

**Michigan Office of Administrative Hearings and Rules**  
**Administrative Rules Division (ARD)**

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Lansing, MI 48909  
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**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Labor and Economic Opportunity

**2. Bureau:**

MIOSHA

**3. Promulgation type:**

MCL 24.244 (2)

**4. Title of proposed rule set:**

Construction Safety and health Standard Part 632 Hazardous Waste Operations and Emergency Response

**5. Rule numbers or rule set range of numbers:**

R 325.63201

**6. Estimated time frame:**

6 months

**Name of person filling out RFR:**

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**7. Describe the general purpose of these rules, including any problems the changes are intended to address.**

This is a new MIOSHA standard. CS Part 632 Hazardous Waste Operations and Emergency Response in Construction gives direction to employers and employees on protecting Michigan employees from health and safety hazards in the workplace when using hazardous waste operations and emergency response. These rules are being created to provide a MIOSHA standard to be "as effective as" the following Federal Occupational Safety and Health Administration (OSHA) regulations: 1926.65 Hazardous waste operations and emergency response, 1926.65 Appendices A through E.

**8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).**

The director of the department has the specific promulgation authority for the rules.

**A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).**

The Michigan Occupational Safety and Health Act, 1974 PA 145, MCL 408.1014, MCL 408.1016, MCL 408.1019, MCL 408.1021, and MCL 408.1024. Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998.

**B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.**

Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1014(5).

**9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.**

These rules are duplicative of 29 C.F.R. 1926.65, and Appendices A through E.

**10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?**

None that MIOSHA is aware of.

**11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?**

Yes

**12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?**

MCL 24.244 (2)

**A. Explain why the rules are being promulgated under 24.244.**

MIOSHA is adopting the federal rules to be as effective as OSHA.