

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

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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 640. Beryllium in Construction

5. Rule numbers or rule set range of numbers:

R 325.69001

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.

CS Part 640. Beryllium in Construction gives direction to employers and employees on protecting Michigan employees from health and safety hazards in the workplace when using beryllium. These rule are being created in order to be as effective as the Federal Occupational Safety and Health Administration (OSHA) standard 29 CFR 1926.1124 "Beryllium."

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 154, MCL 408.1014, MCL 408.1016, MCL 408.1019, MCL 408.1021, and MCL 408.1024. 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 of 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.

The rules are duplicative of the OSHA regulations 29 CFR 1926.1124 "Beryllium."

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.

These rules are being amended to be "at least as effective as" OSHA.