

**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 11. Recording and Reporting of Occupational Injuries and Illnesses

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

R 408.22101 - R 408.22162

**6. Estimated time frame:**

3 months

**Name of person filling out RFR:**

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STEVEN MASON BLDG

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

MIOSHA Safety and Health Standard Part 11, Recording and Reporting of Occupational Injuries and illnesses gives direction to employers and employees on the recording and reporting of occupational injuries and illnesses to comply with federal requirements.

These rules are being amended to be at least as effective as the United States Department of Labor, Occupational Safety and Health Administration (OSHA), to include 29 CFR 1910.502(q)(2)(ii), 29 CFR 1910.502 (q)(3)(ii) - (iv), and 29 CFR 1910.502(r), also the creation of a new Michigan rule numbered section as it applies to healthcare employers only. These rules also correct a previous clerical error that omitted appendices A and C, which must be included to be as effective as OSHA.

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

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

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

MCL 408.1016, MCL 408.1069 and Executive Reorganization Nos. 1996-2, 2003-1, 2008-4, 2011-4, 2019-13, 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 MIOSHA 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.**

The rules that will be added during this amendment of Part 11, Recording and Reporting of Occupational Injuries and Illnesses are duplicative of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), as required by the Williams-Steiger Occupational Safety and Health Act of 1970 which requires MIOSHA promulgate standards that are “at least as effective as” those promulgated under Section 6 of the Act.

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

MIOSHA is not aware of any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda that contains the subject matter of the rules.

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

No, the rules are not listed on the department’s annual regulatory plan.

**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(2) to be as effective as United States Department of Labor, Occupational Safety and Health Administration (OSHA), as required by the Williams-Steiger Occupational Safety and Health Act of 1970. Therefore, the rules are duplicative but do not exceed the standards adopted at the federal level.

**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.**