

Michigan Register

Issue No. 16– 2016 (Published September 15, 2016)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
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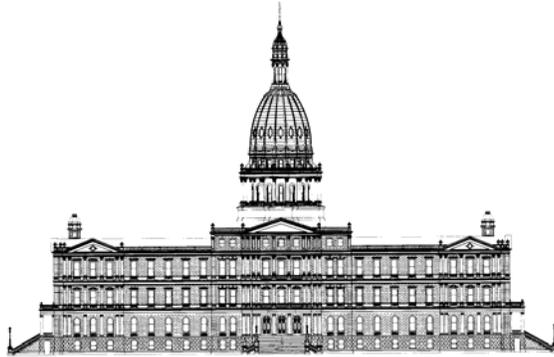
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Office of Regulatory Reinvention

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Jeff Bankowski, Executive Director, Office of Performance and Transformation; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Romney Building –Eight Floor, 111 S. Capitol Avenue, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Jeff Bankowski, Executive Director,
Office of Performance and Transformation

2016 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
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4	March 1, 2016	March 15, 2016
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6	April 1, 2016	April 15, 2016
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**ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE**

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on August 10, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. 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 licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.12101, R 408.12103, R 408.12106, R 408.12107, R 408.12108, R 408.12109, R 408.12110, R 408.12111, R 408.12132, R 408.12136, R 408.12137, R 408.12139, R 408.12143, R 408.12152, R 408.12153, R 408.12154, R 408.12155, R 408.12163, R 408.12164, R 408.12165, R 408.12171, and R 408.12176 of the Michigan Administrative Code are amended, R 408.12102 is rescinded, as follows:

PART 21. POWERED INDUSTRIAL TRUCKS

R 408.12101 Scope.

Rule 2101. The purpose of these rules is to provide, in or about places of employment, minimum safety rules for the care and use of powered industrial trucks and to provide for operator safety and specifications of equipment.

R 408.12102 Rescinded.

R 408.12103 Definitions; A to C.

Rule 2103. (1) "Attachment" means a device, other than conventional forks or load backrest extension, mounted permanently or removed on the elevating mechanism of a truck for handling the load. Popular attachments are fork extensions, clamps, rotating devices, side shifters, load stabilizers, rams, and booms.

(2) "Cantilever truck" means a self-loading counter-balanced or non-counterbalanced truck equipped with cantilever load engaging means. (Appendix A. Figure 1)

(3) "Capacity" when referring to trucks, means the following:

(a) The capacity of a truck equipped with a load carriage and forks, or with attachments, is the maximum weight in pounds, at a specified load center which the truck, based on the strength of its various components and applicable stability, can lift to the maximum elevation of the load engaging means. Alternate capacities may be established at the same specified load center and at less than maximum elevation of the load engaging means.

(b) The capacity of a truck equipped with a platform is the maximum weight in pounds, at a specified load center which the truck, based on the strength of its various components, can lift to the maximum elevation of the load engaging means.

(4) "Carriage" means a support structure for forks or attachment, generally roller mounted, traveling vertically within the mast of a cantilever truck.

(5) "Center-control truck" means a truck in which the operator's control position is located near the longitudinal center of the truck.

(6) "Counterbalanced truck" means a truck equipped with load engaging means wherein all the load during normal transporting is external to the polygon formed by the wheel contacts. (Appendix A, Figure 1.)

R 408.12106 Definitions; H to I.

Rule 2106. (1) "High-lift truck" means a self-loading truck equipped with an elevating mechanism designed to permit tiering. Popular types are high-lift fork trucks, high-lift ram trucks, high-lift boom trucks, high-lift clamp trucks, and high-lift platform trucks. (Appendix A, Figure 1.)

(2) "High-lift platform truck" means a self-loading truck equipped with a load platform, intended primarily for transporting and tiering loaded skid platforms. (Appendix A, Figure 2.)

(3) "Industrial crane truck" means a truck intended primarily for pick and carry use in warehousing, yarding, or industrial plant operation over improved or hard surfaced roads and yards, including maintenance within these areas.

(4) "Industrial tractor" means a truck designed primarily to draw 1 or more non-powered trucks, trailers, or other mobile loads. (Appendix A, Figure 5.)

(5) "Internal combustion engine truck" means a truck in which the power source is a gas, LP gas, gasoline, or diesel type engine.

(6) "Issuing authority" means an employer or his or her designated representative who instructed and trained the operator.

R 408.12107 Definitions; L.

Rule 2107. (1) "Liquefied petroleum gas (LP gas)" means a fuel that is composed predominantly of any of the following hydrocarbons, or mixtures of them: propane, propylene, butanes (normal butane or iso-butane), and butylenes.

(2) "Load-axle" means the truck axle nearest the load.

(3) "Load backrest extension" means a device extending vertically from the fork carriage frame.

(4) "Load center" means the horizontal longitudinal distance from the intersection of the horizontal load-carrying surfaces and vertical load-engaging faces of the forks, or equivalent load positioning structure, to the center of gravity of the load.

(5) "Load engaging means" means a load handling device attached to a powered industrial truck for the purpose of handling a load.

(6) "Low-lift truck" means a self-loading truck equipped with an elevating mechanism designed to raise the load sufficiently to permit horizontal movement. Popular types are low-lift platform trucks and pallet trucks. (Appendix A, Figure 3).

(7) "Low-lift platform truck" means a self-loading truck equipped with a load platform intended primarily for transporting loaded skid platforms. (Appendix A, Figure 3).

R 408.12108 Definitions; M, N.

Rule 2108. (1) "Mast" means a support member providing the guideways permitting vertical movement of the carriage. It is usually constructed in the form of channels or similar sections providing the supporting pathway for the carriage rollers.

- (2) "Motorized hand truck" means a truck designed to be controlled by a walking operator and used to lift, tow, carry, stock, and tier materials. (Appendix A, Figure 4).
- (3) "Motorized hand or rider truck" means a dual purpose truck designed to be controlled by a walking operator or by a riding operator. (Appendix A, Figure 6).
- (4) "Narrow aisle truck" means a self-loading truck primarily intended for right angle stacking in aisles narrower than those normally required by counterbalanced trucks of the same capacity. (Appendix A, Figure 10).
- (5) "Non-elevating truck" means a non-counterbalanced truck designed primarily for burden-carrying and not capable of self-loading.

R 408.12109 Definitions; O, P.

- Rule 2109. (1) "Operator" means an employee who has been trained, tested, and authorized by the present employer to operate a powered industrial truck.
- (2) "Order picker truck, high-lift" means a high-lift truck controlled by the operator stationed on a platform movable with the load engaging means and intended for manual stock selection. The truck may be capable of self-loading or tiering or both. (Appendix A, Figure 9).
 - (3) "Overhead guard" means a framework fitted to a truck over the head of a riding operator.
 - (4) "Overall lowered mast height" means the maximum vertical dimension from the ground or floor to the extreme top point of the mast with the fork carriage in the fully lowered position and unloaded.
 - (5) "Pallet truck" means a self-loading low-lift truck equipped with wheeled forks of dimensions to go under a single faced pallet or between the top and bottom boards of a double faced pallet and having wheels capable of lowering into spaces between the bottom boards so as to raise the pallet off the floor for transportation. (Appendix A, Figure 4).
 - (6) "Parking brake" means a device to prevent the movement of a stationary truck.
 - (7) "Powered industrial truck" or "truck" means a mobile, power driven vehicle used to carry, push, pull, lift, stack, or tier material.

R 408.12110 Definitions; R to U.

- Rule 2110. (1) "Reach truck" means a self-loading truck, generally high-lift, having load engaging means mounted so the means can be extended forwardly under control to permit a load to be picked up and deposited in the extended position and transported in the retracted position. (Appendix A, Figure 7.)
- (2) "Rough terrain forklift truck" means a wheeled-type truck which is designed primarily as a fork truck that has a vertical mast or pivoted boom, or both, which has variable fixed length reach and which may be equipped with attachments and that is intended for operation on unimproved natural terrain as well as the disturbed terrain of construction sites. A machine that is designed primarily for earth-moving, such as a loader or dozer, even though its buckets and blades are replaced with forks or a machine that is designed primarily as an over-the-road truck that has a lifting device, is not a rough terrain forklift truck.
 - (3) "Self-loading" means the capability of a truck to pick up, carry, set down and, in the case of high-lift types to stack or tier its load without the aid of external means.
 - (4) "Service brake" means a device designed to bring a moving truck to a halt.
 - (5) "Side loader" means a self-loading truck, generally high-lift, having load engaging means mounted in such a manner that the means can be extended laterally under control to permit a load to be picked up and deposited in the extended position and transported in the retracted position. (Appendix A, Figure 8.)
 - (6) "Straddle truck" means a general class of cantilever truck with horizontal structural wheel supported members extending forward from the main body of the truck, generally high-lift, for picking up and hauling loads between its outrigger arms. (Appendix A, Figure 10.)
 - (7) "Tire" means a tire which may be standard solid, cushion solid, pneumatic or solid pneumatic style.

(8) "Tiering" means a process of placing a load on or above another load.

(9) "Unattended truck" means a truck which is beyond the vision or more than 25 feet from the operator, whichever is less.

R 408.12111. Adopted and referenced standards.

Rule 2111. (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: <http://global.ihs.com>; at a cost as of the time of adoption of these rules, as stated in these rules.

(2) A powered industrial truck manufactured after January 15, 1971, but before 1993, shall be certified by the manufacturer that the truck covered by this part has been produced according to the mandatory requirements of sections 3 and 4, except subsection 421 of section 4, of the American National Standards Institute Standard ANSI standard B56.1 "Safety Standards For Powered Industrial Trucks," 1969 edition. Cost: \$60.00.

(3) A low lift or high lift truck manufactured after April 26, 2000 shall be in compliance with the requirements of ANSI standard B56.1 "Safety Standard For Low Lift And High Lift Trucks," 1993 edition, except as noted in subrule (1) of this rule. Cost: \$61.00.

(4) A rough terrain fork lift truck manufactured after April 26, 2000 shall be in compliance with the requirements of ANSI standard B56.1 "Rough Terrain Fork Lift Trucks," 1993 edition. Cost: \$68.00.

(5) A industrial crane truck manufactured after April 26, 2000 shall be in compliance with ANSI standard B56.7 "Safety Standard For Industrial Crane Trucks," 1987 edition. Cost: \$60.00.

(6) A tow tractor manufactured after April 26, 2000 shall be in compliance with ANSI standard B56.92 "Operator Controlled Industrial Tow Tractors," 1992 edition. Cost: \$56.00.

(7) A manually propelled high lift industrial truck manufactured after April 26, 2000 shall be in compliance with ANSI standard B56.10 "Manually Propelled High Lift Industrial Trucks," 1992 edition. Cost: \$105.00.

(8) National Fire Protection Agency Standard NFPA 505 "Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operations," 1996 edition. Cost: \$27.00.

(9) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(10) The standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

(11) 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 Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West 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) General Industry Safety Standard Part 1 "General Provisions," R 408.10001 to R 408.10098.

(b) General Industry Safety Standard Part 33 "Personal Protective Equipment" R 408.13301 to R 408.13398.

(c) General Industry Safety Standard Part 56 "Storage and Handling of Liquefied Petroleum Gases," R 408.15601 to R 408.15601

(d) General Industry Safety Standard Part 75 "Flammable Liquids," R 408.17501 to R 408.17502.

- (e) General Industry Safety Standard Part 92 “Hazard Communication,” R 408.19201 to R 408.19204.
- (f) Occupational Health Standard Part 433 “Personal Protective Equipment,” R 325.60001 to R 325.60013.
- (g) Occupational Health Standard Part 472 “Medical Services and First Aid,” R 325.47201 to R 325.47201.

R 408.12132 Modifications.

Rule 2132. (1) An employer shall not install an additional counterweight without written assurance from the manufacturer of the truck that the truck will meet the stability requirements of ANSI standard B56.1 “Safety Standard for Low Lift and High Lift Trucks” 1993 edition, as adopted in R 408.12111.

(2) An employer shall not make other modifications affecting capacity or safety without written approval of the manufacturer or an engineer knowledgeable on the subject. Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly.

(3) If the truck is equipped with front end attachments, the name plate shall be marked to show all of the following:

- (a) Identification of the attachments.
- (b) The approximate weight of the truck and attachment.
- (c) The load capacity of the truck and attachment combination at maximum elevation of the load engaging means with load laterally centered.

R 408.12136. Operator platforms.

Rule 2136. (1) An end control, reach, narrow aisle, order picker high-lift, order picking and stacking, and motorized hand rider truck shall be equipped with a platform extended beyond the operator's position, and shall withstand a compression load equal to the weight of the loaded vehicle applied along the longitudinal axis of the truck with the outermost projection of the platform against a flat vertical surface. The back protective guard where provided shall permit rapid and unobstructed ingress or egress from the platform.

(2) On a double end control baggage type truck or a truck that may be transported on short elevators, means shall be provided to prevent accidental folding of the operator's folding platform.

(3) All of the following apply to an order picker truck, high-lift:

- (a) A removable operator platform shall be provided with a device that attaches the platform to the lifting means.
- (b) The operator platform shall be equipped with side guard rails.
- (c) When the platform is elevated, the horizontal travel speed of the truck shall be automatically reduced to a degree necessary to maintain stability under maximum braking load and turning.
- (d) Subdivisions (a) and (c) of this subrule pertain only to a truck manufactured after the effective date of January 15, 1971.

R 408.12137 Steering control.

Rule 2137. (1) An employer shall assure that, except on a motorized hand and motorized hand or rider truck, the steering control of a powered industrial truck is contained within the outlines of the planes of the truck, or guarded to prevent injury to the operator during movement of the controls when passing an obstacle such as a wall, post, equipment, box, or other truck.

(2) An employer shall assure that on a motorized hand and motorized hand or rider truck, the steering handle is provided with a guard or device to protect the operator's hands from injury when passing an obstacle such as a wall, post, equipment, box, or another truck.

R 408.12139 Load handling controls; direction of motion and guards.

Rule 2139. (1) A lever or handle type control, including a toggle switch, shall be in accordance with Table 1 “Direction of Motion.”

(2) Moving parts that represent a hazard from the operator's position shall be protected by suitable guards.

TABLE 1 DIRECTION OF MOTION		
Function	Of Load Or Equipment	Of the Operator’s Hand When Actuating The Control Handle While Facing The Load
Hoist	up	rearward or up
	down	forward or down
Tilt	rearward	*rearward or up
	forward	forward or down
Reach	retract	*rearward
	extend	forward
Clamp	clamp	rearward or up
	release	forward or down
Side Shift	right	rearward or up
	left	forward or down
Rotate Laterally	clockwise	rearward or up
	counterclockwise	forward or down
Rotate Longitudinally	rearward	*rearward or up
	forward	forward or down
*The sense of rotation of the control handle is intended to be in the same direction as the desired motion of the mast or load.		

R 408.12143 Overhead guard on high-lift truck.

Rule 2143. (1) Except as provided in subrule (2) of this rule, a high-lift truck shall be fitted with an overhead guard. The overhead guard shall be capable of supporting a uniformly distributed static load in accordance with the following table. The overhead guard is not intended to withstand the impact of a falling capacity load.

(2) Table 2 “Overhead Guard Test” reads as follows:

TABLE 2 OVERHEAD GUARD TEST	
Truck Capacity Rating (in pounds)	Static Test Load as a% of Truck capacity Rating
Through 5,000	200% of truck rating
Over 5,000 through 10, 000	10,000 pounds plus 100% of increment rating over 5,000 pounds
Over 10,000 through 20,000	15,000 pounds plus 50% increment rating over 10,000 pounds

(3) An overhead guard may be omitted from a high-lift truck if the truck is never used to lift or raise material or objects more than 72 inches measured from the floor to the forks and if all of the following are complied with:

- (a) The load is limited to a single rack or pallet.
- (b) The truck is not operated in an area where material or objects are stacked above the operator's head.
- (c) A sign with lettering not less than 1/2-inch high is securely attached in the area of the operator's controls stating, "This truck shall not be used to lift materials above the operator's head or in an area where materials are stacked above the operator's head."

(4) A low-lift rider truck which is used to lift material stacked higher than the head of the operator, and which would likely vibrate and fall back onto the operator, shall be provided with an overhead guard.

(5) The overhead guard shall be capable of withstanding the impact of a 100-pound solid hardwood cube, or equivalent, dropped a distance of 5 feet 10 times, without failure or without permanent deflection exceeding 3/4 inch.

(6) The overhead guard shall be constructed in a manner that does not interfere with visibility. Openings in the top shall not exceed 6 inches in 1 of the 2 dimensions, width or length. The guard shall be large enough to extend over the operator under all normal circumstances of truck operation, including forward tilt.

(7) A fork truck equipped with a single-tilt cylinder shall be made to avoid injury to the operator by the overhead guard resulting from failure of this cylinder or associated parts.

(8) On a truck where the operator is seated, a vertical clearance of not less than 39 inches should be maintained from the point of maximum depression of the seat under the operator to the underside of the section of the overhead guard under which the operator's head moves during normal operation.

(9) On a powered industrial truck where the operator stands on a platform, a vertical clearance of not less than 74 inches should be maintained from the platform to the underside of the section of the overhead guard under which the operator's head moves during normal operation.

(10) Where head room conditions limit the overall lowered height of the truck, a normal overhead guard height may be reduced.

(11) An overhead guard is intended to offer protection from the impact of small packages, boxes, and bagged material representative of the job application, but not to withstand the impact of a falling capacity load.

R 408.12152 Training.

Rule 2152. (1) An employer shall provide training to the employee before the employee's assignment as an operator of a powered industrial truck. Instruction shall include all of the following:

(a) Capacities of the equipment and attachments.

(b) Purpose, use, and limitations of controls.

(c) How to make daily checks.

(d) Practice and operating assigned vehicles through the mechanical functions necessary to perform the required job.

(e) The requirements contained in R 408.12171 to R 408.2193.

(f) Hazards associated with exhaust gases produced by fossil fuel powered industrial trucks such as carbon monoxide, or components of diesel exhaust, and hazards associated with the handling of electrolyte chemicals used for battery operated trucks such as sulphuric acid, shall be provided in accordance with General Industry Safety Standard Part 92 "Hazard Communication," as referenced in R 408.12111.

(2) Training shall consist of a combination of formal instruction such as lecture, discussion, interactive computer learning, videotape, written material, practical training, and testing of the operator's performance in the workplace as required in R 408.12153.

(3) An employer shall provide refresher training in relevant topics to an operator under any of the following conditions:

(a) An operator has been observed to operate the vehicle in an unsafe manner.

(b) An operator has been involved in an accident or a near-miss incident.

(c) An operator has received an evaluation that reveals that the operator is not operating the truck safely.

(d) An operator is assigned to a different type of truck.

(e) A condition in the workplace changes that could affect safe operation of the truck.

(4) An evaluation of each operator's performance shall be conducted before renewal of a truck operator permit. An individual who is authorized by the employer and who has the knowledge, training, and experience to train and evaluate the competence of the operator shall provide training and evaluation.

R 408.12153 Testing.

Rule 2153. (1) An employer shall test an employee before authorizing the employee to operate a powered industrial truck, except a motorized hand truck. The test shall check the employees on the following:

(a) Operating ability.

(b) Knowledge of the equipment.

(c) Knowledge of the requirements contained in R 408.12171 to R 408.12193.

(d) Knowledge of daily checks.

(2) An employer shall provide for a performance test to determine whether the employee can operate the assigned powered industrial truck through the functions necessary to perform the required work.

(3) An employee who has a valid permit to operate a powered industrial truck issued by another employer may be tested as prescribed in this rule without meeting the training requirements of R 408.12152.

R 408.12154. Permits.

Rule 2154. (1) An employer shall provide the employee with a permit to operate a powered industrial truck only after meeting the requirements prescribed in R 408.12151, R 408.12152, and R 408.12153. A permit is optional for operators of motorized hand low lift trucks.

(2) An employee being trained is exempt from the permit requirement of subrule (1) of this rule for a period of not more than 30 days, provided the employee is under the supervision of an individual who is authorized by the employer and who has the knowledge, training, and experience to train operators and to evaluate their competence, and that the training period does not endanger the trainee or other employees.

(3) A permit shall be carried by the operator or be available upon request by a department representative at all times during working hours.

(4) A permit shall indicate the type of truck an operator has been trained on and is qualified to operate.

(5) A permit to operate a powered industrial truck is valid only with the employer who issued the permit, and the permit shall be issued for a period of not more than 3 years. An employee may continue to operate a powered industrial truck if the employee's handicaps or inabilities do not prove detrimental to his or her task.

(6) A permit shall contain all of the following information (see sample permit):

(a) Firm name.

(b) Operator's name.

(c) Operator I.D. number, if any.

(d) Name of issuing authority.

(e) Type of truck authorized to operate.

(f) Operator restrictions, if any. The permit shall state the nature of the restriction.

(g) Date issued.

(h) Date expiring.

(7) A sample permit is set forth as follows:

SAMPLE PERMIT

INDUSTRIAL TRUCK OPERATOR PERMIT	
<i>(Insert Firm Name)</i>	
Operator's Name:	_____
Operator's Number:	_____
Is Authorized To Operate:	_____
	<i>(Insert Type of Truck(s) Authorized)</i>
Restrictions:	_____
	<i>(Explanation of Restrictions)</i>
Date Issued:	_____
	<i>(Month – Day – Year)</i>
Date Expiring:	_____
	<i>(Month – Day – Year)</i>
By Issuing Authority:	_____
	<i>Title</i>

R 408.12155 Restriction of use.

Rule 2155. A powered industrial truck used in an environment containing the following substances shall be equipped as prescribed in NFPA standard 505 “Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operations,” 1996 edition, as adopted in R 408.12111.

(a) Gases or vapors, such as, as but not limited to, to acetylene, hydrogen, oxygen, ether, gasoline, naphtha, or acetone, which may be present in quantities sufficient to produce an explosive or ignitable mixture.

(b) Combustible mixtures of dusts such as, but not limited to, metal dust, coal dust, coke dust, grain dust, flour dust, or organic dust.

(c) Ignitable fibres such as, but not limited to, baled waste, cocoa fibre, cotton, excelsior, kapok, or oakum.

R 408.12163 Fuel.

Rule 2163. (1) An employer shall provide safety fuel cans where trucks are refueled with gasoline at other than a gas pump area.

(2) An employer shall provide a special area for refueling that is not less than 25 feet from a source of

open flame or spark and the area shall be posted to this effect.

(3) Use and storage of LP gas shall be as specified by General Industry Safety Standard Part 56 “Storage and Handling of Liquefied Petroleum Gases,” as referenced in R 408.12111.

(4) Handling and storage of fuel, such as gasoline and diesel fuel, shall be as prescribed in General Industry Safety Standard Part 75 “Flammable and Combustible Liquids,” as referenced in R 408.12111.

(5) Smoking while refueling is prohibited.

(6) Fuel level shall not be checked by use of an open flame.

R 408.12164 Electric trucks.

Rule 2164. (1) Where electric trucks are used, an employer shall provide a designated area for battery changing, charging, or both, which shall be performed by a trained and authorized employee.

(2) An employer shall ensure that provisions are made in a battery charging area where batteries are removed from the truck for flushing and neutralization of spillage, for fire protection, and for air movement sufficient to disperse fumes from gassing batteries.

(3) Smoking and other sources of ignition is prohibited in these areas.

(4) An employer shall assure that an employee is trained to position the truck and apply the brake before changing or charging a battery and to position and secure a reinstalled battery before releasing the truck for use.

(5) Material handling equipment, such as, but not limited to, a conveyor or overhead hoist, shall be used for removing and replacing a battery. A spreader bar or an equivalent device shall be used with any overhead battery hoist so that the lifting stresses are vertical. A chain type powered battery hoist shall have a container to accumulate the excess lifting chain. When a hand hoist is used, an uncovered battery shall be covered to prevent the hand chain from shorting on cell connectors or terminals. Tools and other metallic objects shall be kept away from the terminals.

(6) When mixing electrolyte for a battery, an employer shall ensure the use of a carboy tilter or siphon for handling electrolyte. Acid concentrate shall be poured into water; water shall not be poured into acid concentrate.

(7) The following apply to charging a battery:

(a) The vent cap shall be kept in place and functioning.

(b) The battery or compartment covers where provided shall be kept open to dissipate heat and gases.

(8) The electrolyte level shall not be checked with an open flame.

(9) Where there is a potential for employee exposure to injurious corrosive electrolyte solutions (e.g. sulfuric acid) associated with battery powered industrial trucks, the employer shall provide both of the following:

(a) Personal protective equipment in accordance with General Industry Safety Standard Part 33 “Personal Protective Equipment” and Occupational Health Standard Part 433 “Personal Protective Equipment,” as referenced in R 408.12111.

(b) Suitable facilities for quick drenching or flushing of eyes and body within the work area for immediate emergency use in accordance with Occupational Health Standard Part 472 “Medical Services and First Aid,” as referenced in R 408.12111.

R 408.12165 Dockboards and plates.

Rule 2165. (1) An employer shall provide dockboards and plates designed to carry the load imposed on them. The carrying capacity shall be marked on a dockboard or plate purchased after April 17, 1979.

(2) The dockboard or plate shall be secured in position either by being anchored or equipped with a device which will prevent its slipping out of position.

(3) Hand holds, or other effective means, shall be provided to permit safe handling. Where a fork truck is used, fork loops, pockets, or lugs shall be provided for safe handling.

(4) A dockboard or plate shall have a slip-resistant surface, such as, but not limited to, a tread plate, designed to reduce the possibility of slipping by an employee or truck.

(5) A dockboard or plate shall be designed and maintained so the end edges will have a sufficient contact with the dock or loading platform and the carrier to prevent the dockboard or plate from rocking or sliding out of position.

(6) A portable dockboard or plate used by a powered industrial truck to bridge an opening in excess of 18 inches shall have curbs. The height of the curb on a dockboard or plate used by a powered industrial truck with solid or cushion tires shall be not less than 15% of the diameter of the largest tire of the truck, however, the maximum curb height need not exceed 3 inches.

EMPLOYEE RESPONSIBILITIES

R 408.12171. Daily checks.

Rule 2171. (1) At the start of each shift, the operator of a powered industrial truck or a qualified employee shall perform daily checks of the equipment as required by the employer. See Appendix B for suggested inspection checklist.

(2) An employer shall ensure that any defects that would affect the safe operation of the equipment are repaired before use.

(3) An operator shall promptly report any defect on the powered industrial truck to the employer.

R 408.12176. Loading trucks, trailers, and railcars.

Rule 2176. (1) An employer shall ensure that a highway truck and trailer are not boarded by a powered industrial truck before the highway truck and trailer has its brakes set and not less than 2 wheels blocked or be restrained by other mechanical means installed in a manner that will hold the trailer from movement.

(2) An employer shall ensure that wheel stops, hand brakes, or other approved positive protection to prevent railroad cars from moving during loading or unloading operations are provided, and before and while dockboards or bridge plates are in position.

(3) An employer shall ensure that provisions are made to isolate rail cars during switching operations as required by General Industry Safety Standard Part 1 “General Provisions,” as referenced in R 408.12111.

(4) An employer shall ensure that the landing gear of all semi-trailers are visually inspected immediately before the trailer is uncoupled from the tractor to assure ability of the landing gear to support the imposed load.

(5) A semitrailer less than 30 feet in length, when not coupled to a tractor and being loaded or unloaded with a powered industrial truck, shall be provided a support capable of sustaining the load at the front.

(6) An employer shall ensure that the flooring of trucks, trailers, and railroad cars are checked for breaks and weakness before they are driven onto.

APPENDIX A TYPES OF TRUCKS

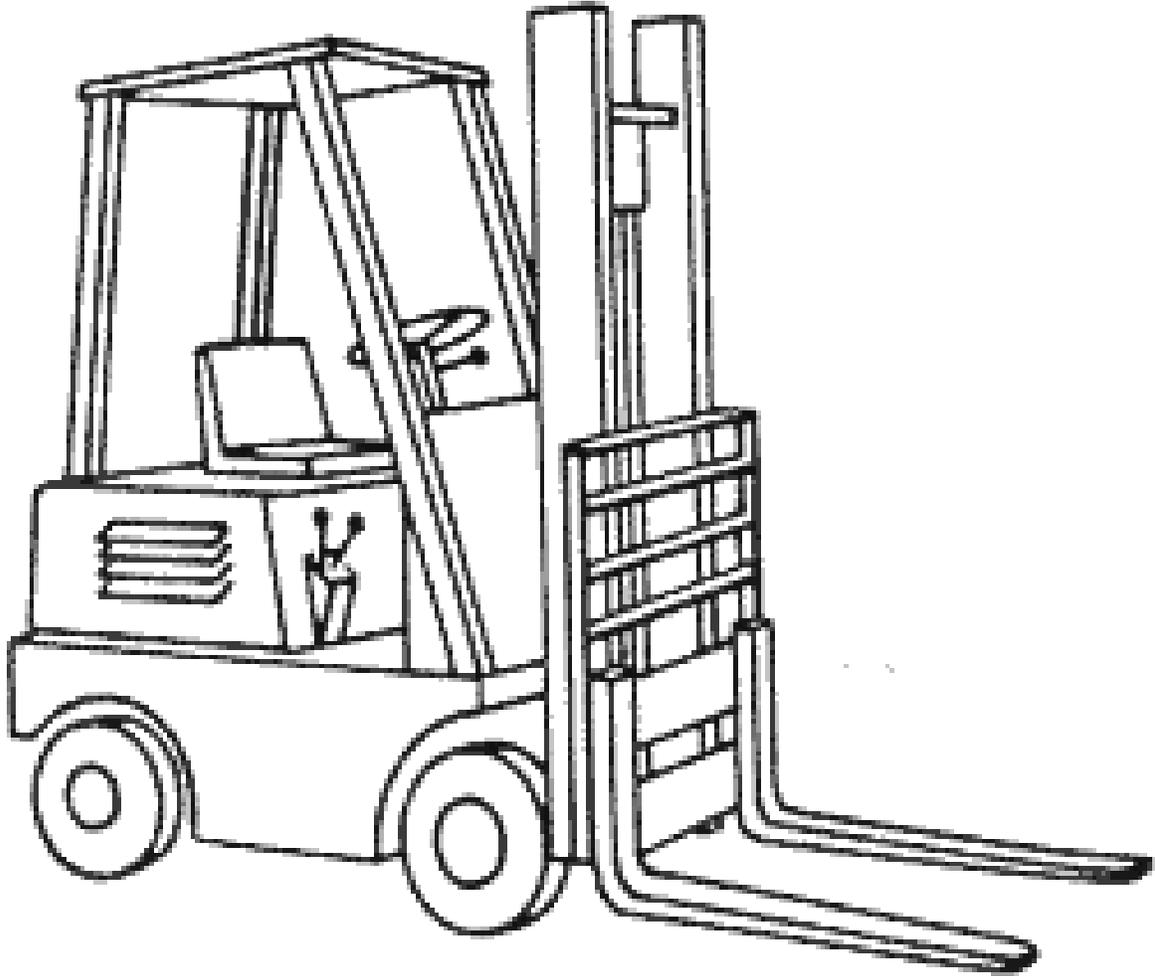


FIGURE 1

- High-Lift Truck
- Counterbalanced Truck
- Cantilever Truck
- Rider Truck
- Fork Lift Truck

