

State Budget Office  
**Office of Regulatory Reinvention**  
111 S. Capitol Avenue; 8th Floor, Romney Building,  
Lansing, MI 48933  
Phone: (517) 335-8658 FAX: (517) 335-9512

## REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at [orr@michigan.gov](mailto:orr@michigan.gov).

### 1. Agency Information

Agency name:	Licensing and Regulatory Affairs	
Division/Bureau/Office:	Michigan Occupational Safety and Health Administration	
Name, title, phone number, and e-mail of person completing this form:	Shannon Matsumoto, Program Manager <a href="mailto:matsumotos@michigan.gov">matsumotos@michigan.gov</a> 517.284.7734	

### 2. Rule Set Information

Title of proposed rule set:	Construction Safety and Health Standard Part 601 Air Contaminants for Construction	
Rule number(s) or range of numbers:	R 325.60151 to R 325.60161	
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes	

### 3. Estimated timetable for completion, or statutory deadline, if applicable:

6 months
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### 4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

<p>MIOSHA Construction Safety Part 601 Air Contaminants for Construction gives direction to employers and employees on protecting Michigan employees from health and safety hazards in the workplace when exposed to air contaminants.</p> <p>These rules are being amended, in order to be as effective as the federal Occupational Safety and Health Administration (OSHA) standard 29 CFR 1926.55 "Gases, vapors, fumes, dusts, and mists."</p> <p>In addition, minor editorial and formatting changes are being made.</p>
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### 5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc.), listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

<p>The Williams-Steiger Occupational Safety and Health Act of 1970 requires MIOSHA to promulgate standards that are at least as effective as those promulgated under Section 6 of the Act; Sections 14, 16, 19, 21, and 24 of 1974 PA 154, as amended, being MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024.</p>
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**6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.**

These rules are duplicative of the following OSHA regulations:

- 29 CFR 1926.55 “Gases, vapors, fumes, dusts, and mists.”
- 29 CFR 1926.55 appendix A “Gases, vapors, fumes, dusts, and mists.”

**7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?**

None that MIOSHA is aware of.

**8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:**

These rules are being amended to be “at least as effective as” OSHA. Therefore, this rule revision is being promulgated under APA Section 44(2).

**9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.**

No. The rules do not incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5.

**10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.**

No.

**11. Reviewed by the following Departmental Regulatory Affairs Officer:**

Liz Arasim  
Department of Licensing and Regulatory Affairs

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↓ To be completed by the ORR ↓

Date RFR received:4-8-2019

**Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.**

ORR assigned rule set number:	<b>2019-039 LR</b>
Date of approval:	<b>4/26/19</b>

**Based on the information in this RFR, the ORR is not approving the RFR at this time.**

Date of disapproval:	
Explanation:	