

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Labor and Economic Opportunity

Division/Bureau/Office:

MIOSHA

Name of person completing this form:

Daniela Garza

Phone number of person completing this form:

517-284-7738

E-mail of person completing this form:

GarzaD@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Thomas Shaver

2. Rule Set Information

MOAHR assigned rule set number:

2022-44 LE

Title of proposed rule set:

General Industry Safety and Health Standard Part 73. Fire Brigades

3. Purpose for the proposed rules and background:

General Industry Safety Standard Part 73. Fire Brigades provides direction to fire brigades, industrial fire departments, and private or contractual-type fire departments when these types of fire brigades are established by an employer for protecting Michigan employees from health and safety hazards in the workplace.

The current rules will be revised to adopt by reference National Fire Protection Association (NFPA) 1981: "Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services" and NFPA 1982: "Standard on Personal Alert Safety Systems (PASS)" which establish requirements for respiratory protection when performing structural firefighting.

MIOSHA is placing language into Part 73 to meet conditions of the Michigan Occupational Safety and Health Act, PA 154 of 1974, MCL 408.1014r, that took effect July 31, 2020. The revisions will involve the inclusion of best practices regarding proper use, handling, containment, and storage of fire-fighting foam concentrate containing perfluoroalkyl or polyfluoroalkyl substance (PFAS).

4. Summary of proposed rules:

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On July 31, 2020, MCL 408.1014r was added to the Michigan Occupational Safety and Health Act, 1974 PA 154, to require the Director of LEO to promulgate rules regarding a firefighter's use of firefighting foam concentrates containing Polyfluoroalkyl Substances (PFAS). These new rules are included in the proposed changes.

Several of the current rules that reference older versions of NFPA standards have been updated to a newer version of the standards. These updated references and requirements can be viewed with other proposed amendments at the link provided below.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

Mining Journal – May 22, 2023
Lansing State Journal – May 22, 2023
Oakland Press – May 22, 2023

6. Date of publication of rules and notice of public hearing in Michigan Register:

6/1/2023

7. Date, time, and location of public hearing:

6/14/2023 10:00 AM at Ottawa Building, Upper Level, Conference Room 2 , 611 W. Ottawa St., Lansing MI, 48933

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1403>

9. List of the name and title of agency representative(s) who attended the public hearing:

Bart Pickleman, MIOSHA Director
Ron Ray, MIOSHA Technical Services Division Director
Shannon Matsumoto, MIOSHA Standards and FOIA Section Manager
Daniela Garza, MIOSHA Standards and FOIA Section Analyst
Toscha Klopp, MIOSHA Standards and FOIA Section Secretary

10. Persons submitting comments of support:

There were no comments submitted.

11. Persons submitting comments of opposition:

There were no comments submitted.

12. Persons submitting other comments:

There were no comments submitted by the public. Even though there were no comments made by the public, MIOSHA did make changes to the NFPA standards pricing in R 408.17301, as it has changed since informal review.

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

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	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1					

14.Date report completed:

6/29/2023