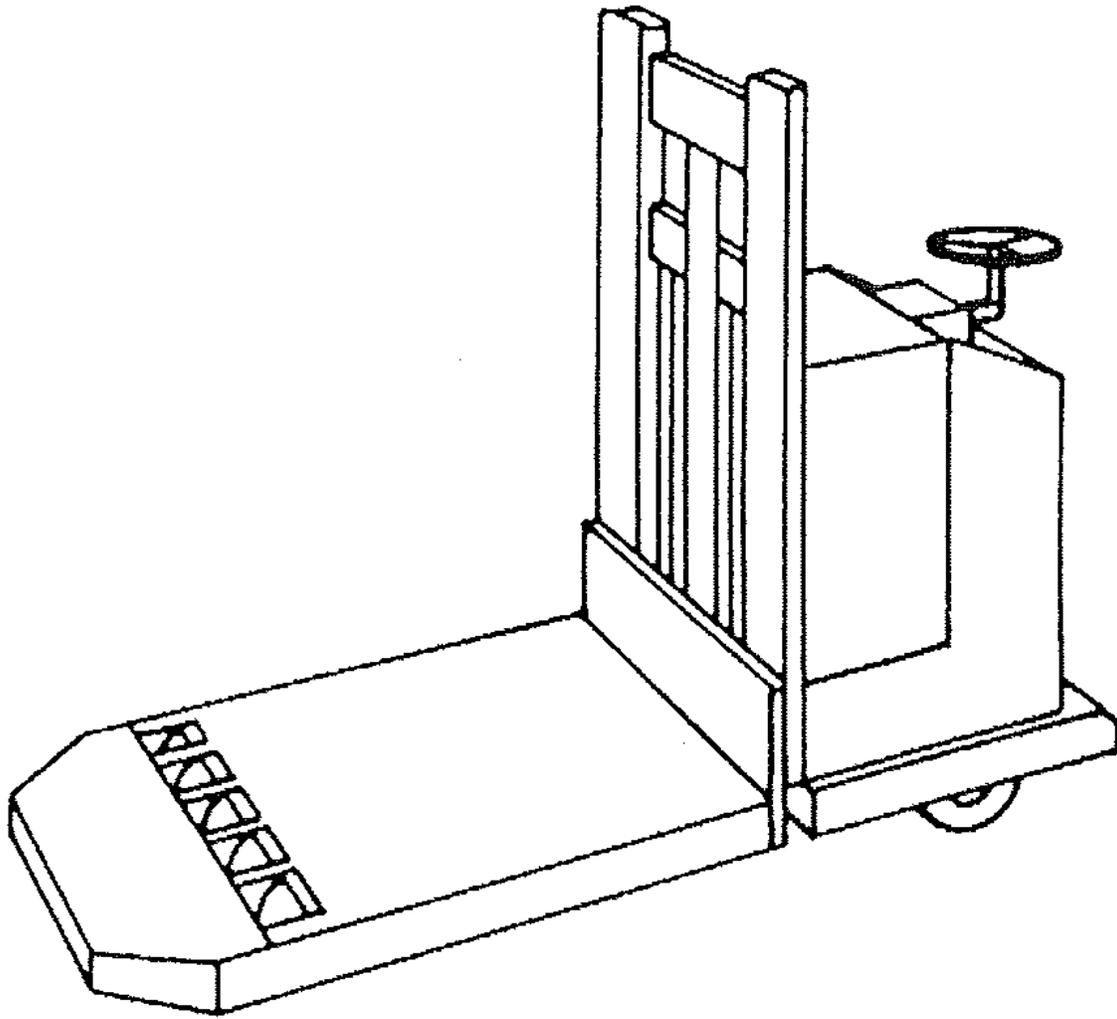


FIGURE 2

- High-Lift Truck
- High-Lift Platform Truck

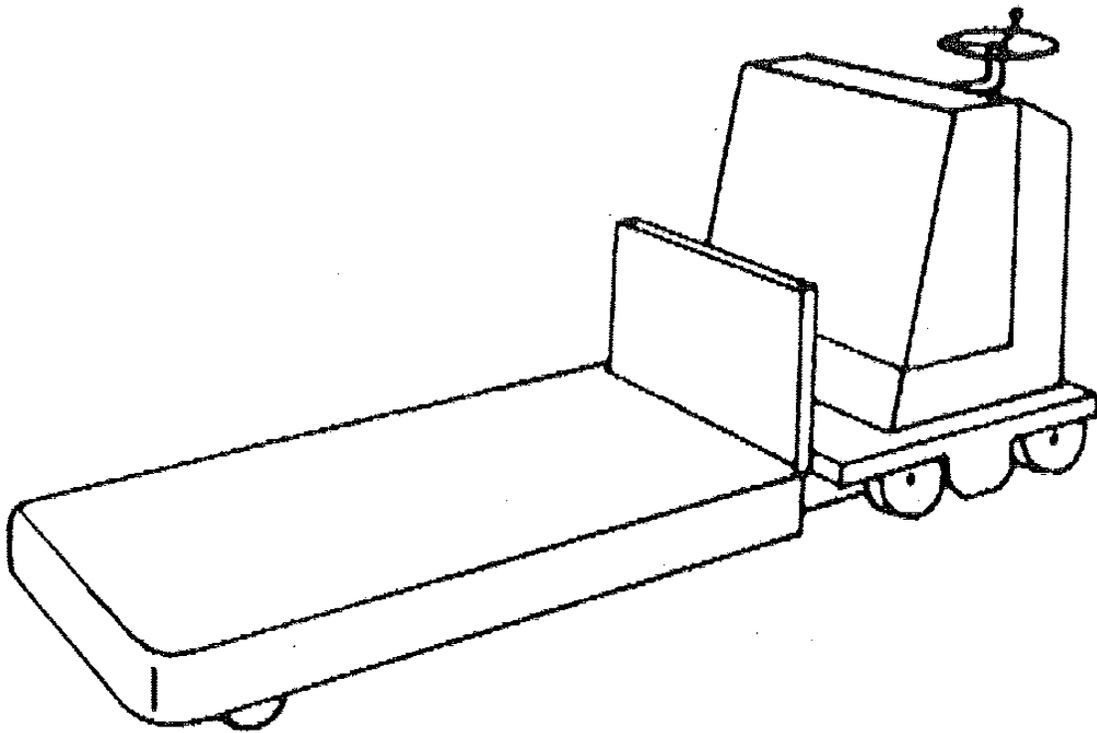


FIGURE 3

- Low-Lift Truck
- Low-Lift Platform Truck

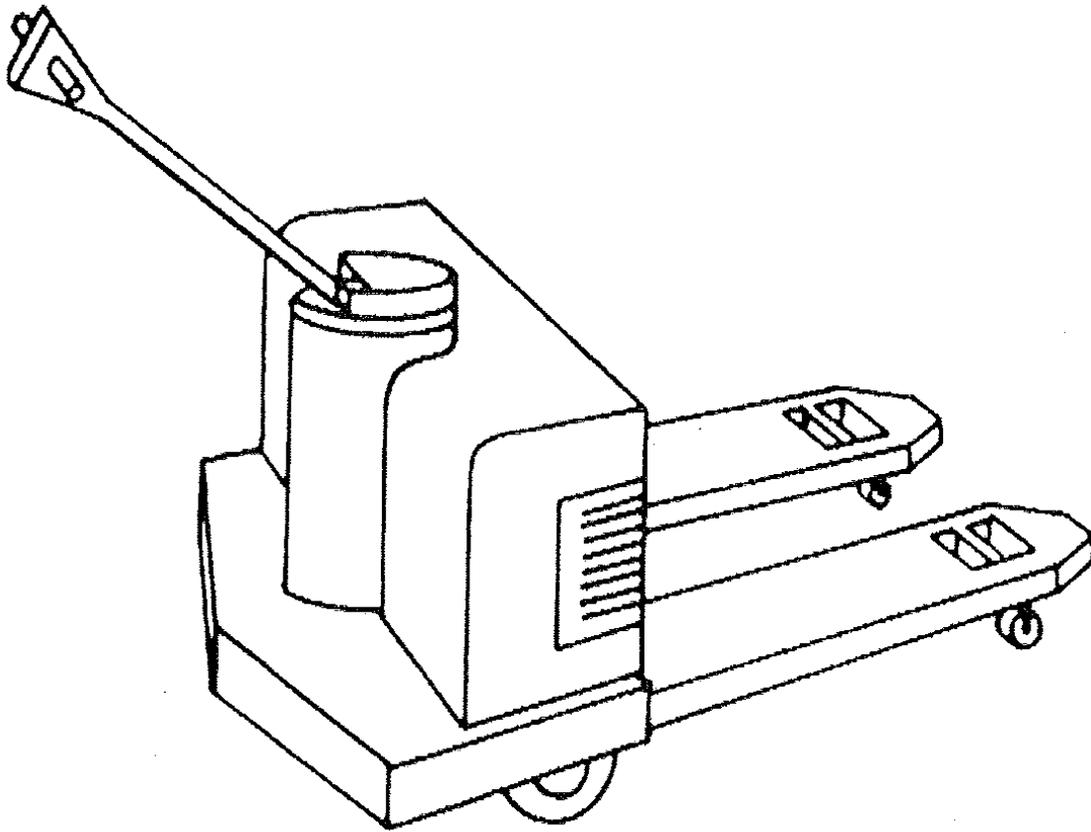


FIGURE 4

- Motorized Hand Truck
- Pallet Truck

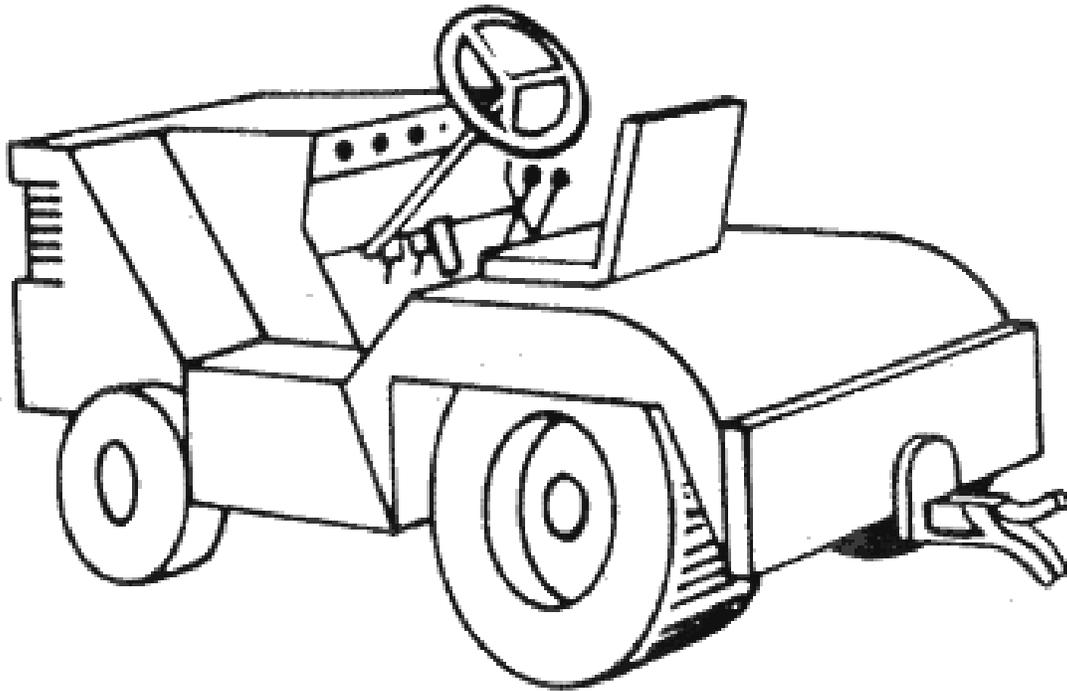


FIGURE 5
• Industrial Tractor

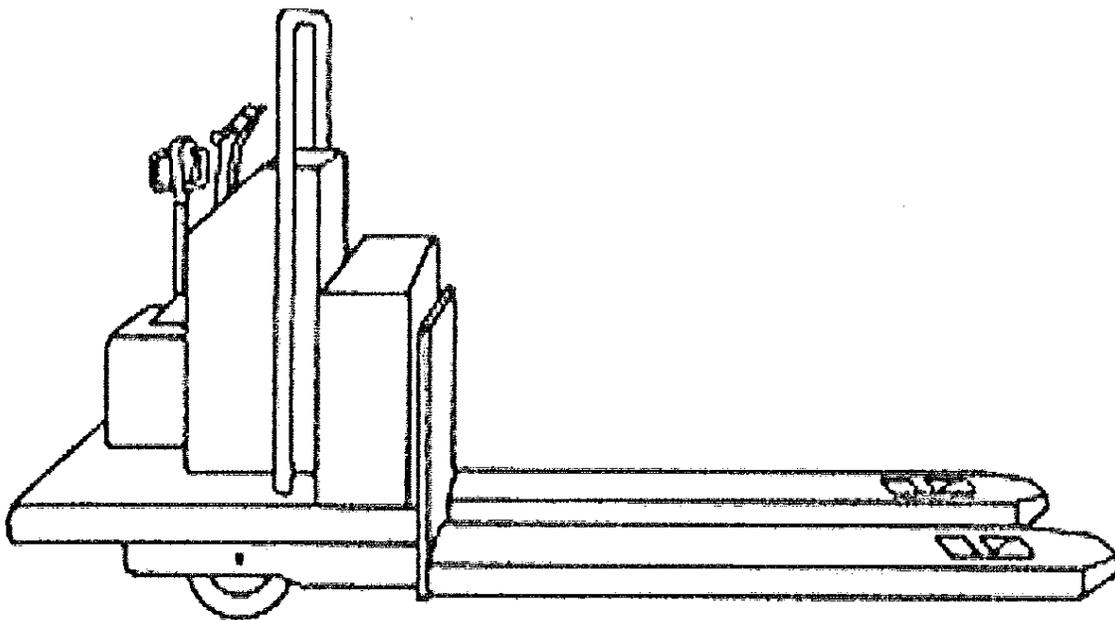


FIGURE 6
• Motorized Hand/Rider Truck

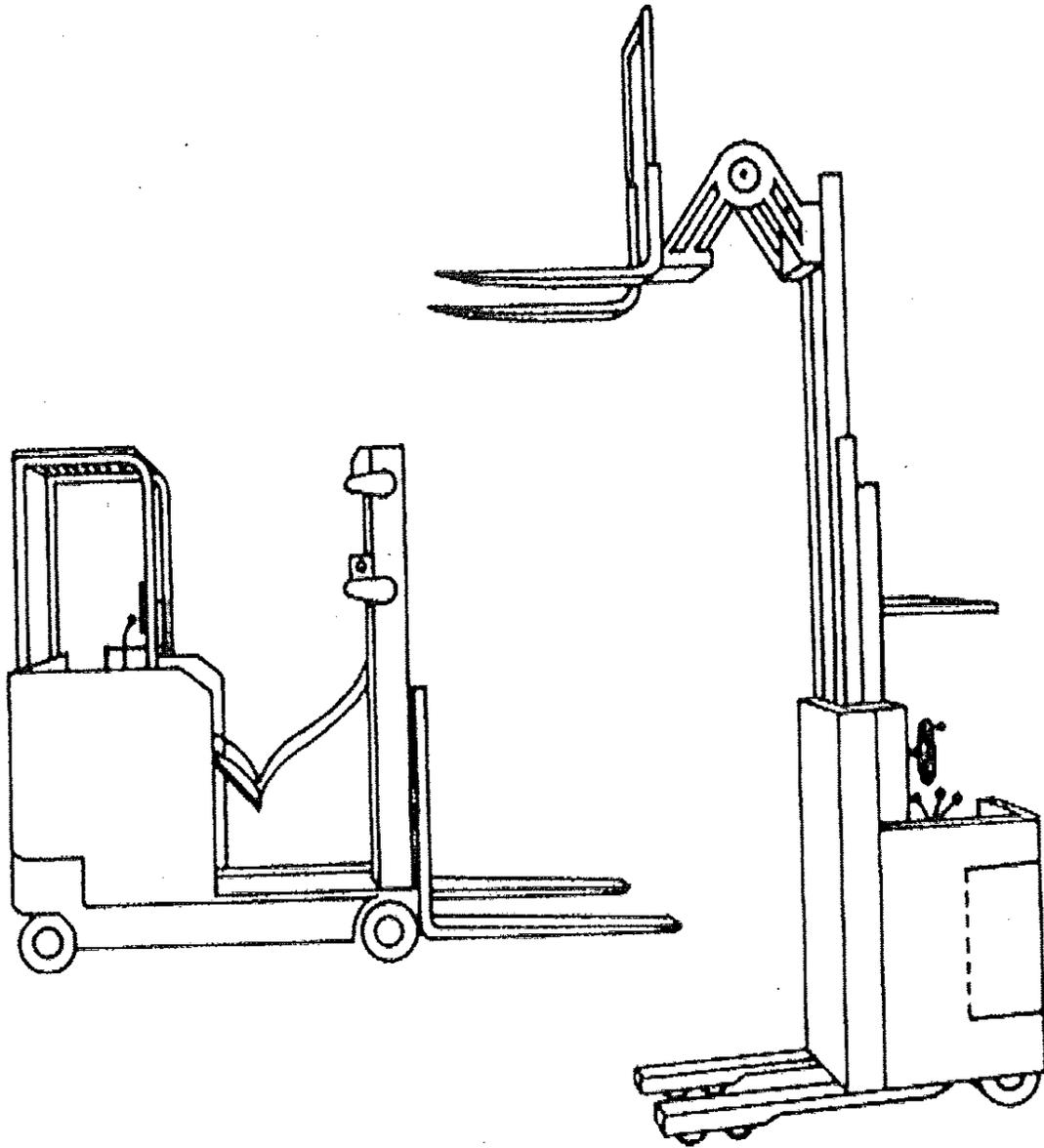


FIGURE 7
• Reach Truck

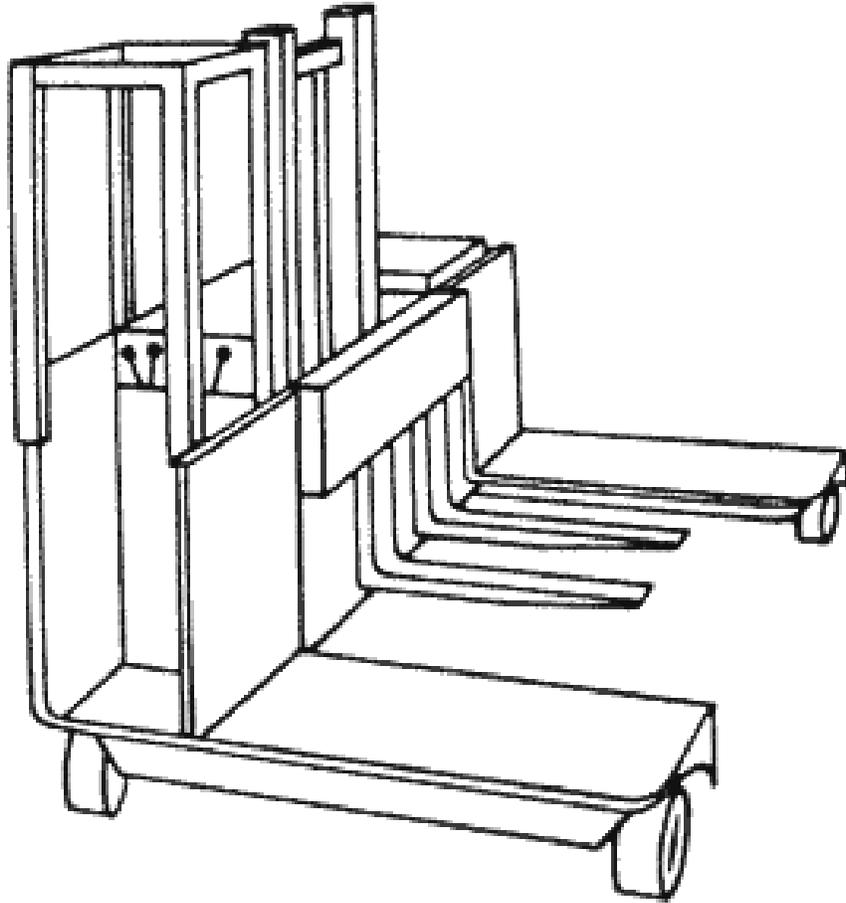


FIGURE 8
• Side-Loader Truck

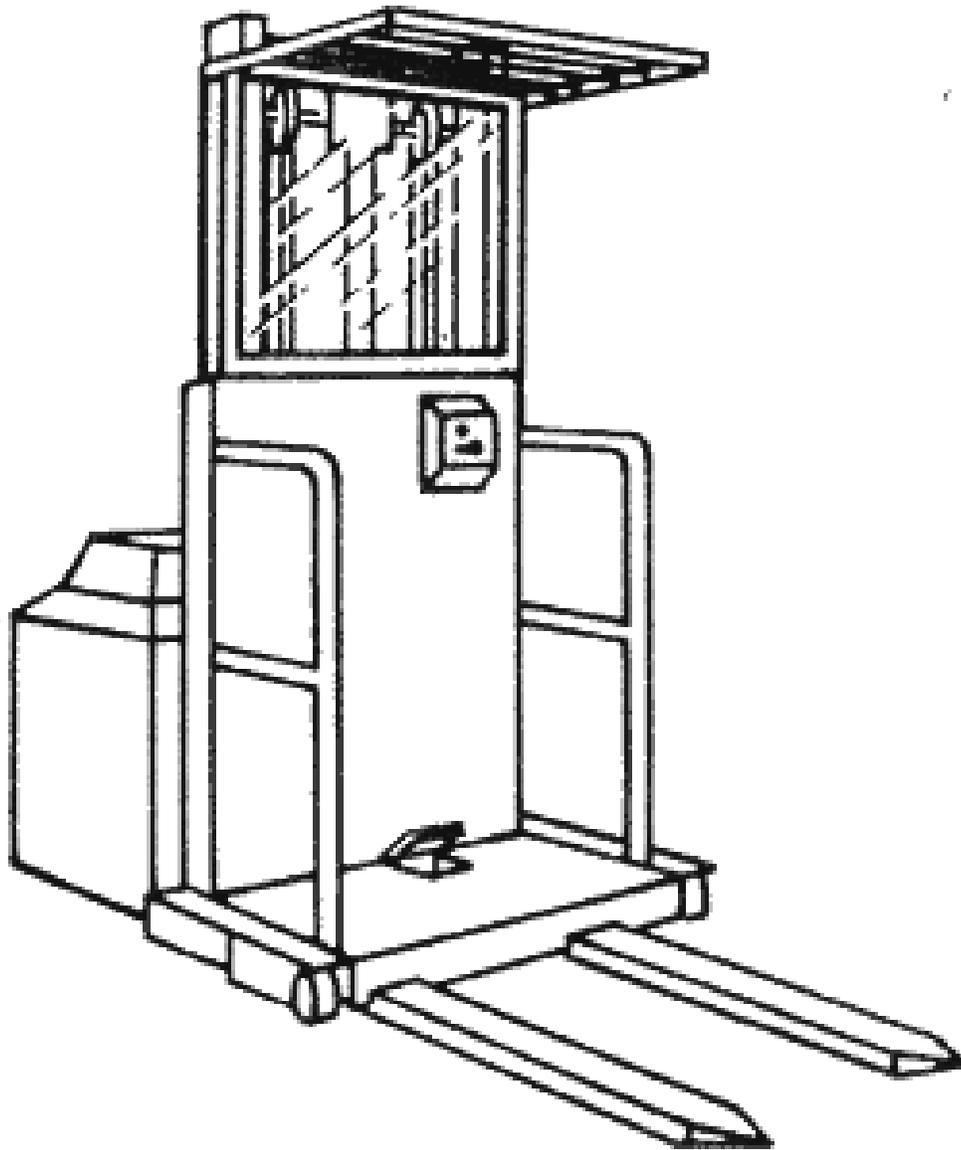


FIGURE 9
• Order Picker Truck High Lift

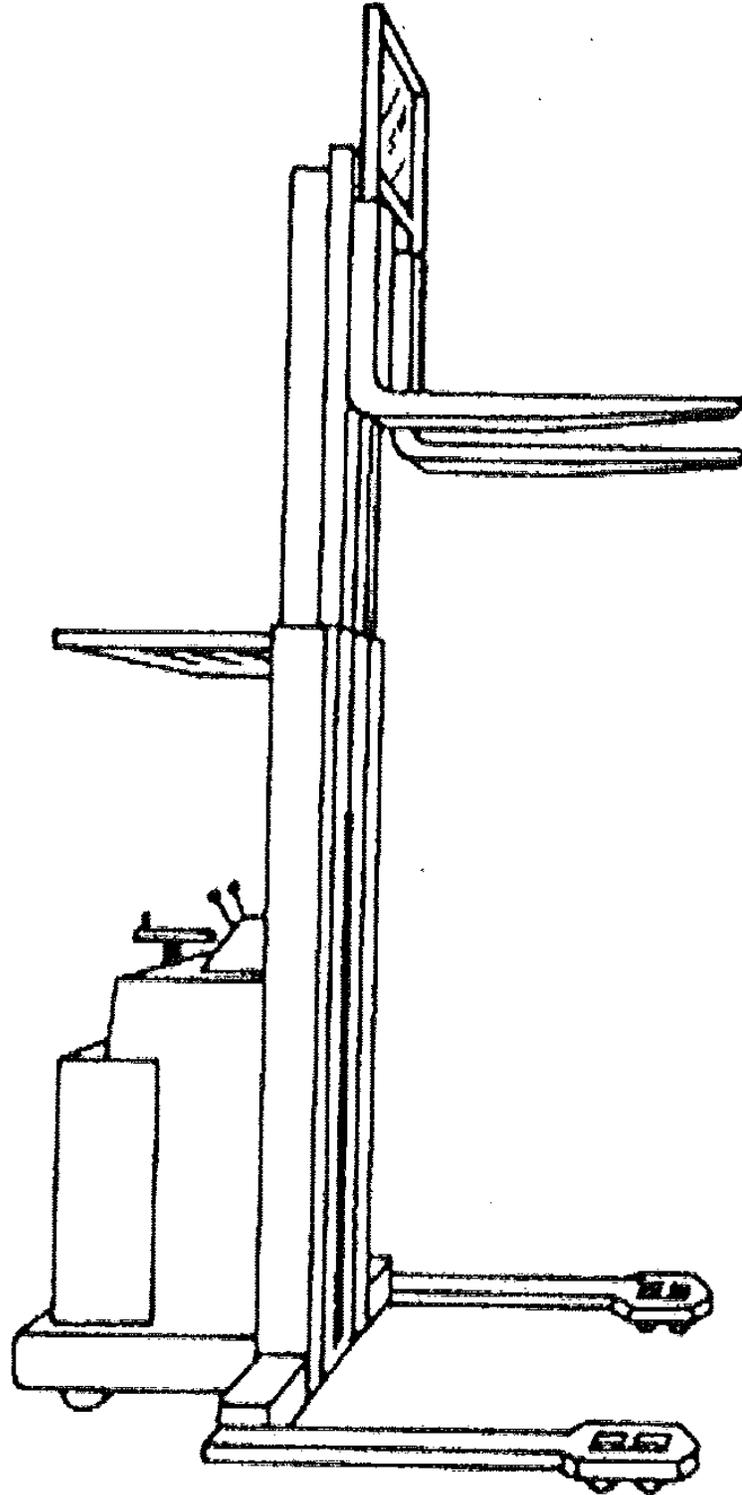


FIGURE 10

- Narrow-Aisle Truck
- Straddle Truck

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on August 10, 2016

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. 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 licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.41201, R 408.41203, R 408.41204, R 408.41205, R 408.41206, R 408.41207, R 408.41208, R 408.41209, R 408.41210, R 408.41211, R 408.41212, R 408.41213, R 408.41217, R 408.41219, R 408.41223, R 408.41224, R 408.41227, R 408.41229, R 408.41232, R 408.41233, R 408.41236, R 408.41241, R 408.41243, R 408.41251, R 408.41254, R 408.41256, R 408.41256a, R 408.41256b, and R 408.41261 of the Michigan Administrative Code are amended, and R 408.41202 is added, as follows:

PART 12. SCAFFOLDS AND SCAFFOLD PLATFORMS

R 408.41201 Scope.

Rule 1201. This part pertains to scaffolds and scaffold platforms used in construction operations. The equipment may be commercially manufactured or job-built. This part does not apply to crane or derrick suspended personnel platforms as prescribed in Construction Safety Standard Part 10 “Cranes and Derricks” and Construction Safety Standard Part 32 “Aerial Work Platforms,” as referenced in R 408.41202.

R 408.41202 Adoption; availability of referenced documents.

Rule 1202. (1) The American national standards institute standard ANSI A10.8 “Scaffolding Safety Requirements,” 1977 edition, is adopted in these rules. It is available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules of \$25.00.

(2) The standard adopted in subrule (1) of this rule is available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) The standard adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and

handling.

(4) The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West 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, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 1 “General Rules,” R 408.40101 to R 408.40134.

(b) Construction Safety Standard Part 6 “Personal Protect Equipment,” R 408.40601 to R 408.40660.

(c) Construction Safety Standard Part 10 “Cranes and Derricks,” R 408.41001 to R 408.41099a.

(d) Construction Safety Standard Part 11 “Fixed and Portable Ladders,” R 408.41101 to R 408.41140.

(e) Construction Safety Standard Part 16 “Power Transmission and Distribution,” R 408.41601 to R 408.41658.

(f) Construction Safety Standard Part 17 “Electrical Installations,” R 408.41701 to R 408.41734.

(g) Construction Safety Standard Part 21 “Guarding of Walking and Working Areas,” R 408.42101 to R 408.42160.

(h) Construction Safety Standard Part 30 “Telecommunications,” R 408.43001 to R 408.43006.

(i) Construction Safety Standard Part 32 “Aerial Work Platform,” R 408.43201 to R 408.43220.

(j) Construction Safety Standard Part 45 “Fall Protection,” R 408.44501 to R 408.44502.

(5) The appendices are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.

R 408.41203 Definitions; A to C.

Rule 1203. (1) "Adjustable multipoint suspension scaffold" means a scaffold that has a continuous platform which is supported by bearers suspended by wire rope from overhead supports that is so arranged and operated as to permit the raising or lowering of a platform to desired working positions.

(2) "Bearer," also called a putlog, means a horizontal transverse scaffold member which may be supported by ledgers or runners, upon which the scaffold platform rests, and which joins scaffold uprights, posts, poles, and similar members.

(3) "Boatswain's chair" means a single-point adjustable suspension scaffold that consists of a seat or sling designed to support 1 employee in a sitting position.

(4) "Brace" means a rigid connection that holds 1 scaffold member in a fixed position with respect to another member or that holds 1 scaffold member to a building or structure.

(5) "Bricklayer's square scaffold" means a supported scaffold that is composed of framed squares that support a platform.

(6) "Carpenter's bracket scaffold" means a supported scaffold that consists of a platform supported by brackets attached to a building or structural walls.

(7) "Carriage" means an assembled steel framework which is affixed to a scaffold and which is used to support a work platform.

(8) "Catenary scaffold" means a suspension scaffold consisting of a platform supported by 2 essentially horizontal and parallel ropes attached to structural members of a building or other structure. Additional support may be provided by vertical pickups.

(9) "Chimney hoist" means a multipoint adjustable suspension scaffold used to provide access to work inside chimneys. See "multipoint suspension scaffold."

(10) "Cleat" means a structural block used at the end of a platform to prevent the platform from slipping off its supports. Cleats are also used to provide footing on sloped surfaces such as crawling boards.

(11) "Competent person" means a person who is experienced and capable of identifying an existing or

potential hazard in surroundings, or under working conditions, that are hazardous or dangerous to an employee and who has the authority and knowledge to take prompt corrective measures to eliminate the hazards.

(12) "Coupler" means a device for locking together the component parts of a tube and coupler scaffold.

(13) "Crawling board," also called a chicken ladder, means a plank that has cleats which are spaced and secured at equal intervals for use by an employee on roofs. A crawling board is not designed to carry any material.

R 408.41204 Definitions; D to I.

Rule 1204. (1) "Double pole or independent pole scaffold" means a supported scaffold that consists of a platform which rests on cross beams or bearers supported by ledgers and a double row of uprights independent of support, except for ties, guys, and braces, from any structure.

(2) "Equivalent" means alternative designs, materials, or methods to protect against a hazard that the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials, or designs specified in these rules.

(3) "Exposed power lines" means electrical power lines which are accessible to employees and which are not shielded from contact. Exposed power lines do not include extension cords or power tool cords.

(4) "Eye" or "eye splice" means a loop that may have a thimble at the end of a wire rope.

(5) "Fabricated decking and planking" means manufactured platforms that are made of wood, including laminated wood, and solid sawn wood planks, metal, or other materials.

(6) "Failure" means load refusal, breakage, or separation of component parts. Load refusal is the point where the ultimate strength is exceeded.

(7) "Float" or "ship scaffold" means a scaffold which is hung from an overhead support by means of ropes and which consists of a substantial platform that has diagonal bracing underneath and that rests upon, and is securely fastened to, 2 parallel plank bearers at right angles to the span.

(8) "Forklift truck (industrial)" means a self-loading truck which is equipped with a load carriage and forks and which is used for transporting and tiering loads.

(9) "Form scaffold" means a supported scaffold that consists of a platform supported by brackets attached to the formwork.

(10) "Guardrail" means a horizontal barrier that is erected along the exposed sides and ends of a scaffold.

(11) "Heavy-duty scaffold" means a scaffold that is designed and constructed to carry a working load of not more than 75 pounds per square foot.

(12) "Hoist" means a manual or power-operated mechanical device used to raise or lower a suspended scaffold.

(13) "Horse scaffold" means a supported scaffold that consists of a platform supported by construction horses which are the same as saw horses. Horse scaffolds constructed of metal are sometimes known as trestle scaffolds.

(14) "Interior hung scaffold" means a suspension scaffold that consists of a platform suspended from the ceiling or roof structure by fixed length supports.

R 408.41205 Definitions; L, M.

Rule 1205. (1) "Ladder jack scaffold" means a scaffold that is supported by brackets attached to ladders.

(2) "Ladder safety device" means a device which is installed on a ladder and which, when attached to an employee as prescribed in Construction Safety Standard Part 45 "Fall Protection," which is referenced in R 408.41202, will prevent an accidental fall of the employee.

(3) "Landing" means a platform at the end of a flight of stairs.

(4) "Large area scaffold" means a pole scaffold, tube and coupler scaffold, systems scaffold, or fabricated frame scaffold erected over substantially the entire work area, for example, a scaffold erected over the entire floor area of a room.

(5) "Lean-to scaffold" means a supported scaffold that is kept erect by tilting it toward, and resting it against, a building or structure.

(6) "Ledger" means a horizontal member of a scaffold which extends from post to post and which supports bearers that form a tie between the posts.

(7) "Light-duty scaffold" means a scaffold that is designed and constructed to carry a working load of not more than 25 pounds per square foot.

(8) "Maximum intended load" means the maximum anticipated weight of persons, equipment, material, and scaffold.

(9) "Medium-duty scaffold" means a scaffold that is designed and constructed to carry a working load of not more than 50 pounds per square foot.

(10) "Midrail" means a rail which is located approximately midway between a guardrail and platform and which is secured to uprights erected along the exposed sides and ends of a platform.

(11) "Mobile scaffold" means a powered or unpowered portable caster or wheel-mounted supported scaffold.

(12) "Mobile scaffold tower" means a type of freestanding scaffolding that can be manually moved horizontally from 1 area to another.

(13) "Multi-level suspended scaffold" means a scaffold that is manufactured to have 2 or more work platforms which are 1 above another and which are connected vertically to each other by rigid metal members, all of which are suspended from overhead supports.

(14) "Multi-point adjustable suspension scaffold" means a suspension scaffold consisting of at least 1 platform which is suspended by more than 2 ropes from overhead supports and equipped with means to raise and lower the platform to desired work levels. These scaffolds include chimney hoists.

R 408.41206 Definitions; N to R.

Rule 1206. (1) "Needle beam scaffold" means a scaffold that consists of a platform supported by needle beams.

(2) "Outrigger" means the structural member of a supported scaffold used to increase the base width of a scaffold to provide support for, and increased stability of, the scaffold.

(3) "Outrigger beam, also known as a "trustout," means the structural member of a suspension scaffold or outrigger scaffold that provides support for the scaffold by extending the scaffold point of attachment to a point out and away from the structure or building.

(4) "Outrigger scaffold" means a platform supported by, and fastened to, outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside the building or structure.

(5) "Platform" means a work surface elevated above lower levels. Platforms may be constructed using individual wood planks, fabricated planks, fabricated decks, and fabricated platforms.

(6) "Power-operated hoist" means a hoist that is powered by other than human energy.

(7) "Pump-jack scaffold" means a scaffold for light-duty work that consists of vertical poles, platform planking, and movable brackets for raising or lowering the platform on the vertical poles by a manual pumping action.

(8) "Qualified person" means a person who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his or her ability to solve or resolve problems related to the subject matter, the work, or the project.

(9) "Rated load" means the manufacturer's specified maximum load to be lifted by a hoist or to be

applied to a scaffold or scaffold component.

(10) "Repair-bracket scaffold" means a supported scaffold that consists of a platform supported by brackets which are secured in place around the circumference or perimeter of a chimney, stack, tank, or other supporting structure by 1 or more wire ropes placed around the supporting structure.

(11) "Roof bracket scaffold" means a rooftop-supported scaffold that consists of a platform resting on angular-shaped supports.

(12) "Rough terrain forklift truck" means a wheeled-type truck which is designed primarily as a fork truck that has a vertical mast or pivoted boom, or both, which has variable fixed length reach and which may be equipped with attachments and that is intended for operation on unimproved natural terrain as well as the disturbed terrain of construction sites. A machine that is designed primarily for earth-moving, such as a loader or dozer, even though its buckets and blades are replaced with forks, or a machine that is designed primarily as an over-the-road truck that has a lifting device is not a rough terrain forklift truck.

(13) "Runner" ledger or ribbon means the lengthwise horizontal spacing or bracing member that may support the bearers.

R 408.41207 Definitions; S.

Rule 1207. (1) "Scaffold" means a temporary elevated platform which is supported or suspended, including its supporting system and points of anchorage, and which is used for supporting an employee or materials, or both.

(2) "Shore scaffold" means a supported scaffold which is placed against a building or structure and which is held in place with props.

(3) "Single-point adjustable suspension scaffold" means a manual or power-operated unit which is supported by a single rope from an overhead support and which is arranged and operated to permit the raising or lowering of the platform to desired working positions.

(4) "Single-pole scaffold" means a type of wood pole scaffold that has a platform which rests on putlogs or cross beams, the outside ends of which are supported on ledgers secured to a single row of posts or uprights and the inner ends of which are supported on or in a wall.

(5) "Stall load" means the load at which the prime mover of a power-operated hoist stalls or the power to the prime mover is automatically disconnected.

(6) "Steel tower" means a vertical assembly of tubular steel post members connected together with welded diagonal and horizontal steel bracing.

(7) "Step, platform, and trestle ladder scaffold" means a platform resting directly on the rungs of step ladders or trestle ladders.

(8) "Stiff arm brace" means a steel horizontal member used to tie a scaffold to a structure to prevent the scaffold from overturning.

(9) "Stilt" means a device which is attached to the leg and foot or shoe of an employee and which is used to elevate the employee from a work surface.

(10) "Supported scaffold" means 1 or more platforms supported by any of the following:

(a) Outrigger beams.

(b) Brackets.

(c) Poles.

(d) Legs.

(e) Uprights.

(f) Posts.

(g) Frames.

(h) Similar rigid support.

(11) "Suspension scaffold" means 1 or more platforms suspended from an overhead structure by ropes

or other nonrigid means.

R 408.41208 Definitions; T to W.

Rule 1208. (1) "Toeboard" means a horizontal barrier that is erected along the exposed edges of an elevated surface to prevent materials, tools, or equipment from falling.

(2) "Tube and coupler scaffold" means a manufactured assembly that consists of all of the following:

(a) Tubing that serves as posts, bearers, braces, ties, and runners.

(b) A brace supporting the post.

(c) Special couplers that serve to connect the uprights and to join the various members.

(d) A work platform.

(3) "Tubular welded frame scaffold" or "fabricated frame scaffold" means a scaffold platform that is supported by a metal sectional frame that consists of posts and a horizontal bearer that has intermediate members.

(4) "Two-point suspension scaffold" or "swing stage" means a suspension scaffold that consists of a platform which is supported by hangers, also known as stirrups, suspended by 2 ropes from overhead supports and which is equipped with means to permit the raising and lowering of the platform to desired work levels.

(5) "Unstable objects" means items whose strength, configuration, or lack of stability may allow them to become dislocated and shift and, therefore, may not properly support the loads imposed on them. Unstable objects do not constitute a safe base support for scaffolds, platforms, or employees. Examples include, but are not limited to, barrels, boxes, loose brick, and concrete blocks.

(6) "Vertical pickup" means a rope used to support the horizontal rope in catenary scaffolds.

(7) "Window jack scaffold" means a platform which extends through a window opening and which is secured to the structure and supported by braces.

(8) "Working load" means a load that is imposed by persons, materials, and equipment.

R 408.41209 Training requirements.

Rule 1209. (1) This rule supplements and clarifies the requirements of Construction Safety Standard Part 1 "General Rules," as referenced in R 408.41202, as the rule relates to the hazards of work on scaffolds. An employer shall have each employee who performs work on a scaffold trained by a person qualified in scaffold safety. The training shall enable an employee to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize the hazards. The training shall include the following areas, as applicable:

(a) The nature of any electrical hazards, fall hazards, and falling object hazards in the work area.

(b) The correct procedures for dealing with electrical hazards and for erecting, maintaining, and disassembling the fall protection systems and falling object protection systems being used.

(c) The proper use of the scaffold, and the proper handling of materials on the scaffold.

(d) The maximum intended load and the load-carrying capacities of the scaffolds used.

(e) Any other pertinent requirements.

(2) An employer shall have each employee who is involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazards associated with the work in question. The training shall include the following topics, as applicable:

(a) The nature of scaffold hazards.

(b) The correct procedures for erecting, disassembling, moving, operating, repairing, inspecting, and maintaining the type of scaffold being used.

(c) The design criteria, maximum intended load-carrying capacity, and intended use of the scaffold.

(d) Any other pertinent requirements.

(3) If an employer has reason to believe that an employee lacks the skill or understanding needed to safely perform work that involves the erection, use, or dismantling of scaffolds, then the employer shall retrain the employee so that the requisite proficiency is regained. Retraining is required in all of the following situations:

(a) Where changes at the worksite present a hazard about which an employee has not been previously trained.

(b) Where changes in the types of scaffolds, fall protection, falling object protection, or other equipment present a hazard about which an employee has not been previously trained.

(c) Where inadequacies in an affected employee's work involving scaffolds indicate that the employee has not retained the requisite proficiency for the work involved.

R 408.41210 Construction and capacity generally.

Rule 1210. (1) A scaffold shall be designed, constructed, erected, and used pursuant to the provisions of this rule. A scaffold shall be designed by a qualified person.

(2) A scaffold shall not be erected, moved, dismantled, or altered, except under the supervision of a competent person.

(3) A scaffold and its components shall be capable of supporting, without failure, not less than 4 times the maximum intended load.

(4) A specially designed scaffold that utilizes methods of bracing other than cross bracing is acceptable if the scaffold and its components comply with the requirements of this rule.

(5) A scaffold shall not be loaded to more than the designed working load.

(6) Scaffolds and scaffold components shall be inspected for visible defects by a competent person before each work shift and after any occurrence that could affect a scaffold's structural integrity. Any scaffold, including accessories such as braces, brackets, trusses, screw legs, ladders, or platforms, that is damaged or weakened from any cause shall be immediately repaired or replaced. Any scaffold or accessories that are repaired shall have at least the original designed strength of the scaffold or accessory.

(7) An employee on a scaffold who is exposed to an overhead hazard of falling material shall be protected with overhead protection that is sufficient to prevent injury.

(8) All load-carrying wood scaffold framing members shall be a minimum of 1,500 psi fiber stress value.

(9) The poles, legs, or uprights of scaffolds shall be plumb and shall be securely and rigidly braced to prevent swaying and displacement.

(10) The support for a scaffold shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Leveling jack adjusting screws, when used, shall not extend more than 18 inches below the base of the scaffold. Unstable objects, such as barrels, boxes, pallets, brick, or concrete blocks, shall not be used to support a scaffold or work platform. Scaffold poles, legs, posts, frames, and uprights shall bear on base plates, along with mudsills or other adequate support.

(11) Scaffold components that are not designed to be compatible shall not be intermixed.

(12) A shore or lean-to scaffold shall not be used.

(13) Makeshift devices, such as, but not limited to, boxes and barrels, shall not be used on top of scaffold platforms to increase the working level height of employees.

(14) A ladder shall not be used on a scaffold to increase the working level height of employees, except on a large area scaffold where an employer has satisfied all of the following criteria:

(a) When the ladder is placed against a structure that is not a part of the scaffold, the scaffold shall be secured against the sideways thrust exerted by the ladder.

(b) The platform units shall be secured to the scaffold to prevent the units from moving.

(c) Either the ladder legs shall be on the same platform or another means shall be provided to stabilize

the ladder against unequal platform deflection.

(d) The ladder legs shall be secured to prevent them from slipping or being pushed off the platform.

R 408.41211 Access to scaffold platforms.

Rule 1211. (1) Access to a scaffold platform shall be provided by 1 or more of the following:

(a) A ladder that conforms to Construction Safety Standard Part 11 “Fixed and Portable Ladders,” as referenced in R 408.41202.

(b) Hook-on or attachable metal ladders that are specifically designed for use in construction with manufactured types of scaffolds. If hook-on or attachable metal ladders are used as access to, or egress from, a work platform that is more than 35 feet above the ground or floor level, then a ladder safety device shall be installed or the ladders shall be offset with landing platforms and guardrails that are installed at not more than 35-foot intervals.

(c) Step or hook-on, stair-type accessories that are specifically designed for use with appropriate types of scaffolds.

(d) Direct access from an adjacent scaffold, the structure, or personnel hoist. The direct access to or from another surface shall be used only when the scaffold is not more than 14 inches(36 cm) horizontally and not more than 24 inches(61 cm) vertically from the other surface.

(e) A ramp, runway, or stairway that conforms to Construction Safety Standard Part 21 “Guarding of Walking and Working Areas,” as referenced in R 408.41202.

(2) The intermediate horizontal members of the frame of a manufactured tubular welded frame scaffold may be used instead of a ladder or stairway for access to, and egress from, the work platform, if all of the following conditions are met:

(a) All the frames and component parts are compatible in design.

(b) The intermediate horizontal members of a frame are a minimum of 11 1/2 inches in length.

(c) The horizontal members of each frame shall be uniformly spaced and shall not be more than 18 inches center to center vertically.

(d) When frames are connected vertically to one another, the distance between the bottom horizontal member of the upper end frame and the top horizontal member of the lower end frame shall be within 3 inches of the uniform spacing of the horizontal members of each frame.

(e) The elevation to the lowest horizontal member of the bottom frame shall not be more than 24 inches from the ground or floor.

(f) Each horizontal member shall be capable of supporting 300 pounds applied at its midpoint without bending or cracking.

(g) Each horizontal member shall be inspected for, and found free of, cracks, bends, or bad welds. Cracks, bends, or bad welds shall be corrected.

(h) Only 1 employee at a time shall use a horizontal member of a frame as access to, or egress from, the workstation.

(i) Cross braces shall not be used as a means of access.

(3) The guardrail system located on the side where horizontal members of the scaffold frame are used for access to, or egress from, a work platform shall be constructed as follows:

(a) The intermediate rail shall be omitted between the corner posts at the access location.

(b) The top rail shall be continuous between posts. A scaffold and its components shall be capable of supporting, without failure, not less than 4 times the maximum intended load.

(4) If horizontal members of scaffold frames are used as access to, or egress from, a work platform which is more than 35 feet above ground or floor level, a ladder safety device shall be installed and used or the horizontal members shall be offset with landing platforms and guardrails that are installed at not more than 30-foot intervals.

(5) Steps and rungs of ladder and stairway-type access shall line up vertically with each other between

rest platforms.

(6) All of the following provisions apply to erecting or dismantling a scaffold:

(a) An employer shall provide a safe means of access for each employee erecting or dismantling a scaffold if providing safe access is feasible and does not create a greater hazard. The employer shall have a competent person determine whether it is feasible or would pose a greater hazard to provide, and have employees use, a safe means of access. The determination shall be based on site conditions and the type of scaffold being erected or dismantled.

(b) Hook-on or attachable ladders shall be installed as soon as scaffold erection has progressed to a point that permits safe installation and use.

(c) When erecting or dismantling tubular welded frame scaffolds, endframes, that have horizontal members which are parallel, level, and not more than 22 inches apart vertically as climbing devices for access, the employer shall ensure that the tubular welded frame scaffolds are erected in a manner that creates a usable ladder and provides a good handhold and foot space.

(d) Cross braces on tubular welded frame scaffolds shall not be used as a means of access or egress.

R 408.41212 Accumulation of tools, material, or debris prohibited; weather conditions; slippery conditions; electrical hazards; rope protection; fall protection.

Rule 1212. (1) Excess tools, materials, and debris shall not be permitted to accumulate on a scaffold to create a hazard.

(2) Work on or from scaffolds is prohibited during storms or high winds unless a competent person has determined that it is safe for employees to be on a scaffold and that the employees are protected by a personal fall arrest system. Wind screens shall not be used unless the scaffold is secured against the anticipated wind forces imposed.

(3) A scaffold shall be kept free of slippery conditions such as those caused by ice, snow, oil, grease, or other slippery compounds.

(4) An employee shall not be allowed within 10 feet of uninsulated electrical energized lines.

(5) Before a scaffold is erected within 10 feet of a power line all of the following requirements shall be met, as applicable:

(a) The utility or property owner is consulted.

(b) A power line or electrical apparatus is considered energized unless the property owner or utility indicates it is de-energized and the line or apparatus is visibly grounded. If de-energizing is impractical and the equipment is exposed to contact by an employee, the minimum clearances in table 1 shall be maintained between the scaffold, employee, or material, whichever is closer.

(c) The requirements for employees performing power transmission and distribution work, electrical work, or telecommunications work are found in Construction Safety Standard Part 16 “Power Transmission and Distribution,” Construction Safety Standards Part 17 “Electrical Installations,” and in Construction Safety Standards Part 30 “Telecommunications,” as referenced in R 408.41202.

(6) Table 1 reads as follows:

TABLE 1		
INSULATED LINES		
VOLTAGE	MINIMUM DISTANCE	ALTERNATIVES
Less than 300 volts	3 feet (0.9 meters)	
300 volts to 50 kilovolts	10 feet (3.1 meters)	
More than 50 kilovolts	10 feet (3.1 meters) plus 0.4 inches (1.0 centimeter) for each kilovolt over 50 kilovolts	2 times the length of the line insulator, but not less than 10 feet (3.1 meters)
<u>UNINSULATED LINES</u>		
<u>VOLTAGE</u>	<u>MINIMUM DISTANCE</u>	<u>ALTERNATIVES</u>
Less than 50 kilovolts	10 feet (3.1 meters)	
More than 50 kilovolts	10 feet (3.1 meters) Plus 0.4 inches (1.0 centimeter) for each kilovolt over 50 kilovolts	2 times the length of the line insulator, but not less than 10 feet (3.1 meters)

(7) Welding, burning, riveting, or open flame work shall not be performed within 10 feet of fiber or synthetic rope that is used to suspend a scaffold, unless the rope is protected from sparks, flame, or hot metal. Only treated or protected fiber or synthetic ropes shall be used for or near any work that involves the use of corrosive substances or chemicals.

