

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:

Full Process

4. Title of proposed rule set:

General Industry Safety and Health Part 62 Plastic Molding

5. Rule numbers or rule set range of numbers:

R 408.16201 to R 408.16251

6. Estimated time frame:

12 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 62 Plastic Molding gives direction to employers and employees on protecting Michigan employees from health and safety hazards in the workplace when using plastic molding machines. The standard is being amended for lockout and guarding to reflect current technologies used in the industry and to review for clarity and consistency.

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

By authority conferred on the director of the department of labor and economic opportunity by sections 16 and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1016 and 408.1021.

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

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.

Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1009.

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.

MIOSHA is not aware of any conflict or duplication.

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?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

By creating state specific versions of federal regulations, we are being "at least as effective as" OSHA, but going beyond OSHA regulations. Therefore, these rules are being promulgated under the full rulemaking process as specified in the Administrative Procedures Act.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

Yes, The Plastic Industry Association initiated the opening of these rules to update the guarding requirements.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

June 12, 2019, the rules were amended due to the recently revised Federal regulations 1910 Part D in order to be as effective as the Federal OSHA standards.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

MIOSHA is not aware of any.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No