

**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:**

GI & CS and Health Standard Pt 505. Coronavirus Disease 2019 (COVID-19) for Healthcare

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

R 408.1 to R 408.29

**6. Estimated time frame:**

3 months

**Name of person filling out RFR:**

Daniela Garza

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

These rules are promulgated by the Director of the Michigan Department of Labor and Economic Opportunity to establish requirements for employers to control and prevent novel coronavirus disease (COVID-19) among employees in the healthcare industry who have exposure to persons confirmed or suspected to have COVID-19.

These rules are being adopted, in order to be as effective as the federal Occupational Safety and Health Administration (OSHA) standard 29 CFR Subpart U, "COVID-19 Emergency Temporary Standard"; 29 CFR 1910.502, "Healthcare"; 29 CFR 1910.504, "Mini Respiratory Protection Program"; 29 CFR 1910.505, "Severability"; and 29 CFR 1910.509, "Incorporation by Reference."

**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.).**

Sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and 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.**

The rules are mandated by the United States Department of Labor, Occupational Safety and Health Administration (OSHA), 29 CFR 1902 Subpart B, "Criteria for State Plans."

**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.**

Current MIOSHA COVID-19 emergency rules already adopt OSHA's COVID-19 emergency temporary standard.

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

The United States Centers for Disease Control and Prevention (CDC) and OSHA have COVID-19 guidelines.

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

No

**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 adopted, in order to be as effective as federal OSHA.