(8) A suspension rope, including connecting hardware, used on nonadjustable or adjustable suspension scaffolds shall be capable of supporting, without failure, not less than 6 times the maximum intended load applied or transmitted to the rope.

(9) If personal fall arrest systems are required by these rules for the protection of employees, then the arrest system equipment shall be as prescribed in Construction Safety Standard Part 45 “Fall Protection,” as referenced in R 408.41202.

(10) To reduce the possibility of welding current arcing through the suspension wire rope when performing welding from suspended scaffolds, a welder shall take the following precautions, as applicable:

(a) An insulated thimble shall be used to attach each suspension wire rope to its hanging support, such as a cornice hook or outrigger. Excess suspension wire rope and any additional independent lines from grounding shall be insulated.

(b) The suspension wire rope shall be covered with insulating material extending not less than 4 feet

(1.2 meters) above the hoist. If there is a tail line below the hoist, it shall be insulated to prevent contact with the platform. The position of the tail line that hangs free below the scaffold shall be guided or retained, or both, so that it does not become grounded.

(c) Each hoist shall be covered with insulated protective covers.

(d) In addition to a work lead attachment required by the welding process, a grounding conductor shall be connected from the scaffold to the structure. The size of the conductor shall be at least the size of the welding process work lead, and the conductor shall not be in series with the welding process or the workpiece.

(e) If the scaffold grounding lead is disconnected, the welding machine shall be shut off.

(f) An active welding rod or uninsulated welding lead shall not be allowed to contact the scaffold or its suspension system.

R 408.41213 Guardrails; fall arrest devices.

Rule 1213. (1) A guardrail shall be installed on any open side or end of a scaffold work platform that is 10 feet (3.1 meters) or more above the floor or ground, except for any of the following:

(a) A boatswain's chair.

(b) A catenary scaffold.

(c) A float scaffold.

(d) A ladder jack scaffold.

(e) A needle beam scaffold.

The guardrail shall be as prescribed in R 408.42150.

(2) An employee on a boatswain's chair, catenary scaffold, float scaffold, needle beam scaffold, or ladder jack scaffold shall be protected by a personal fall arrest system. An employee on a single-point or 2-point adjustable suspension scaffold shall be protected by both a personal fall arrest system and guardrail system.

(3) A personal fall arrest device as prescribed in Construction Safety Standard Part 45 "Fall Protection," as referenced in R 408.41202, shall be worn and attached to a substantial portion of a scaffold when the work platform of an adjustable suspension scaffold with overhead protection is 10 feet (3.1 meters) or more above the floor, water, or ground. Separate safety lines shall be attached to a substantial portion of the structure above and to the scaffold by an approved fall prevention device to prevent the scaffold from falling more than 12 inches if the scaffold suspension system fails.

(4) A top rail or an intermediate rail may be eliminated if the configuration of the scaffold and the material deck provides equivalent protection to prevent an employee falling from the platform or if a personal fall arrest device is worn.

(5) A cross brace may be used as part of the guardrail system as follows:

(a) If the pivot point occurs from 36 inches to 48 inches above the platform, then a midrail shall be added midway between the platform and the brace pivot point.

(b) If the pivot point occurs from 18 inches above the platform, then a top rail shall be added.

(c) If the pivot point occurs less than 18 inches or more than 48 inches above the platform, then both a top rail and midrail shall be provided.

(6) An employer shall have a competent person determine the feasibility and safety of providing fall protection for employees erecting or dismantling supported scaffolds. An employer shall provide fall protection for employees erecting or dismantling supported scaffolds where the installation and use of the protection is feasible and does not create a greater hazard.

(7) If vertical lifelines are used, then they shall be fastened to a fixed safe point of anchorage and shall be protected from sharp edges and abrasion. Safe points of anchorage include structural members of buildings, but do not include any of the following:

(a) Standpipes.

- (b) Vents.
- (c) Other piping systems.
- (d) Electrical conduit.
- (e) Outrigger beams.
- (f) Counterweights.

(8) If horizontal lifelines are used, they shall be secured to 2 or more structural members of the scaffold or may be looped around both suspension and independent support lines equal in number to the number of points supported and equivalent in strength to the strength of the suspension ropes. Independent support lines and suspension ropes shall not be attached to the same points of anchorage

R 408.41217 Planking and scaffold platforms generally.

Rule 1217. (1) If wood planks are used for a work platform, then the planks shall be scaffold-grade lumber that has a minimum of 1,500 pounds per square inch fiber stress value. The planks shall be not less than 2 inches by 10 inches. The platform shall consist of a minimum of 2 planks laid side by side. Each platform on all working levels of scaffolds shall be fully planked or decked between uprights where practicable. Spaces between the platform and the uprights shall not be more than 9 1/2 inches. The maximum permissible spans for 2- by 10-inch or wider planks are as follows:

	Material full thickness undressed lumber				Material nominal thickness lumber			
Working load (per square foot)	25	50	62	75	25	37	50	62
Permissible span (feet)	10	8	7	6	8	7	6	4

(2) Wood scaffold planks, laminated planks, manufactured work platforms, and picks that are found to be defective shall be removed from service and shall not be used.

(3) A manufactured pick shall be permanently marked or tagged to indicate the maximum working load and shall not be less than 14 inches wide when used in single width, except that a ladder jack scaffold may be used with a minimum 12-inch manufactured pick.

(4) Platform planks shall be laid with their edges together so the platform is tight and does not have spaces through which tools or fragments of materials can fall.

(5) Planking shall comply with all of the following provisions:

(a) Extend over the end bearer not less than 6 inches, but not more than 12 inches.

(b) Be cleated or otherwise fastened to prevent shifting and be uniform in thickness, except where lapped as prescribed in subrule (8) of this rule.

(c) Where 16-foot planks are used as prescribed in subrule (7) of this rule, tie downs are not required unless wind uplift may occur.

(6) Hook-on-type manufactured work platforms may be used if they are secured to the bearer.

(7) Where planks are lapped, each plank shall lap its bearer not less than 6 inches, which will provide a minimum overlap of 12 inches.

(8) Where a scaffold turns a corner, the planks shall be laid to prevent tipping. The planks that meet the corner bearer at an angle shall be laid first and shall extend over the diagonally placed bearer far enough to have a good bearing, but not far enough to tip. The planks that run in the different direction shall be laid so as to extend over the rest on the first layer of planks.

(9) When moving a platform to the next level, an employee shall leave the old platform undisturbed until the new platform supports have been set in place and are ready to receive the platform planks.

(10) A platform shall not deflect more than 1/60 of the span when loaded.

(11) A wood platform shall not be covered with opaque finishes, except that platform edges may be covered or marked for identification. A platform may be coated periodically with wood preservatives, fire-retardant finishes, and slip-resistant finishes; however, the coating may not obscure the top or bottom wood surfaces.

(12) The front of a platform shall be not more than 14 inches from the face of the work unless a guardrail system is erected along the front edge, or unless a personal fall arrest system is used pursuant to Construction Safety Standard Part 45 “Fall Protection,” as referenced in R 408.41202, except that the maximum distance from the face of the work for plastering and lathing operations shall be not more than 18 inches.

R 408.41219 Protection from falling objects.

Rule 1219. (1) In addition to wearing a hard hat, an employer shall provide an employee on a scaffold with additional protection from falling hand tools, debris, and other small objects through the installation of toeboards, screens, or guardrail systems or through the erection of debris nets, catch platforms, or canopy structures that contain or deflect the falling objects. If the falling objects are too large or heavy to be contained or deflected by any of the measures specified in this subrule, then the employer shall place the potential falling objects away from the edge of the surface from which they could fall and shall secure the objects as necessary to prevent them from falling.

(2) If there is a danger of tools, materials, or equipment falling from a scaffold and striking employees below, then all of the following provisions apply:

(a) The area below the scaffold to which objects can fall shall be barricaded and employees shall not be permitted to enter the hazard area.

(b) A toeboard shall be erected along the edge of a platform that is more than 10 feet (3.1 meters) above lower levels. The toeboard shall span a distance sufficient to protect employees below, except on a float (ship) scaffold, where an edging of (3/4-inch by 1-1/2-inch (2- by 4- centimeters) wood or equivalent may be used in place of a toeboard.

(c) If tools, materials, or equipment are piled to a height higher than the top edge of the toeboard, then paneling or screening extending from the toeboard or platform to the top of the guardrail shall be erected for a distance sufficient to protect employees below.

(d) A guardrail system shall be installed with openings small enough to prevent the passage of potential falling objects.

(e) A canopy structure, debris net, or catch platform that is strong enough to withstand the impact forces of potential falling objects shall be erected over the employees below.

(3) Canopies, when used for falling object protection, shall comply with all of the following criteria, as applicable:

(a) A canopy shall be installed between the falling object hazard and employees.

(b) If a canopy is used on a suspension scaffold for falling object protection, then the scaffold shall be equipped with additional independent support lines equal in number to the number of points supported and equivalent in strength to the strength of the suspension ropes.

(c) Independent support lines and suspension ropes shall not be attached to the same points of anchorage.

(4) If used, toeboards shall be in compliance with both of the following provisions:

(a) Be capable of withstanding, without failure, a force of not less than 50 pounds (222 nano) applied in any downward or horizontal direction at any point along the toeboard.

(b) Be not less than 3-1/2 inches (9 centimeters) high from the top edge of the toeboard to the level of

the walking/working surface. A toeboard shall be securely fastened in place at the outermost edge of the platform and have not more than 1/4 inch (0.7 centimeter) of clearance above the walking/working surface. A toeboard shall be solid or have openings of not more than 1 inch (2.5 centimeter) in the greatest dimension.

R 408.41223 Tube and coupler scaffolds.

Rule 1223. (1) A tube and coupler scaffold shall have all posts, bearers, runners, and bracing of not less than a nominal 2-inch (1.90 inches outside dimension) steel tubing or equivalent.

(2) The material used for couplers shall be of a structural type, such as a drop-forged steel, malleable iron, or structural grade aluminum. Dissimilar metals shall not be used.

(3) The posts of a tube and coupler scaffold shall not be spaced more than 6 feet apart in width and not more than 10 feet along the length for a light-duty rated scaffold, 8 feet along the length for a medium-duty rated scaffold, and 6 feet along the length for a heavy-duty rated scaffold.

(4) Drawings and specifications for a tube and coupler scaffold over 125 feet in height above the base plate shall be designed by a qualified engineer who is knowledgeable in scaffolding. Drawings and specifications shall be readily available at the jobsite. A scaffold that is less than 125 feet in height shall conform to the requirements of table 3.

(5) Runners shall be erected along the length of the scaffold and located on both the inside and the outside posts at even heights. When tube and coupler guardrails and midrails are used on outside posts, they may be used in place of outside runners. Runners shall be interlocked to form a continuous length and coupled to each post. The bottom runner shall be located as close to the base as possible. The runners shall be placed not more than 6 feet 6 inches on centers.

(6) A bearer shall be installed transversely between posts and shall be securely coupled either to a post bearing on a runner coupler or directly to a runner and shall be kept as close to the post as possible.

(7) A bearer shall be not less than 4 inches, but not more than 12 inches, longer than the post spacing or runner spacing. A bearer may be cantilevered for use as brackets to carry 2 2-inch by 10-inch planks. The bearer for a cantilevered section shall be not more than 24 inches and the section shall be limited to 25 pounds per square foot.

(8) Cross bracing shall be installed across the width of the scaffold at both ends and at least every third set of posts horizontally and every fourth runner vertically. The bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(9) Longitudinal diagonal bracing on the outer rows of poles shall be installed at a 45-degree angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, the bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(10) Guys, ties, and braces shall be installed according to the scaffold manufacturer's recommendations or at the closest horizontal member to the 4-to-1 ratio height and be repeated vertically at locations of horizontal members every 20 feet (6.1 meters) or less thereafter for a scaffold 3 feet (0.91 meters) wide or less and every 26 feet (7.9 meters) or less thereafter for a scaffold more than 3 feet (0.9 meters) wide. The top guy, tie, or brace of a completed scaffold shall be placed no farther than a 4-to-1 ratio from the top. The top guys, ties, and braces shall be installed at each end of the scaffold and at horizontal intervals of not more than 30 feet (9.1 meters), measured from 1 end, not both, towards the other end. Outriggers, when used, may be considered a part of the base dimension. The outriggers shall be installed on both sides of the scaffold at each frame line.

(11) Table 3 reads as follows:

TABLE 3						
TUBE AND COUPLER SCAFFOLDS	LIGHT DUTY		MEDIUM		HEAVY	
Maximum uniformly distributed load	25 pounds per square foot		50 pounds per square foot		75 pounds per square foot	
Post spacing (longitudinal)	10 feet		8 feet		6 feet	
Post spacing (transverse)	6 feet		6 feet		6 feet	
Work levels	1	2	3	1	2	1
Maximum allowable additional planked levels	8	4	0	6	0	6
Maximum height (feet)	125	125	91	125	75	125

R 408.41224 Tubular welded frame scaffold; fabricated frame scaffold.

Rule 1224. (1) A tubular welded frame scaffold, also known as a fabricated frame scaffold, shall be braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally. The cross braces shall be of sufficient length so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(2) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(3) Where uplift may occur, frames shall be locked together vertically by pins or other equivalent suitable means.

(4) A guy, tie, and brace shall be installed according to the scaffold manufacturer's recommendations or at the closest horizontal member to the 4-to-1 ratio height and be repeated vertically at locations of horizontal members every 20 feet (6.1 meters) or less thereafter for a scaffold 3 feet (0.91 meters) wide or less and every 26 feet (7.9 meters) or less thereafter for a scaffold more than 3 feet (0.91 meters) wide. The top guy, tie, or brace of a completed scaffold shall be placed no farther than a 4-to-1 ratio height from the top. A guy, tie, and brace shall be installed at each end of the scaffold and at horizontal intervals of not more than 30 feet (9.1 meters) measured from one end, not both, towards the other. Outriggers, when used, may be considered as part of the base dimension when installed on each corner of the long side at intervals of not more than 20 feet.

(5) Drawings and specifications for all tubular welded frame scaffolds over 125 feet in height above the base plates shall be designed by a qualified engineer who is knowledgeable in scaffolding. The plans shall be available at the jobsite.

(6) Brackets used to support cantilevered loads shall comply with all of the following provisions:

(a) Be seated with side brackets parallel to the frames and end brackets at 90 degrees to the frames.

(b) Not be bent or twisted from the positions specified in subdivision (a) of this subrule.

(c) Be used only to support personnel, unless the scaffold has been designed for other loads by a

qualified engineer and built to withstand the tipping forces caused by the other loads being placed on the bracket-supported section of the scaffold.

R 408.41227 Pump jack scaffolds.

Rule 1227. (1) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each bracket shall have 2 positive gripping mechanisms to prevent any failure or slippage.

(2) A pole shall comply with both of the following provisions:

(a) Be secured to the structure by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting not less than 225 pounds tension or compression.

(b) Be made of 2, 2 by 4s of Douglas fir, or the equivalent, or 2 continuous lengths made of 2 by 4s spiked together, with the seam parallel to the bracket, with 10D common nails at not more than 12 inches center to center, staggered uniformly from opposite outside edges. Each 2 by 4 may be spliced to make up a pole if the splice is constructed to develop the full strength of the member.

(3) Where the bracket must pass bracing already installed, an extra brace shall be used approximately 4 feet above the one to be passed until the original brace is reinstalled.

(4) If poles are made of wood, then the pole lumber shall be straight-grained and free of shakes, large loose or dead knots, and other defects that might impair strength.

SUSPENDED SCAFFOLDS

R 408.41229 Suspended scaffolds; tipping moment requirement; support devices; outrigger beams; counterweights tiebacks; suspension ropes; use of certain equipment on scaffolds prohibited; securing scaffolds; use of emergency escape and rescue devices.

Rule 1229. (1) Direct connections to roofs and floors, and counterweights used to balance an adjustable suspension scaffold, shall be capable of resisting not less than 4 times the tipping moment imposed by the scaffold operating at either the rated load of the hoist or not less than 1.5 times the tipping moment imposed by the scaffold operating at the stall load of the hoist, whichever is greater.

(2) A suspension scaffold support device, such as an outrigger beam, cornice hook, parapet clamp, and a similar device shall rest on a surface capable of supporting not less than 4 times the load imposed on them by the scaffold operating at the rated load of the hoist or not less than 1.5 times the load imposed on them by the scaffold at the stall capacity of the hoist, whichever is greater.

(3) A suspension scaffold outrigger beam, when used, shall be made of structural metal or equivalent strength material and shall be restrained to prevent movement.

(4) The inboard end of a suspension scaffold outrigger beam shall be stabilized by bolts or other direct connection to the floor or roof deck or shall be stabilized by counterweights, except that a multipoint adjustable suspension scaffold outrigger beam shall not be stabilized by counterweights.

(5) Before a scaffold is used, a competent person shall evaluate direct connections. The person shall confirm, based on the evaluation, that the support surfaces are capable of supporting the loads to be imposed. In addition, an engineer who is experienced in multipoint adjustable suspension scaffold design shall design the multipoint adjustable suspension scaffold connections.

(6) Counterweights shall be made of non-flowable material. Sand, gravel, and similar materials that can be easily dislocated shall not be used as counterweights.

(7) Only items specifically designed as counterweights shall be used to counterweight scaffold systems. Construction materials, such as, but not limited to, masonry units and rolls of roofing felt, shall not be used as counterweights.

(8) Counterweights shall be secured by mechanical means to the outrigger beams to prevent accidental displacement.

- (9) Counterweights shall not be removed from an outrigger beam until the scaffold is disassembled.
- (10) Outrigger beams that are not stabilized by bolts or other direct connections to the floor or roof deck shall be secured by tiebacks.
- (11) Tiebacks shall be equivalent in strength to the suspension ropes.
- (12) An outrigger beam shall be placed perpendicular to its bearing support, usually the face of the building or structure. However, if an employer can demonstrate that it is not possible to place an outrigger beam perpendicular to the face of the building or structure because of obstructions that cannot be moved, then the outrigger beam may be placed at some other angle if opposing angle tiebacks are used.
- (13) Tiebacks shall be secured to a structurally sound anchorage on the building or structure. Sound anchorages include structural members, but do not include any of the following items:
- (a) Standpipes.
 - (b) Vents.
 - (c) Other piping systems.
 - (d) Electrical conduit.
- (14) Either tiebacks shall be installed perpendicular to the face of the building or structure or opposing angle tiebacks shall be installed. Single tiebacks installed at an angle are prohibited.
- (15) A suspension scaffold outrigger beam shall comply with all of the following provisions:
- (a) Have stop bolts or shackles at both ends.
 - (b) Be securely fastened together with the flanges turned out when channel iron beams are used in place of I-beams.
 - (c) Be installed with all bearing supports perpendicular to the beam center line.
 - (d) Be set and maintained with the web in a vertical position.
 - (e) When an outrigger beam is used, the shackle or clevis with which the rope is attached to the outrigger beam shall be placed directly over the center line of the stirrup.
- (16) A suspension scaffold support device, such as a cornice hook, roof hook, roof iron, parapet clamp, or similar device shall comply with the following provisions, as applicable:
- (a) Be made of steel, wrought iron, or materials of equivalent strength.
 - (b) Be supported by bearing blocks.
 - (c) Either be secured against movement by tiebacks installed at right angles to the face of the building or structure or have opposing angle tiebacks installed and secured to a structurally sound point of anchorage on the building or structure. Sound points of anchorage include structural members, but do not include any of the following items:
 - (i) Standpipes.
 - (ii) Vents.
 - (iii) Other piping systems.
 - (iv) Electrical conduit.
 - (d) Tiebacks shall be equivalent in strength to the hoisting rope.
- (17) A suspension rope that supports an adjustable suspension scaffold shall be of a diameter large enough to provide sufficient surface area for the functioning of brake and hoist mechanisms.
- (18) Repaired wire rope shall not be used as suspension rope.
- (19) Wire suspension ropes shall not be joined together, except through the use of eye splice thimbles connected with shackles or cover plates and bolts.
- (20) Swaged attachments or spliced eyes on wire suspension ropes shall not be used unless the attachments or eyes are made by the wire rope manufacturer or a qualified person.
- (21) The load end of a wire suspension rope shall be equipped with proper size thimble and shall be secured by eye splicing or an equivalent means.
- (22) Gasoline-powered equipment and hoists shall not be used on suspension scaffolds.

(23) A suspension scaffold shall be tied or otherwise secured to prevent it from swaying. A competent person shall evaluate the scaffold and determine if it needs to be tied or otherwise secured. Window cleaner's anchors shall not be used to tie or otherwise secure a suspension scaffold.

(24) A device that functions solely to provide emergency escape and rescue shall not be used as a working platform. This subrule does not preclude the use of a system that is designed to function both as a suspension scaffold and an emergency system.

R 408.41232 Multipoint suspended scaffold.

Rule 1232. (1) A multipoint suspended scaffold shall be suspended from structural components that are capable of supporting 4 times the maximum intended load.

(2) A multipoint suspended scaffold shall be light- or medium-duty scaffold only.

(3) If wire rope is used for the suspension of a multipoint suspended scaffold, a minimum of 2 wraps around the supporting structural members and around put logs shall be used and secured with the proper number of wire rope clips or fist grips.

(4) Softeners shall be used to prevent damage to wire rope that is used for suspension.

R 408.41233 Two-point adjustable suspension scaffold; swing stage scaffold.

Rule 1233. (1) A 2-point adjustable suspension scaffold, also known as a swing stage scaffold platform, shall not be less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the stirrups by U-bolts or by other equivalent means.

(2) The stirrups shall be designed with a support for a guardrail, intermediate rails, and toeboard.

(3) Rope and blocks that are used to support a 2-point adjustable scaffold shall have all of the following:

(a) Supporting ropes of 3/4-inch, first-quality manila rope or a synthetic rope of equivalent strength used with at least one 6-inch single and one 6-inch double block.

(b) Blocks that have sheaves which fit the size of the rope the blocks carry.

(c) Live ropes made fast to the scaffold in a manner to prevent displacement.

(d) The dead-end of the supporting rope connected to the block at the stirrup by means of an eye splice incorporating a thimble.

(4) A swing stage scaffold shall be limited to the following number of employees:

(a) For a scaffold designed for a working load of 500 pounds, not more than 2 employees shall be permitted to work at 1 time.

(b) For a scaffold designed for a working load of 750 pounds, not more than 3 employees shall be permitted to work at 1 time.

(5) Two or more scaffolds shall not be combined by bridging with planks or similar connecting links.

(6) Rollers or fenders shall be provided to prevent striking the building and to facilitate raising and lowering.

(7) The platform of a swing stage scaffold shall be 1 of the following types:

(a) Ladder-type platforms - The ladder-type platform shall be constructed to meet ANSI standard A10.8 "Scaffolding Safety Requirements," 1977 edition, as adopted in R 408.41202.

(b) Plank-type platform - The plank-type platform shall be composed of not less than two 2 by 10-inch unspliced planks which are laid straight and which are cleated together on the underside, with the cleats starting 6 inches from each end and spaced at 12-inch intervals.

(c) Beam-type platform - The beam platform shall have side stringers made of lumber that is not less than 2 by 6 inches set on edge. The span between hangers shall not be more than 12 feet. The flooring shall be supported on 2 by 6-inch crossbeams which are laid flat, which are set into the upper edge of the stringers with a snug fit at intervals of not more than 4 feet center to center, and which are securely nailed in place. The flooring shall be 1 by 6-inch lumber or 3/4-inch plywood and shall be securely

nailed. Floorboards shall not be spaced more than 1/2 of an inch apart.

(d) Manufactured picks - When used, a manufactured pick shall conform to the requirements of R 408.41217(2) and (3).

R 408.41236 Needle beam scaffolds.

Rule 1236. (1) A needle beam scaffold shall not be altered or moved while in use.

(2) The scaffold planking shall be secured against displacement. Cleats are not an adequate means of attachment.

(3) Ropes or hangers shall be used for supports, except that 1 end of a needle beam scaffold may be supported by and secured to a permanent structural member.

MOBILE SCAFFOLDS

R 408.41241 Mobile scaffolds.

Rule 1241. (1) When a freestanding mobile scaffold is used, the height shall not be more than 4 times the minimum base dimension.

(2) Outriggers, when used, may be considered as part of the base dimension. The outriggers shall be installed on both sides of the scaffold at each frame line.

(3) Locking devices shall be used to secure the casters to the frame or adjusting screw. The adjusting screw shall not extend more than 12 inches. The casters shall be provided with a positive locking device to prevent movement of the scaffold. The device shall be used when the scaffold is in use, except where the work platform is 4 feet or less from the floor.

(4) Vertical members of the scaffold shall be braced by cross bracing and diagonal bracing. Not less than 2 horizontal diagonal braces shall be installed, 1 as close to the casters as possible, at intervals of not more than 4 times the least-based dimension. The horizontal diagonal brace may be omitted on a scaffold that is specifically designed to absorb racking.

(5) A scaffold platform shall cover the full width of the scaffold, except for a necessary entrance opening. A platform shall be secured in place. A platform shall not extend outward beyond the base supports of the scaffold unless outrigger frames or equivalent devices are used to ensure stability.

(6) A ladder or stairway that is provided on a manually propelled mobile scaffold shall be affixed or built into the scaffold and shall be so located that, when in use, the ladder or stairway does not have a tendency to tip the scaffold. A landing platform shall be provided at intervals of not more than 30 feet.

(7) In place of a ladder or stairway, the requirements of R 408.41211(2) may be complied with.

(8) Only manual force shall be used to move a scaffold covered by this rule. The force shall be applied near or as close to the base as practical, except for a scaffold with a work platform that is 4 feet or less from the floor.

(9) When being used, a mobile scaffold shall rest upon a suitable footing and shall stand plumb. Where leveling of the scaffold is necessary, screw jacks or an equivalent means shall be used.

(10) An employer shall not allow an employee to ride on a mobile scaffold, unless all of the following conditions exist:

(a) The floor or surface is within 3 degrees of level and is free from pits, holes, or obstructions.

(b) The minimum base dimension of the scaffold when ready for rolling is not less than 1/2 of the height.

(c) The casters are equipped with rubber or similar resilient tires.

(d) All tools and materials are secured or removed from the platform before the mobile scaffold is moved.

(e) The scaffold is equipped with guardrails on all sides.

(f) Before a scaffold is moved, each employee on the scaffold is made aware of the move.

(11) A mobile scaffold shall be in compliance with the applicable provisions of R 408.41217, R 408.41218, R 408.41223, and R 408.41224.

(12) A power system used to propel a mobile scaffold shall be designed to propel a mobile scaffold. A forklift, truck, similar motor vehicle, or add-on motor shall not be used to propel a scaffold unless the scaffold is designed to be propelled by a forklift, truck, similar motor vehicle, or add-on motor.

(13) If a power system is used to propel a scaffold, then the propelling force shall be applied directly to the wheel and shall not produce a speed of more than 1 foot per second (.3 meters per second).

(14) An employee shall not be on any part of a powered mobile scaffold that extends outward beyond the wheels, casters, or other supports.

(15) A powered mobile scaffold shall be stabilized to prevent tipping during movement.

R 408.41243 Rough terrain forklift truck scaffolds; equipment requirements; employee safety requirements.

Rule 1243. (1) The scaffold platform shall be attached to the forks by enclosed sleeves and shall be secured against the back of the forks with a mechanical device so that the platform cannot tip or slip.

(2) A work platform shall be in compliance with all of the following requirements:

(a) Except for the guardrail system as specified in Construction Safety Standard Part 21 “Guarding of Walking and Working Areas,” as referenced in R 408.41202, be of welded mild steel construction that has a minimum safety factor of 4 times the maximum intended load.

(b) Have a continuous guardrail system constructed as follows:

(i) Have a top rail which is located not less than 36 inches, nor more than 42 inches, above the platform floor and which is constructed to withstand a minimum of 200 pounds of force in any direction.

(ii) Have a midrail which is installed at mid-height between the top rail and platform floor and which is constructed to withstand a 200-pound side thrust.

(iii) Have a toeboard which is not less than 4 inches in nominal height and which is installed not more than 1/4 of an inch above the floor around the periphery of the work platform. If the platform has a gate, then the toeboard shall be installed on the gate.

(c) Have a wood planking, steel plate, or a steel grating bolted or welded to the bottom of the platform and be maintained free of slip or trip hazards.

(d) Have a permanently affixed sign on the platform that specifies the maximum number of passengers allowed, the work platform identification number, and the maximum rated load.

(e) Be easily identifiable by high-visibility color or marking.

(3) The work platform shall be level when in use.

(4) If an employee is elevated in a platform on a variable reach lift truck, a personal fall arrest system, including the anchorage required in Construction Safety Standard Part 45 “Fall Protection,” and Construction Safety Standard Part 6 “Personal Protective Equipment,” as referenced in R 408.41202, is required and shall be worn when an employee is elevated.

(5) The rough terrain fork truck or the lift truck shall rest on firm footing. Leveling devices and outriggers shall be used where provided on equipment.

(6) A trained operator shall remain at the operator station of a lift truck to control the lift truck while an employee is elevated. The lift truck control or controls shall be in neutral and the parking brake set. The operator of the lift truck scaffold platform shall be able to see the elevated platform at all times.

(7) A lift truck platform shall be returned to the ground before a lift truck is repositioned. The forklift shall be moved as close to the work area as possible for final positioning. An employee shall exit the landed platform and reboard the platform only after the lift truck repositioning is completed.

(8) The combined mass weight of the platform, load, and the employee shall not be more than 1/3 of the rated capacity of the rough terrain forklift truck on which the platform is used.

(9) An employee shall maintain firm footing on the platform floor. Railings, planks, ladders, or other

materials shall not be used on the platform to achieve reach or height.

(10) The guardrail system of the platform shall not be used to support any of the following:

- (a) Materials.
- (b) Other work platforms.
- (c) Employees.

(11) The platform shall be lowered to ground level for an employee to enter or exit, except where elevated work areas are inaccessible or hazardous to reach. An employee may exit the platform with the knowledge and consent of the employer. When exiting to unguarded work areas, fall protection shall be provided and used as required in Construction Safety Standard Part 45 “Fall Protection,” as referenced in R 408.41202. An employee shall not climb on any part of a lift truck when attempting to enter or exit the platform.

(12) A platform shall not be modified if the modification is detrimental to its safe use.

(13) Floor dimensions parallel to the truck longitudinal centerline shall not be more than 2 times the load center distance listed on the rough terrain forklift truck nameplate. The floor dimension width shall not be more than the overall width of the truck measured across the load-bearing tires plus 10 inches (250 mm) on either side. The minimum space for each employee on the platform shall be not less than 18 inches (450 mm) in either direction.

(14) A wood pallet shall not be used as a platform for lift truck scaffolds.

(15) If arc welding is performed by an employee on the platform, then the electrode holders shall be protected from contact with the metal components of the work platform.

(16) A work platform shall not be used during high winds, electrical storms, snow, ice, sleet, or other adverse weather conditions that could affect the safety of the employees on the work platform or the operator of the truck.

AUXILIARY SUPPORTED SCAFFOLDS

R 408.41251 Outrigger scaffolds.

Rule 1251. (1) The inboard end of an outrigger beam measured from the fulcrum point to anchorage point shall be not less than 1 1/2 times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing not less than 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(2) The inboard end of an outrigger beam shall be securely anchored either by means of struts bearing against sills in contact with the overhead beams or ceiling or by means of tension members secured to the floor joists underfoot, or by both if necessary. The inboard end of an outrigger beam shall be secured against tipping, and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(3) An outrigger scaffold shall be constructed as prescribed in table 4.

(4) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the outriggers.

(5) A scaffold and scaffold components shall be designed by a qualified person who is knowledgeable in scaffolding and shall be constructed and loaded pursuant to the design.

(6) Table 4 reads as follows:

TABLE 4 SPACING AND LENGTH OF OUTRIGGER SCAFFOLDS		
Maximum Scaffold Load	Light Duty 25 p.s.f.	Medium Duty 50 p.s.f.
Outrigger size	2 inches by 10 inches	3 inches by 10 inches
Maximum outrigger spacing	8 feet	6 feet
Maximum outrigger length	6 feet	6 feet

R 408.41254 Carpenter’s bracket scaffold.

Rule 1254. (1) Each bracket, except those for wooden bracket-form scaffolds, shall be attached to the supporting formwork or structure by means of 1 or more of the following:

- (a) Nails.
 - (b) A metal stud attachment device.
 - (c) Welding, hooking over a secured structural supporting member, with the form wales either bolted to the form or secured by snap ties or tie bolts extending through the form and securely anchored.
 - (d) For carpenters' bracket scaffolds only, by a bolt extending through to the opposite side of the structure's wall.
- (2) The supporting brackets shall be fastened to the structure by 1 of the following:
- (a) Three-eighths-inch diameter bolts extending through the studs at the top of the bracket and projecting 3/4 inch beyond the nut and washer when in place.
 - (b) Welding to a metal tank.
 - (c) Hooked over a secured supporting member of the structure.

R 408.41256 Ladder jack scaffolds.

Rule 1256. (1) A ladder jack scaffold shall be used only for light duty on type I manufactured ladders at heights not more than 20 feet from the ground or floor level. The ladder shall be used as prescribed in Construction Safety Standard Part 11 “Fixed and Portable Ladders,” as referenced in R 408.41202.

(2) All bearing points of a ladder jack shall be designed to bear on the side rails and the rungs, but if bearing on the rungs only, the bearing area shall be not less than 10 lineal inches per rung.

R 408.41256a Step, platform, and trestle ladder scaffolds.

Rule 1256a. (1) A scaffold platform shall not be placed higher than the second highest rung or step of the ladder supporting the platform.

(2) A ladder used in conjunction with a step, platform, and trestle ladder scaffold shall comply with the pertinent requirements of Construction Safety Standard Part 11 “Fixed and Portable Ladders,” as referenced in R 408.41202, except that job-made ladders shall not be used to support a step, platform, or trestle scaffold.

(3) A ladder used to support a step, platform, and trestle ladder scaffold shall be placed, fastened, or equipped with a device to prevent slipping.

(4) A scaffold shall not be bridged to another scaffold.

R 408.41256b Repair bracket scaffolds.

Rule 1256b. (1) Brackets shall be secured in place by at least 1 wire rope that is at least 1/2 of an inch (1.27 centimeter) in diameter.

(2) Each bracket shall be attached to the securing wire rope or ropes by either a positive locking device capable of preventing the unintentional detachment of the bracket from the rope or by equivalent means.

(3) Each bracket, at the contact point between the supporting structure and the bottom of the bracket, shall have a shoe (heel block or foot) capable of preventing the lateral movement of the bracket.

(4) A platform shall be secured to the brackets in a manner that will prevent the separation of the platform from the brackets and the movement of the platform or the brackets on a completed scaffold.

(5) If a wire rope is placed around the structure to provide a safe anchorage for personal fall arrest systems used by employees erecting or dismantling scaffolds, then the wire rope shall comply with the requirements of Construction Safety Standard part 45 “Fall Protection,” as referenced in R 408.41202, or this standard, but shall be at least 5/16 of an inch (0.8 centimeter) in diameter.

(6) A wire rope used for securing brackets in place or as an anchorage for personal fall arrest systems shall be protected from damage due to contact with edges, corners, protrusions, or other discontinuities of the supporting structure or scaffold components.

(7) The tensioning of a wire rope used for securing brackets in place or as an anchorage for personal fall arrest systems shall be accomplished either by means of a turnbuckle at least 1 inch (2.54 centimeter) in diameter or by equivalent means.

(8) A turnbuckle shall be connected to the other end of its rope using an eye splice thimble of a size appropriate to the turnbuckle to which it is attached.

(9) U-bolt wire rope clips shall not be used on any wire rope used to secure brackets or to serve as an anchor for personal fall arrest systems.

(10) An employer shall ensure that materials are not dropped to the outside of the supporting structure.

(11) Scaffold erection shall progress in only 1 direction around any structure.

WIRE, FIBER, AND SYNTHETIC ROPE

R 408.41261 Wire rope.

Rule 1261. (1) A wire rope shall be inspected for defects by a competent person before each work shift and after every occurrence that could affect a rope’s integrity. A rope shall be replaced if any of the following conditions exist:

(a) Physical damage that impairs the function and strength of the rope.

(b) Kinks that might impair the tracking or wrapping of rope around the drum or sheaves.

(c) Six randomly distributed broken wires in 1 rope lay or 3 broken wires in 1 strand in 1 rope lay.

(d) Abrasion, corrosion, scrubbing, flattening, or peening that has caused the loss of more than 1/3 of the original diameter of the outside wires.

(e) Heat damage caused by a torch or any damage caused by contact with electrical wires.

(f) Evidence that the secondary brake has been activated during an overspeed condition and has engaged the suspension rope.

(2) Wire rope that is bent to form an eye over a bolt or rod which has a diameter of less than 4 times the rope diameter shall be equipped with a metal thimble.

(3) Swaged attachments or spliced eyes on wire suspension ropes shall not be used unless they are made by the wire rope manufacturer or a qualified person.

(4) If wire rope clips are used on suspension scaffolds, then all of the following provisions apply:

(a) Clips shall be installed according to the manufacturer’s recommendations.

(b) Clips shall be retightened to the manufacturer’s recommendations after the initial loading.

(c) Clips shall be inspected and retightened to the manufacturer's recommendations at the start of each work shift.

(d) U-bolt clips shall not be used at the point of suspension for any scaffold hoist.

(e) If U-bolt clips are used, then the U-bolt shall be placed over the dead end of the rope and the saddle shall be placed over the live end of the rope.

(5) Wire rope shall not come in contact with sharp edges.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on August 10, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. 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 licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.42501, R 408.42502, R 408.42503, R 408.42517, R 408.42518, R 408.42520, R 408.42523, and R 408.42533 of the Michigan Administrative Code are amended, as follows:

PART 25. CONCRETE CONSTRUCTION

R 408.42501 Scope.

Rule 2501. This standard pertains to all of the following:

- (a) The reinforcing, pouring, stressing, lifting, and floating of concrete.
- (b) The construction of forms and shoring used in connection with concrete construction.
- (c) Prestressed and poststressed operations.
- (d) Precast, tilt-up, and lift-slab operations.

R 408.42502 Adoption of standards.

Rule 2502.(1) The following standards are adopted by reference in these rules and are available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado, 80112, telephone number 1-800-854-7179, website: www.global.ihc.com, at a cost as of the time of adoption of these rules, as stated in this rule:

(a) American National Standard Institute standard ANSI A10.9, "Concrete Construction and Masonry Work," 1983 edition. Cost: \$20.00.

(b) American Welding Society standard AWS D1.1/D1.1M, "Structural Welding Code Steel," 2002 edition. Cost: \$468.00.

(2) The following standard is adopted by reference in these rules, American Welding Society standard AWS B1.10, "Guide for the Nondestructive Examination of Welds," 1999 edition. This standard is available from The AWS Store Customer Service, 13301 NW 47 Avenue, Opa-Locka, Florida 33054 USA; telephone number: 305-826-6192; or via the internet at website: www.aws.org; at a cost as of the time of adoption of these rules of \$104.00.

(3) The standards adopted in these rules are available for inspection at the Michigan Department of Licensing And Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan 48909-8143.

(4) Copies of these standards may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

R 408.42503 Reference of standards.

Rule 2503. 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 Michigan Department of Licensing And Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48908-8143, 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 12 “Scaffolds and Scaffold Platforms,” R 408.41201 to R 408.41264.

(b) Construction Safety Standard Part 21 “Guarding of Walking and Working Areas,” R 408.42101 to R 408.42160.

(c) Construction Safety Standard Part 45 “Fall Protection,” R 408.44501 to R 408.44502.

R 408.42517 Construction equipment and material requirements; adoption by reference.

Rule 2517. (1) Equipment and material used in concrete construction and masonry work shall meet the applicable requirements prescribed in American national standard institute standard ANSI A10.9, “Concrete Construction and Masonry Work,” 1983 edition, as adopted in R 408.42502.

(2) The minimum safety factors of formwork accessories shall be as prescribed in table 1, as follows:

TABLE 1		
MINIMUM SAFETY FACTORS OF FORMWORK ACCESSORIES*		
Accessory	Safety Factor	Type of Construction
Form Tie	1.5	Light formwork, 8 feet or less in height with no hazard to life.
	2.0	All formwork over 8 feet in height or hazardous to life. Formwork for architectural concrete.
Form Anchor	2.0	Formwork supporting form weight and concrete pressures only.
	3.0	Formwork supporting weight of forms, concrete, construction live loads, and impact.
Form Hangers	2.0	All applications.
Anchoring inserts used as form ties.	2.0	Precast concrete panels when used as formwork.
*Safety factors are based on ultimate strength of accessory.		

