

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

MOAHR-Rules@michigan.gov

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:

Part 8. Portable Fire Extinguishers

5. Rule numbers or rule set range of numbers:

R 408.10801 - R 408.10839

6. Estimated time frame:

3 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.

GI Part 8, Portable Fire Extinguishers, gives direction to employers on protecting Michigan employees from safety hazards in the workplace. The requirements of this part apply to the placement, use, maintenance, and testing of portable fire extinguishers provided for the use of employees.

These rules are being amended in order to adopt portions of federal Occupational Safety and Health Administration (OSHA) standard Subpart L – Fire Protection 29 CFR 1910.155, “Scope application, and definitions applicable to this subpart,” and 1910.157, “Portable fire extinguishers.”

In addition, minor editorial, formatting, and title name changes are being made.

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.).

MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 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 Williams-Steiger Occupational Safety and Health Act of 1970 requires that the Michigan Occupational Safety and Health Administration promulgate standards that are “at least as effective as” those promulgated under Section 6 of the Act.

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.

None. The Williams-Steiger Occupational Safety and Health Act of 1970 requires that the Michigan Occupational Safety and Health Administration promulgate standards that are “at least as effective as” those promulgated under Section 6 of the Act. By authority conferred on the director of the department of labor and economic opportunity by sections 16 and 21 of Act No. 154 of 1974, as amended, being MCL 408.1016 and 408.1021.

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 promulgated under MCL 24.244 to be as effective as OSHA.

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.