



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

February 23, 2021

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rules #20-044-LE)
Legislative Service Bureau (Secretary of State Filing #21-02-01)
Department of Labor and Economic Opportunity

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-044-LE (Secretary of State Filing #21-02-01) on this date at 1:30 P.M. for the Department of Labor and Economic Opportunity entitled, "Construction Safety Standard Part. 1 General Rules."

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

Sincerely,

Jocelyn Benson
Secretary of State

A handwritten signature in cursive script that reads "Melissa Malerman /CK".

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
ACTING DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by sections 19 and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1019 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.

R 408.40105 and R 408.40132 of the Michigan Administrative Code are amended.

Date: 1/11/2021

Adopted by:

A handwritten signature in cursive script that reads "Susan R. Corbin".

Susan R. Corbin
Acting Director
Department of Labor and Economic Opportunity



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Labor and Economic Opportunity dated November 19, 2020, amending R 408.40105 and R 408.40132 of the Department's rules entitled "Construction Safety and Health Standard Part 1. General Rules." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(2) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(2), these rules are being processed without a public hearing.

Dated: December 8, 2020

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated November 19, 2020, in which the Department of Labor and Economic Opportunity proposes to modify a portion of the Michigan Administrative Code entitled “**Construction Safety and Health Standard Part. 1 General Rules**” by:

- ◆ Amending R 408.40105 and R 408.40132.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: December 8, 2020

Michigan Office of Administrative Hearings and Rules

By: 
Katie Wienczewski,
Attorney

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on February 23, 2021.

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

By authority conferred on the director of the department of labor and economic opportunity by sections 19 and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1019 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)

R 408.40105 and R 408.40132 of the Michigan Administrative Code are amended, as follows:

CONSTRUCTION SAFETY AND HEALTH STANDARD
PART 1. GENERAL RULES

R 408.40105. Adopted and referenced standards.

Rule 105. (1) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: www.global.ihs.com; at a cost as of the time of adoption of these rules, as stated in this subrule.

(a) American National Standards Institute Standard ANSI A11.1 "Industrial lighting," 1965 edition. Cost: \$156.00.

(b) American Society of Mechanical Engineers Standard ASME "Boiler and pressure vessel code," Section viii on "Unfired pressure vessels," 1989 edition. Cost: \$514.00.

(2) The standards adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30645, Lansing, Michigan, 48909-8145.

(3) Copies of the standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(4) The following Michigan occupational safety and health standards (MIOSHA) are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 16. "Power Transmission and Distribution," R 408.41601 to R 408.41658.

(b) Construction Safety Standard Part 17. "Electrical Installations," R 408.41701 to R 408.41734.

(c) Construction Safety Standard Part 22. "Signals, Signs, Tags, and Barricades," R 408.42201 to R 408.42243.

(d) Construction Safety and Health Standard Part 30. "Telecommunications for Construction," R 408.43001 to R 408.43006.

(e) Construction Safety and Health Standard Part 35. "Confined Space in Construction," R 408.43501 to R 408.43510.

(f) Construction Safety Standards Part 45. "Fall Protection," R 408.44501 to R 408.44502.

(g) General Industry Safety and Health Standard Part 7. "Guards for Power Transmission," R 408.10701 to R 408.10765.

R 408.40132. Medical services and first aid.

Rule 132. (1) An employer shall ensure the availability of medical personnel for advice and consultation on matters of occupational health.

(2) Before beginning a project, provision must be made for prompt medical attention in case of serious injury.

(3) A person who has a valid certificate in first aid training shall be present at the worksite to render first aid. A certificate is valid if the requirements necessary to obtain the certificate for first aid training meet or exceed the requirements of the United States Bureau of Mines, the American Red Cross, the guidelines for basic first aid training programs, or equivalent training.

(4) Where a remote location or a single employee worksite exists, an employer shall provide a written plan that includes alternate methods of assuring available treatment for employees at a remote location or single-employee worksite. The plan must be communicated to all affected employees.

(5) An employer must assure that there are first aid supplies at each jobsite and that the supplies are readily accessible.

(6) The contents of a first aid kit shall be sealed in individual packages, stored in a weatherproof container, and checked by an employer or designated person before being sent out on each job and at least weekly on each job to ensure that expended items are replaced.

(7) In areas where 911 emergency dispatch services are not available, the telephone numbers of the physicians, hospitals, or ambulances shall be conspicuously posted.

(8) In areas where 911 emergency dispatch services are available and an employer uses a communication system for contacting necessary emergency-medical service, the employer must do both of the following:

(a) Ensure that the communication system is effective in contacting the emergency-medical service.

(b) When using a communication system in an area that does not automatically supply the caller's latitude and longitude information to the 911 emergency dispatcher, the employer must post in a conspicuous location at the worksite either of the following:

(i) The latitude and longitude of the worksite.

(ii) Other location-identification information that communicates effectively to employees the location of the worksite.

(c) The requirement specified in subdivision (b) of this subrule does not apply to worksites with a readily available telephone that has 911 emergency service that automatically identifies the location of the caller.

(9) Where the eyes or body of any person may be exposed to injurious corrosive materials, the employer shall provide suitable facilities for quick drenching or flushing of the eyes and body within the work area for immediate emergency use.