R 408.42518 Reinforcing steel.

Rule 2518. (1) A route designated as a means of access or egress across reinforcing steel for general traffic shall be provided with a walkway.

(2) All protruding reinforcing steel, onto and into which employees could fall, shall be guarded to eliminate the hazard of impalement.

(3) Reinforcing steel or walls, piers, columns, and other similar vertical structures shall be guyed, braced, or otherwise supported to prevent collapse.

(4) Reinforcing steel shall not be used as a scaffolding hook or stirrup or as a load-bearing member in a lifting device.

(5) Reinforcing steel shall not be welded and used as a load-bearing member.

(6) Roll wire mesh shall be secured at each end to prevent dangerous recoiling action.

R 408.42520 Concrete mixing, pouring, and floating.

Rule 2520. (1) A concrete mixer that is equipped with a 1-yard or larger loading skip shall be equipped with a mechanical device to clear the skip of material.

(2) A guardrail that is capable of withstanding a 200-pound side thrust shall be provided on each side of a skip on a mixer that has a capacity of 1 or more yards.

(3) The handle on a bull float that is used where it may contact an energized electrical conductor shall be constructed of nonconductive material or shall be insulated with a nonconductive sheath that has electrical and mechanical characteristics which provide the equivalent protection of a handle constructed of nonconductive material.

(4) A powered and rotating-type concrete troweling machine that is manually guided shall be equipped with a control switch that will automatically shut off the power when the operator removes his or her hands from the equipment handles or switch.

(5) The handles of a concrete buggy shall not extend horizontally beyond the wheels on either side of the buggy.

(6) A concrete bucket that is equipped with a hydraulically or pneumatically operated gate shall have a positive safety latch or a similar safety device installed to prevent premature or accidental dumping. The bucket shall be designed to prevent aggregate and loose material from accumulating on the top and sides of the bucket.

(7) An employee shall not be permitted to ride a bucket or walk or work under a bucket that is suspended from a crane or cableway.

(8) A concrete bucket that is positioned by a crane or cableway shall be suspended from an approved swivel safety-type hook.

(9) A pumpcrete or similar system using discharge pipe shall have pipe supports that are designed for a 100% overload. Compression air hoses in the system shall be provided with positive fail-safe joint connectors to prevent the separation of sections when pressurized.

(10) A runway, ramp, or scaffold shall be provided for placement of concrete in areas such as walls, piers, columns, and beams, as prescribed in Construction Safety Standards Part 12 “Scaffolds and Scaffold Platforms,” Part 21 “Guarding of Walking and Working Areas,” and Part 45 “Fall Protection,” as referenced in R 408.42503.

(11) A concrete mixer, or other equipment, such as a compressor, screen, or pumps used for concrete construction activities, where inadvertent operation of the equipment may occur and cause injury, shall be locked out when an employee is performing maintenance or repair. An employee who is inside a concrete mixer performing maintenance or repair shall have the only key to the lock.

(12) Sections of tremies and similar concrete conveyances shall be secured with wire rope, or equivalent materials, in addition to the regular couplings or connections.

R 408.42523 Vertical slip forms.

Rule 2523. (1) Field operations for vertical slip forms shall be under the supervision of a qualified person. The qualified person shall be present on the deck during slipping operations.

(2) A lift shall proceed steadily and uniformly and shall not exceed the predetermined rate of lift.

(3) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be specifically designed for such climbing or lifting. Such rods shall be adequately braced if they are not encased in concrete.

(4) Jacks and vertical supports shall be positioned so that the vertical loads are distributed equally and do not exceed the capacity of the jacks.

(5) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to prevent slippage due to the failure of the power supply of the lifting mechanism.

(6) Vertical lift forms shall be provided with scaffolding or work platforms that completely encircle the area of placement. The scaffolds shall be as prescribed in Construction Safety Standard Part 12 “Scaffolds and Scaffold Platforms,” as referenced in R 408.42503.

(7) Lateral and diagonal bracing of vertical slip forms shall be provided to prevent excessive distortion of the structure during the jacking operation.

(8) During a jacking operation, a qualified person shall maintain the form structure in line and plumb.

R 408.42533 Lift-slab operations.

Rule 2533. (1) A registered professional engineer who is qualified in lift-slab operations shall design and plan lift-slab operations. An employer shall implement the plans and designs and shall include

detailed instructions and sketches that indicate the prescribed method of erection. The plans and designs shall also include provisions for ensuring lateral stability of the building or structure during construction.

(2) An employer shall ensure that jacks are marked to indicate the rated capacity established by the manufacturer.

(3) An employer shall ensure that jacks are not loaded beyond the rated capacity established by the manufacturer.

(4) An employer shall ensure that jacking equipment is not overloaded and the threaded rods and other members that transmit loads to the jacks are capable of supporting not less than 2 1/2 times the load to be applied. Jacking equipment shall include all of the following:

- (a) Jacks and other lifting units.
- (b) Lifting angles.
- (c) Lifting nuts.
- (d) Hook-up collars.
- (e) T-caps.
- (f) Shearheads.
- (g) Columns and footings.

(5) An employer shall ensure that a jack is designed and installed so that it will not lift or continue to lift when it is loaded in excess of its rated capacity.

(6) An employer shall ensure that a jack has a safety device installed that will cause the jack to support the load in any position if the jack malfunctions or loses its lifting ability.

(7) An employer shall ensure that jacking operations are synchronized to ensure even and uniform lifting of the slab. An employer shall ensure, that during lifting, all points of the slab support are kept within 1/2 of an inch of that needed to maintain the slab in a level position.

(8) If leveling is automatically controlled, then an employer shall ensure that a device is installed which will stop the operation when the 1/2-inch tolerance specified in subrule (7) of this rule is exceeded or when there is a malfunction in the jacking system.

(9) An employer shall ensure that the maximum number of manually controlled jacks on 1 slab is limited to a number, which shall not be more than 14, that will permit the operator to maintain the slab level within specified tolerances. The controls shall be located near a qualified person.

(10) An employer shall ensure that an employee, except for an employee who is essential to the jacking operation, is not permitted in the building while any jacking operation is taking place. For the purpose of this subrule, a jacking operation begins when a slab or group of slabs is lifted and ends when the slabs are secured with either temporary connections or permanent connections.

(11) An employer shall ensure that an employee is not permitted under a slab during jacking operations.

(12) An employer shall ensure that all welding on temporary and permanent connections is performed in accordance with the requirements of the American welding society standards AWS D1.1/D1.1M, "Structural Welding Code Steel," 2002 edition, and AWS B1.10, "Guide for the Nondestructive Examination of Welds," 1999 edition. These standards are adopted by reference in R 408.42503. An employer shall ensure that the welders are familiar with the welding requirements specified in the lift-slab plan and specifications.

(13) An employer shall ensure that load transfer from jacks to building columns is not executed until the welds on the column shear plates are cooled to air temperature.

(14) An employer shall ensure that jack-lifting units are positively secured to building columns so that they do not become dislodged or dislocated.

(15) An employer shall ensure that equipment is designed and installed so that the lifting rods cannot slip out of position or the employer shall initiate other measures, such as the use of locking or blocking

devices, that will provide attachments and prevent components from disengaging during lifting operations.

(16) Lifting devices, other than jacks covered by subrule (4) of this rule, shall be of sufficient strength and design to provide a safety factor not less than 5 times the working load.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on August 11, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. 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 licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and MCL 408.1024, and Executive Reorganization Orders Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 325.51995, R 325.51996, and R 325.51997 of the Michigan Administrative Code are amended as follows:

PART 604. Chromium (VI) in Construction

R 325.51995 Scope and application.

Rule 1. (1) This standard applies to all occupational exposures to chromium (VI) in all forms and compounds in construction, except for any of the following:

(a) Exposures that occur in the application of pesticides regulated by the environmental protection agency or another federal or state government agency, such as the treatment of wood with preservatives.

(b) Exposures to portland cement.

(c) Where the employer has objective data demonstrating that a material containing chromium or a specific process, operation, or activity involving chromium cannot release dusts, fumes, or mists of chromium (VI) in concentrations at or above $0.5 \mu\text{g}/\text{m}^3$ as an 8-hour time-weighted average (TWA) under any expected conditions of use.

(2) This standard does not apply to general industry work as defined by 1974 PA 154 as amended, MCL 408.1001 to MCL 408.1094. Exposure to chromium (VI) in general industry work is covered by Occupational Health Standard Part 315 "Chromium (VI) in General Industry" as referenced in R 325.51997.

R 325.51996 Adoption of federal standard.

Rule 2. (1) The federal occupational safety and health administration (OSHA) regulation 29 C.F.R. §1926.1126 "Chromium (VI)," amended March 26, 2012 is adopted by reference in these rules.

(2) As used in these rules, "Assistant secretary," means the director of the department of licensing and regulatory affairs or his or her designated representative.

(3) As used in these rules, "§1910.134" means Occupational Health Standard Part 451 "Respiratory Protection."

(4) As used in these rules, "§1910.1200," means Occupational Health Standard Part 430 "Hazard Communication."

(5) As used in these rules, "§1910.1020," means Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets."

(6) The federal regulation adopted in this rule has the same force and effect as a rule promulgated pursuant to the provisions of the Michigan Occupational Safety and Health Act (MIOSHA) 1974 PA 154, MCL 408.1001 to 408.1094.

R 325.51997 Adopted and referenced standards.

Rule 3. (1)The OSHA standard 29 C.F.R. §1926.1126 "Chromium (VI)," amended March 26, 2012 is available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge, as of the time of adoption of these rules.

(2) The standard adopted in these rules is available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) The standard adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West 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 administrative (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West 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, as of the time of adoption of these rules, is 4 cents per page.

(a) Occupational Health Standard Part 315 "Chromium (VI) in General Industry," R 325.50141 to R 325.50143.

(b) Occupational Health Standard Part 430 "Hazard Communication," R 325.77001 to R 325.77003.

(c) Occupational Health Standard Part 451 "Respiratory Protection," R 325.60051 and R 325.60052.

(d) Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," R 325.3451 to R 325.3476.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

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These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. 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 licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and MCL 408.1024, and Executive Reorganization Orders Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 325.50141, R 325.50142, and R 325.50143 of the Michigan Administrative Code are amended as follows:

PART 315. Chromium (VI) in General Industry

R 325.50141 Scope and application.

Rule 1. (1) This standard applies to all occupational exposures to chromium (VI) in all forms and compounds in general industry, except for any of the following:

(a) Exposures that occur in the application of pesticides regulated by the environmental protection agency or another federal or state government agency, such as the treatment of wood with preservatives.

(b) Exposures to portland cement.

(c) Where the employer has objective data demonstrating that a material containing chromium or a specific process, operation, or activity involving chromium cannot release dusts, fumes, or mists of chromium (VI) in concentrations at or above 0.5 µg/m³ as an 8-hour time-weighted average (TWA) under any expected conditions of use.

(2) This standard does not apply to construction work as defined by 1974 PA 154 as amended, MCL 408.1001 to MCL 408.1094. Exposure to chromium (VI) in construction work is covered by Occupational Health Standard Part 604 "Chromium (VI) in Construction," as referenced in R 325.50143.

R 325.50142 Adoption of federal standard.

Rule 2. (1) The federal Occupational Safety and Health Administration (OSHA) regulation 29 C.F.R. §1910.1026 "Chromium (VI)," amended March 26, 2012, is adopted by reference in these rules.

(2) As used in these rules, "Assistant Secretary," means the director of the department of licensing and regulatory affairs or his or her designated representative.

(3) As used in these rules, "§1910.134" means Occupational Health Standard Part 451 "Respiratory Protection."

(4) As used in these rules, "§1910.1200," means Occupational Health Standard Part 430 "Hazard Communication."

(5) As used in these rules, "§1910.141," means Occupational Health Standard Part 474 "Sanitation."

(6) The federal regulation adopted in this rule has the same force and effect as a rule promulgated pursuant to the provisions of the Michigan Occupational Safety and Health Act (MIOSHA) 1974 PA 154, MCL 408.1001 to 408.1094.

R 325.50143 Adopted and referenced standards.

Rule 3. (1) The OSHA standard 29 C.F.R. §1910.1026 "Chromium (VI)," amended March 26, 2012, is available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge, as of the time of adoption of these rules.

(2) The standard adopted in these rules is available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) The standard adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West 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 administrative (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West 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, as of the time of adoption of these rules, is 4 cents per page.

(a) Occupational Health Standard Part 430 "Hazard Communication," R 325.77001 to R 325.77003.

(b) Occupational Health Standard Part 451 "Respiratory Protection," R 325.60051 and R 325.60052.

(c) Occupational Health Standard Part 474 "Sanitation," R 325.47401 to R 325.47425.

(d) Occupational Health Standard Part 604 "Chromium (VI) in Construction," R 325.51995 to R 325.51997.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

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These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. 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 licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.10501, R 408.10502, R 408.10509, R 408.10511, R 408.10512, R 408.10513, R 408.10521, R 408.10522, R 408.10523, R 408.10524, R 408.10525, R 408.10526, R 408.10528, R 408.10529, R 408.10532, R 408.10542, R 408.10544, R 408.10546, R 408.10548, R 408.10561, R 408.10564, R 408.10565, R 408.10567, R 408.10568, R 408.10569, R 408.10572, R 408.10575, R 408.10576, R 408.10577, R 408.10578, R 408.10579, R 408.10580, R 408.10582, R 408.10583, R 408.10584, R 408.10585, R 408.10589, R 408.10591, and R 408.10592 of the Michigan Administrative Code are amended, and R 408.10568a, R 408.10568b, R 408.10568c, R 408.10568d, R 408.10568e, R 408.10568f, R 408.10568g, R 408.10575a, R 408.10575b, R 408.10575c, R 408.10575d, R 408.10575e, R 408.10575f, R 408.10575g, and R 408.10575h are added, as follow:

PART 5. SCAFFOLDING

GENERAL PROVISIONS

R 408.10501 Scope.

Rule 501. (1) This standard applies to scaffolds and the use of material and equipment in conjunction with scaffolding around or about places of employment.

(2) Powered and manual mobile elevating platforms and self-propelled vehicle mounted elevating and rotating platforms are not included in these rules but are provided for in General Industry Safety Standard Part 58 “Aerial Work Platforms,” as referenced in R 408.10509.

R 408.10502 Applicability for powered platforms.

Rule 502. (1) These rules apply to all new permanent installations for powered platforms and modifications to existing buildings that affect the structural integrity of the building exterior, tie-in guides and attachments, and the supporting structure for the powered platforms.

(2) Employers shall ensure compliance with these rules for any powered platform that is powered by a source other than electricity except for those rules that govern the electrical power source. The

alternative power source shall be outfitted with protective devices that are equivalent to the protection that is provided by rules pertaining to an electrical power source.

(3) Scaffolds that are not covered by this standard shall be as safe or safer for employees as scaffolds that are regulated by these rules.

(4) Permanent installations shall be in compliance with the provisions of Appendix D “Existing Installations – Mandatory.” The following standards are referenced in Appendix D and adopted in R 408.40509.

(a) ANSI A120.1 "Safety Requirements for Powered Platforms for Exterior Building Maintenance" 1970 edition.

(b) Subpart S means General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems.”

(c) ANSI A12.1 "Safety Requirements for Floor and Wall Openings, Railings and Toeboard" 1967 edition.

R 408.10509 Adopted and referenced standards.

Rule 509. (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 of the time of adoption of these rules, as stated in this subrule:

(a) American National Society Institute (ANSI) Standard ANSI A120.1 ‘Safety Requirement for Powered Platforms for Exterior Building Maintenance,’ 1970 edition, also known as American Society of Mechanical Engineers (ASME) Standard ASME A120.1 ‘Safety Requirements Powered Platforms and Traveling Ladders and Gantries for Building Maintenance,’ 1970 edition. Cost \$20.00.

(b) ANSI A12.1 ‘Safety Requirements for Floor and Wall Openings, Railings and Toeboard,’ 1967 edition. Cost \$20.00.

(2) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) Copies of the standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West 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 Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory services section, 530 West 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) General Industry Safety Standard Part 2 “Floor and Wall Openings, Stairways, and Skylights,” R 408.10201 to R 408.10241.

(b) General Industry Safety Standard Part 3 “Fixed Ladders,” R 408.10301 to R 408.10372.

(c) General Industry Safety Standard Part 4 “Portable Ladders,” R 408.10401 to R 408.10456.

(d) General Industry Safety Standard Part 7 “Guards for Power Transmission,” R 408.10701 to R 408.10765.

(e) General Industry Safety Standard Part 8 “Portable Fire Extinguishers,” R 408.10801 to R 408.10839.

(f) General Industry Safety Standard Part 21 “Powered Industrial Trucks,” R 408.12101 to R 408.12193.

(g) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(h) General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” R 408.13901 to R 408.13902.

(i) General Industry Safety Standard Part 58 “Aerial Work Platforms,” R 408.15801 to R 408.15842.

R 408.10511 General requirements.

Rule 511. (1) When required by this part, a safety harness, lanyard, and lifeline shall be provided to employees and used as prescribed in General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.10509.

(2) Except where a ladder, as prescribed in General Industry Safety Standard Part 4 “Portable Ladders,” as referenced in R 408.10509, or a self-propelled vehicle mounted elevating platform is furnished, an employee engaged in work that cannot be done safely from the ground or from solid construction shall be provided a scaffold from which to work or shall wear a safety harness and lifeline.

(3) A scaffold, part, or material used in scaffolding shall not be furnished or used if it has a defect that would create a hazard to an employee. A scaffold damaged or weakened from any cause shall be repaired before use.

(4) A scaffold shall not be loaded to more than the designed working load.

(5) Materials being hoisted to a scaffold shall have a tag line when necessary to control the load.

(6) Tools, materials, and debris shall not be permitted to accumulate in a quantity to cause a hazard.

(7) Precautions shall be taken to protect scaffold members, including suspension ropes, when using a heat producing process.

(8) A lifeline and safety harness shall be used where an employee is required to crawl out on a thrust out or projecting beam.

(9) An employer shall not permit an employee to work on a scaffold outdoors during a storm or high wind, or on a scaffold covered with ice or snow, except when performing emergency service. When performing emergency service, safeguards such as, but not limited to, lanyards and safety harnesses shall be used by the employee.

(10) Scaffolding endangered by a truck or other moving equipment shall be protected by a warning device, or barrier, or both.

(11) A scaffold shall not be altered or moved horizontally while it is in use or is being occupied unless the scaffold is specifically designed for occupied horizontal travel.

(12) Fiber rope used for or near any work involving the use of corrosive substances or chemicals shall be treated or protected against deterioration.

R 408.10512 Planking.

Rule 512. (1) Planking shall be scaffold grade and capable of supporting the intended load. The maximum span for a 2- by 10-inch or wider plank shall be as prescribed in table 1.

(2) Planking shall comply with all of the following:

(a) Extend over the end bearer not less than 6 inches, but not more than 12 inches.

(b) Be cleated or otherwise fastened to prevent shifting and be uniform in thickness, except where lapped as prescribed in subrule (3) of this rule.

(c) Consist of not less than 2 2- by 10-inch wide boards.

(3) Where planks are lapped, each plank shall lap its bearer not less than 6 inches, which will provide minimum overlap of 12 inches.

(4) Where the ends abut each other, the butt joint shall be at the center line of a pole and rest on separate bearers.

(5) A manufactured plank, or pick, shall be used as prescribed in the manufacturer's instructions.

(6) Planks shall be laid with their edges close together so as to prevent material and tools from falling.

(7) Where a scaffold turns a corner, the planks shall be laid to prevent tipping. The planks that meet the corner bearer at an angle shall be laid first, extending over the diagonally placed bearer far enough to have a good bearing, but not far enough to tip. The planks running in the different direction shall be laid so as to extend over and rest on the first layer of planks.

(8) Table 1 reads as follows:

TABLE 1					
Planking span Table	Material				
	Full thickness Undressed lumber			Nominal thickness lumber	
Working load (p.s.f.)	20	50	75	25	50
Permissible span (ft.)	10	8	6	8	7

R 408.10513 Construction.

Rule 513. (1) A scaffold and its components shall have a designed safety factor of not less than 4 with the load figure including the total weight of materials, men, and scaffold. Load-carrying timber members for scaffold framing shall be not less than 1500 fiber, stress grade, construction grade lumber.

(2) A scaffold, except a ladder scaffold, boatswain's chair, or needle beam scaffold, 10 feet or more above floor or ground level, shall have a standard barrier and toeboard pursuant to General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," as referenced in R 408.10509. A life line and safety harness shall be used where a railing is required but not practical.

(3) A scaffold over a walk, aisle, or work area shall have the sides screened from toeboard to the top rail where an employee is required to work or pass under the scaffold.

(4) When work is being performed above a scaffold, overhead protection consisting of 2 inch planks laid tight, or equivalent material, shall be installed not more than 9 feet above the scaffold floor.

(5) Where access is not available directly from a structure, a wood scaffolding shall have a stair to the platform or portable ladder pursuant to General Industry Safety Standard Part 4 "Portable Ladders," or a fixed ladder pursuant to General Industry Safety Standard Part 3 "Fixed Ladders," and as referenced in R 408.10509, except that a cage is not mandatory for the fixed ladder. Use of a stair or fixed ladder shall not have a tendency to tip the scaffold.

(6) Manufactured scaffolding shall be equipped with a stair or a fixed ladder, mounted by a portable ladder, except that a cage is not mandatory for a fixed ladder. On manufactured scaffolding purchased after November 16, 1974, and equipped with a built-in fixed ladder or an attached scaffold ladder, the ladder shall be constructed of rungs not less than 12 inches long, uniformly spaced not less than 12 inches nor more than 16 1/2 inches from the center of 1 rung to another and the rung and component parts shall support a minimum of 300 pounds.

(7) Instead of the requirements for a stair, fixed ladder, or portable ladder, the intermediate horizontal members of a frame of a manufactured tubular welded frame scaffold may be used for access to, and egress from, the work platform if all of the following conditions are met:

- (a) All frames and component parts are compatible in design.
- (b) The intermediate horizontal members of a frame are a minimum of 16 inches in length.
- (c) The horizontal members of each frame are uniformly spaced and do not exceed 17 inches center to center vertically.
- (d) When frames are connected vertically to one another, the distance between the bottom horizontal member of the upper end frame and the top horizontal member of the lower end frame is within 3 inches of the uniform spacing of the horizontal members of each frame.
- (e) The elevation to the lowest horizontal member of the bottom frame does not exceed 21 inches from ground or floor.
- (f) Each horizontal member is capable of supporting 300 pounds applied at the member's midpoint without bending or cracking.
- (g) Each horizontal member is inspected for, and found free of cracks, bends, or bad welds.
- (h) The guardrail system located on the side where horizontal members of the scaffold frame are used for access to or egress from, a work platform is constructed as follows:
 - (i) The intermediate rail shall be omitted between the corner posts at access location.
 - (ii) The top rail shall be continuous between posts.
 - (iii) Only 1 employee at a time shall use a horizontal member of a frame as access to, or egress from, the workstation.
- (8) Footing for a scaffold is sound, rigid, and capable of supporting the maximum intended load without settling or displacement. Objects such as barrels, boxes, loose brick, or concrete blocks shall not be used.
- (9) Poles, legs, or uprights of a scaffold is plumb and secured or braced to prevent swaying or displacement.
- (10) Load-carrying timber members of a scaffold are a minimum of 1500 fiber, stress grade, construction grade lumber.
- (11) Construction and attachment of a scaffold is such that there is no direct pull on the fasteners.

BUILT-UP SCAFFOLDS

R 408.10521 Wood pole scaffolds generally.

Rule 521. (1) When a wood pole is spliced, the ends shall be square and flat. Not less than 2 wood splice plates shall be secured to adjacent sides and shall be not less than 4 feet in length by 1 inch thick by the same width as the pole and have equal overlap to the joint. More than 1 consecutive splice per general level shall not be made (see figure 1).

(2) A pole scaffold shall be guyed or tied to the building or structure. Where the height or length is more than 25 feet, the scaffold shall be secured at intervals not more than 25 feet vertically and horizontally.

(3) Ledgers shall overlap the poles at each end by not less than 4 inches, be level, and be nailed to the inside of the poles. A ledger shall not be nailed less than 1 inch to the top edge.

(4) Two ledgers meeting at a pole shall be nailed to each other, and 2 ledgers meeting at a corner shall have 1 cut flush to the pole and the other nailed on the outside and overlap.

(5) A ledger shall not be spliced between poles. A spliced ledger shall be reinforced by a bearing block secured to the side of the pole to form a support for the ledger.

(6) A bearer shall be set with its greater dimension vertical and shall project 3 inches beyond the ledger and the inner and outer pole.

(7) Successive lengths of planking shall not abut on a single bearer and, where planks abut, 2 bearers shall be placed not more than 8 inches apart.

(8) When moving a work platform to a new level, the old platform shall remain in place until the new bearers are in place to receive the platform.

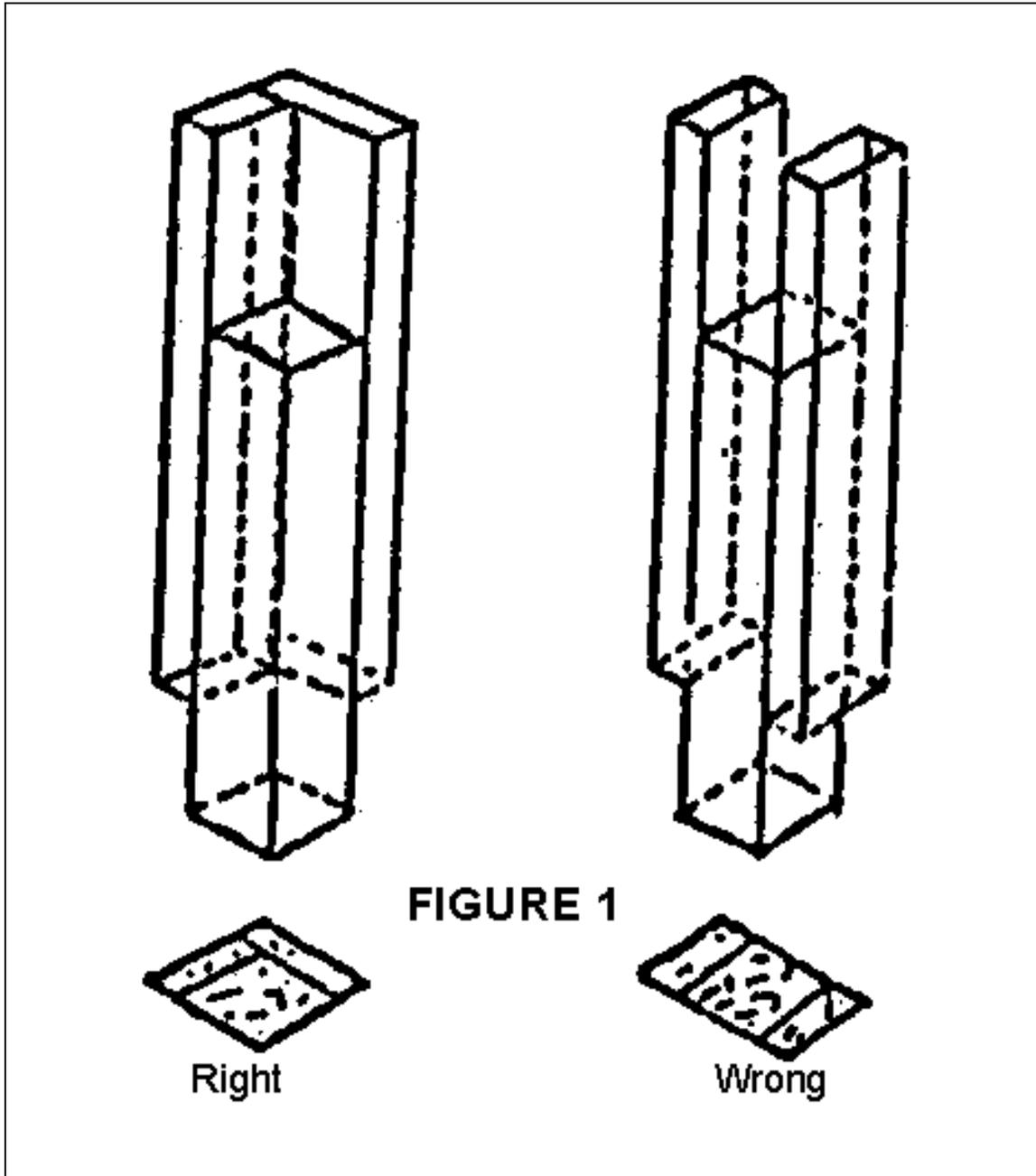
(9) A wood pole scaffold less than 60 feet in height shall use materials prescribed in tables 2 to 7. A scaffold more than 60 feet in height shall be designed by an engineer knowledgeable in scaffolds and erected as prescribed in the blueprints. A copy of the blueprint shall be on the jobsite. A wood pole scaffold shall not be erected beyond the reach of local fire fighting apparatus.

(10) Diagonal bracing shall be provided to prevent the poles moving in a direction parallel with the wall or from buckling. Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. Brace splices shall be at the poles.

(11) The free ends of a pole scaffold shall be cross braced.

(12) A wood pole scaffold shall not be erected beyond the reach of fire fighting equipment.

(13) Figure 1 reads as follows:



(14) Table 2 reads as follows:

<p style="text-align: center;">TABLE 2 Minimum Nominal Size and Maximum Spacing of Members of Single Pole Scaffolds Light Duty</p>		
	Maximum height of scaffold	
	20 ft.	60 ft.
Uniformly distributed load	Not to exceed 25 p.s.f.	
Poles or uprights	2 x 4 in.	4 x 4 in.
Pole spacing (longitudal)	6 ft. 0 in.	10 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.	5 ft. 0 in.
Bearers of putlogs to 3 ft. 0 in. width	2 x 4 in.	2 x 4 in.
Bearers of putlogs to 5 ft. 0 in. width	2 x 6 in. or 3 x 4 in.	2 x 6 in. or 3 x 4 in. (rough)
Ledgers	1 x 4 in.	1 1/4 x 9 in. (rough)
Planking	2 x 10 in. (rough)	2 x 10 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing, horizontal and diagonal	1 x 4 in.	1 x 4 in.
Tie-ins	1 x 4 in.	1 x 4 in.
Toeboards	4 in. high (min.)	4 in. high (min.)
Guardrail	2 x 4 in.	2 x 4 in.
All members except planking are used on edge.		

(15) Table 3 reads as follows:

<p style="text-align: center;">TABLE 3 Minimum Nominal Size and Maximum Spacing of Members of Single Pole Scaffolds Medium Duty</p>	
Uniformly distributed load	Not to exceed 50 p.s.f.
Maximum height of scaffold	60 ft.
Poles or uprights	4 x 4 in.
Pole spacing (longitudal)	8 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.
Bearers or putlogs	2 x 10 in. or 3 x 4 in.
Spacing of bearers or putlogs	8 ft. 0 in.
Ledgers	2 x 10 in.
Vertical spacing of horizontal members	9 ft. 0 in.
Bracing, horizontal	1 x 6 in or 1 1/4 x 4 in.
Bracing, diagonal	1 x 4 in.
Tie-ins	1 x 4 in
Planking	2 x 9 in.
Toeboards	4 in. high (minimum)
Guardrail	2 x 4 in.
All members except planking are used on edge.	

(16) Table 4 reads as follows:

<p style="text-align: center;">TABLE 4 Minimum Nominal Size and Maximum Spacing of Members of Single Pole Scaffolds Heavy Duty</p>	
Uniformly distributed load	Not to exceed 75 p.s.f.
Maximum height of scaffold	60 ft.
Poles or uprights	4 x 4 in.
Pole spacing (longitudal)	6 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.
Bearers or putlogs	2 x 10 in. or 3 x 5 in. (rough)
Spacing of bearers or putlog	6 ft. 0 in.
Ledgers	2 x 10 in.
Vertical spacing of horizontal members	6 ft. 6 in.
Bracing, horizontal and diagonal	2 x 4 in.
Tie-ins	1 x 4 in.
Planking	2 x 10 in.
Toeboards	4 in. high (minimum)
Guardrail	2 x 4 in.
All members except planking are used on edge.	

(17) Table 5 reads as follows:

<p style="text-align: center;">TABLE 5 Minimum Nominal Size and Maximum Spacing of Members of Independent Pole Scaffolds Light Duty</p>		
	Maximum height of scaffold	
	20 ft.	60 ft.
Uniformly distributed load	Not to exceed 25 p.s.f.	
Poles or uprights	2 x 4 in.	4 x 4 in.
Pole spacing (longitudal)	6 ft. 0 in.	10 ft. 0 in.
Pole spacing (transverse)	6 ft. 0 in.	10 ft. 0 in.
Ledgers	1 1/4 x 4 in.	1 1/4 x 9 in.
Bearers to 3 ft. 0 in. span	2 x 4 in.	2 x 4 in.
Bearers to 10 ft. 0 in. span	2 x 6 in. or 3 x 4 in.	2 x 9 (rough) or 3 x 8 in.
Planking	1 1/4 x 9 in. (rough)	2 x 10 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing horizontal and diagonal	1 x 4 in.	1 x 4 in.
Tie-ins	1 x 4 in.	1 x 4 in.
Toeboards	4 in. high	4 in. high (min.)
Guardrail	2 x 4 in.	2 x 4 in.
All members except planking are used on edge		

(18) Table 6 reads as follows:

<p style="text-align: center;">TABLE 6 Minimum Nominal Size and Maximum Spacing of Members of Independent Pole Scaffolds Medium Duty</p>	
Uniformly distributed load	Not to exceed 50 p.s.f.
Maximum height of scaffold	60 ft.
Poles or uprights	4 x 4 in.
Pole spacing (longitudinal)	8 ft. 0 in.
Pole spacing (transverse)	8 ft. 0 in.
Ledgers	2 x 10 in.
Vertical spacing of horizontal members	6 ft. 0 in.
Spacing of bearers	8 ft. 0 in.
Bearers	2 x 10 in. (rough) or 2 x 10 in.
Bracing, horizontal	1 x 6 in. or 1 1/4 x 4 in.
Bracing, diagonal	1 x 4 in.
Tie-ins	1 x 4 in.
Planking	2 x 10 in.
Toeboards	4 in. high (min.)
Guardrail	2 x 4 in.
All members except planking are used on edge	

(19) Table 7 reads as follows:

<p style="text-align: center;">TABLE 7 Minimum Nominal Size and Maximum Spacing of Members of Independent Pole Scaffolds Heavy Duty</p>	
Uniformly distributed load	Not to exceed 75 p.s.f.
Maximum height of scaffold	60 ft.
Poles or uprights	4 x 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.
Pole spacing (transverse)	8 ft. 0 in.
Ledgers	2 x 10 in.
Vertical spacing of horizontal members	4 ft. 6 in.
Bearers	2 x 10 in. (rough)
Bracing, horizontal and diagonal	2 x 4 in.
Tie-ins	1 x 4 in.
Planking	2 x 10 in.
Toeboards	4 in. high (min.)
Guardrail	2 x 4 in.
All members except planking are used on edge	

R 408.10522 Independent pole scaffold.

Rule 522. (1) An independent pole scaffold shall be set as close to the wall of the building as possible.

(2) Cross bracing shall be provided between the inner and outer set of poles of an independent pole scaffold.

R 408.10523 Single pole scaffold.

Rule 523. Single pole scaffolding shall meet all of the following requirements:

(a) Have the inner end of the bearer rest in the wall of the building with at least a 4-inch bearing. Notching is prohibited.

(b) Have the inner end of the bearer, when used on frame buildings, rest on a block 12 inches long and not less than 2 by 6 inches nominal size. The block shall be notched the width of the bearer and not less than 2 inches deep. The bearer shall be nailed to both the block and the building.

(c) Have the inner end of the bearer, when it comes at a window opening, supported by a plank of equal strength resting on the window sill and fastened to the building. The bearer shall be braced against displacement.

(d) Have a bearer reinforced with a 3/16 by 2-inch steel strip or its equivalent secured to its lower edge along its entire length.

R 408.10524 Suspension scaffolding.

Rule 524. (1) A suspension scaffold, including the supporting thrustout, shall be capable of sustaining a working load of 50 pounds per square foot with a designed safety factor of not less than 4.

(2) Wire ropes used on suspension scaffolding shall have a designed safety factor of not less than 6. Wire ropes fastened around a rod shall be equipped with a thimble.

(3) When "U" bolt clamps are installed, a minimum of 3 shall be used at each fastening with the "U" bolts installed on the dead end (see table 8). The clamps shall be retightened after loading.

(4) A thrustout for a suspension scaffold shall be not less than a 7-inch, 15.3-pound steel "I" beam which is not less than 15 feet long and which does not project more than 6 1/2 feet beyond the bearing point. It shall be set with the web vertical and spaced not more than 7 feet apart and shall project 1 foot beyond the outer edge of the suspension platform.

(5) The thrustout inner end shall be fastened to the frame of the building with bolts, anchor plates, lockwashers, and jam nuts and it shall be anchored against horizontal displacement or a thrustout may be counterbalanced if the counterweight is fastened to the thrustout. Sand bags or other loose material shall not be used. Where a counterweight is used, it shall be 3 times the supported weight and located on the inner end of the thrustout with the center of the counterweight mass not less than equidistant to the center of the weight of the load as measured from the fulcrum.

(6) A thrustout outer end shall be equipped with a stop-bolt to prevent the shackle slipping over the edge. A thrustout rigged over a parapet wall shall be supported by a wood block a minimum of 4 by 4 by 18 inches long nominal size at that point.

(7) A suspension platform shall be secured to prevent swinging away from the building. Rollers or fenders shall be provided to prevent striking the building and to facilitate raising and lowering.

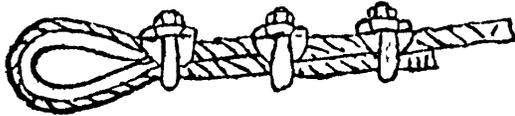
(8) A bearer for a suspension scaffold shall be made of 4- by 6-inch timber set on edge or structural steel of equivalent strength. A bearer shall have sufficient length to hold the planks between the frame where a hoisting machine is used. Plank edges shall abut.

(9) A powered hoisting machine, where used, shall conform to R 408.10548. The running ends of the suspension wire rope shall be securely attached to the hoisting drum, and not less than 4 turns of rope shall remain on the drum at all times.

(10) Each scaffold shall be installed or relocated in accordance with designs and instructions of a registered professional mechanical or civil engineer, and such installation or relocation shall be supervised by a competent designated person.

(11) Table 8 reads as follows:

TABLE 8
APPLYING WIRE ROPE CLIPS
 Distance between clips should be equal to six rope diameters



CORRECT METHOD:

U-Bolts of Clips on short end of rope.

WIRE ROPE OR CABLE NUMBER AND SPACING OF CLIPS FOR ROPES OF VARIOUS SIZES				
Diameter of rope (in.)	Number of clips	Center-to-center space between clips (in.)	Length of rope turned back exclusive of eye (in.)	Length of wrench (in.)
1/2	3	3	9	12
5 / 8	3	3 3/4	12	12
3/4	4	4 1/2	18	18
7 / 8	4	5 1/4	21	18
1	4	6	24	24
1 1/8	5	6 3/4	34	24
1 1/4	5	7 1/2	38	24
1 3/8	6	8 1/4	50	24
1 1/2	6	9	54	24

1 5/8	6	9 3/4	60	30
1 3/4	7	10 1/2	74	30
1 7/8	8	11 1/4	90	30
2	8	12	96	30
2 1/8	8	13	104	30
2 1/4	8	14	112	30

R 408.10525 Swinging scaffolds.

Rule 525. (1) A platform for a swing scaffold shall have a bar, strip, or other device attached to the platform outside the hanger to prevent the platform slipping off the hanger. A platform shall be not less than 20 inches nor more than 36 inches wide.

(2) Where rope and blocks are used to support a swing scaffold, the scaffold shall comply with all of the following requirements:

(a) Have hangers made of 3/4-inch round steel, or its equivalent, which are designed to have a flat bottom to hold a platform and which have arms to hold a standard barrier pursuant to R 408.10513 (2) and a loop to hold the hook on a block.

(b) Have supporting ropes of 3/4-inch, first-quality manila, or its equivalent, which are used with not less than 1 6-inch single and 1 6-inch double block. When acid cleaning or sandblasting is done, not less than 5/16 inch wire rope shall be used.

(c) Have all blocks fit the size of rope they carry.

(d) Have ropes made fast to the point of the hook on the hanger eye by a special hitch which cannot slip.

(3) The platform, rope, slings, and other supporting parts shall be inspected before each installation. Periodic inspections shall be made while the scaffold is in use.

(4) A hook with an eye or ring that is used to support the swing scaffold on the building shall be wrought iron or steel of a cross section not less than 5/8 by 2 inches, or equivalent, with the 5/8-inch measurement on the edge. Eaves or cornices shall be inspected for cracks, loose blocks, or other deterioration before setting the hooks. A hook shall have a safety line of 3/4-inch manila rope, or its equivalent, secured from an eye or ring to a structurally sound portion of the building to prevent slipping off the hook.

(5) Two or more scaffolds shall not be combined by bridging with planks or similar connecting links, unless the scaffolds are equipped with hoisting machines and the planking has the capability to pivot and remain secured to the unit.

