is issued for a violation alleged in a request for inspection or a notification of violation under section 31-371-11, a copy of the citation or notice of de minimis violations shall also be sent to the employee or representative of employees who made such request or notification.

(d) After an inspection, if the Commissioner determines that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection or a notification of violation under section 31-371-11, the informal review procedures prescribed in section 31-371-12 shall be applicable. After considering all views presented, the Commissioner shall affirm the determination, order a reinspection, or issue a citation if he believes that the inspection disclosed a violation. The Commissioner shall furnish the complaining party and the employer with written notification of his determination and the reason therefor. The determination of the Commissioner shall be final and not subject to review.

(e) Every citation shall state that the issuance of a citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the citation is affirmed by the Review Commission.

(Effective September 11, 1974)