(6) Occupancy on a swing scaffold shall be limited as follows:

(a) Maximum designed working load of 500 pounds, 2 employees.

(b) Maximum designed working load of 750 pounds, 3 employees.

(7) An employee using a swing scaffold shall use a safety harness tied to a lifeline by a lanyard not more than 48 inches long connected by an approved fall prevention device on the lifeline. The lifeline shall extend to the ground.

(8) In lieu of providing a lifeline, an employee may attach a safety harness and lanyard to the scaffold, if a separate fall prevention device is installed at each support point, using safety lines equivalent to the support ropes, and if the device is connected to the scaffold with a line which will allow a drop of not more than 12 inches.

(9) Swing scaffolds shall be equipped with rollers or fenders as prescribed in R 408.10524(7).

(10) When not in use, a swing scaffold shall be secured to the building or ground, and all tools and materials shall be removed.

(11) When a hoisting machine is used with a swing scaffold, it shall be as prescribed in R 408.10548 and R 408.10549.

R 408.10526 Outrigger's scaffolds.

Rule 526. (1) A thrustout for an outrigger scaffold shall be of timber 3 by 10 inches nominal, set on edge, or of structural steel of equal strength set with the web vertical. A thrustout shall extend outside the building not more than 6 feet, shall be spaced not ~~no~~ more than on 6 foot centers, and shall be fastened to prevent twisting or other movement. A thrustout shall be braced diagonally from the outside end to the building. The brace shall be not less than 25% longer than the extended length of the thrustout. The inboard end of outrigger beams, measured from the fulcrum point to the extreme point of support, shall be not less than 1 1/2 times the outboard end in length.

(2) A suspended platform shall be formed by use of 2 by 6 inch nominal vertical hangers and 2 by 6 inch nominal bearers. A vertical hanger shall be braced to prevent side sway and be not more than 10 feet long. Additional support blocks shall be nailed to the vertical hangers above the thrustouts and below the bearers. The inboard ends of outrigger beams shall be securely supported, either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joist underfoot, or by both if necessary. The inboard ends of outrigger beams shall be secured against tipping, and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(3) Planking for the platform shall abut edges tightly from end of thrustout to building or from vertical hanger to vertical hanger, and shall be as prescribed in R 408.10512.

(4) A standard barrier and toeboard shall be installed as prescribed in General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," as referenced in R 408.10509.

(5) A horse scaffold shall not be used with an outrigger's scaffold.

(6) Outrigger scaffolds designed by a registered professional mechanical or civil engineer shall be constructed and erected in accordance with such design. A copy of the detailed drawings and specifications, showing the sizes and spacing of members, shall be kept on the job. Where additional working levels are required to be supported by the outrigger method, the plans and specifications of the outrigger and scaffolding structure shall be designed by a registered professional mechanical or civil engineer.

R 408.10528 Ladder jack scaffolds.

Rule 528. (1) A ladder jack scaffold shall be used on a Type 1, sometimes-called heavy duty, manufactured ladder only, and at heights not more than 20 feet from the ground or floor level.

(2) The span of a wood plank shall be not more than 8 feet between ladder jacks, and the planking shall be as prescribed in R 408.10512.

(3) The span of a pick shall not exceed 24 feet.

(4) A ladder jack scaffold shall be limited to 2 employees at any 1 time, except if 3 ladders support the plank, then 3 employees may occupy the plank. Not more than 2 employees shall occupy any given 8 feet of plank at any 1 time.

(5) A ladder used with a ladder jack shall be equipped with nonslip feet pursuant to General Industry Safety Standard Part 4 "Portable Ladders," as referenced in R 408.10509.

(6) A ladder jack shall be made of metal with a designed strength to sustain the load as prescribed in R 408.10513(1). A ladder jack shall be designed to bear on the side rails in addition to the rungs, or if bearing on the rungs only, the bearing surface shall be not less than 10 lineal inches on each rung.

R 408.10529 Boatswain's chair.

Rule 529. (1) The wood seat of a boatswain's chair shall be not less than nominal 12 by 24 inches by 1 inch thick with the underside reinforced by cleats fastened to prevent splitting.

(2) Two 5/8-inch fiber, or equivalent, rope slings shall be reeved through 4 set holes so as to cross each other on the underside. Where an employee is using a heat- or spark-producing process such as gas or arc welding or cutting, 3/8-inch wire rope shall be used in place of the fiber rope.

(3) The employee shall use a safety harness and lifeline. The lifeline shall be securely attached to substantial members of the structure, not scaffold, or to securely rigged lines, which will safely suspend the worker in case of a fall.

(4) The tackle shall consist of bearing or bushed blocks and 5/8-inch manila rope, or its equivalent. A roof iron, hook, or other object to which the tackle is anchored shall be secured to prevent dislodgement. Tie backs shall be installed at right angles to the face of the building and secured to the roof hooks and the building.

R 408.10532 Working surfaces; steep slopes.

Rule 532. (1) An employee working on a roof where the working area is more than 20 feet above the ground, the pitch is more than 3 inches in 12 inches, and there is no roof parapet, shall be provided and use a roofing bracket scaffold or crawling board.

(2) An employee using a roofing bracket scaffold or crawling board shall use a safety harness and lifeline, or the employer must provide a catch platform. The catch platform shall extend 2 feet beyond the projection of the eaves or structure, whichever is farther away, and shall be equipped with a standard barrier and toeboard as prescribed in General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," as referenced in R 408.10509.

R 408.10542 Tube and coupler-type scaffolding.

Rule 542. (1) A light-duty tube and coupler scaffold shall have all posts, bearers, ledgers, and braces of not less than 2-inch nominal O.D. steel tubing or equivalent with the posts spaced not more than 6 feet apart by 10 feet along the length of the scaffold. Other structural members shall be capable of carrying the intended load. The scaffold shall be limited to those heights and working levels prescribed in table 10.

(2) A medium-duty tube and coupler scaffold shall have all posts, ledgers, and braces of not less than nominal 2-inch O.D. steel tubing or equivalent with the posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold. Bearers shall be nominal 2 1/2-inch O.D. steel tubing or equivalent, except that 2-inch O.D. tubing may be used if the posts are spaced not more than 5 feet apart by 8 feet along the length of the scaffold. Other structural members shall be capable of carrying the intended load. The scaffold shall be limited to those heights and working levels prescribed in table 11.

(3) A heavy-duty tube and coupler scaffold shall have posts, ledgers, and braces of not less than nominal 2-inch O.D. steel tubing or equivalent with the posts spaced not more than 6 feet apart by 6 1/2 feet along the length of the scaffold. Bearers shall be of not less than nominal 2 1/2-inch O.D. steel tubing or equivalent. Other structural members shall be capable of carrying the intended load. The scaffold shall be limited to those heights and working levels prescribed in table 12.

(4) A scaffold to be erected at a height greater than those prescribed in table 10, 11, or 12 shall be designed by an engineer knowledgeable in scaffolding and a copy of the blueprint shall be maintained at the jobsite.

(5) Tube and coupler type scaffolding shall comply with all of the following:

(a) Have ledgers erected along the length of the scaffold which are located on both inside and outside posts at each bearer level. Ledgers shall be interlocked to form continuous lengths and coupled to each

post. The bottom ledgers shall be located as close to the base as possible. Ledgers shall be placed not more than 6 feet 6 inches on centers, vertically.

(b) Have bearers installed transversely between posts which are coupled to the posts and bearing on the ledger coupler. A bearer shall be not less than 4 inches nor more than 12 inches longer than the post spacing or ledger spacing. A bearer may be cantilevered for use with brackets to carry not more than 2 planks.

(c) Be cross braced across the width of the scaffold from the inner to outer ledgers at not less than every third set of posts horizontally and every fourth runner vertically. The bracing shall extend diagonally from the inner and outer ledgers upward to the next outer and inner ledgers.

(d) Have longitudinal bracing installed at approximately a 45 degree angle from the base of the first outer post toward the top of the scaffold. Where possible, bracing shall be repeated every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the ledgers.

(6) Table 10 reads as follows:

TABLE 10 Tube and Coupler Scaffolds Light Duty		
Uniformly distributed loads		Not to exceed 25 p.s.f
Post spacing (longitudinal)		10 ft. 0 in.
Post spacing (transverse)		6 ft. 0 in.
Working levels	Additional planked levels	Maximum height
1	8	125 ft.
2	4	125 ft.
3	0	91 ft. 0 in.

(7) Table 11 reads as follows:

TABLE 11 Tube and Coupler Scaffolds Medium Duty	
Uniformly distributed load	Not to exceed 50 p.s.f
Post spacing (longitudinal)	8 ft. 0 in.
Post spacing (transverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.
2	0	78 ft. 0 in.

(8) Table 12 reads as follows:

TABLE 12 Tube and Coupler Scaffolds Heavy Duty		
Uniformly distributed load	Not to exceed 75 p.s.f	
Post spacing (longitudinal)	6 ft. 6 in.	
Post spacing (transverse)	6 ft. 0 in.	
Working levels	Additional planked levels	Maximum height
1	6	125 ft.

R 408.10544 Mobile scaffolds.

Rule 544. (1) A mobile scaffold shall be constructed as prescribed in R 408.10542 or R 408.10543 and shall be limited to a height of 50 feet unless designed and erected by an engineer knowledgeable in scaffolding.

(2) A mobile scaffold shall meet all the following requirements:

- (a) Not exceed a height of 4 times the minimum base dimension, or shall be guyed every 20 feet of height to prevent movement. Outriggers, when used, may be considered as part of the base dimension.
- (b) Have a landing platform at intervals of not more than 30 feet.
- (c) Have the wheels locked when in use and attached by pins or bolts, or other equivalent means, to the frame or adjusting screw.
- (d) Have a limit adjustment of screw jack to not more than 12 inches from top of castor bearing plate to bottom of frame. The castor stem shall fit the socket in the frame and extend inside not less than 6 inches.
- (e) Have all scaffold castors provided with a positive wheel, a swivel lock, or both, to prevent movement.
- (f) Have adequate rigid diagonal bracing to vertical members provided.
- (g) Have exposed surfaces free from sharp edges, burrs, and other hazards.
- (h) Have the width of a working platform at any level not less than 20 inches and secured in place.
- (i) Have the designed load of all mobile scaffolds calculated on the basis of all of the following:
 - (A) Light - Designed and constructed to carry a working load of 25 pounds per square foot.
 - (B) Medium - Designed and constructed to carry a working load of 50 pounds per square foot.

(C) Heavy - Designed and constructed to carry a working load of 75 pounds per square foot.

(j) Have the work level platform of scaffolds, sometimes called towers, of wood, aluminum, or plywood planking, steel, or expanded metal for the full width of the scaffold, except for necessary openings. Work platforms shall be secured in place.

(3) A sectional folding stairway scaffold shall meet all of the following requirements:

(a) Be designed as medium duty, except for high clearance. A sectional folding stairway scaffold with a high clearance base shall be designated as a light duty scaffold.

(b) Have an integral stairway and work platform incorporated into the structure.

(c) Have the end frames designed so that the horizontal bearers provide supports for multiple planking levels.

(d) Be not more than 4 1/2 feet wide by 6 feet in length.

(4) A sectional folding ladder scaffold shall meet all of the following requirements:

(a) Be designed as a light duty scaffold, including special base open end sections which are designed for high clearance. For certain special applications, the 6 foot in length folding ladder scaffolds, except for special high clearance base sections, shall be designed for use as medium duty scaffolds.

(b) Have a width of not more than 4 1/2 feet.

(c) Have a length of not more than 6 feet 6 inches for a 6-foot long unit, 8 feet 6 inches for an 8-foot unit, or 10 feet 6 inches for a 10-foot long unit.

(d) Have the end frames designed so that the horizontal bearers provide supports for multiple planking levels.

(e) Have an integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform incorporated into the structure.

R 408.10546 Powered and manual mobile elevating platforms.

Rule 546. (1) Powered and manual mobile elevating platforms shall be operated as prescribed in General Industry Safety Standard Part 58 "Aerial Work Platforms," as referenced in R 408.10509.

(2) Powered industrial trucks shall be operated as prescribed in General Industry Safety Standard Part 21 "Powered Industrial Trucks," as referenced in R 408.10509.

R 408.10548 Powered hoisting machine.

Rule 548. (1) A powered hoisting machine shall be inspected not less than once a month when in service and not put into service unless free of hazards.

(2) A powered hoisting machine manufactured after the effective date of this standard shall carry a label of an approved nationally recognized testing laboratory such as underwriters laboratories or factory mutual engineering corporation that the machine is approved for the use on a suspension scaffold, swinging scaffold, or powered mobile elevating platform.

POWERED PLATFORMS

R 408.10561 Installations.

Rule 561. (1) A powered platform installed, or that part of a powered platform modified, after August 27, 1971, shall be in compliance with the design and manufacturing requirements prescribed in ANSI A120.1, "Safety Requirements for Powered Platforms for Exterior Building Maintenance," 1970 edition, as adopted in R 408.10509, and as further prescribed in the rules of this standard.

(2) The following requirements apply to affected parts of buildings that utilize working platforms for building maintenance:

- (a) Structural supports, tie-downs, tie-in guides, anchoring devices, and any affected parts of the building that are included in the installation shall be designed by, or under the direction of, a registered professional engineer who is experienced in such design.
- (b) Exterior installations shall be capable of withstanding prevailing climatic conditions.
- (c) The building installation shall provide safe access to, and egress from, the equipment and shall provide sufficient space to conduct necessary maintenance of the equipment.
- (d) The affected parts of the building shall have the capability of sustaining all of the loads imposed by the equipment.
- (e) The affected parts of the building shall be designed to allow the equipment to be used without exposing employees to a hazardous condition.
- (3) The exterior of each building shall be provided with tie-in guides unless the conditions specified in either of the following provisions are met:
 - (a) Tie-in guides required pursuant to this rule may be eliminated for not more than 75 feet (22.9 m) of the uppermost elevation of the building if angulated roping is employed, if the use of tie-in guides is not feasible due to the exterior building design, and if an angulation force of not less than 10 pounds (44.4 n) is maintained under all conditions of loading.
 - (b) Tie-in guides may be eliminated if 1 of the specified guide systems is provided as specified in R 408.10562 and R 408.10563.

POWERED PLATFORM INSTALLATIONS - EQUIPMENT

R 408.10564 Design of installation; equipment.

Rule 564. (1) The requirements of this rule apply to equipment that is part of a powered platform installation, such as any of the following:

- (a) Platforms.
- (b) Stabilizing components.
- (c) Carriages.
- (d) Outriggers.
- (e) Hoisting machines.
- (f) Wire ropes.
- (g) Electrical components.
- (2) Equipment installations shall be designed by, or under the direction of, a registered professional engineer who is experienced in such design.
- (3) The design shall provide for a minimum live load of 250 pounds (113.6 kg) for each occupant of a suspended or supported platform.
- (4) Equipment that is exposed to wind when not in service shall be designed to withstand forces generated by winds that have a velocity of at least 100 miles per hour (44.7 m/s) at 30 feet (9.2 m) above grade.
- (5) Equipment that is exposed to wind when in service shall be designed to withstand forces generated by winds that have a velocity of at least 50 miles per hour (22.4 m/s) for all elevations.
- (6) Bolted connections shall be self-locking or shall otherwise be secured to prevent the loss of the connections by vibration.

R 408.10565 Roof cars; carriages; suspension methods.

Rule 565. (1) A roof car shall be used when it is necessary to move a working platform horizontally to a work or storage position.

(2) Movements of a roof car shall be restricted to a designated path of travel. Mechanical stops shall be provided and shall prevent the roof car from traversing outside the intended path of travel. The stops

shall be capable of withstanding a force equal to 100% of the inertial effect of the roof car under power and shall be designed to prevent a crushing or shearing hazard.

(3) Elevated building maintenance equipment shall be suspended by a roof car, carriage, outrigger, davits, or an equivalent method.

(4) Carriages or roof cars shall be in compliance with all of the following provisions:

(a) The horizontal movement of a carriage shall be controlled to ensure its safe movement and allow accurate positioning of the platform for vertical travel or storage.

(b) Powered carriages shall not exceed a traversing speed of 50 feet per minute (0.3 ms).

(c) The initiation of a traversing movement for a manually propelled carriage on a smooth level surface shall not require a person to exert a horizontal force of more than 40 pounds (444.8 n).

(d) Structural stops and curbs shall be provided to prevent the traversing of the carriage beyond its designed limits of travel.

(e) Traversing controls for a powered carriage shall be of a continuous pressure weatherproof type. Multiple controls, when provided, shall be arranged to permit operation from only 1 control station at a time. An emergency stop device shall be provided on each end of a powered carriage for interrupting power to the carriage drive motors.

(f) The operating control or controls shall be connected so that, in the case of suspended equipment, traversing of a carriage is not possible until the suspended portion of the equipment is located at its uppermost designed position for traversing and is free of contact with the face of the building or building guides. All protective devices and interlocks shall be in the proper position to allow traversing of the carriage.

(g) Stability for underfoot supported carriages shall be obtained by gravity, by an attachment to a structural support, or by a combination of gravity and a structural support. The use of flowing counterweights to achieve stability is prohibited.

(h) The stability factor against overturning shall not be less than 5 for horizontal traversing of the carriage, including the effects of impact and wind.

(i) The carriages and their anchorages shall be capable of resisting accidental over-tensioning-of the wire ropes that suspend the working platform, and this calculated value shall include the effect of 1-1/2 times the stall capacity of the hoist motor. The forces that result from the stall load of the hoist and 1/2 of the wind load shall not cause damage to any part of the installation.

(j) Roof carriages that rely on having tie-down devices secured to the building to develop the required stability against overturning shall be provided with an interlock that will prevent vertical platform movement unless the tie-down is engaged.

(k) An automatically applied braking or locking system, or an equivalent, shall be provided that will prevent the unintentional traversing of power-traversed or power-assisted carriages.

(l) A manual or automatic braking or locking system, or an equivalent, shall be provided that will prevent the unintentional traversing of manually propelled carriages.

(m) A means to lock out the power supply for the carriage shall be provided.

(n) Safe access to, and egress from, the carriage shall be provided from a safe surface. If the carriage traverses an elevated area, any operating area on the carriage shall be protected by a guardrail system in compliance with General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," as referenced in R 408.10509. Any access gate shall be self-closing and self-latching or shall be provided with an interlock.

(o) Each carriage work station position shall be identified by location markings or position indicators, or both.

(p) A motor shall stall if the load on the hoist motor is at any time more than 3 times that necessary for lifting the working platform with its rated load.

R 408.10567 Davits.

Rule 567. (1) Every davit installation, whether fixed or portable or rotatable or non-rotatable, shall be designed and installed to ensure that it has a stability factor against overturning of not less than 4.

(2) Both of the following requirements apply to roof-rigged davit systems:

(a) Access to and egress from the working platform shall be from a safe surface. Access or egress shall not require a person to climb over a building's parapet or guard railing.

(b) The working platform shall be provided with wheels, casters, or a carriage for traversing horizontally.

(3) Both of the following requirements apply to ground-rigged davit systems:

(a) The point of suspension shall not be more than 300 feet (91.5 m) above a safe surface. A guide system or systems shall be provided and shall be in compliance with the requirements of R 408.10561 and R 408.10562.

(b) Access and egress to and from the working platform shall only be from a safe surface that is below the point of suspension.

(4) A rotating davit shall not require a horizontal force of more than 40 pounds (177.9 n) per person to initiate a rotating movement.

(5) All of the following requirements apply to portable davits:

(a) A davit or part of a davit that weighs more than 80 pounds (36 kg) shall be provided with a means for its transport, which shall keep the center of gravity of the davit at or below 36 inches (914 mm) above the safe surface during transport.

(b) A davit shall be provided with a pivoting socket or with a base that will allow the insertion or removal of a davit at a position of not more than 35 degrees above the horizontal, with the complete davit inboard of the building face being serviced.

(c) Means shall be provided to lock the davit to its socket or base before it is used to suspend the platform.

R 408.10568 Roof guarding.

Rule 568. (1) Employees who work on roofs while performing building maintenance shall be protected by a perimeter guarding system that meets the requirements of General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," as referenced in R 408.10509.

(2) The perimeter guard shall not be more than 6 inches (152 mm) inboard of the inside face of a barrier, for example, the parapet wall, or roof edge curb of the building being serviced; however, the perimeter guard location shall not be set back more than 18 inches (457 mm) from the exterior building face.

R 408.10568a Equipment stops.

Rule 568a. Operational areas for trackless type equipment shall be provided with structural stops, such as curbs, to prevent equipment from traveling outside its intended travel areas and to prevent a crushing or shearing hazard.

R 408.10568b Maintenance access.

Rule 568b. Means shall be provided to traverse all carriages and their suspended equipment to a safe area for maintenance and storage. Maintenance shall be performed on equipment in a stored position when possible.

R 408.10568c Elevated track.

Rule 568c. Either of the following must be provided:

(a) An elevated track system that is located 4 feet (1.2 m) or more above a safe surface and that is traversed by carriage supported equipment shall be provided with a walkway and guardrail system.

(b) The working platform that is capable of being lowered, as part of its normal operation, to the lower safe surface for access and egress of the personnel and provided with a safe means of access and egress to the lower safe surface.

R 408.10568d Tie-down anchors.

Rule 568d. Imbedded tie-down anchors, fasteners, and affected structures shall be resistant to corrosion.

R 408.10568e Cable stabilization.

Rule 568e. (1) Hanging lifelines and all cables that are not in tension shall be stabilized at 200-foot (61 m) intervals of vertical travel of the working platform beyond an initial 200-foot (61 m) distance.

(2) Hanging cables, other than suspended wire ropes, that are in constant tension shall be stabilized when the vertical travel is more than an initial 600-foot (183 m) distance. Beyond the initial 600 feet, cables shall be stabilized at intervals of 600 feet (183 m) or less.

R 408.10568f Emergency planning.

Rule 568f. An employer shall develop and implement a written emergency action plan for each kind of working platform operation. This plan shall explain the emergency procedures that are to be followed in the event of a power failure, equipment failure, or other emergencies which may be encountered. The plan shall include building emergency escape routes, procedures, and alarm systems to be used by each employee before operating a platform. Upon initial assignment and when the plan is changed, the employer shall review, with each employee, those parts of the plan that the employee is required to know in the event of an emergency.

R 408.10568g Building maintenance.

Rule 568g. Repairs or major maintenance of those building portions that provide primary support for the suspended equipment shall not affect the capability of the building to be in compliance with the requirements of these rules.

R 408.10569 Electrical requirements.

Rule 569. The following electrical requirements apply to buildings that utilize working platforms for building maintenance:

(a) General building electrical installations shall be in compliance with the provisions of General Industry Safety Standard Part 39 "Design Safety Standards for Electrical Systems," as referenced in R 408.10509.

(b) Building electrical wiring shall be of such capacity that when a full load is applied to the equipment power circuit not more than a 5% drop from building service-vault voltage will occur at any power circuit outlet that is used by equipment regulated by these rules.

(c) The equipment power circuit shall be an independent electrical circuit that remains separate from all other equipment within or on the building, other than power circuits that are used for hand tools which will be used in conjunction with the equipment. If the building has an emergency power system, the equipment power circuit may also be connected to this system.

(d) The power circuit shall be provided with a disconnect switch that can be locked in the "off" or "on" position. The switch shall be located to allow the operators of the equipment access to the switch.

(e) The disconnect switch for the power circuit shall be locked in the "on" position when the equipment is in use.

R 408.10572 Working platforms.

Rule 572. A working platform that is used on the exterior of a building shall be equipped with rollers which will be in contact with the building face. Where the vertical working travel of a working platform is more than 130 feet, the platform shall be equipped with guide rollers or guide shoes which shall positively engage guides, such as "t" rails or indented mullions. The guide rollers or guide shoes shall enter the guides at the lowest possible speed and shall not require any manual assistance from an employee while the work platform is in motion. A working platform that is installed before the effective date of this standard and that has a rise of more than 130 feet may use an equivalent means to tie the platform to the building instead of guide rollers or guide shoes.

R 408.10575 Hoisting machines.

Rule 575. (1) The raising and lowering of suspended or supported equipment shall be performed only by a hoisting machine.

(2) Each hoisting machine shall be capable of arresting any overspeed descent of the load.

(3) Each hoisting machine shall be powered only by air, electric, or hydraulic sources.

(4) Each hoisting machine shall be capable of raising or lowering 125% of the rated load of the hoist.

(5) Moving parts of a hoisting machine shall be enclosed or guarded in compliance with the provisions of General Industry Safety Standard Part 7 "Guards for Power Transmission," as referenced in R 408.10509.

(6) Flammable liquids shall not be carried on the working platform.

(7) Winding drums, traction drums, and sheaves and directional sheaves that are used in conjunction with hoisting machines shall be sized for the wire rope that is used.

(8) Each winding drum shall be provided with a positive means of attaching the wire rope to the drum. The attachment shall be capable of developing not less than 4 times the rated load of the hoist.

(9) Each hoisting machine shall be provided with a primary brake and at least 1 independent secondary brake, each of which shall be capable of stopping and holding not less than 125% of the lifting capacity of the hoist.

(10) The primary brake shall be directly connected to the drivetrain of the hoisting machine and shall not be connected through belts, chains, clutches, or set screw-type devices. The brake shall automatically set when power to the prime mover is interrupted.

(11) The secondary brake shall be an automatic emergency type of brake that, if actuated during each stopping cycle, shall not engage before the hoist is stopped by the primary brake and shall stop and hold the platform within a vertical distance of 24 inches (609.6 mm).

(12) Any component of a hoisting machine that requires lubrication for its protection and proper functioning shall be provided with a means for that lubrication to be applied.

R 408.10575a Suspended equipment.

Rule 575a. (1) Each suspended unit component, except for suspension ropes and guardrail systems, shall be capable of supporting not less than 4 times the maximum intended live load applied or transmitted to that component.

(2) Each suspended unit component shall be constructed of materials that will withstand anticipated weather conditions.

(3) Each suspended unit shall be provided with a load rating plate which is conspicuously located and which states the unit weight and rated load of the suspended unit.

(4) When the suspension points on a suspended unit are not at the unit ends, the unit shall be capable of remaining continuously stable under all conditions of use and position of the live load and shall maintain not less than a 1.5 to 1 stability factor against unit upset.

(5) Guide rollers, guide shoes, or building face rollers shall be provided and shall compensate for variations in building dimensions and for minor horizontal out-of-level variations of each suspended unit.

(6) Each working platform of a suspended unit shall be secured to the building facade by 1 or more of the following methods or by an equivalent method that is in compliance with the provisions of R 408.10561 and R 408.10562:

- (a) Continuous.
- (b) Intermittent.
- (c) Button guide engagement.
- (d) Angulated roping.
- (e) Building face rollers.

(7) Each working platform of a suspended unit shall be provided with a guardrail system on all sides, which shall meet the requirements of General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," as referenced in R 408.10509. All of the following provisions apply to the guardrail system:

- (a) The system shall consist of a top guardrail, midrail, and toeboard.
- (b) The top guardrail shall be not less than 42 inches high and shall be able to withstand not less than a 200-pound force in any downward or outward direction.
- (c) The midrail shall be able to withstand not less than a 75-pound (333 n) force in any direction.
- (d) The areas between the guardrail and toeboard on the ends and outboard side, and the area between the midrail and toeboard on the inboard side, shall be closed with a material that is capable of withstanding a load of 100 pounds (45.4 kg.) applied horizontally over any area of 1 square foot (.09 m²). All openings in the material shall be small enough to prevent the passage of lifelines and potential falling objects that may be hazardous to persons below.
- (e) Toeboards shall be capable of withstanding a force of not less than 50 pounds (222 n) applied in any direction at any point along the toeboard.
- (f) Toeboards shall be not less than 4 inches in height from the top edge to the level of the platform floor.
- (g) Toeboards shall be securely fastened in place at the outermost edge of the platform and have not more than 1/4 of an inch (1.3 cm) clearance above the platform.
- (h) Toeboards shall be solid or have an opening that is not more than 1 inch (2.5 cm) in the greatest dimension.

R 408.10575b Two- and 4-point suspended working platforms.

Rule 575b. (1) The 2- and 4-point suspended working platform shall be not less than 24 inches (610 mm) wide and shall be provided with a minimum of a 12-inch (305 mm) wide passage at or past any obstruction on the platform.

(2) The flooring of the 2- and 4-point suspended working platform shall be of a slip-resistant type and shall not have an opening that would allow the passage of lifelines, cables, and other potential falling objects.

(3) The 2- and 4-point suspended working platform shall be provided with a means of suspension that will restrict the platform from tilting more than 15 degrees in any direction.

(4) Any cable that is suspended from above the 2- and 4-point suspended working platform shall be provided with a means for storage to prevent accumulation of the cable on the floor of the platform.

(5) All operating controls for the vertical travel of the 2- and 4-point suspended working platform shall be of the continuous-pressure type and shall be located on the platform.

(6) Each operating station of every 2- and 4-point suspended working platform shall be provided with a means of interrupting the power supply to all hoist motors to stop any further powered ascent or descent of the platform.

(7) The maximum rated speed of the 2- and 4-point suspended working platform shall not be more than 50 feet per minute (0.3 ms) for single-speed hoists and not more than 75 feet per minute (0.4 ms) for multispeed hoists.

(8) All tools, water tanks, and other accessories shall be secured to prevent their movement or accumulation on the floor of the 2- and 4-point suspended working platform.

(9) Portable fire extinguishers that are in compliance with the provisions of General Industry Safety Standard Part 8 "Portable Fire Extinguishers," as referenced in R 408.10509, shall be provided and securely attached on all 2- and 4-point suspended working platforms.

(10) Access to and egress from a 2- and 4-point suspended working platform, except for those that land directly on a safe surface, shall be provided by stairs, ladders, platforms, and runways that are in compliance with the provisions of General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," and General Industry Safety Standard Part 4 "Portable Ladders," as referenced in R 408.10509. Access gates shall be self-closing and self-latching.

(11) Means of access to or egress from a working platform that is 48 inches (1.2 m) or more above a safe surface shall be provided with a guardrail system or ladder-handrails that are in compliance with the provisions of General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," and General Industry Safety Standard Part 4 "Portable Ladders," as referenced in R 408.10509.

(12) The 2- and 4-point suspended working platform shall be provided with a secondary wire rope suspension system if the platform has overhead structures that restrict the emergency egress of employees. A horizontal lifeline or a direct connection anchorage shall be provided as part of a fall arrest system. The system shall be in compliance with the requirements of General Industry Safety Standard Part 33 "Personal Protective Equipment," as referenced in R 408.10509.

(13) A vertical lifeline shall be provided as part of a fall arrest system. The system shall be in compliance with the requirements of General Industry Safety Standard Part 33 "Personal Protective Equipment," as referenced in R 408.10509, for each employee on a working platform that is suspended by 2 or more wire ropes if the failure of 1 wire rope or suspension attachment will cause the platform to upset. If a secondary wire rope suspension is used, vertical lifelines are still required for the fall arrest system.

(14) An emergency electric operating device shall be provided on roof-powered platforms near the hoisting machine for use in the event of failure of the normal operating device that is located on the working platform or failure of the cable that is connected to the platform. The emergency electric operating device shall be mounted in a secured compartment and the compartment shall be labeled with instructions for use. A means for opening the compartment shall be mounted on a break-glass receptacle that is located near the emergency electric operating device or in an equivalent secure accessible location.

R 408.10575c Single point suspended working platforms.

Rule 575c. (1) The requirements of R 408.10575b(1) to (11) shall also apply to a single-point working platform.

(2) Each single-point suspended working platform shall be provided with a secondary wire rope suspension system that will prevent the working platform from falling if there is a failure of the primary means of support or if the platform contains overhead structures that restrict the egress of the employees. A horizontal lifeline or a direct connection anchorage that meets the requirements of Appendix C "Personal Fall Arrest System," shall be provided, as part of a fall arrest system that is in

compliance with the requirements of General Industry Safety Standard Part 33 "Personal Protective Equipment," as referenced in R 408.10509, for each employee on the platform.

R 408.10575d Ground-rigged working platforms.

Rule 575d. (1) The ground-rigged working platform shall be in compliance with all of the requirements of R 408.10575b(1) to (11).

(2) After each day's use, the power supply within the building shall be disconnected from a ground-rigged working platform, and the platform shall be either disengaged from its suspension points or secured and stored at grade.

R 408.10575e Intermittently stabilized platforms.

Rule 575e. (1) The intermittently stabilized platform shall be in compliance with the requirements of R 408.10575b(1) to (13).

(2) Each stabilizer tie shall be equipped with a quick-connect/quick-disconnect device that cannot be accidentally disengaged, that is for attachment to the building anchor, and that is resistant to adverse environmental conditions.

(3) The platform shall be provided with a stopping device that will interrupt the hoist power supply if the platform contacts a stabilizer tie during its ascent.

(4) Building face rollers shall not be placed at the anchor setting if exterior anchors are used on the building face.

(5) Stabilizer ties that are used on intermittently stabilized platforms shall allow for the specific attachment length that is needed to effect the predetermined angulation of the suspended wire rope. The specific attachment length shall be maintained at all building anchor locations.

(6) The intermittently stabilized platform shall be in continuous contact with the face of the building during ascent and descent.

(7) The attachment and removal of stabilizer ties shall not require the horizontal movement of the platform.

(8) The platform-mounted equipment and its suspension wire ropes shall not be physically damaged by the loads from the stabilizer tie or its building anchor. The platform, platform-mounted equipment, and wire ropes shall be able to withstand a load that is not less than twice the ultimate strength of the stabilizer tie.

R 408.10575f Button-guide stabilized platforms.

Rule 575f. (1) The button-guide stabilized platform shall be in compliance with the requirements of R 408.10575b(1) to (13).

(2) Each guide track on the button-guide stabilized platform shall engage a minimum of 2 guide buttons during any vertical travel of the platform after the initial button engagement.

(3) Each guide track on a button-guide stabilized platform that is part of a roof-rigged system shall be provided with a storage position on the platform.

(4) Each guide track on the button-guide stabilized platform shall be sufficiently maneuverable by platform occupants to permit easy engagement of the guide buttons and easy movement into and out of the guide track's storage position on the platform.

(5) Two guide tracks shall be mounted on the button-guide stabilized platform and shall provide continuous contact with the building face.

(6) The load-carrying components of the button guide stabilization system that transmit the load into the platform shall be capable of supporting the weight of the platform or provision shall be made in the guide track connectors or platform attachments to prevent the weight of the platform from being transmitted to the platform attachments.

R 408.10575g Supported equipment.

Rule 575g. (1) Supported equipment shall maintain a vertical position in respect to the face of the building by means other than friction.

(2) Cog wheels or equivalent means shall be incorporated to provide climbing traction between the supported equipment and the building guides.

(3) Additional guide wheels or shoes shall be incorporated as may be necessary to ensure that the drive wheels are continuously held in positive engagement with the building guides.

(4) Launch guide mullions that are indexed to the building guides and that are retained in alignment with the building guides shall be used to align drive wheels that enter the building guides.

(5) Manned platforms that are used on supported equipment shall be in compliance with the requirements of R 408.10575b (1), (2), and (4) to (11) with respect to suspended equipment.

R 408.10575h Suspension wire ropes and rope connections.

Rule 575h. (1) Each specific installation shall use suspension wire ropes or combination cable and connections that are in compliance with the specifications recommended by the manufacturer of the hoisting machine that is used. Connections shall be capable of developing not less than 80% of the rated breaking strength of the wire rope.

(2) Each suspension rope shall have a design factor of not less than 10. The design factor is the ratio of the rated strength of the suspension wire rope to the rated working load and shall be calculated using the following formula:

$$F = \frac{S(N)}{W}$$

Where:

F = Design factor

S = Manufacturer's rated strength of 1 suspension rope.

N = Number of suspension ropes under 1 load

W = Rated working load on all ropes at any point of travel.

(3) Suspension wire rope grade shall be at least improved plow steel or equivalent.

(4) Suspension wire ropes shall be sized to be in compliance with the required design factor, but shall not be less than 5/16 of an inch (7.94 mm) in diameter.

(5) A reverse bend in wire rope shall not be permitted.

(6) A bend radius in wire rope shall not be less than 20 times the wire rope diameter.

(7) Wire rope shall be inspected and maintained as specified in the provisions of R 408.10582.

R 408.10576 Tags.

Rule 576. (1) A corrosion-resistant tag shall be securely attached to 1 of the wire rope fastenings when a suspension wire rope is to be used at a specific location and will remain in that location. This tag shall bear all of the following wire rope data:

(a) The diameter in inches or millimeters, or both.

(b) Construction classification.

(c) Whether non-preformed or preformed.

- (d) The grade of materials.
- (e) The manufacturer's rated strength.
- (f) The manufacturer's name.
- (g) The month and year the ropes were installed.
- (h) The name of the person or company that installed the ropes.
- (2) A new tag shall be installed at each rope renewal.
- (3) The original tag shall be stamped with the date of the resocketing or the original tag shall be retained and a supplemental tag shall be provided when ropes are resocketed. The supplemental tag shall show the date of resocketing and the name of the person or company that resocketed the rope.
- (4) Winding drum-type hoists shall contain not less than 3 wraps of the suspension wire rope on the drum when the suspended unit has reached the lowest possible point of its vertical travel.
- (5) Traction drum and sheave-type hoists shall be provided with a wire rope that is of a sufficient length to reach the lowest possible point of vertical travel of the suspended unit and with an additional length of the wire rope that is not less than 4 feet (1.2 m). The lengthening or repairing of suspension wire rope is prohibited. Babbitted fastenings for suspension wire rope are prohibited.

R 408.10577 Control circuits; power circuits; components.

Rule 577. (1) Electrical wiring and equipment shall be in compliance with the requirements specified in General Industry Safety Standard Part 39 "Design Safety Standards for Electrical Systems," as referenced in R 408.10509, except as otherwise required by these rules.

- (2) An electrical runway conductor system shall be of a type that is designed for use in exterior locations and shall be located so that the system does not come into contact with accumulated snow or water.
- (3) Cables shall be protected against damage that results from over-tensioning or from other causes.
- (4) Devices shall be included in the control system for the equipment which will provide protection against electrical overloads, 3-phase reversal, and phase failure. The control system shall have a separate method, which shall be independent of the direction control circuit, for breaking the power circuit if there is an emergency or malfunction.
- (5) Suspended or supported equipment shall have a control system that will require the operator of the equipment to follow predetermined procedures.
- (6) All of the following requirements apply to electrical protection devices:
 - (a) On installations where the carriage does not have a stability factor of at least 4 against overturning, an electrical contact or contacts shall be provided and connected so that the operating devices for the suspended or supported equipment shall be operative only when the carriage is located and mechanically retained at an established operating point.
 - (b) Overload protection shall be provided in the hoisting or suspension system to protect against the equipment operating in the "up" direction with a load of more than 125% of the rated load of the platform.
 - (c) An automatic detector shall be provided for each suspension point which will interrupt power to all hoisting motors for travel in the "down" direction and which will apply the primary brakes if any suspension wire rope becomes slack. A continuous-pressure rigging-bypass switch that is designed for use during rigging is permitted. This switch shall only be used by authorized personnel during rigging.
 - (d) Upper and lower directional switches that are designed to prevent the travel of suspended units beyond safe upward and downward levels shall be provided.
 - (e) Emergency stop switches shall be provided on remote controlled, roof-powered platforms that are adjacent to each control station on the platform.
 - (f) Cables that are in constant tension shall have overload devices which will prevent the tension in the cable from interfering with the load-limiting device or with the platform roll-limiting device. The

setting of these devices shall be coordinated with other overload settings at the time the system is designed and shall be clearly indicated on or near the device. The device shall interrupt the equipment travel in the "down" direction.

R 408.10578 Inspection and tests.

Rule 578. (1) All completed building maintenance equipment installations shall be inspected and tested in the field before being placed in initial service to determine that all parts of the installation are in compliance with applicable requirements of these rules, and that all safety and operating equipment is functioning as required.

(2) A similar inspection and test shall be made after any major alteration to an existing installation.

(3) A hoist in an installation shall not be subjected to a load that is more than 125% of its rated load.

R 408.10579 Periodic inspections and tests.

Rule 579. (1) Related building supporting structures shall undergo periodic inspection by a competent person at intervals of not more than 12 months.

(2) All parts of the equipment, including control systems, shall be inspected and, where necessary, tested by a competent person at intervals specified by the manufacturer and supplier, but not more than 12-month intervals, to determine that equipment parts are in safe operating condition. Parts that are subject to wear, such as wire ropes, bearings, gears, and governors, shall be inspected or tested to determine that they have not worn to such an extent as to affect the safe operation of the installation.

(3) The owner shall keep a certification record of each inspection and test required. The record shall include all of the following information:

(a) The date of the inspection.

(b) The signature of the person who performed the inspection.

(c) The number, or other identifier, of the building support structure and equipment that was inspected. This certification record shall be kept readily available for review by the director of the Michigan department of licensing and regulatory affairs or his or her representative and by the employer.

(4) Working platforms and their components shall be inspected by the employer for visible defects before every use and after each occurrence that could affect the platform's structural integrity.

R 408.10580 Maintenance inspections and tests.

Rule 580. (1) A maintenance inspection and, where necessary, a test shall be made of each platform installation every 30 days. If the work cycle is less than 30 days, such inspection and test shall be made before each work cycle. This inspection and test shall follow the procedures recommended by the manufacturer and shall be made by a competent person.

(2) The building owner shall keep a certification record of each inspection and test performed. The record shall contain all of the following information:

(a) The date of the inspection and test.

(b) The signature of the person who performed the inspection or test.

(c) An identifier for the platform installation that was inspected. The certification record shall be kept readily available for review by the director of the Michigan department of licensing and regulatory affairs or his or her designated representative and by the employer.

MAINTENANCE

R 408.10582 Suspension wire rope maintenance, inspection and replacement.

Rule 582. (1) Wire rope for a scaffold shall be replaced if any of the following conditions exists:

(a) In any length of 8 diameters, the total number of visible broken wires is more than 6 in 1 rope lay or

3 wires in 1 strand.

(b) The wire rope has been kinked, crushed, or bird-caged or has sustained any other damage that distorts the wire rope structure.

(c) The wire rope shows heat or corrosive damage.

(d) The wire rope contains a broken wire within 18 inches (460.8 mm) of the end attachment.

(2) Wire rope that is bent to form an eye over a bolt or rod that has a diameter that is less than 4 times the rope diameter shall be equipped with a metal thimble.

(3) End fittings should be swagged or zinc-poured sockets.

(4) Where wire clips are used, the provisions of table 8 shall be followed and the u-bolts shall be installed on the dead end or short end of the wire rope.

(5) Wire rope shall be stored in a manner to prevent damage or deterioration.

(6) Before cutting wire rope, a seizing shall be placed on each side of the cut on preformed wire rope, 2 seizings shall be placed on each side of 7/8 inch size or smaller nonpreformed wire rope, and 3 seizings shall be placed on each side of 1 inch or larger size nonpreformed wire rope.

(7) Wire rope shall be maintained in a lubricated condition over its entire length with the same type of lubricant that is used by the manufacturer.

(8) Suspension wire ropes shall be maintained and used in accordance with the procedures recommended by the wire rope manufacturer.

(9) Suspension wire rope shall be inspected by a competent person for visible defects and gross damage to the rope before every use and after each occurrence that might affect the wire rope's integrity.

(10) A thorough inspection of suspension wire ropes in service shall be made once a month. Suspension wire ropes that have been inactive for 30 days or more shall have a thorough inspection before they are placed into service. These thorough inspections of suspension wire ropes shall be performed by a competent person.

(11) The need for replacement of suspension wire rope shall be based on its condition. A wire rope shall be removed for any of the following conditions:

(a) Evidence of core failure. A lengthening of rope lay, protrusion of the rope core, and a reduction in rope diameter suggests core failure.

(b) Outer wire wear is more than 1/3 of the original outer wire diameter.

(c) Any other condition that the competent person determines has significantly affected the integrity of the rope.

(12) The owner shall keep a certification record of each monthly inspection of a suspension wire rope which shall be verified by the employer. The record shall include the date of the inspection and a number or other identifier of the wire rope that was inspected. The record of inspection shall be made available for review by the director of the Michigan department of licensing and regulatory affairs or his or her designated representative and by the employer.

R 408.10583 Fiber rope maintenance; inspection and replacement.

Rule 583. (1) An employer shall ensure that fiber rope shall be inspected visually before the start of each daily use as follows:

(a) Externally for any of the following conditions:

(i) Abrasions.

(ii) Cut or broken fibers.

(iii) Decay.

(iv) Burns.

(v) Lack of strength.

(vi) Softness.

(vii) Variation in size or roundness of the strands.

- (b) Internally, by separating the strands at 3-foot intervals, for any of the following conditions:
 - (i) Broken fibers.
 - (ii) Presence of grit.
 - (iii) Mildew or mold.
 - (iv) Color change of the fibers.
 - (v) Powdering.
 - (vi) Short loose fibers. A rope that has any of the conditions specified in this rule shall be replaced or returned to the manufacturer for repair.
- (2) A fiber rope shall be stored in a dry room in coils or on a reel.
- (3) A wet fiber rope shall be dried by placing it in the sunshine or a warm room hanging loosely over a rounded peg or hook.
- (4) A fiber rope shall not be kinked or run over sharp corners, shall not be used when frozen, and shall not be left in freezing temperatures when wet.
- (5) A fiber rope that is subjected to an impact load that is equal to or more than its rated capacity shall be replaced.
- (6) A thimble shall be used with fiber rope pursuant to the provisions of R 408.10581(2).

R 408.10584 Synthetic rope maintenance; inspection and replacement.

Rule 584. (1) An employer shall ensure that synthetic rope shall be inspected visually before the start of each job for all of the following conditions:

- (a) Abrasions.
 - (b) Cut or broken fibers.
 - (c) Burns.
 - (d) Melted fibers.
 - (e) Variation in size or roundness of the strands. A rope that has any of these conditions shall be replaced or returned to the manufacturer for repair.
- (2) Because of the variance in manufacturing methods, the manufacturer's recommendations shall be followed.
 - (3) A synthetic rope shall not be kinked, run over sharp corners, used when frozen, or left in freezing temperatures when wet.
 - (4) A synthetic rope that is subjected to an impact load that is equal to or more than its rated capacity shall be replaced.
 - (5) A thimble shall be used with synthetic rope pursuant to the provisions of R 408.10581(2).

R 408.10585 Hoist inspection; maintenance and cleaning.

Rule 585. (1) Before lowering personnel below the top elevation of the building, a hoist shall be tested each day in the lifting direction with the intended load to make certain it has sufficient capacity to raise the personnel back to the boarding level.

- (2) All parts of the equipment that affect the safe operation of a hoist shall be maintained in proper working order so that the parts perform the functions for which they were intended. The equipment shall be taken out of service when it is not in proper working order.
- (3) Control or power contacts and relays shall be kept clean.
- (4) All other equipment parts shall be kept clean if their proper functioning would be affected by the presence of dirt or other contaminants.

R 408.10589 Inoperative safety devices.

Rule 589. A person shall not render a required safety device or electrical protective device inoperative, except as necessary for tests, inspections, and maintenance. Immediately upon completion of such tests, inspections, and maintenance, the device shall be restored to its normal operating condition.

R 408.10591 Operations use.

Rule 591. (1) Working platforms shall not be loaded in excess of the rated load as stated on the platform load rating plate.

(2) Employees shall be prohibited from working on snow, ice, or other slippery material that covers a platform, except to remove such materials.

(3) Adequate precautions shall be taken to protect the platform, wire ropes, and lifelines from damage due to acids or other corrosive substances. The precautions taken shall be in accordance with the recommendations of the corrosive substance producer, supplier, platform manufacturer, or other equivalent information sources. Platform members that have been exposed to acids or other corrosive substances shall be washed down after each use with a neutralizing solution at a frequency recommended by the corrosive substance producer or supplier.

(4) Platform members, wire ropes, and lifelines shall be protected when using a heat-producing process. Wire ropes and lifelines that have been contacted by the heat-producing process shall be considered to be permanently damaged and shall not be used.

(5) A platform shall not be operated in winds of more than 25 miles per hour (40.2 km/hr), except to move the platform from an operating to a storage position. Wind speed shall be determined based on the best available information, which includes on-site anemometer readings and local weather forecasts that predict wind velocities for the area.

(6) On exterior installations, an anemometer shall be mounted on the platform to determine on-site wind velocities before and during use of the platform. The anemometer may be a portable (hand-held) unit that is temporarily mounted during platform use.

(7) Tools, materials, and debris that are not related to the work in progress shall not be allowed to accumulate on platforms. Stabilizer ties shall be located so as to allow unencumbered passage along the full length of the platform and shall be of such length so as not to become entangled in rollers, hoists, or other machinery.

R 408.10592 Personal fall protection.

Rule 592. Employees on working platforms shall be protected by a personal fall arrest system that is in compliance with the requirements of General Industry Safety Standard Part 33 "Personal Protective Equipment," as referenced in R 408.10509.

ADMINISTRATIVE RULES

DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION

RESOURCE RECOVERY COMMISSION

Filed with the Secretary of State on August 10, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of environmental quality by the Resource Recovery Act, 1974 PA 366, MCL 299.301 to 299.321.

R 299.5001, R 299.5002, R 299.5003, R 299.5004, R 299.5005, R 299.5006, R 299.5007, R 299.5008, R 299.5009, R 299.5010, R 299.5011, R 299.5012, R 299.5013, R 299.5014, R 299.5015, to R 299.5016 of the Michigan Administrative Code are rescinded, as follows:

R 299.5001 Rescinded.

R 299.5002 Rescinded.

R 299.5003 Rescinded.

R 299.5004 Rescinded.

R 299.5005 Rescinded.

R 299.5006 Rescinded.

R 299.5007 Rescinded.

R 299.5008 Rescinded.

R 299.5009 Rescinded.

R 299.5010 Rescinded.

R 299.5011 Rescinded.

R 299.5012 Rescinded.

R 299.5013 Rescinded.

R 299.5014 Rescinded.

R 299.5015 Rescinded.

R 299.5016 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF EDUCATION

SUPERINTENDENT OF PUBLIC INSTRUCTION

DECLARATORY RULINGS, PROMULGATION OF RULES, AND INFORMATIONAL
MATERIALS

Filed with the Secretary of State on August 11, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the superintendent of public instruction by sections 33 and 63 of 1969 PA 306, MCL 24.233 and MCL 24.263, and Executive Reorganization Order No. 1996-6, MCL 388.993)

R 340.1355 of the Michigan Administrative Code is rescinded and R 340.1351, R 340.1352, R 340.1353, and R 340.1354 of the Code are amended as follows:

R 340.1351 Definitions.

Rule 1. As used in these rules:

- (a) "Department" means the department of education.
- (b) "Person" means an individual, partnership, association, corporation, limited liability company, limited liability partnership, governmental subdivision, or public or private organization of any kind other than the department.
- (c) "Superintendent" means the superintendent of public instruction as set forth in section 3 of article VIII of the state constitution of 1963.

R 340.1352 Request for declaratory ruling.

Rule 2. (1) An interested person may request that the superintendent issue a declaratory ruling on how a statute that is administered by the department or a rule or order of the department applies to an actual state of facts.

(2) A request for a declaratory ruling shall be submitted to the Office of the Superintendent, Department of Education, P.O. Box 30008, Lansing, Michigan 48909. A request shall contain all of the following information:

- (a) A clear and concise statement of the actual state of facts upon which a ruling will be based.
 - (b) A precise statement of the legal question or issue involved.
 - (c) The legal authority given to the department or the superintendent for administering the statute, rule, or order.
 - (d) The signature of the interested person making the request.
- (3) In addition to the request, an interested person may submit a brief of, or other reference to, the legal authority upon which the person believes the declaratory ruling should be based.
- (4) The superintendent may require that notice of the request be provided to any person known by the person making the request to have an interest in the matter.

- (5) Not more than 60 days after receiving a request, the superintendent shall notify the person who made the request if it will be granted or denied.
- (6) If the request is denied, the superintendent shall issue a concise written statement of the reasons for denial. The statement shall be sent by certified mail to the person who made the request.
- (7) If a declaratory ruling is issued, the ruling shall include all of the following:
 - (a) The actual state of facts upon which the ruling is based.
 - (b) The conclusions of law and the legal authority upon which the superintendent relied for the ruling.
 - (c) The ruling made.
- (8) The department shall maintain a compilation of declaratory rulings. Upon an oral or written request to the department, a person may inspect, copy, or receive a copy of a declaratory ruling.

R 340.1353 Request for promulgation of rule.

Rule 3. (1) Any person may request the department to promulgate a rule. A request shall contain all of the following information:

- (a) The signature, address, and telephone number of the person making the request.
- (b) A citation to the statute under which the department has the authority to promulgate the rule.
- (c) The reason for the request.

(2) A request for the promulgation of a rule shall be submitted to the Office of the Superintendent, Department of Education, P.O. Box 30008, Lansing, Michigan 48909. Not more than 90 days after receiving a request that is in compliance with subrule (1) of this rule, the department shall initiate the processing of a rule or shall issue a written statement of the reasons for denial of the request. The statement shall be sent by certified mail to the person who made the request.

R 340.1354 Writings, documents, and other informational materials.

Rule 4. (1) The department shall make information concerning its activities and services available to the public.

(2) A person shall request writings, documents, and other informational materials from the department pursuant to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and the department's procedures and guidelines published under that act.

R 340.1355 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF TRANSPORTATION

BUREAU OF URBAN AND PUBLIC TRANSPORTATION

RAILROADS

Filed with the Secretary of State on August 31, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become

(By authority of section 3 of Act No. 198 of the Public Acts of 1873, section 4 of Act No. 52 of the Public Acts of 1909, sections 5, 33, 34, 36, and 49 of Act No. 300 of the Public Acts of 1909, sections 3 and 5 of Act No. 419 of the Public Acts of 1919, section 2 of Act No. 102 of the Public Acts of 1927, sections 4 and 6 of Act No. 3 of the Public Acts of 1939, and section 3 of Act No. 156 of the Public Acts of 1941, being SS466.3, 469.204, 462.5, 462.33, 462.34, 462.36, 462.49, 460.53, 460.55, 469.82, 460.4, 460.6, and 470.103 of the Michigan Compiled Laws)

R 460.1451, R 460.1452, R 460.1453, R 460.1454, R 460.1455, R 460.1456, R 460.1457, R 460.1458, and R 460.1459 of the Michigan Administrative Code are rescinded as follows:

R 460.1451 Rescinded.

R 460.1452 Rescinded.

R 460.1453 Rescinded.

R 460.1454 Rescinded.

R 460.1455 Rescinded.

R 460.1456 Rescinded.

R 460.1457 Rescinded.

R 460.1558 Rescinded.

R 460.1459 Rescinded.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF ~~COMMUNITY HEALTH~~ **LICENSING AND REGULATORY AFFAIRS**

DIRECTOR'S OFFICE

BOARD OF OPTOMETRY - GENERAL RULES

Filed with the Secretary of State on

Proposed July 28, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections **section** 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under those sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of ~~community health~~ **licensing and regulatory affairs** by sections 16145(~~3~~), **16148**, and ~~17401~~ **17431** of 1978 PA 368, MCL 333.16145(~~3~~), **333.16148**, and ~~333.17401~~ **333.17431** and Executive Reorganization Order Nos. 1996-1, 1996-2, and 2003-1, and **2011-4**, MCL 330.3101, 445.2001, and 445.2011, and **445.2030**)

R 338.301, R 338.303, R 338.305, R 338.307, R 338.309, R 338.311, R 338.313, R 338.315, R 338.317, R 338.319, R 338.321, and R 338.323 are added to the Code and R 338.251, R 338.252, R 338.253, R 338.254, R 338.256, R 338.256a, R 338.256b, R 338.257, R 338.258, R 338.259, R 338.270, R 338.274, R 338.275, R 338.276, R 338.277, R 338.278, and R 338.291 of the Code are rescinded, as follows:

~~R 338.251-Definitions:~~ **Rescinded.**

~~Rule 1. As used in these rules and in the interpretation and administration of sections 17401, 17412, 17432, 17433, 17435, and 17749 of the code:~~

~~(a) "Adverse drug reaction" means an adverse physical or psychological reaction which is experienced by a person resulting from diagnostic pharmaceutical agents administered by an optometrist and which occurs within 24 hours after the drug is administered. An adverse drug reaction may be indicated by symptoms that include any of the following:~~

- ~~(i) Red eye.~~
- ~~(ii) Painful eye.~~
- ~~(iii) Decrease in vision.~~
- ~~(iv) Pale or red swelling of the periocular or periorbital tissues.~~
- ~~(v) Nausea.~~
- ~~(vi) Vomiting.~~
- ~~(vii) Fainting.~~
- ~~(viii) Mental confusion.~~
- ~~(ix) Cessation of respiration.~~
- ~~(b) "Board" means the board of optometry.~~
- ~~(c) "Code" means 1978 PA 368, MCL 333.1101 et seq.~~

(d) "Classroom hour" for the purpose of determining whether a course of study meets the requirements of section 17412(2)(a) or 17435(2)(b) of the code, means a 50 to 60 minute period of lecture, group discussion, or laboratory directly associated with a course in pharmacology. Time spent working in a clinic other than as part of a laboratory directly associated with a course in pharmacology does not qualify as a "classroom hour."

(e) "Course of study in general and clinical pharmacology" means a course of study which is completed in a board-approved school or college, in general and clinical pharmacology as it relates to optometry, with the characteristics described in section 17412(2)(a) of the code. Not less than 30 of the 60 classroom hours of the course of study shall be allocated to ocular pharmacology and shall emphasize the systemic effects of, and reactions to, topical ocular diagnostic pharmaceutical agents, including the emergency management and referral of any adverse reactions that may occur.

(f) "Course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents" means a course of study which is comprised of a minimum of 10 quarter hours or 7 semester hours of credit or 100 classroom hours of study, which is completed in a board-approved school or college, and which is in subjects relating to the didactic and clinical use of therapeutic pharmaceutical agents related to optometry.

(g) "Department" means the Michigan department of community health.

(h) "Emergency treatment plan for management and referral of patients who experience an adverse drug reaction" means a plan which is submitted to the board on a board-approved form and in which the optometrist agrees to do all of the following:

(i) Refer patients who notify the optometrist of an adverse drug reaction to an appropriate medical specialist or facility.

(ii) Routinely advise patients to immediately contact the optometrist if the patient experiences an adverse drug reaction.

(iii) Place in the patient's permanent record information describing any adverse drug reaction experienced by the patient and the date and time that any patient referral was made.

R 338.252 Licensure by examination. Rescinded.

Rule 2. (1) An applicant for a Michigan optometry license by examination shall submit a completed application on forms provided by the department, together with the requisite fee. In addition to meeting the requirements under MCL 333.16174 and MCL 333.17411 of the code, an applicant shall satisfy the requirements of this rule.

(2) An applicant shall have graduated from a professional optometric degree program approved by the board, as provided in R 338.254, and hold the doctor of optometry degree.

(3) An applicant shall have achieved a score of pass on all parts of the examination given by the national board of examiners in optometry or its successor organization, or the testing agency currently recognized or endorsed by the association of regulatory boards of optometry or its successor organization.

(4) An applicant shall have achieved a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is administered by the department.

R 338.253 Licensure by endorsement. Rescinded.

Rule 3. (1) An applicant for a Michigan optometry license by endorsement shall submit a completed application on forms provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall

~~have graduated from a professional optometric degree program approved by the board, as provided in R 338.254, and satisfy the requirements of this rule.~~

~~(2) An applicant shall be an optometrist who is engaged in the practice of optometry, holds a doctor of optometry degree, and is currently licensed at the highest level authorized in another state of the United States or province of Canada that has licensure requirements that are equivalent to those required in this state, as determined by the board. This subrule, however, shall not grant license authority that exceeds the level of privileges granted to individuals who are licensed under the code to engage in the practice of optometry.~~

~~(3) An applicant shall have successfully completed in the state of the United States or province of Canada of his or her initial licensure an examination that includes an assessment of his or her knowledge on the diagnosis, treatment, and management of ocular diseases with pharmaceutical agents.~~

~~(4) An applicant who was first licensed in another state of the United States or province of Canada is presumed to have met the requirements of section 16186(1)(a) and (b) of the code, if he or she meets all of the following requirements:~~

~~(a) Verifies that he or she has engaged in the practice of optometry for a minimum of 3 of the last 4 years before the date of filing an application for a Michigan optometrist license. An applicant shall submit either of the following as verification:~~

~~(i) Documentation of having practiced optometry for the period of time specified under subdivision (a) of this subrule.~~

~~(ii) A current certificate issued by the council on endorsed licensure mobility for optometrists (celmo) or its successor organization as determined by the board.~~

~~(b) Provides for verification of his or her license, on a form provided by the department, by the licensing agency of another state of the United States or province of Canada in which the applicant holds a current license or ever held a license as an optometrist, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.~~

~~(c) Achieves a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is administered by the department.~~

~~(5) An applicant who was first licensed in another state of the United States or province of Canada, but who does not meet the requirements of subrule (4)(a) of this rule, shall satisfy the following requirements:~~

~~(a) Achieves a score of pass on all parts of the examination given by the national board of examiners in optometry or its successor organization, or the testing agency currently recognized or endorsed by the association of regulatory boards of optometry or its successor organization.~~

~~(b) Achieves a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is administered by the department.~~

~~(c) Provides for verification of his or her license, on a form provided by the department, by the licensing agency of any state of the United States or province of Canada in which the applicant holds a current license or ever held a license as an optometrist, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.~~

~~(6) An applicant shall hold a license granting therapeutic prescriptive certification at the highest level authorized in any state of the United States or province of Canada where he or she currently practices.~~

R 338.254 Professional optometric degree program; approval standards. Rescinded.

~~Rule 4. (1) The board approves and adopts by reference in these rules the standards of the accreditation council on optometric education set forth in the publication entitled "Accreditation Manual: Professional Optometric Degree Programs" revised June 2004, which provide for the accreditation of professional optometric degree programs.~~

~~(2) A professional optometric degree program accredited by the accreditation council on optometric education may be approved by the board.~~

~~(3) A professional optometric degree program that is not accredited by the accreditation council on optometry education may be approved by the board if it meets the standards in subrule (1) of this rule.~~

~~(4) Copies of the accreditation manual of the accreditation council on optometric education are available free of charge from the American Optometric Association, 243 N. Lindbergh Blvd., St. Louis, MO 63141 or from the association's website at <http://www.aoa.org>. Printed copies also are available for inspection and distribution at cost from the Department of Community Health, Ottawa Building, 611 W. Ottawa, P.O. Box 30670, Lansing, MI 48909.~~

R 338.256-Continuing education. Rescinded.

~~Rule 6. (1) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall accumulate not less than 40 hours of board-approved continuing education.~~

~~(2) An applicant for license renewal who holds certification to administer topical ocular diagnostic pharmaceutical agents or certification to administer and prescribe therapeutic pharmaceutical agents, or both, shall accumulate not less than 20 hours of board-approved continuing education in pharmacological management of ocular conditions.~~

~~(3) An applicant for license renewal shall complete in each renewal period at least 1 continuing education hour in pain and symptom management. Continuing education hours may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions.~~

~~(4) Submission of an application for renewal constitutes the applicant's certificate of compliance with the requirements of this rule. The optometrist shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal.~~

R 338.256a-Acceptable continuing education; limitations. Rescinded.

~~Rule 6a. (1) The board shall consider any of the following as board-approved continuing education:~~

~~(a) Successful completion of a course or courses offered for credit in an optometry school approved by the board under R 338.254, without limitation.~~

~~(b) Successful completion of a continuing education program offered by an optometry school approved by the board under R 338.254, without limitation.~~

~~(c) Attendance at a continuing education program approved by the board under R 338.256b, without limitation.~~

~~(d) One continuing education contact hour may be granted for each 50 to 60 minutes of program attendance, without limitation, at a continuing education program that has been granted approval by another state board of optometry.~~

~~(e) One hour of continuing education may be earned for each hour involved in the presentation of a continuing education program approved by the board.~~

~~(f) A maximum of 8 credit hours per renewal period may be earned for programs related to optometric topics approved for category 1 continuing education by the Michigan boards of medicine or osteopathic medicine and surgery.~~

~~(g) A maximum of 8 credit hours per renewal may be earned for programs related to optometric pharmacological topics approved for continuing education by the board of pharmacy.~~

~~(2) The board shall consider requests for approval of continuing education programs by sponsors who submit applications on a form provided by the department. The board may evaluate applications for approval based upon all of the following:~~

~~(a) Program content as it relates to the practice of optometry.~~

~~(b) Instructor credentials for conducting the specific program.~~

~~(c) The number of lecture hours of the program, with a minimum of 1 hour being submitted for consideration.~~

~~(d) Attendance monitoring plan.~~

~~(3) A total maximum of 29 hours may be granted in board-approved programs in either of the following areas:~~

~~(a) A maximum of 9 hours relating to practice management.~~

~~(b) A maximum of 20 hours relating to self-evaluation journal tests and multimedia education, including online continuing education.~~

R 338.256b-Adoption of standards and criteria by reference. Rescinded.

~~Rule 6b. (1) The board approves and adopts by reference the standards and criteria of the council on optometric practitioner education (cope) that are set forth in the publication entitled "Information and Application for Course Qualification," July 2003. A copy of the publication may be obtained at no cost from the Council on Optometric Practitioner Education, 1750 S. Brentwood Boulevard, Suite 503, St. Louis, MO 63144 or from the council's website at <http://www.arbo.org>. Printed copies also are available for inspection and distribution at cost from the Department of Community Health, Bureau of Health Professions, Ottawa Building, 611 W. Ottawa, P.O. Box 30670, Lansing, MI 48909.~~

~~(2) A continuing education program that has been approved by cope is considered approved by the board.~~

R 338.257-Relicensure. Rescinded.

~~Rule 7. (1) An individual whose license has lapsed may be relicensed upon satisfying all of the following requirements:~~

~~(a) Submitting the application and fees.~~

~~(b) Submitting 40 hours of continuing education in programs approved by the board, as provided in R 338.256b, that have been earned within the 2-year period immediately preceding the date of the application. If an individual is certified to administer therapeutic pharmaceutical agents, as provided in R 338.275, at least 20 of the continuing education hours shall be in the category of pharmacological management of ocular conditions.~~

~~(c) Achieving a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is administered by the department.~~

~~History: 1944 AC; 1954 AC; 1979 AC; 1983 AACS; 1998-2000 AACS; 2005 AACS;~~

R 338.258-Limited licenses. Rescinded.

~~Rule 8. (1) The board may issue an educational limited license, as provided under section 16182(2)(a) of the act, to an individual who has graduated from a board-approved professional optometric degree program, or who will graduate from the program not more than 3 months after applying for an educational limited license, and who is enrolled in a postgraduate course of study or participates in a residency program that is offered by the United States department of veterans affairs or a board-approved institution.~~

~~(2) The board may issue a clinical academic limited license, as provided under section 16182(2)(c) of the act, to an individual who is a graduate of a board-approved professional optometric degree program and who is employed as a faculty member at a board-approved professional optometric degree program. An optometrist who is licensed under this subrule may perform procedures upon patients while employed as a faculty member at a board-approved professional optometric degree program, if these procedures are performed under the general supervision of a faculty member who is fully licensed as an optometrist. An individual who is licensed under this subrule shall not do either of the following:~~

~~(a) Hold himself or herself out to the public as being engaged in the practice of optometry other than as a faculty member.~~

~~(b) Provide optometric services outside of his or her employment as a faculty member.~~

~~(3) An individual who applies for a limited license under section 16182(2)(a) or (c) of the act shall meet all of the following requirements:~~

~~(a) Comply with section 16174 of the act.~~

~~(b) Submit proof of graduation from an accredited professional optometric degree program that is approved by the board or from a non-accredited professional optometric degree program that is approved by the board, as provided in R 338.254.~~

~~(c) Submit proof of appointment to either of the following, as applicable:~~

~~(i) A postgraduate course of study or a residency program, as provided in subrule (1) of this rule.~~

~~(ii) A faculty position at a board-approved professional optometric degree program, as provided in subrule (2) of this rule.~~

~~(4) Limited licenses, as described in subrules (1) and (2) of this rule, shall be renewed annually at the discretion of the board.~~

~~(5) Applicants for renewal of a clinical academic limited license shall submit evidence of having completed 10 hours of board-approved continuing education in pharmacological management of ocular conditions required for the year.~~

R 338.259-Patient records; referral of patients for care. Rescinded.

~~Rule 9. (1) Patient records shall contain all of the following information:~~

~~(a) The name of the examining optometrist.~~

~~(b) The chief complaint or reason for the examination.~~

~~(c) The results of each procedure performed.~~

~~(d) The assessment of findings.~~

~~(e) The management disposition, including a referral recommendation, if appropriate.~~

~~(2) The records shall be retained by the licensee or assignee for not less than 7 years.~~

~~(3) If, in the course of the examination of a patient, an optometrist, in his or her professional judgment, determines the presence of a condition that requires evaluation or treatment which is outside the scope of practice of optometry, then it is the professional responsibility of the optometrist to refer the patient for further care.~~

~~R 338.270–Signage; name of optometrist. **Rescinded.**~~

~~Rule 20. Whenever professional services are offered by any entity that maintains an optometric department or employs a licensed optometrist, the name of the optometrist providing services must appear in sufficiently large type and in a prominent place so as to afford the public the opportunity of easily ascertaining it.~~

~~R 338.274–Emergency treatment plan. **Rescinded.**~~

~~Rule 24. (1) An emergency treatment plan for the management and referral of patients who experience an adverse drug reaction shall include the names of not less than 3 physicians, physician clinics, or hospitals to which the optometrist agrees to refer patients who experience an adverse drug reaction. At least 1 of the physicians shall be skilled in the diagnosis and treatment of diseases of the eye or the named physician clinic or hospital shall specialize in the diagnosis and treatment of diseases of the eye. An optometrist may substitute the patient's primary care physician for a physician named in the plan, but shall not substitute the patient's primary care physician for a physician named in the plan who specializes in the diagnosis and treatment of diseases of the eye.~~

~~(2) A licensee shall not be certified as qualified to administer topical ocular diagnostic pharmaceutical agents or to administer and prescribe therapeutic pharmaceutical agents unless the plan is approved by the board.~~

~~R 338.275–Certification to administer topical ocular diagnostic pharmaceutical agents; application; qualifications; adoption of standards. **Rescinded.**~~

~~Rule 25. An applicant for certification to administer a topical ocular diagnostic pharmaceutical agent in the practice of optometry shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the other requirements of the code and the rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:~~

~~(a) Successfully complete a course of study in general and clinical pharmacology. The applicant shall be considered to have successfully completed the required course of study upon being granted the credit hours designated for the course of study by the teaching institution where the course is offered.~~

~~(b) Establish a board approved emergency treatment plan for the management and referral of patients who experience any adverse drug reaction.~~

~~(c) Successfully complete a course in basic life support that is offered by an organization or institution approved by the board, as required under section 17412(2)(c) of the code. The board approves and adopts by reference the standards for credentialing in basic and advanced life support by the American heart association in the guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers set forth in the "2005 American Heart Association (AHA) Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care" that was published in the AHA journal "Circulation", Volume 112, Issue 22 Supplement, November 29, 2005. A copy of the guidelines may be obtained at no cost from the American Heart Association's website at http://circ.ahajournals.org/content/vol112/22_suppl/. A copy of the guidelines is available for inspection and distribution to the public at cost from the Department of Community Health, Bureau of Health Professions, P.O. Box 30670, Lansing, MI 48909.~~

~~R 338.276–Administering diagnostic pharmaceutical agents without certification by board prohibited. **Rescinded.**~~

~~Rule 26. A licensed optometrist shall not use diagnostic pharmaceutical agents in the practice of optometry unless the optometrist has been certified by the board as being qualified to administer topical ocular diagnostic pharmaceutical agents.~~

~~R 338.277-Certification to administer and prescribe therapeutic pharmaceutical agents; application; qualifications. **Rescinded.**~~

~~Rule 27. An applicant for certification to administer and prescribe a therapeutic pharmaceutical agent in the practice of optometry shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the other requirements of the code and the rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:~~

~~(a) Meet the certification requirements to administer diagnostic pharmaceutical agents under R 338.275.~~

~~(b) Successfully complete a course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents.~~

~~(c) Establish a board-approved management plan that is in compliance with R 338.251(h) and R 338.274.~~

~~R 338.278-Administering and prescribing of therapeutic pharmaceutical agents without certification by board prohibited. **Rescinded.**~~

~~Rule 28. A licensed optometrist shall not administer or prescribe therapeutic pharmaceutical agents in the practice of optometry unless the optometrist has been certified by the board as being qualified to administer and prescribe therapeutic pharmaceutical agents.~~

UNETHICAL AND ETHICAL CONDUCT

~~R 338.291-Unethical and ethical conduct. **Rescinded.**~~

~~Rule 1. Unethical conduct is conduct contrary to the ethics of the optometric profession. Ethical conduct consists of an optometrist's compliance with both of the following provisions:~~

~~(a) Advising a patient if consultations with an optometric colleague or reference for other professional care seems advisable.~~

~~(b) Avoiding holding himself or herself out in a manner that carries any intimation that the optometrist has superior skill or equipment or is superior to other optometrists.~~

Part 1. General Provisions

R 338.301 Definitions.

Rule 1. As used in these rules:

(a) "Adverse drug reaction" means an adverse physical or psychological reaction that is experienced by a person resulting from diagnostic therapeutic agents administered by an optometrist and that occurs within 24 hours after the drug is administered. An adverse drug reaction may be indicated by symptoms that include any of the following:

(i) Red eye.

(ii) Painful eye.

(iii) Decrease in vision.

(iv) Pale or red swelling of the periocular or periorbital tissues.

(v) Nausea.

(vi) Vomiting.

(vii) Fainting.

(viii) Mental confusion.

(ix) Cessation of respiration.

(b) "Board" means the Michigan board of optometry.

(c) "Code" means the public health code, MCL 333.1101 to 333.25211.

(d) "Classroom hour," for the purpose of determining whether a course of study meets the requirements of section 17412(2)(a) or 17435(2)(b) of the code, MCL 333.17412(2)(a) or MCL 333.17435(2)(b), means a 54 to 60 minute period of lecture, group discussion, or laboratory directly associated with a course in pharmacology. Time spent working in a clinic other than as part of a laboratory directly associated with a course in pharmacology does not qualify as a "classroom hour."

(e) "Course of study in general and clinical pharmacology" means a course of study that is completed in a board-approved school or college, in general and clinical pharmacology as it relates to optometry, with the characteristics described in section 17412(2)(a) of the code, MCL 333.17412(2)(a). Not less than 30 of the 60 classroom hours of the course of study shall be allocated to ocular pharmacology and shall emphasize the systemic effects of, and reactions to, topical ocular diagnostic pharmaceutical agents, including the emergency management and referral of any adverse reactions that may occur.

(f) "Course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents" means a course of study that is comprised of a minimum of 10 quarter hours or 7 semester hours of credit or 100 classroom hours of study, is completed in a board-approved school or college, and is in subjects relating to the didactic and clinical use of therapeutic pharmaceutical agents related to optometry.

(g) "Department" means the Michigan department of licensing and regulatory affairs.

R 338.303 Training standards for identifying victims of human trafficking; requirements.

Rule 3. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual who is licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:

(a) Training content that covers all of the following:

(i) Understanding the types and venues of human trafficking in this state or the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Identifying resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

(i) Training offered by a nationally recognized or state recognized health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.

- (c) Acceptable modalities of training may include any of the following:
- (i) Teleconference or webinar.
 - (ii) Online presentation.
 - (iii) Live presentation.
 - (iv) Printed or electronic media.
- (2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
- (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
 - (b) A self-certification statement by an individual. The certification statement shall include the individual's name and either of the following:
 - (i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
 - (ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
- (3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses issued 5 or more years after the promulgation of this rule.

R 338.305 Professional optometric degree program; approval standards.

Rule 5. (1) The board approves and adopts by reference the standards of the Accreditation Council on Optometric Education set forth in the publication entitled "Accreditation Manual: Professional Optometric Degree Programs" revised August 2014, which provide for the accreditation of professional optometric degree programs.

(2) A professional optometric degree program accredited by the Accreditation Council on Optometric Education is considered approved by the board.

(3) A professional optometric degree program that is not accredited by the Accreditation Council on Optometric Education may be approved by the board if it is deemed substantially equivalent to the standards in subrule (1) of this rule, as determined by the board.

(4) Copies of the Accreditation Manual of the Accreditation Council on Optometric Education are available free of charge from the American Optometric Association, 243 N. Lindbergh Blvd., St. Louis, MO 63141 or from the association's website at <http://www.aoa.org>. Printed copies also are available for inspection and distribution at cost from the Department of Licensing and Regulatory Affairs, Ottawa Building, 611 W. Ottawa, P.O. Box 30670, Lansing, MI 48909.

Part 2. Licenses

R 338.307 Licensure by examination.

Rule 7. (1) An applicant for a Michigan optometry license by examination shall submit a completed application on forms provided by the department, together with the requisite fee. In addition to meeting the requirements under sections 16174 and 17411 of the code, MCL 333.16174 and MCL 333.17411, an applicant shall satisfy the requirements of this rule.

(2) An applicant shall have graduated from a professional optometric degree program approved by the board, pursuant to R 338.305, and hold the doctor of optometry degree.

(3) An applicant shall have achieved a passing score on parts I, II, and III of the National Board of Examiners in Optometry (NBEO) examinations, including a passing score on the Treatment and Management of Ocular Disease (TMOD) examination imbedded in part II and is given by the NBEO or its successor organization.

(4) An applicant shall have achieved a minimum scaled score of 75 on the examination of state laws and rules related to the practice of optometry that is developed and administered by the department, or an entity approved by the department.

R 338.309 Licensure by endorsement.

Rule 9. (1) An applicant for a Michigan optometry license by endorsement shall submit a completed application on forms provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall have graduated from a professional optometric degree program approved by the board, pursuant to R 338.305, and satisfy the requirements of this rule.

(2) An applicant shall be an optometrist who is engaged in the practice of optometry, holds a doctor of optometry degree, and is currently licensed at the highest level authorized in another state of the United States or province of Canada that has licensure requirements that are equivalent to those required in this state, as determined by the board. This subrule does not grant license authority that exceeds the level of privileges granted to individuals who are licensed under the code to engage in the practice of optometry.

(3) An applicant shall have successfully completed in a state of the United States or province of Canada for his or her initial licensure, an examination that includes an assessment of his or her knowledge on the diagnosis, treatment, and management of ocular diseases with pharmaceutical agents.

(4) An applicant who was first licensed in another state of the United States or province of Canada is presumed to have met the requirements of section 16186(1)(a) and (b) of the code, MCL 333.16186(1)(a) and (b), if he or she meets all of the following requirements:

(a) Provides verification of his or her license by the licensing agency of another state of the United States or province of Canada in which the applicant holds a current license or ever held a license as an optometrist, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(b) Achieves a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is developed and administered by the department, or an entity approved by the department.

(5) An applicant shall hold a license granting therapeutic prescriptive certification at the highest level authorized in the state of the United States or province of Canada where he or she currently practices.

R 338.311 Limited licenses.

Rule 11. (1) The board may issue an educational limited license, pursuant to section 16182(2)(a) of the code, MCL 333.16182(2)(a), to an individual who has graduated from a board-approved professional optometric degree program, or who will graduate from the program not more than 3 months after applying for an educational limited license, and who is enrolled in a

postgraduate course of study or participates in a residency program that is offered by the United States department of veterans affairs or a board-approved institution.

(2) The board may issue a clinical academic limited license, pursuant to section 16182(2)(c) of the code, MCL 333.16182(2)(c), to an individual who is a graduate of a board-approved professional optometric degree program and who is employed as a faculty member at a board-approved professional optometric degree program. An optometrist who is licensed under this subrule may perform procedures upon patients while employed as a faculty member at a board-approved professional optometric degree program, if these procedures are performed under the general supervision of a faculty member who is fully licensed as an optometrist. An individual who is licensed under this subrule shall not do either of the following:

(a) Hold himself or herself out to the public as being engaged in the practice of optometry other than as a faculty member.

(b) Provide optometric services outside of his or her employment as a faculty member.

(3) An individual who applies for a limited license under section 16182(2)(a) or (c) of the code, MCL 333.16182(2)(a) or (c), shall meet all of the following requirements:

(a) Comply with section 16174 of the code, MCL 333.16174.

(b) Submit proof of graduation from an accredited professional optometric degree program that is approved by the board or from a non-accredited professional optometric degree program that is approved by the board, pursuant to R 338.305.

(c) Submit proof of appointment to either of the following:

(i) A postgraduate course of study or a residency program, pursuant to subrule (1) of this rule.

(ii) A faculty position at a board-approved professional optometric degree program, pursuant to subrule (2) of this rule.

(4) Limited licenses, pursuant to subrules (1) and (2) of this rule, may be renewed annually at the discretion of the board.

(5) Applicants for renewal of a clinical academic limited license shall submit evidence of having completed 10 hours of board-approved continuing education in pharmacological management of ocular conditions required for the year.

R 338.313 Relicensure.

Rule 13. (1) An individual whose Michigan license has lapsed for less than 3 years may be relicensed upon satisfying all of the following requirements:

(a) Submit the application and fees.

(b) Obtain 40 hours of continuing education in programs approved by the board, pursuant to R 338.319, that have been earned within the 2-year period immediately preceding the date of the application. Two hours of continuing education shall be in the category of pain and symptom management. If an individual is certified to administer therapeutic pharmaceutical agents, at least 20 of the continuing education hours shall be in the category of pharmacological management of ocular conditions.

(2) An individual whose Michigan license has lapsed for more than 3 years, but not more than 6 years, may be relicensed upon satisfying all of the following requirements:

(a) Submit the application and fees.

(b) Obtain 40 hours of continuing education in programs approved by the board, pursuant to R 338.319, that have been earned within the 2-year period immediately preceding the date of the application. Two hours of continuing education shall be in the category of pain and symptom management. If an individual is certified to administer therapeutic pharmaceutical agents, at

least 20 of the continuing education hours shall be in the category of pharmacological management of ocular conditions.

(c) Achieve a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is developed and administered by the department, or an entity approved by the department.

(3) An individual whose Michigan license has lapsed for more than 6 years who has held an optometry license in another state or province of Canada during those years, may be relicensed upon satisfying all of the following requirements:

(a) Submit the application and fees.

(b) Obtain 40 hours of continuing education in programs approved by the board, pursuant to R 338.319, that have been earned within the 2-year period immediately preceding the date of the application. Two hours of continuing education shall be in the category of pain and symptom management. If an individual is certified to administer therapeutic pharmaceutical agents, at least 20 of the continuing education hours shall be in the category of pharmacological management of ocular conditions.

(c) Achieve a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is developed and administered by the department, or an entity approved by the department.

(d) Provide verification of his or her license by the licensing agency of another state of the United States or province of Canada in which the applicant holds a current license or ever held a license as an optometrist, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(4) An individual whose Michigan license has lapsed for more than 6 years and has not held an optometry license in another state during those years, may be relicensed upon satisfying all of the following requirements:

(a) Submit the application and fees.

(b) Obtain 40 hours of continuing education in programs approved by the board, pursuant to R 338.319, that have been earned within the 2-year period immediately preceding the date of the application. Two hours of continuing education shall be in the category of pain and symptom management. If an individual is certified to administer therapeutic pharmaceutical agents at least 20 of the continuing education hours shall be in the category of pharmacological management of ocular conditions.

(c) Achieve a minimum scaled score of 75 on the examination of Michigan laws and rules related to the practice of optometry that is administered by the department.

(d) Achieve a passing score on parts I, II, and III of the NBEO examinations, including a passing score on the Continued Professional Development in Optometry (CPDO) examination given by NBEO or its successor organization.

R 338.315 Certification to administer topical ocular diagnostic pharmaceutical agents; application; qualifications; adoption of standards; prohibitions.

Rule 15. (1) An applicant for certification to administer a topical ocular diagnostic pharmaceutical agent in the practice of optometry shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the other requirements of the code and the rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Successfully complete a course of study in general and clinical pharmacology. The applicant shall be considered to have successfully completed the required course of study upon being granted the credit hours designated for the course of study by the teaching institution where the course is offered.

(b) Establish a board-approved emergency treatment plan, pursuant to section 17412(2)(d) of the code, MCL 333.17412(2)(d), for the management and referral of patients who experience any adverse drug reaction.

(c) Successfully complete a course in basic life support that is offered by an organization or institution approved by the board, pursuant to section 17412(2)(c) of the code, MCL 333.17412(2)(c). The board approves and adopts by reference the standards for credentialing in basic and advanced life support by the American Heart Association in the Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiac Care for Professional Providers set forth in the "2015 American Heart Association (AHA) Guidelines for CPR and ECC" that was published in the AHA journal "Circulation", volume 132, issue 18 supplement 2, November 3, 2015. A copy of the guidelines may be obtained at no cost from the American Heart Association's website at https://circ.ahajournals.org/content/132/18_suppl_2.toc. A copy of the guidelines is available for inspection and distribution to the public at cost from the Department of Licensing and Regulatory Affairs, Ottawa Building, 611 W. Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) A licensed optometrist shall not use diagnostic pharmaceutical agents in the practice of optometry unless the optometrist has been certified by the board as being qualified to administer topical ocular diagnostic pharmaceutical agents.

R 338.317 Certification to administer and prescribe therapeutic pharmaceutical agents; application; qualifications.

Rule 17. (1) An applicant for certification to administer and prescribe a therapeutic pharmaceutical agent in the practice of optometry shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the other requirements of the code and the rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Meet the certification requirements to administer diagnostic pharmaceutical agents under R 338.315.

(b) Successfully complete a course of study relating to the didactic and clinical use of therapeutic pharmaceutical agents.

(c) Establish a board-approved management plan that is in compliance with section 17435(2)(c) of the code, MCL 333.17435(2)(c).

(2) A licensed optometrist shall not administer or prescribe therapeutic pharmaceutical agents in the practice of optometry unless the optometrist has been certified by the board as being qualified to administer and prescribe therapeutic pharmaceutical agents.

Part 3. Continuing Education

R 338.319 Adoption of standards and criteria by reference; standards for approval.

Rule 19. (1) The board approves and adopts by reference the standards and criteria of the Council on Optometric Practitioner Education (COPE) that are set forth in the publication entitled "Criteria for COPE Qualification of Continuing Education," July 2015. A copy of the

publication may be obtained at no cost from the Association of Regulatory Boards of Optometry, 200 South College St., Suite 2030 Charlotte, NC 28202, or from the council's website at <http://www.arbo.org>. Printed copies also are available for inspection and distribution at cost from the Department of Licensing and Regulatory Affairs, Ottawa Building, 611 W. Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) A continuing education program that has been approved by COPE is considered approved by the board.

(3) A continuing education program that has not been approved by COPE may be approved by the board upon submission of an application for approval by a continuing education program. Applications received not less than 60 days prior to course presentation shall be reviewed by an assigned member of the board. Approval for the program may be granted at the assigned board member's discretion.

(4) Applications for approval of a continuing education program shall include all the following:

- (a) The sponsor's name.
- (b) The sponsor's address.
- (c) The program name.
- (d) The program date.
- (e) The program location.
- (f) The number of hours of course instruction including all of the following:
- (i) The number of hours related to general clinical optometry, which may include the following

COPE categories:

- (A) Contact lenses (CL).
- (B) Functional vision/pediatrics (FV).
- (C) General optometry (GO).
- (D) Low vision/vision impairment & rehabilitation (LV).
- (E) Public health (PB).

- (ii) The number of hours related to practice management, which may include the following

COPE categories:

- (A) Practice management (PM).
- (B) Ethics/jurisprudence (EJ).

- (iii) The number of hours related to pharmaceutical management, which may include the

following COPE categories:

- (A) Glaucoma (GL).
- (B) Injection skills (IS).
- (C) Laser procedures (LP).
- (D) Peri-operative management of ophthalmic surgery (PO).
- (E) Refractive surgery management (RS).
- (F) Surgery procedures (SP).
- (G) Treatment and management of ocular disease: anterior segment (AS).
- (H) Treatment and management of ocular disease: posterior segment (PS).
- (I) Neuro-optometry (NO).
- (J) Oral pharmaceuticals (OP).
- (K) Pharmacology (PH).
- (L) Principles of diagnosis (PD).
- (M) Systemic/ocular disease (SD).

(iv) The number of hours related to pain management, which may include the following COPE categories:

- (A) Oral pharmaceuticals (OP).**
- (B) Pharmacology (PH).**
- (C) Treatment and management of ocular disease: anterior segment (AS).**
- (D) Treatment and management of ocular disease: posterior segment (PS).**
- (E) Functional vision/pediatrics (FV).**
- (g) The program outline, including all of the following:**
 - (i) An explanation of how the program is designed to further educate the licensee.**
 - (ii) The topics and the name of the speaker of each topic.**
 - (iii) The times of the specific topics and breaks included in the program.**
- (h) The resume of each speaker or instructor for the program.**
- (i) A description of the delivery method, or methods to be used, and the techniques that will be employed to assure active participation.**
- (j) A brief description of the sponsoring organization.**
- (k) The name, title, and address of the program director and a description of his or her qualifications to direct the program.**
- (l) A description of how participants will be notified that continuing education credit has been earned.**
- (m) A description of the physical facilities or laboratory available to assure a proper learning environment.**
- (n) A description of how attendance is monitored and the name of the person monitoring attendance.**

R 338.321 Continuing education.

Rule 21. (1) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall accumulate not less than 40 hours of board-approved continuing education.

(2) An applicant for license renewal who holds certification to administer topical ocular diagnostic pharmaceutical agents or certification to administer and prescribe therapeutic pharmaceutical agents, or both, shall accumulate not less than 20 hours of board-approved continuing education in pharmacological management of ocular conditions. The 20 required hours are part of, and not in addition to, the 40 hours required in subrule (1) of this rule.

(3) An applicant for license renewal shall accumulate not less than 2 hours of board approved continuing education in pain and symptom management related to the practice of optometry. Continuing education hours in pain and symptom management, as they relate to the practice of optometry, may include, but are not limited to, the following:

- (a) Ethics and health policy related to pain.**
- (b) Pain definitions.**
- (c) Basic sciences related to pain, including pharmacology, psychology, sociology, and anthropology.**
- (d) Clinical sciences related to pain, including specific pain conditions and pain in special contexts and settings.**
- (e) Clinician-patient communications related to pain.**
- (f) Management of pain, including evaluation and treatment; non-pharmacological and pharmacological management.**
- (g) Ensuring quality pain care.**
- (h) Michigan programs and resources relevant to pain.**

(4) Submission of an application for renewal constitutes the applicant's certificate of compliance with the requirements of this rule. An optometrist shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal.

R 338.323 Acceptable continuing education; limitations.

Rule 23. The following is considered board-approved continuing education:

	Activity and Proof of Completion	Number of Continuing Education Hours Granted or Permitted for Activity
a.	<p>Successful completion of a course or courses offered for credit in an optometry school approved by the board under R 338.305.</p> <p>If audited, a licensee shall submit an official transcript documenting successful completion of the course.</p>	<p>Ten hours of continuing education shall be credited for each quarter credit earned and 15 hours shall be credited for each semester credit earned. Hours may be earned without limitation.</p>
b.	<p>Successful completion of a continuing education program offered by an optometry school approved by the board under R 338.319.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.</p>	<p>One continuing education hour may be granted for each 54 to 60 minutes of program attendance, without limitation.</p>
c.	<p>Attendance at a continuing education program related to the practice of optometry offered by an educational program approved by the board under R 338.319 or approved by another state board of optometry.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates</p>	<p>One continuing education hour may be granted for each 54 to 60 minutes of program attendance, without limitation.</p>

	on which the program was held or activity completed.	
d.	<p>Presentation of or at a continuing education program approved by the board.</p> <p>If audited, a licensee shall submit a letter from the program’s sponsor, verifying the licensee’s presentation of educational materials and lecture at the continuing education program.</p>	<p>One continuing education hour may be granted for each 54 to 60 minutes of program presentation, without limitation.</p>
e.	<p>Attendance at a continuing education program related to optometric topics approved for category 1 continuing education by the Michigan boards of medicine and osteopathic medicine and surgery.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.</p>	<p>One continuing education hour may be granted for each 54 to 60 minutes of program attendance, limited to 8 hours per renewal period.</p>
f.	<p>Attendance at a continuing education program related to optometric pharmacological topics approved for continuing education by the Michigan board of pharmacy.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.</p>	<p>One continuing education hour may be granted for each 54 to 60 minutes of program attendance, limited to 8 hours per renewal period. Applicants for renewal who hold certification to administer topical ocular diagnostic pharmaceutical agents or certification to administer and prescribe therapeutic pharmaceutical agents, or both, may earn hours without limitation.</p>
g.	<p>Attendance at a continuing education program related to practice management approved by the board.</p> <p>If audited, a licensee shall submit a copy</p>	<p>One continuing education hour may be granted for each 54 to 60 minutes of program attendance, limited to 9 hours per renewal period.</p>

	<p>of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.</p>	
h.	<p>Attendance at a continuing education program related to self-evaluation journal tests and multimedia education, including online continuing education, approved by the board.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program was held or activity completed.</p>	<p>One continuing education hour may be granted for each 54 to 60 minutes of program attendance, limited to 20 hours per renewal period.</p>
i.	<p>Initial presentation of a scientific exhibit, poster, or paper to a professional optometric organization.</p> <p>If audited, the licensee shall submit a copy of the document presented with evidence of presentation or a letter from the program sponsor verifying the date of the presentation.</p>	<p>Two hours of continuing education shall be granted for each presentation. No additional credit shall be granted for preparation of the presentation.</p>
j.	<p>Publication of a scientific article relating to the practice of optometry in a peer-reviewed journal or periodical.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation of the peer-review process.</p>	<p>Six hours of continuing education shall be granted for serving as the primary author. Three hours of continuing education shall be granted for serving as a secondary author.</p>
k.	<p>Initial publication of a chapter or a portion of a chapter related to the practice of optometry in either of the following:</p> <ul style="list-style-type: none"> • A professional health care textbook. 	<p>Five hours of continuing education shall be granted for serving as the primary author. Two hours of continuing education shall be granted for serving as a secondary author.</p>

	<ul style="list-style-type: none"> • A peer-reviewed textbook. <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	
l.	<p>Participating on any of the following:</p> <ul style="list-style-type: none"> • A peer review committee dealing with quality of patient care as it relates to the practice of optometry. • A committee dealing with utilization review as it relates to the practice of optometry. • A health care organization committee dealing with patient care issues related to the practice of optometry. • A national or state committee, board, council, or association related to the practice of optometry. <p>A committee, board, council or association is considered acceptable by the board if it enhances the participant’s knowledge and understanding of the field of optometry. If audited, the licensee shall submit a letter from an organization official verifying the licensee’s participation in at least 50% of the regularly scheduled meetings of the committee, board, council or association.</p>	<p>Twelve hours of continuing education shall be granted for participating on a committee. A maximum of 12 hours of continuing education may be earned for this activity in each renewal period.</p>
m.	<p>Taking of the CPDO examination administered by the NBEO.</p>	<p>Twelve hours of continuing education shall be granted for taking the CPDO examination every 2 years.</p>

NOTICE OF PUBLIC HEARING

**Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
NOTICE OF PUBLIC HEARING
September 30, 2016
9:00 a.m. – 12:00 p.m.**

Location: G. Mennen Williams Building Auditorium
525 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

Board of Accountancy (ORR 2016-019 LR)

Authority: MCL 339.205; MCL 339.308; MCL 339.721(4).

Overview: The proposed changes include: adopting the most recent versions of adopted standards; updating the Bureau name and address; correcting references to rescinded rules; setting forth educational requirements to take the examination; formally accepting all six regional accrediting agencies recognized by the United States Council of Higher Education Accreditation as well as adopting its standards for accrediting agencies; and permitting an independent expression of opinion on financial statements.

Board of Occupational Therapy (ORR 2015-029 LR)

Authority MCL 333.16145; MCL 333.16148; MCL 333.16204; MCL 333.18307; and MCL 333.18309; and MCL 333.18313.

Overview: The proposed changes include: adding a rule requiring a person applying for licensure as an occupational therapist or occupational therapy assistant or renewing either of those licenses to complete training in recognizing the signs of human trafficking in accordance with Public Act 343 of 2014, MCL 333.16148; clarifying the date for when an applicant must apply for licensure; allowing an entity appointed by the department to develop and administer the examination on the laws and rules related to occupational therapists and occupational therapy assistants; adding continuing education requirements for relicensure; modifying the requirements placed on a delegating occupational therapist to account for changes in technology and reduce the burden on licensees; adding a requirement that applicants for renewal must complete 20 hours of continuing education; and clarifying the requirements for acceptable continuing education. The proposed rules rescind the rule pertaining to delegation by occupational therapy assistants as it is prohibited by statute and outside the scope of authority given to the board.

Board of Optometry (ORR 2014-129 LR)

Authority: MCL 333.16145; MCL 333.16148; MCL 333.16204(2); and MCL 333.17431(1).

Overview: The proposed changes include: implementing the most current standards for approval of optometric education programs and continuing education programs; clarifying that applicants need to pass all parts of the NBEO examination, including the TMOD exam embedded in Part II of the NBEO exam; requiring examination for licenses that have been lapsed for more 3 or more years; allowing an entity appointed by the department to develop and administer the examination on the laws and rules relating to

optometry; increasing the continuing education requirement relating to pain and symptom management to 2 hours; implementing training standards for identifying victims of human trafficking; clarifying the process for obtaining board approval of continuing education programs; and expanding the types of activities for which continuing education is granted. The proposed rules rescind rules pertaining to patient records, emergency treatment plans, and advertising as they are outside the scope of authority of the board and/or duplicative of statutory language.

Board of Physical Therapy (ORR 2015-088 LR)

Authority: MCL 333.16145; MCL 333.16148; and MCL 333.17801.

Overview: The rule is being added to require a person applying for licensure as a physical therapist or physical therapist assistant or renewing either of those licenses to complete training in recognizing the signs of human trafficking.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted from date of publication until 5:00 p.m. on September 30, 2016, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing– Boards and Committees Section
P.O. Box 30670
Lansing, MI 48909-8170
Attention: Policy Analyst Email: BPL-BoardSupport@michigan.gov

A copy of the proposed rules may be obtained by contacting Board Support at (517) 241-7500 or the email address noted above. Electronic copies also may be obtained at the following link:

http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing

The meeting site and parking are accessible to people with disabilities. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BOARD OF OCCUPATIONAL THERAPISTS

GENERAL RULES

Filed with the Secretary of State on

Proposed August 17, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of licensing and regulatory affairs by sections 16145~~(3)~~, 16148, **16204**, and 18307, **18309** and **18313** of 1978 PA 368, MCL 333.16145~~(3)~~, 333.16148, **333.16204**, and 333.18307, **333.18309**, and **333.18313**, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1 and 2011-4, MCL 330.3101, 445.2001, ~~445.2011~~ **445.2011**, and 445.2030)

R 338.1223a, R 338.1227, R 338.1233a, R 338.1235, R 338.1236, R 338.1237, and R 338.1238, of the Michigan Administrative Code are amended, and R 338.1215, R 338.1251, and R 338.1252 are added to the Code, and R 338.1238 is rescinded, as follows:

R 338.1215 Training standards for identifying victims of human trafficking; requirements.

Rule 15. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed under article 15 of 1978 PA 368 shall complete training in identifying victims of human trafficking that meets all the following standards:

(a) Training content shall cover all of the following:

(i) Understanding the types and venues of human trafficking in the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Identifying resources for reporting suspected victims of human trafficking.

(b) Acceptable providers or methods of training including any of the following:

(i) Training offered by a nationally recognized or state recognized, health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training in an educational program that has been approved by the advisory committee for initial license or registration, or by a college or university.

(iv) Reading an article related to the identification of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific article.

(c) Acceptable modalities of training including any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement shall include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of the article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to license renewal beginning with the first renewal cycle after the promulgate of this rule and for initial or licenses issued 5 or more years after the promulgation of this rule.

R 338.1223 Application for occupational therapist license; requirements.

Rule 23. An applicant for an occupational therapist license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant ~~shall~~**must** meet all of the following requirements:

(a) Graduate from an ~~ACOTE acote~~ accredited or ~~WFOT wfot~~ approved occupational therapist educational program that meets the standards adopted by the board under R 338.1222 or meets the requirements of R 338.1225.

(b) Pass the occupational therapist licensure examination adopted in R 338.1224.

(c) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is **developed and administered by the department or an entity approved by the department.** ~~administered by the department. This subdivision takes effect one year after the effective date of these rules.~~

(d) Meet the requirements of R 338.1213 if the applicant's occupational therapist educational program was taught in a language other than English.

R 338.1223a Application for license; occupational therapist with lapsed registration; requirements.

Rule 23a. (1) An applicant for an occupational therapist license whose registration as an occupational therapist in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form, provided by the department, **prior to June 11, 2015.** ~~within 1 year of the effective date of this rule. In addition to meeting the requirements of the code and these rules, an~~ An applicant shall meet all of the following requirements:

(a) ~~Have maintained~~ **Maintained** certification as an occupational therapist by the ~~national board for certification in occupational therapy~~ **National Board for Certification in Occupational Therapy** (~~ncbot~~ **NCBOT**) after the registration lapsed.

(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is **developed and administered by the department or an entity approved by the**

~~department. administered by the department. This subdivision takes effect one year after the effective date of these rules.~~

~~(2)(c) An applicant who meets the requirements of subrule (1) of this rule shall also complete~~ **Complete** a supervised practice experience that meets the requirements of R 338.1228. ~~and the~~ **The** duration of the experience shall be as follows:

~~(a) (i) If the applicant's registration has lapsed for at least 5~~ **3** years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

~~—(b) (ii) If the applicant's registration has lapsed for more than 7 years~~ **or more** but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

~~(c) (iii) If the applicant's registration has lapsed for more than 15 years~~ **or more**, the applicant shall complete not less than 1,000 hours of supervised practice experience.

~~(3) (2) In addition to meeting the requirements of subrules (1) and (2) of this rule,~~ **An** applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

(3) An applicant for licensure who was registered in this state as an occupational therapist before June 13, 2009, whose registration had lapsed, and who did not apply for licensure prior to June 11, 2015, shall complete the requirements of subrule (1) of this rule and R 338.1223.

R 338.1224 Examinations; occupational therapist; adoption and approval; passing scores.

Rule 24. (1) The board approves and adopts the certification examination for occupational therapists that was developed, administered, and scored by the ~~ncbot~~ **NCBOT** as the licensure examination for occupational therapists in this state. The board shall adopt the passing score recommended by the ~~ncbot~~ **NCBOT** for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state which is **developed and administered by the department or an entity approved by the department.** ~~administered by the department.~~ The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

R 338.1226 Licensure by endorsement; occupational therapist; requirements.

Rule 26. (1) An applicant for an occupational therapist license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code, **MCL 333.16186**, if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant was first registered or licensed in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan occupational therapist license, then the applicant shall comply with both of the following:

(a) Pass the ~~ncbot~~ **NCBOT** certification examination for occupational therapists with a score adopted by the board under R 338.1224(1) or the predecessor examination that was administered by the ~~aota~~ **AOTA**.

(b) Pass the examination on state laws and rules related to the practice of occupational therapy that is **developed and administered by the department or an entity approved by the department** ~~administered by the department~~ with a minimum converted score of 75. ~~This subdivision takes effect one year after the effective date of these rules.~~

(3) If an applicant was first registered or licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan occupational therapist license, then the applicant shall comply with all of the following:

(a) Graduate from an ~~acote~~ **ACOTE** accredited or ~~wfot~~ **WFOT** approved occupational therapist educational program that meets the standards adopted by the board in R 338.1222 or graduated from an occupational therapist educational program determined to be substantially equivalent to an ~~acote~~ **ACOTE** accredited or ~~wfot~~ **WFOT** approved occupational therapist educational program that meets the standards adopted by the board in R 338.1222.

(b) Meet the requirements of subrule (2)(a) and (b) of this rule.

(c) Meet the requirements of R 338.1213 if the applicant's occupational therapist educational program was taught in a language other than English.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

R 338.1227 Requirements for relicensure; occupational therapist.

Rule 27. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, **MCL 333.16201(3)**, if the applicant meets both of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

~~(b) Passes the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.~~

~~(c)~~ **(b) Completes the continuing education required in R 338.1252.**

(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code, **MCL 333.16201(4)**, if the applicant meets the requirements of subrule (1) of this rule and **any or all** ~~either~~ of the following requirements:

(a) Takes and passes the ~~ncbot's~~ **NCBOT** certification examination for occupational therapists with a score adopted by the board under R 338.1224(1).

(b) Presents evidence to the department that he or she was registered or licensed as an occupational therapist in another state during the 3-year period immediately preceding the application for relicensure.

(c) Passes the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(3) An applicant who meets the requirements of subrule (2) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1228. ~~and the~~ **The** duration of the experience shall be as follows:

(a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) If the applicant's license has lapsed for **7 years or more** ~~to~~ **but less than** 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 1000 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the

licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

~~(5) For purposes of meeting the requirements of subrule (3) of this rule, the board may grant an applicant a limited license to complete the supervised practice experience.~~

~~(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may not be renewed.~~

R 338.1229 Delegation of limited assessments, tasks or interventions to an occupational therapy assistant; supervision of an occupational therapy assistant; requirements.

Rule 29. (1) An occupational therapist who delegates the performance of selected limited assessments, tasks or interventions to an occupational therapy assistant as permitted under section 16215 of the code, **MCL 333.16215**, shall supervise the occupational therapy assistant consistent with section 16109(2) of the code, **MCL 333.16109(2)**, and satisfy the requirements of this rule. As used in this rule, “limited assessment” means those parts of an evaluation that an occupational therapy assistant is qualified by education and training to perform while under the supervision of an occupational therapist.

(2) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall ensure the qualifications of the occupational therapy assistant under the occupational therapist’s supervision, including verification of the occupational therapy assistant’s training, education, and licensure.

(3) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall determine and provide the appropriate level of supervision required for the occupational therapy assistant’s performance of the delegated limited assessment, task, or intervention. The appropriate level of supervision shall be determined based on the occupational therapy assistant’s education, training, and experience and ~~means~~ **includes** 1 of the following:

(a) “General supervision” means that the occupational therapist is not required to be physically present on site, but shall be continuously available at the time the limited assessment, task, or intervention is performed. Continuously available includes availability by telecommunication or other electronic device.

(b) “Direct supervision” means that the occupational therapist is physically present with the occupational therapy assistant or immediately available for direction and onsite supervision at the time the limited assessment, task, or intervention is performed, and that the occupational therapist has direct contact in the physical presence of the patient or client during each visit.

(4) An occupational therapist who delegates limited assessments, tasks, or interventions under subrules (2) and (3) of this rule shall also comply with all of the following:

(a) Examine and evaluate the patient or client before delegating limited assessments, tasks, or interventions to be performed by an occupational therapy assistant.

(b) Supervise an occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated.

(c) Provide predetermined procedures and protocols for limited assessments, tasks, or interventions that have been delegated.

(d) Monitor an occupational therapy assistant’s practice and provision of assigned limited assessments, ~~tasks~~ **tasks**, or interventions.

(e) ~~Under section 16213 of the code, maintain~~ **Maintain** a record of the names of the occupational therapy assistants to whom limited assessments, tasks, or interventions have been delegated **pursuant to section 16213 of the code, MCL 333.16213.**

(f) Meet ~~in person~~ **using live, synchronous contact** at least once per month with the occupational therapy assistant to whom limited assessments, ~~taskstasks~~, or interventions have been delegated to evaluate the assistant's performance, review client or patient records, and educate the occupational therapy assistant on the limited assessments, tasks, or interventions that have been delegated to facilitate professional growth and development. The occupational therapist shall maintain documentation of the meeting that has been signed by both the occupational therapist and the occupational therapy assistant. Compliance with this subdivision shall not be used as a substitute for the ongoing supervision required under subrules (3) and (4) of this rule.

(5) An occupational therapist shall not delegate the performance of either of the following to an occupational therapy assistant:

(a) The sole development of a treatment plan.

(b) The sole evaluation and interpretation of evaluation results.

(6) An occupational therapist shall not supervise more than 4 occupational therapy assistants who are providing services to patients at the same time.

R 338.1233 Application for occupational therapy assistant license; requirements.

Rule 33. An applicant for an occupational therapy assistant license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

(a) Graduate from an accredited occupational therapy assistant educational program that meets the standards adopted by the board under R 338.1232.

(b) Pass an occupational therapy assistant licensure examination that is approved by the board.

(c) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is **developed and administered by the department or an entity approved by the department.** ~~administered by the department. This subdivision takes effect one year after the effective date of these rules.~~

(d) Meet the requirements of R 338.1213 if the applicant's occupational therapy assistant educational program was taught in a language other than English.

R 338.1233a Application for license; occupational therapy assistant with lapsed registration; requirements.

Rule 33a. (1) An applicant for an occupational therapy assistant license whose registration as an occupational therapy assistant in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form, provided by the department, **prior to June 11, 2015.** ~~within 1 year of the effective date of this rule. In addition to meeting the requirements of the code and these rules, An applicant shall meet all of the following requirements:~~

(a) Maintain certification as an occupational therapy assistant by the ~~national board for certification in occupational therapy~~ **National Board for Certification in Occupational Therapy (nbcot NCBOT)** after the registration lapsed.

(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is **developed and administered by the department or an entity approved by the department.** ~~administered by the department. This subdivision takes effect one year after the effective date of these rules.~~

(2) (c) ~~An applicant who meets the requirements of subrule (1) of this rule shall also complete~~ **Complete** a supervised practice experience that meets the requirements of R 338.1228. ~~and~~ ~~†~~The duration of the experience shall be as follows:

~~(a)~~ (i) If the applicant's registration has lapsed for ~~5~~ **3** years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

~~(b)~~ (ii) If the applicant's registration has lapsed for ~~more than 7~~ **or more** but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

~~(c)~~ (iii) If the applicant's registration has lapsed for ~~more than 15~~ **or more**, the applicant shall complete not less than 1000 hours of supervised practice experience.

~~(3)~~ ~~(2)~~ ~~In addition to meeting the requirements of subrules (1) and (2) of this rule, an~~ **An** applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(3) An applicant for licensure who was registered in this state as an occupational therapy assistant prior to June 13, 2009, whose registration had lapsed, and who did not apply for licensure prior to June 11, 2015, shall complete the requirements of subrule (1) of this rule and of R 338.1233.

R 338.1234 Examinations; occupational therapy assistant; adoption and approval; passing scores.

Rule 34. (1) Under R 338.1233(b), the board approves and adopts the certification examination for occupational therapy assistants that was developed, administered, and scored by the ~~ncbot~~ **NCBOT** as the licensure examination for occupational therapy assistants in this state. The board shall adopt the passing score recommended by the ~~ncbot~~ **NCBOT** for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state which is **developed and administered by the department or an entity approved by the department.** ~~administered by the department.~~ The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

R 338.1235 Licensure by endorsement of occupational therapy assistant; requirements.

~~Rule 36~~ **35.** (1) An applicant for an occupational therapy assistant license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code, **MCL 333.16186**, if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant was first registered or licensed in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan occupational therapy assistant license, then the applicant shall comply with both of the following:

(a) ~~Have passed~~ **Pass** the ~~ncbot~~ **NCBOT** certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).

(b) **Pass the examination on state laws and rules related to the practice of occupational therapy that is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.** ~~administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.~~

(3) If an applicant was first registered or licensed in another state of the United

States for less than 5 years immediately preceding the date of filing an application for a Michigan occupational therapy assistant license, then the applicant shall comply with all of the following:

- (a) ~~Have graduated~~ **Graduate** from an ~~acote~~ **ACOTE** accredited occupational therapy assistant educational program that meets the standards adopted by the board in R 338.1232.
- (b) Meet the requirements of subrules (2) ~~(a) and (b)~~ of this rule.
- (c) Meet the requirements of R 338.1213 if the applicant's occupational therapy assistant educational program was taught in a language other than English.
- (4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.1236 Requirements for relicensure; occupational therapy assistant.

Rule ~~37~~ **36**. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, **MCL 333.16201(3)**, if the applicant meets both of the following requirements:

- (a) Submits the required fee and a completed application on a form provided by the department.
- (b) ~~Passes the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.~~ **Completes the continuing education required in R 338.1252.**

(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code, **MCL 333.16201(4)**, if the applicant meets the requirements of subrule (1) of this rule and ~~either any or all~~ of the following requirements:

- (a) Passes the ~~ncbot's~~ **NCBOT** certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).
- (b) Presents evidence to the department that he or she was registered or licensed as an occupational therapy assistant in another state during the 3-year period immediately preceding the application for relicensure.

(c) Passes the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(3) An applicant who meets the requirements of subrule (2) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1237. ~~and~~ The duration of the experience shall be as follows:

- (a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.
- (b) If the applicant's license has lapsed for **7 years or more but to 15 years or less**, the applicant shall complete not less than 400 hours of supervised practice experience.
- (c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 1000 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, an applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a

license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

~~(5) For purposes of meeting the requirements of subrule (3) of this rule, the board may grant an applicant a limited license to complete the supervised practice experience.~~

~~(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may not be renewed.~~

R 338.1237 Supervised practice experience; occupational therapy assistant; requirements.

Rule ~~38~~ **37**. (1) The supervised practice experience required for relicensure under R 338.1236 shall comply with all of the following:

(a) The supervised practice experience shall be obtained under the supervision of an occupational therapist licensed in this state having not less than 3 years clinical experience and no past or pending disciplinary actions.

(b) The supervising occupational therapist shall provide the board with verification of the applicant's completion of the supervised practice experience on a form provided by the department.

(2) The supervised practice experience shall consist of, at a minimum, professional and clinical instruction in all of the following areas:

(a) Referral process.

(b) Screening process.

(c) Evaluations.

(d) Intervention plans.

(e) Intervention strategies.

(f) Discontinuation; referral for other services.

(3) Only experience obtained in an approved supervised practice situation by an individual who holds a limited license shall count toward the experience requirement.

R 338.1238 ~~Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed individual; requirements.~~ **Rescinded.**

~~Rule 39. (1) An occupational therapy assistant who delegates the performance of selected tasks to an unlicensed individual as permitted under section 16215 of the code, shall supervise the unlicensed individual consistent with section 16109(2) of the code, and satisfy the requirements of this rule. As used in this rule, "unlicensed individual" means an individual who does not hold an occupational therapist license, an occupational therapy assistant license, or any other health professional license and who may be able to perform the tasks identified in this rule.~~

~~(2) An occupational therapy assistant who delegates tasks to an unlicensed individual shall provide direct supervision of the unlicensed individual. As used in this subrule, "direct supervision" means that the occupational therapy assistant is physically present with the unlicensed individual or immediately available for direction and onsite supervision when patients or clients are present at the time the task is performed, and that the occupational therapy assistant has direct contact with the patient or client during each visit.~~

~~(3) An occupational therapy assistant who delegates tasks under subrule (2) of this rule shall also comply with all of the following:~~

~~(a) Ensure the qualifications of the unlicensed individual under the occupational therapy assistant's direct supervision, including verification of the unlicensed individual's training and education.~~

~~(b) Examine the patient or client before delegating tasks to be performed by an unlicensed individual.~~

~~(c) Supervise an unlicensed individual to whom tasks have been delegated.~~

- ~~(d) Follow predetermined procedures and protocols for tasks that have been delegated.~~
- ~~(e) Under section 16213 of the code, maintain a record of the names of the unlicensed individuals to whom tasks have been delegated.~~
- ~~(f) Monitor an unlicensed individual's practice and provision of assigned tasks.~~
- ~~(g) Delegate only those tasks to an unlicensed individual that are within the occupational therapy assistant's responsibilities as delegated by the supervising occupational therapist.~~
- ~~(4) An occupational therapy assistant shall not supervise more than 3 unlicensed individuals at the same time.~~
- ~~(5) An occupational therapy assistant shall not delegate the performance of an occupational therapy intervention to an unlicensed individual.~~
- ~~(6) Under section 16171 of the code, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an acute accredited or wofot approved occupational therapist educational program or an acute accredited occupational therapy assistant educational program approved by the board.~~

PART 5. CONTINUING EDUCATION

R 338.1251 License renewal; occupational therapist; occupation therapy assistant; requirements.

Rule 51. (1) This part applies to applications for renewal of licensure that are filed in the first renewal period following the effective date of these rules.

(2) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall accumulate not less than 20 continuing education contact hours that are approved by the board pursuant to R 338.1252 during the 2 years preceding an application for renewal.

(3) Submission of an application for renewal shall constitute the applicant's certification of compliance with the requirements of this rule.

(4) A licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).

(5) The requirements of this part do not apply to an applicant during an initial licensure cycle.

R 338.1252 Acceptable continuing education; occupational therapist; occupational therapy assistant; requirements.

Rule 52. (1) The 20 hours of continuing education required pursuant to R 338.1251 for the renewal of a license shall comply with the following:

(a) Not more than 10 credit hours may be earned during one 24-hour period for on-line or electronic media, such as videos, internet web-based seminars, video conferences, on-line continuing education programs, and on-line journal articles.

(b) An applicant may not earn credit for a continuing education program or activity that is identical or substantially similar to a program or activity the applicant has already earned credit for during that renewal period.

(c) Pursuant to section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education shall be earned in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to the practice of occupational therapy.

(2) One-half of the required continuing education contact hours shall be completed in person using live, synchronous contact. The remaining continuing education contact hours may be completed in any other format.

(3) The following are acceptable continuing education activities:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
a	<p>Completion of an approved continuing education program or activity related to the practice of occupational therapy. A continuing education program or activity is approved if it is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • American Occupational Therapy Association (AOTA). • National Board of Certification in Occupational Therapy (NBCOT). • International Association for Continuing Education and Training (IACET) authorized providers. • Another state or provincial board of occupational therapy. • Michigan Occupational Therapy Association (MIOTA). • An occupational therapy education program approved by the board in R 338.1222. <p>If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p>	<p>The number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for each 60 minutes of participation may be earned.</p> <p>Credit in this category may be earned without limitation.</p>
b	<p>Completion of academic courses related to the practice of occupational therapy offered in an occupational therapy education program approved by the board pursuant to R 338.1222.</p> <p>If audited, an applicant shall submit an official transcript that reflects completion of the academic course and number of semester or quarter credit hours earned.</p>	<p>Five hours of continuing education may be earned for each semester credit hour earned.</p> <p>Three hours of continuing education may be earned for each quarter credit hour earned.</p> <p>Credit in this category may be earned without limitation.</p>

<p>c</p>	<p>Initial publication of a chapter or an article related to the practice of occupational therapy in either of the following:</p> <ul style="list-style-type: none"> • A peer-reviewed textbook. • A professional health care textbook. • A peer-reviewed journal or periodical. <p>If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author of the publication or a publication acceptance letter.</p>	<p>Ten hours per publication.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
<p>d</p>	<p>Independent reading of articles or viewing or listening to media related to the practice of occupational therapy that does not include a self-assessment component.</p> <p>If audited, an applicant shall submit an affidavit attesting to the number of hours the applicant spent participating in these activities and that includes a description of the activity.</p>	<p>One hour for each 60 minutes of participation.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
<p>e</p>	<p>Initial presentation of an academic or continuing education program that is not a part of the applicant’s regular job description.</p> <p>If audited, an applicant shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>Three hours may be earned for each 60 minutes of presentation.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
<p>f</p>	<p>Fieldwork supervision that is not part of the applicant’s primary job description.</p> <p>If audited, an applicant shall submit a copy of a letter of verification or certificate from school including dates of fieldwork and name of fieldwork student.</p>	<p>One hour may be earned for each week of supervision per student supervised.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
<p>g</p>	<p>Participating on a state or national board, or board of a local chapter or association related to the field of occupational therapy. A state or national board, or board of a local chapter or association is considered acceptable by the board if it enhances the participant’s knowledge and understanding of the field of occupational therapy.</p>	<p>Five hours of continuing education shall be granted for each board membership. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p>

	If audited, an applicant shall submit documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the board.	
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NOTICE OF PUBLIC HEARING

**Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
NOTICE OF PUBLIC HEARING
September 30, 2016
9:00 a.m. – 12:00 p.m.**

Location: G. Mennen Williams Building Auditorium
525 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

Board of Accountancy (ORR 2016-019 LR)

Authority: MCL 339.205; MCL 339.308; MCL 339.721(4).

Overview: The proposed changes include: adopting the most recent versions of adopted standards; updating the Bureau name and address; correcting references to rescinded rules; setting forth educational requirements to take the examination; formally accepting all six regional accrediting agencies recognized by the United States Council of Higher Education Accreditation as well as adopting its standards for accrediting agencies; and permitting an independent expression of opinion on financial statements.

Board of Occupational Therapy (ORR 2015-029 LR)

Authority MCL 333.16145; MCL 333.16148; MCL 333.16204; MCL 333.18307; and MCL 333.18309; and MCL 333.18313.

Overview: The proposed changes include: adding a rule requiring a person applying for licensure as an occupational therapist or occupational therapy assistant or renewing either of those licenses to complete training in recognizing the signs of human trafficking in accordance with Public Act 343 of 2014, MCL 333.16148; clarifying the date for when an applicant must apply for licensure; allowing an entity appointed by the department to develop and administer the examination on the laws and rules related to occupational therapists and occupational therapy assistants; adding continuing education requirements for relicensure; modifying the requirements placed on a delegating occupational therapist to account for changes in technology and reduce the burden on licensees; adding a requirement that applicants for renewal must complete 20 hours of continuing education; and clarifying the requirements for acceptable continuing education. The proposed rules rescind the rule pertaining to delegation by occupational therapy assistants as it is prohibited by statute and outside the scope of authority given to the board.

Board of Optometry (ORR 2014-129 LR)

Authority: MCL 333.16145; MCL 333.16148; MCL 333.16204(2); and MCL 333.17431(1).

Overview: The proposed changes include: implementing the most current standards for approval of optometric education programs and continuing education programs; clarifying that applicants need to pass all parts of the NBEO examination, including the TMOD exam embedded in Part II of the NBEO exam; requiring examination for licenses that have been lapsed for more 3 or more years; allowing an entity appointed by the department to develop and administer the examination on the laws and rules relating to

optometry; increasing the continuing education requirement relating to pain and symptom management to 2 hours; implementing training standards for identifying victims of human trafficking; clarifying the process for obtaining board approval of continuing education programs; and expanding the types of activities for which continuing education is granted. The proposed rules rescind rules pertaining to patient records, emergency treatment plans, and advertising as they are outside the scope of authority of the board and/or duplicative of statutory language.

Board of Physical Therapy (ORR 2015-088 LR)

Authority: MCL 333.16145; MCL 333.16148; and MCL 333.17801.

Overview: The rule is being added to require a person applying for licensure as a physical therapist or physical therapist assistant or renewing either of those licenses to complete training in recognizing the signs of human trafficking.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted from date of publication until 5:00 p.m. on September 30, 2016, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing– Boards and Committees Section
P.O. Box 30670
Lansing, MI 48909-8170
Attention: Policy Analyst Email: BPL-BoardSupport@michigan.gov

A copy of the proposed rules may be obtained by contacting Board Support at (517) 241-7500 or the email address noted above. Electronic copies also may be obtained at the following link:

http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing

The meeting site and parking are accessible to people with disabilities. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BOARD OF PHYSICAL THERAPY – GENERAL RULES

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under Section 33, 44, or 45a(6) of 1969 PA 306. 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 licensing and regulatory affairs by sections 16145 and 17801 of 1978 PA 368, MCL 333.16145 and 333.17801 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1 and 2011-4, MCL 330.3101, 445.2001, 445.2011 and 445.2030)

R 338.7126 is added to the Michigan Administrative Code as follows:

R 338.7126 Training standards for identifying victims of human trafficking; requirements.

Rule 26. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or who is licensed shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content shall cover all of the following:**
 - (i) Understanding the types and venues of human trafficking in the United States.**
 - (ii) Identifying victims of human trafficking in health care settings.**
 - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.**
 - (iv) Resources for reporting the suspected victims of human trafficking.**
 - (b) Acceptable providers or methods of training include any of the following:**
 - (i) Training offered by a nationally-recognized or state-recognized, health-related organization.**
 - (ii) Training offered by, or in conjunction with, a state or federal agency.**
 - (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.**
 - (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.**
 - (c) Acceptable modalities of training may include any of the following:**
 - (i) Teleconference or webinar.**
 - (ii) Online presentation.**
 - (iii) Live presentation.**
 - (iv) Printed or electronic media.**
- (2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:**

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement shall include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses issued 5 or more years after the promulgation of this rule.

NOTICE OF PUBLIC HEARING

**Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
NOTICE OF PUBLIC HEARING
September 30, 2016
9:00 a.m. – 12:00 p.m.**

Location: G. Mennen Williams Building Auditorium
525 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

Board of Accountancy (ORR 2016-019 LR)

Authority: MCL 339.205; MCL 339.308; MCL 339.721(4).

Overview: The proposed changes include: adopting the most recent versions of adopted standards; updating the Bureau name and address; correcting references to rescinded rules; setting forth educational requirements to take the examination; formally accepting all six regional accrediting agencies recognized by the United States Council of Higher Education Accreditation as well as adopting its standards for accrediting agencies; and permitting an independent expression of opinion on financial statements.

Board of Occupational Therapy (ORR 2015-029 LR)

Authority MCL 333.16145; MCL 333.16148; MCL 333.16204; MCL 333.18307; and MCL 333.18309; and MCL 333.18313.

Overview: The proposed changes include: adding a rule requiring a person applying for licensure as an occupational therapist or occupational therapy assistant or renewing either of those licenses to complete training in recognizing the signs of human trafficking in accordance with Public Act 343 of 2014, MCL 333.16148; clarifying the date for when an applicant must apply for licensure; allowing an entity appointed by the department to develop and administer the examination on the laws and rules related to occupational therapists and occupational therapy assistants; adding continuing education requirements for relicensure; modifying the requirements placed on a delegating occupational therapist to account for changes in technology and reduce the burden on licensees; adding a requirement that applicants for renewal must complete 20 hours of continuing education; and clarifying the requirements for acceptable continuing education. The proposed rules rescind the rule pertaining to delegation by occupational therapy assistants as it is prohibited by statute and outside the scope of authority given to the board.

Board of Optometry (ORR 2014-129 LR)

Authority: MCL 333.16145; MCL 333.16148; MCL 333.16204(2); and MCL 333.17431(1).

Overview: The proposed changes include: implementing the most current standards for approval of optometric education programs and continuing education programs; clarifying that applicants need to pass all parts of the NBEO examination, including the TMOD exam embedded in Part II of the NBEO exam; requiring examination for licenses that have been lapsed for more 3 or more years; allowing an entity appointed by the department to develop and administer the examination on the laws and rules relating to

optometry; increasing the continuing education requirement relating to pain and symptom management to 2 hours; implementing training standards for identifying victims of human trafficking; clarifying the process for obtaining board approval of continuing education programs; and expanding the types of activities for which continuing education is granted. The proposed rules rescind rules pertaining to patient records, emergency treatment plans, and advertising as they are outside the scope of authority of the board and/or duplicative of statutory language.

Board of Physical Therapy (ORR 2015-088 LR)

Authority: MCL 333.16145; MCL 333.16148; and MCL 333.17801.

Overview: The rule is being added to require a person applying for licensure as a physical therapist or physical therapist assistant or renewing either of those licenses to complete training in recognizing the signs of human trafficking.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted from date of publication until 5:00 p.m. on September 30, 2016, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing– Boards and Committees Section
P.O. Box 30670
Lansing, MI 48909-8170
Attention: Policy Analyst Email: BPL-BoardSupport@michigan.gov

A copy of the proposed rules may be obtained by contacting Board Support at (517) 241-7500 or the email address noted above. Electronic copies also may be obtained at the following link:

http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing

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PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MIOSHA SAFETY AND HEALTH STANDARDS

Filed with the Secretary of State on

These rules become effective upon January 2, 2017.

Proposed August 30, 2016

(By authority conferred on the department of licensing and regulatory affairs by section 69 of 1974 PA 154 and Executive Reorganization Order No. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 408.1069, 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.22102, R 408.22102a, R 408.22103, R 408.22104, R 408.22110a, R 408.22112a, R 408.22112b, R 408.22112c, R 408.22112d, R 408.22113, R 408.22114, R 408.22115, R 408.22117, R 408.22119, R 408.22129, R 408.22130, R 408.22131, R 408.22132, R 408.22133, R 408.22134, R 408.22135, R 408.22136, R 408.22138, R 408.22139, R 408.22140, R 408.22141, R 408.22151, and R 408.22157 of the Michigan Administrative Code are amended, and R 408.22141a, R 408.22141b, and Appendix B are added, and R 408.22137, R 408.22143, and R 408.22144 are rescinded, as follows:

PART 11. RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES

R 408.22102 Intent.

Rule 1102. (1) These rules are substantially identical to the federal occupational safety and health act (OSHA) recordkeeping and reporting requirements, as contained in 29 C.F.R., §1904 “Recording and Reporting of Occupational Injuries and Illnesses” amended **2016, 2014**, as adopted in R 408.22102a, to assure that employers maintaining records pursuant to these rules are in compliance with the federal requirements and need not maintain additional records or submit additional reports pursuant to the federal regulations. R 408.22119 of this **standard part** pertains to the use of OSHA forms.

(2) This **standard part does shall** not supersede the recordkeeping and reporting requirements prescribed by sections 18 and 24 of Public Law 91-596, 29 U.S.C. §§667 and 673.

(3) If an employer creates records to comply with another government agency's injury and illness recordkeeping requirements, MIOSHA will consider the records as complying with these rules if OSHA or MIOSHA accepts the other agency's records under a memorandum of understanding with that agency, or if the other agency's records contain the same information as these rules requires an employer to record. For help in determining whether an employer's records meet MIOSHA's requirements, an employer may contact the MIOSHA Management Information Systems Section at www.michigan.gov/recordkeeping, or telephone **517-284-7788**.

R 408.22102a. Adopted and referenced standards.

Rule 1102a. (1) The following federal standards are adopted by reference in these rules:

(a) 29 C.F.R. §1903.2 “Posting of notice; availability of the ~~act~~ ~~Aet~~, regulations and applicable standards.” amended **October 19, 2015.** ~~1974.~~

~~(b) 29 C.F.R. §1904 “Recording and Reporting of Occupational Injuries and Illnesses” amended 2014.~~

~~(b) (e) 45 C.F.R. § 164.512 “Uses and disclosures for which an authorization or opportunity to agree or object is not required,” amended January 6, 2016.~~ ~~2013.~~

(2) The standards adopted in these rules are available from the United States Government Printing Office website: www.ecfr.gov, at no charge as of the time of adoption of these rules.

(3) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, **P.O. Box 30643, 7150 Harris Drive,** Lansing, Michigan, 48909-8143.

(4) The standards adopted in these rules may be obtained as shown in **these rules** ~~subrule (3) of this rule~~ or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, **P.O. Box 30643, 7150 Harris Drive,** Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

(5) The following MIOSHA standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, **P.O. Box 30643, 7150 Harris Drive,** Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Occupational Health Standard Part 380 “Occupational Noise Exposure in General Industry,” R 325.60101 to R 325.60128.

(b) Occupational Health Standard Part 554 “Bloodborne Infectious Diseases,” R 325.70001 to R 325.70018.

R 408.22103 Exceptions; applicability; petitions.

Rule 1103. (1) Both of the following provisions apply to exemptions based on employee numbers and industry classifications:

(a) If your company had 10 or fewer employees at all times during the last calendar year, you do not need to keep MIOSHA injury and illness records unless MIOSHA, the United States ~~bureau of labor statistics~~ **Bureau of Labor Statistics** (BLS), or the United States ~~department of labor occupational safety and health administration~~ **Department of Labor Occupational Safety and Health Administration** (OSHA), informs you, in writing, that you must keep records according to ~~R 408.22141~~ **R 408.22141, R 408.22141a, R 408.22141b,** or R 408.22142. However, as required by R 408.22139, all employers covered by the act shall report to MIOSHA any workplace incident that results in a **fatality, inpatient hospitalization, amputation, or loss of an eye.** ~~fatality or the hospitalization of employees.~~

(b) If your company had more than 10 employees at any time during the last calendar year, you must keep MIOSHA injury and illness records unless your establishment is classified as a partially exempt industry under this rule.

(2) Both of the following provisions apply to implementation of employee number based exemptions:

(a) Is the partial exemption for size based on the size of my entire company or on the size of an individual business establishment? The partial exemption for size is based on the number of employees in the entire company.

(b) How do I determine the size of my company to find out if I qualify for the partial exemption for size? To determine if you are exempt because of size, you ~~must need to~~ determine your company's peak employment during the last calendar year. If you did not have more than 10 employees at any time in the last calendar year, then your company qualifies for the partial exemption for size.

(3) Both of the following provisions apply to basic requirements for partial exemption for establishments in certain industries:

(a) If your business establishment is classified in a specific industry group listed in Appendix A, you do not need to keep MIOSHA injury and illness records unless MIOSHA, the United States ~~bureau of labor statistics~~ **Bureau of Labor Statistics** (BLS), or the United States ~~department of labor occupational safety and health administration~~ **Department of Labor Occupational Safety and Health Administration** (OSHA), informs you, in writing, that you must keep the records according to ~~R 408.22141~~ **R 408.22141, R 408.22141a, R 408.22141b**, or R 408.22142. However, all employers must report to MIOSHA any workplace incident that results in an employee's fatality, inpatient hospitalization, amputation, or loss of an eye as required by R 408.22139.

(b) If 1 or more of your company's establishments are classified in a nonexempt industry, then you must keep MIOSHA injury and illness records for all of such establishments unless your company is partially exempted because of size under these rules.

(4) Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company? The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be partially exempt.

(5) How do I determine the correct North American ~~industry classification system~~ **Industry Classification System** (NAICS) code for my company or for individual establishments? You ~~may~~ **can** determine your NAICS code by using 1 of the following methods, or you may contact your nearest OSHA office or state agency for help in determining your NAICS code:

(a) You ~~may~~ **can** use the search feature at the U.S. Census Bureau NAICS main Web page: <http://www.census.gov/eos/www/naics/>. In the search box for the most recent NAICS, enter a keyword that describes your kind of business. A list of primary business activities containing that keyword and the corresponding NAICS codes will appear. Choose the 1 code that most closely corresponds to your primary business activity, or refine your search to obtain other choices.

(b) Rather than searching through a list of primary business activities, you may also view the most recent complete NAICS structure with codes and titles by clicking on the link for the most recent NAICS on the U.S. Census Bureau NAICS main Web page: <http://www.census.gov/eos/www/naics/>. Then click on the 2-digit sector code to see all the NAICS codes under that sector. Then choose the 6-digit code of your interest to see the corresponding definition, as well as cross-references and index items, when available.

(c) If you know your old standard industrial classification (SIC) code, you can also find the appropriate 2002 NAICS code by using the detailed conversion (concordance) between the 1987 SIC and 2002 NAICS available in Excel format for download at the "Concordances" link at the U.S. Census Bureau NAICS main Web page: <http://www.census.gov/eos/www/naics/>.

(6) The ~~department of licensing and regulatory affairs~~ **department of licensing and regulatory affairs** shall supply copies of the forms provided for in these rules and shall compile, correct, and analyze data obtained pursuant to these rules. The department shall process petitions for exceptions to these rules from public employers. The ~~occupational safety and health administration~~ **Occupational Safety and Health Administration** (OSHA) of the United States ~~department of labor~~ **Department of Labor** shall process petitions for exceptions from private employers to ensure uniformity between federal and state rules.

R 408.22104 Definitions; A to D.

Rule 1104. (1) "Act" means the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094.

(2) "Affected employee" means an employee who ~~is would be~~ affected by the granting or denial of an exception, or an authorized representative as defined by the act.

(3) "Amputation" means the traumatic loss of a limb or other external body part. Amputation includes all of the following:

(a) A part, such as a limb or appendage, that has been severed, cut off, **or** amputated, either completely or partially.

(b) Fingertip amputations with or without bone loss.

(c) Medical amputations resulting from irreparable damage.

(d) Amputations of body parts that have since been reattached. Amputations do not include avulsions, enucleations, degloving, scalping, severed ears, or broken or chipped teeth.

(4) "Department" means the **department of licensing and regulatory affairs.** ~~department of licensing and regulatory affairs.~~

(5) "Director" means the director of the **department of licensing and regulatory affairs.** ~~department of licensing and regulatory affairs.~~

R 408.22110a Implementation.

Rule 1110a. (1) What is the "work environment"? MIOSHA defines the work environment as "the establishment and other locations where 1 or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work."

(2) May 1 business location include 2 or more establishments? Normally, 1 business location has only 1 establishment. Under limited conditions, an employer may consider 2 or more separate businesses that share a single location to be separate establishments. An employer may divide 1 location into 2 or more establishments only when all of the following provisions apply:

(a) Each of the establishments represents a distinctly separate business.

(b) Each business is engaged in a different economic activity.

(c) A single industry description in the **North American Industry Classification System Manual (NAICS)** ~~standard industrial classification manual (1987)~~ does not apply to the joint activities of the establishments

(d) Separate reports are routinely prepared for each establishment on the number of employees, their wages and salaries, sales or receipts, and other business information. For example, if an employer operates a construction company at the same location as a lumber yard, the employer may consider each business to be a separate establishment.

(3) May an establishment include more than 1 physical location? Yes, but only under certain conditions. An employer may combine 2 or more physical locations into a single establishment only when all of the following provisions apply:

(a) The employer operates the locations as a single business operation under common management.

(b) The locations are all located in close proximity to each other.

(c) The employer keeps 1 set of business records for the locations, such as records on the number of employees, their wages and salaries, sales or receipts, and other kinds of business information. For example, 1 manufacturing establishment might include the main plant, a warehouse a few blocks away, and an administrative services building across the street.

(4) If an employee telecommutes from home, is his or her home considered a separate establishment? No. For an employee who telecommutes from home, the employee's home is not a business

establishment and a separate 300 Log log is not required. An employee who telecommutes must be linked to 1 of your establishments under R 408.22130(4).

(5) Are there situations where an injury or illness occurs in the work environment and is not considered work-related? Yes. An injury or illness occurring in the work environment that falls under any of the following exceptions is not work-related, and therefore is not recordable:

R 408.22110a(5)	YOU ARE NOT REQUIRED TO RECORD INJURIES AND ILLNESSES IF...
(a)	At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.
(b)	The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.
(c)	The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.
(d)	The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption whether bought on the employer's premises or brought in. For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related. Note: If the employee is made ill by ingesting food contaminated by workplace contaminants, such as lead, or gets food poisoning from food supplied by the employer, then the case would be considered work-related.
(e)	The injury or illness is solely the result of an employee doing personal tasks, unrelated to his or her employment, at the establishment outside of the employee's assigned working hours.
(f)	The injury or illness is solely the result of personal grooming, self-medication for a non-work-related condition, or is intentionally self-inflicted.
(g)	The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.
(h)	The illness is the common cold or flu. Note: Contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work.

R 408.22110a(5)	YOU ARE NOT REQUIRED TO RECORD INJURIES AND ILLNESSES IF...
(i)	The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional who has appropriate training and experience, such as a psychiatrist, psychologist, psychiatric nurse practitioner, or the like, stating that the employee has a mental illness that is work-related.

R 408.22112a Implementation.

Rule 1112a. (1) How do I decide if a case meets 1 or more of the general recording criteria? A work-related injury or illness must be recorded if it results in 1 or more of the following:

- (a) Death. See subrule (2) of this rule.
- (b) Days away from work. See R 408.22112b.
- (c) Restricted work or transfer to another job. See R 408.22112c.
- (d) Medical treatment beyond first-aid. See R 408.22112d.
- (e) Loss of consciousness. See R 408.22112e.
- (f) A significant injury or illness diagnosed by a physician or other licensed health care professional.

See R 408.22112f.

(2) How do I record a work-related injury or illness that results in the employee's death? You must record an injury or illness that results in death by entering a check mark on the MIOSHA 300 **Log log** in the space for cases resulting in death. You must also report any work-related fatality to MIOSHA within 8 hours, as required by R 408.22139.

R 408.22112b Record work-related injury or illness that results in days away from work.

Rule 1112b. (1) How do I record a work-related injury or illness that results in days away from work? When an injury or illness involves 1 or more days away from work, you must record the injury or illness on the MIOSHA 300 **Log log** with a check mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.

(2) Do I count the day on which the injury occurred or the illness began? No. You begin counting days away on the day after the injury occurred or the illness began.

(3) How do I record an injury or illness when a physician or other licensed health care professional recommends that the worker stay at home but the employee comes to work anyway? You must record these injuries and illnesses on the MIOSHA 300 **Log log** using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional. If a physician or other licensed health care professional recommends days away, you should encourage your employee to follow that recommendation. However, the days away must be recorded whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not. If you receive recommendations from 2 or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.

(4) How do I handle a case when a physician or other licensed health care professional recommends that the worker return to work but the employee stays at home anyway? In this situation, you must end the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work.

(5) How do I count weekends, holidays, or other days the employee would not have worked anyway? You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those days. Weekend days, holidays, vacation days, or other days off are included in the total number of days recorded if the employee would not have been able to work on those days because of a work-related injury or illness.

(6) How do I record a case in which a worker is injured or becomes ill on a Friday and reports to work on a Monday, and was not scheduled to work on the weekend? You need to record this case only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the weekend. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.

(7) How do I record a case in which a worker is injured or becomes ill on the day before scheduled time off such as a holiday, a planned vacation, or a temporary plant closing? You need to record a case of this type only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the scheduled time off. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.

(8) Is there a limit to the number of days away from work I must count? Yes. You may "cap" the total days away at 180 calendar days. You are not required to keep track of the number of calendar days away from work if the injury or illness resulted in more than 180 calendar days away from work or days of job transfer or restriction, or both. In such a case, entering 180 in the total days away column will be considered adequate.

(9) May I stop counting days if an employee who is away from work because of an injury or illness retires or leaves my company? Yes. If the employee leaves your company for some reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work or days of restriction or job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away or days of restriction or job transfer and enter the day count on the MIOSHA 300 **Log**.

(10) If a case occurs in one year but results in days away during the next calendar year, do I record the case in both years? No. You only record the injury or illness once. You must enter the number of calendar days away for the injury or illness on the MIOSHA 300 **Log** for the year in which the injury or illness occurred. If the employee is still away from work because of the injury or illness when you prepare the annual summary, estimate the total number of calendar days you expect the employee to be away from work, use this number to calculate the total for the annual summary, and then update the initial log entry later when the day count is known or reaches the 180-day cap.

R 408.22112c Record work-related injury or illness that results in restricted work or job transfer.

Rule 1112c. (1) How do I record a work-related injury or illness that results in restricted work or job transfer? When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the MIOSHA 300 **Log** by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column.

(2) How do I decide if the injury or illness resulted in restricted work? Restricted work occurs when, as the result of a work-related injury or illness, either of the following occurs:

(a) You keep the employee from performing 1 or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work.

(b) A physician or other licensed health care professional recommends that the employee not perform 1 or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work.

(3) What is meant by "routine functions"? For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.

(4) **Am I required** ~~Do I have~~ to record restricted work or job transfer if it applies only to the day on which the injury occurred or the illness began? No. You **are not required** ~~do not have~~ to record restricted work or job transfers if you, or the physician or other licensed health care professional, impose the restriction or transfer only for the day on which the injury occurred or the illness began.

(5) If you or a physician or other licensed health care professional recommends a work restriction, is the injury or illness automatically recordable as a "restricted work" case? No. A recommended work restriction is recordable only if it affects 1 or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job. If the restriction from you or the physician or other licensed health care professional keeps the employee from performing 1 or more of his or her routine job functions, or from working the full workday the injured or ill employee would otherwise have worked, the employee's work has been restricted and you must record the case.

(6) How do I record a case where the worker works only for a partial work shift because of a work-related injury or illness? A partial day of work is recorded as a day of job transfer or restriction for recordkeeping purposes, except for the day on which the injury occurred or the illness began.

(7) If the injured or ill worker produces fewer goods or services than he or she would have produced before the injury or illness, but otherwise performs all of the routine functions of his or her work, is the case considered a restricted work case? No. The case is considered restricted work only if the worker does not perform all of the routine functions of his or her job or does not work the full shift that he or she would otherwise have worked.

(8) How do I handle vague restrictions from a physician or other licensed health care professional, such as that the employee engage only in "light duty" or "take it easy for a week"? If you are not clear about the physician or other licensed health care professional's recommendation, you may ask that person whether the employee can do all of his or her routine job functions and work all of his or her normally assigned work shift. If the answer to both of these questions is "yes," then the case does not involve a work restriction and does not have to be recorded as such. If the answer to 1 or both of these questions is "no," the case involves restricted work and must be recorded as a restricted work case. If you are unable to obtain this additional information from the physician or other licensed health care professional who recommended the restriction, then record the injury or illness as a case involving restricted work.

(9) What do I do if a physician or other licensed health care professional recommends a job restriction meeting MIOSHA's definition, but the employee does all of his or her routine job functions anyway? You must record the injury or illness on the MIOSHA 300 **Log log** as a restricted work case. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction. If you receive recommendations from 2 or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.

(10) How do I decide if an injury or illness involved a transfer to another job? If you assign an injured or ill employee to a job other than his or her regular job for part of the day, the case involves transfer to another job. Note: This does not include the day on which the injury or illness occurred.

(11) Are transfers to another job recorded in the same way as restricted work cases? Yes. Both job transfer and restricted work cases are recorded in the same box on the MIOSHA 300 **Log. log** For example, if you assign, or a physician or other licensed health care professional recommends that you assign, an injured or ill worker to his or her routine job duties for part of the day and to another job for the rest of the day, the injury or illness involves a job transfer. You must record an injury or illness that involves a job transfer by placing a check in the box for job transfer.

(12) How do I count days of job transfer or restriction? You count days of job transfer or restriction in the same way you count days away from work, using R 408.22112b (2) to (9). The only difference is that, if you permanently assign the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is made permanent. You must count at least 1 day of restricted work or job transfer for such cases.

R 408.22112d Recording injury or illness that involves medical treatment beyond first-aid.

Rule 1112d. (1) How do I record an injury or illness that involves medical treatment beyond first-aid? If a work-related injury or illness results in medical treatment beyond first-aid, you must record it on the MIOSHA 300 **Log. log**. If the injury or illness did not involve death, 1 or more days away from work, 1 or more days of restricted work, or 1 or more days of job transfer, you enter a check mark in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.

(2) What is the definition of medical treatment? "Medical treatment" means the management and care of a patient to combat disease or disorder. For the purposes of these rules, medical treatment does not include any of the following:

- (a) Visits to a physician or other licensed health care professional solely for observation or counseling.
 - (b) The conduct of diagnostic procedures, such as **X-rays, x-rays** and blood tests, including the administration of prescription medications used solely for diagnostic purposes, such as eye drops to dilate pupils.
 - (c) "First-aid" as defined in subrule (3) of this rule.
- (3) What is "first-aid"? For the purposes of these rules, "first-aid" means any of the following:
- (a) Using a nonprescription medication at nonprescription strength. For medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is considered medical treatment for recordkeeping purposes.
 - (b) Administering tetanus immunizations. Administering other immunizations, such as hepatitis B vaccine or rabies vaccine, is considered medical treatment.
 - (c) Cleaning, flushing, or soaking wounds on the surface of the skin.
 - (d) Using wound coverings such as bandages, Band-aids™, gauze pads, or the like; or using butterfly bandages or Steri-strips™. Using other wound closing devices, such as sutures, staples, or the like, is considered medical treatment.
 - (e) Using hot or cold therapy.
 - (f) Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, or the like. Using devices that have rigid stays or other systems designed to immobilize parts of the body is considered medical treatment for recordkeeping purposes.

- (g) Using temporary immobilization devices while transporting an accident victim, such as splints, slings, neck collars, back boards, and the like.
 - (h) Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister.
 - (i) Using eye patches.
 - (j) Removing foreign bodies from the eye using only irrigation or a cotton swab.
 - (k) Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs, or other simple means.
 - (l) Using finger guards.
 - (m) Using massages. Physical therapy or chiropractic treatment is considered medical treatment for recordkeeping purposes.
 - (n) Drinking fluids for relief of heat stress.
- (4) Are any other procedures included in first-aid? No. This is a complete list of all treatments considered first-aid for the purposes of these rules.
- (5) Does the professional status of the person providing the treatment have any effect on what is considered first-aid or medical treatment? No. MIOSHA considers the treatments listed in subrule (3) of this rule to be first-aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are considered first-aid. Similarly, MIOSHA considers treatment beyond first-aid to be medical treatment even when it is provided by someone other than a physician or other licensed health care professional.
- (6) What if a physician or other licensed health care professional recommends medical treatment but the employee does not follow the recommendation? If a physician or other licensed health care professional recommends medical treatment, you should encourage the injured or ill employee to follow that recommendation. However, you must record the case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation.

R 408.22113 Recording criteria for needlestick and sharps injuries.

Rule 1113. (1) You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material, as defined in Occupational Health Standard Part 554 "Bloodborne Infectious Diseases," as referenced in R 408.22102a. You must enter the case on the MIOSHA 300 **Log log** as an injury. To protect the employee's privacy, you may not enter the employee's name on the MIOSHA 300 **Log log** (see the requirements for privacy cases in R 408.22129(7) to (10)).

(2) What does "other potentially infectious material" mean? The term "other potentially infectious material" is defined in R 408.22107(2). These materials include the following:

- (a) Human bodily fluids, tissues, and organs.
- (b) Other materials infected with the HIV or hepatitis B (HBV) virus, such as laboratory cultures or tissues from experimental animals.

(3) Does this mean that I must record all cuts, lacerations, punctures, and scratches? No, you need to record cuts, lacerations, punctures, and scratches only if they are work-related and involve contamination with another person's blood or other potentially infectious material. If the cut, laceration, or scratch involves a clean object, or a contaminant other than blood or other potentially infectious material, you need to record the case only if it meets 1 or more of the recording criteria in R 408.22112 to R 408.22112f.

(4) If I record an injury and the employee is later diagnosed with an infectious bloodborne disease, do I need to update the MIOSHA 300 **Log? log?** Yes, you must update the classification of the case on the MIOSHA 300 **Log log** if the case results in death, days away from work, restricted work, or job transfer.

You must also update the description to identify the infectious disease and change the classification of the case from an injury to an illness.

(5) What if one of my employees is splashed or exposed to blood or other potentially infectious material without being cut or scratched? Do I need to record this incident? You need to record such an incident on the MIOSHA 300 ~~Log log~~ as an illness if any of the following provisions apply:

- (a) It results in the diagnosis of a bloodborne illness, such as HIV, hepatitis B, or hepatitis C.
- (b) It meets 1 or more of the recording criteria in R 408.22112 to R 408.22112f.

R 408.22114 Recording criteria for cases involving medical removal under MIOSHA standards.

Rule 1114. (1) Basic requirement. If an employee is medically removed under the medical surveillance requirements of an MIOSHA standard, you must record the case on the MIOSHA 300 ~~Log log~~

(2) **All of the following apply to implementation of subrule (1) of this rule:** ~~Implementation.~~

(a) How do I classify medical removal cases on the MIOSHA 300 ~~Log log~~? You must enter each medical removal case on the MIOSHA 300 ~~Log log~~ as either a case involving days away from work or a case involving restricted work activity, depending on how you decide to comply with the medical removal requirement. If the medical removal is the result of a chemical exposure, you must enter the case on the MIOSHA 300 ~~Log log~~ by checking the "poisoning" column.

(b) Do all of MIOSHA's standards have medical removal provisions? No, some MIOSHA standards, such as the standards covering bloodborne pathogens and noise, do not have medical removal provisions. Many MIOSHA standards that cover specific chemical substances have medical removal provisions. These standards include, but are not limited to, lead, cadmium, methylene chloride, formaldehyde, and benzene.

(c) **Am I required** ~~Do I have~~ to record a case where I voluntarily removed the employee from exposure before the medical removal criteria in a MIOSHA standard are met? No, if the case involves voluntary medical removal before the medical removal levels required by a MIOSHA standard, you do not need to record the case on the MIOSHA 300 ~~Log log~~.

R 408.22115 Recording criteria for cases involving occupational hearing loss, after January 1, 2003.

Rule 1115. (1) If an employee's hearing test (audiogram) reveals that the employee has experienced a work-related standard threshold shift (STS) in hearing in 1 or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear or ears as the STS, you must record the case on the MIOSHA 300 ~~Log log~~, column 5.

(2) What is a standard threshold shift? A standard threshold shift, or STS, is defined in Occupational Health Standard Part 380 "Occupational Noise Exposure in General Industry" as referenced in R 408.22102a, as a change in hearing threshold, relative to the baseline audiogram for that employee, of an average of 10 decibels (dB) or more at 2000, 3000, and 4000 hertz (Hz) in 1 or both ears.

(3) How do I evaluate the current audiogram to determine whether an employee has an STS and a 25 dB hearing level?

(a) If the employee has never previously experienced a recordable hearing loss, then you must compare the employee's current audiogram with that employee's baseline audiogram. If the employee has previously experienced a recordable hearing loss, then you must compare the employee's current audiogram with the employee's revised baseline audiogram, which is the audiogram reflecting the employee's previous recordable hearing loss case.

(b) 25 dB loss. Audiometric test results reflect the employee's overall hearing ability in comparison to audiometric zero. Therefore, using the employee's current audiogram, you must use the average hearing level at 2000, 3000, and 4000 Hz to determine if the employee's total hearing level is 25 dB or more.

(4) May I adjust the current audiogram to reflect the effects of aging on hearing? Yes. When you are determining whether an STS has occurred, you may age adjust the employee's current audiogram results by using Table 4, as appropriate, from Occupational Health Standard Part 380 "Occupational Noise Exposure in General Industry" as referenced in R 408.22102a. You may not use an age adjustment when determining whether the employee's total hearing level is 25 dB or more above audiometric zero.

(5) **Am I required** ~~Do I have~~ to record the hearing loss if I am going to retest the employee's hearing? No. If you retest the employee's hearing within 30 days of the first test, and the retest does not confirm the recordable STS, you are not required to record the hearing loss case on the MIOSHA 300 **Log**. ~~Log~~ If the retest confirms the recordable STS, you must record the hearing loss illness within 7 calendar days of the retest. If subsequent audiometric testing performed under the testing requirements of Occupational Health Standard Part 380 "Occupational Noise Exposure in General Industry" as referenced in R 408.22102a, indicates that an STS is not persistent, then you may erase or line-out the recorded entry.

(6) Are there any special rules for determining whether a hearing loss case is work-related? No. You must use the requirements in R 408.22110 to R 408.22110b to determine if the hearing loss is work-related. If an event or exposure in the work environment either caused or contributed to the hearing loss, or significantly aggravated a pre-existing hearing loss, you must consider the case to be work-related.

(7) If a physician or other licensed health care professional determines that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure, you are not required to consider the case work-related or to record the case on the MIOSHA 300 **Log**. ~~log~~

(8) How do I complete the MIOSHA 300 **Log** ~~log~~ for a hearing loss case? When you enter a recordable hearing loss case on the MIOSHA 300 **Log**, ~~log~~ you must check the 300 **Log** ~~log~~ column for hearing loss.

R 408.22117 Recording criteria for work-related tuberculosis cases.

Rule 1117. (1) If any of your employees has been occupationally exposed to anyone with a known case of active tuberculosis (TB), and that employee subsequently develops a tuberculosis infection, as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional, you must record the case on the MIOSHA 300 **Log** ~~log~~ by checking the "respiratory condition" column.

(2) **Am I required** ~~Do I have~~ to record, on the log, a positive TB skin test result obtained at a pre-employment physical? No. You **are not required** ~~do not have~~ to record it because the employee was not occupationally exposed to a known case of active tuberculosis in your workplace.

(3) May I line-out or erase a recorded TB case if I obtain evidence that the case was not caused by occupational exposure? Yes. You may line-out or erase the case from the log under any of the following circumstances:

(a) The worker is living in a household with a person who has been diagnosed with active TB.

(b) The department of community health has identified the worker as a contact of an individual with a case of active TB unrelated to the workplace.

(c) A medical investigation shows that the employee's infection was caused by exposure to TB away from work, or proves that the case was not related to the workplace TB exposure.

R 408.22119 Record keeping on federal OSHA forms.

Rule 1119. Records maintained by an employer pursuant to this **standard part** on the federal record keeping forms ~~OSHA 301, OSHA 300, and OSHA 300A~~ shall be regarded as in compliance with the state requirements as provided in this **standard**. ~~part~~. **The OSHA forms are the following:**

(a) **OSHA Form 300A "Summary of Work-Related Injuries and Illnesses."**

- (b) OSHA Form 300 “Log of Work-Related Injuries and Illnesses.”**
- (c) OSHA Form 301 “Injury and Illness Incident Report.”**

R 408.22129 Forms.

Rule 1129 (1) You must use MIOSHA **300A**, 300, ~~300A~~, and 301 forms, or equivalent forms, and shall complete the forms in the detail required by the forms and the instructions contained in the forms for the purpose of recording recordable injuries and illnesses. ~~The MIOSHA 300 form is called the log of work-related injuries and illnesses, the 300A is the summary of work-related injuries and illnesses, and the MIOSHA 301 form is called the injury and illness incident report.~~ **The MIOSHA forms are the following:**

- (a) MIOSHA Form 300A “Summary of Work-Related Injuries and Illnesses.”**
- (b) MIOSHA Form 300 “Log of Work-Related Injuries and Illnesses.”**
- (c) MIOSHA Form 301 “Injury and Illness Incident Report.”**

(2) What do I need to do to complete the MIOSHA 300 **Log**? ~~log~~? You must enter information about your business at the top of the MIOSHA 300 **Log**, ~~log~~, enter a 1 or 2-line description for each recordable injury or illness, and summarize this information on the MIOSHA 300A at the end of the year.

(3) What do I need to do to complete the MIOSHA 301 **Incident Report**? ~~incident report~~? You must complete a MIOSHA 301 **Incident Report** ~~incident report~~ form, or an equivalent form, for each recordable injury or illness entered on the MIOSHA 300 **Log**. ~~log~~.

(4) How quickly must each injury or illness be recorded? You must enter each recordable injury or illness on the MIOSHA 300 **Log** ~~log~~ and 301 **Incident Report** ~~incident report~~ within 7 calendar days of receiving information that a recordable injury or illness has occurred.

(5) What is an equivalent form? An equivalent form is a form that has the same information, is as readable and understandable, and is completed using the same instructions as the MIOSHA form it replaces. Many employers use an insurance form instead of the MIOSHA 301 **Incident Report**, ~~incident report~~, or supplement an insurance form by adding any additional information required by MIOSHA.

(6) May I keep my records on a computer? Yes. If the computer can produce equivalent forms when they are needed as described under R 408.22135 and R 408.22140 you may keep your records using the computer system.

(7) Are there situations where I do not put the employee's name on the forms for privacy reasons? Yes. If you have a "privacy concern case" you may not enter the employee's name on the MIOSHA 300 **Log**. ~~log~~ Instead enter "privacy case" in the space normally used for the employee's name. This will protect the privacy of the injured or ill employee when another employee a former employee or an authorized employee representative is provided access to the MIOSHA 300 **Log** ~~log~~ under R 408.22135(3). You must keep a separate confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.

(8) How do I determine if an injury or illness is a privacy concern case? You must consider all of the following injuries or illnesses to be privacy concern cases:

- (a) An injury or illness to an intimate body part or the reproductive system.
- (b) An injury or illness resulting from a sexual assault.
- (c) Mental illnesses.
- (d) HIV infection, hepatitis, or tuberculosis.
- (e) Needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material. See R 408.22113(2) and R 408.22107(2) for definitions.
- (f) Other illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the log. ~~After January 1, 2003, musculoskeletal~~ **Musculoskeletal** disorders (MSDs) are not considered privacy concern cases.

(9) May I classify any other types of injuries and illnesses as privacy concern cases? No. The list in subrule(8) of this rule is a complete list of all injuries and illnesses considered privacy concern cases for the purposes of these rules.

(10) If I have removed the employee's name, but still believe that the employee may be identified from the information on the forms, is there anything else that I can do to further protect the employee's privacy? Yes. If you have a reasonable basis to believe that information describing the privacy concern case may be personally identifiable even though the employee's name has been omitted, you may use discretion in describing the injury or illness on both the MIOSHA 300 and 301 forms. You must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, a sexual assault case could be described as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."

(11) What must I do to protect employee privacy if I wish to provide access to the MIOSHA forms 300 and 301 to persons other than government representatives, employees, former employees, or authorized representatives? If you decide to voluntarily disclose the forms to persons other than government representatives, employees, former employees, or authorized representatives, as required by R 408.22135 and R 408.22140, you must remove or hide the employees' names and other personally identifying information, except for the following cases. You may disclose the forms with personally identifying information only as follows:

(a) To an auditor or consultant hired by the employer to evaluate the safety and health program.

(b) To the extent necessary for processing a claim for workers' compensation or other insurance benefits.

(c) To a public health authority or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under the United States **Department of Health and Human Services Standards** department of health and human services standards for privacy of individually identifiable health information, 45 C.F.R. §164.512 "Uses and disclosures for which an authorization or opportunity to agree or object is not required," amended **January 6, 2016, 2013**, as adopted in R 408.22102a.

R 408.22130 Multiple business establishments.

Rule 1130. (1) You must keep a separate MIOSHA 300 **Log log** for each establishment that is expected to be in operation for 1 year or longer.

(2) Do I need to keep MIOSHA injury and illness records for short-term establishments, that is, establishments that will exist for less than a year? Yes. However, you **are not required do not have** to keep a separate MIOSHA 300 **Log log** for each such establishment. You may keep 1 MIOSHA 300 **Log log** that covers all of your short-term establishments. You may also include the short-term establishments' recordable injuries and illnesses on a MIOSHA 300 **Log log** that covers short-term establishments for individual company divisions or geographic regions.

(3) May I keep the records for all of my establishments at my headquarters location or at some other central location? Yes. You may keep the records for an establishment at your headquarters or other central location if you comply with both of the following provisions:

(a) Transmit information about the injuries and illnesses from the establishment to the central location within 7 calendar days of receiving information that a recordable injury or illness has occurred.

(b) Produce and send the records from the central location to the establishment within the time frames required by R 408.22135 and R 408.22140 when you are required to provide records to a government representative, employees, former employees, or employee representatives.

(4) Some of my employees work at several different locations or do not work at any of my establishments at all. How do I record cases for these employees? You must link each of your employees with 1 of your establishments, for recordkeeping purposes. You must record the injury and illness on the MIOSHA 300 **Log log** of the injured or ill employee's establishment, or on a MIOSHA 300 **Log log** that covers that employee's short-term establishment.

(5) How do I record an injury or illness when an employee of 1 of my establishments is injured or becomes ill while visiting or working at another of my establishments, or while working away from any of my establishments? If the injury or illness occurs at 1 of your establishments, you must record the injury or illness on the MIOSHA 300 **Log log** of the establishment at which the injury or illness occurred. If the employee is injured or becomes ill and is not at 1 of your establishments, you must record the case on the MIOSHA 300 **Log log** at the establishment at which the employee normally works.

R 408.22131 Covered employees.

Rule 1131. (1) Basic requirement. You must record on the MIOSHA 300 **Log log** the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.

(2) **All of the following apply to implementation of subrule (1) of this rule:** ~~Implementation.~~

(a) If a self-employed person is injured or becomes ill while doing work at my business, do I need to record the injury or illness? No, self-employed individuals are not covered by these rules.

(b) If I obtain employees from a temporary help service, employee leasing service, or personnel supply service, **am I required** ~~do I have~~ to record an injury or illness occurring to one of those employees? You must record these injuries and illnesses if you supervise these employees on a day-to-day basis.

(c) If an employee in my establishment is a contractor's employee, must I record an injury or illness occurring to that employee? If the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.

(d) Must the personnel supply service, temporary help service, employee leasing service, or contractor also record the injuries or illnesses occurring to temporary, leased, or contract employees that I supervise on a day-to-day basis? No, you and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to make sure that each injury and illness is recorded only once: either on your MIOSHA 300 **Log log** if you provide day-to-day supervision or on the other employer's MIOSHA 300 **Log log** if that company provides day-to-day supervision.

R 408.22132 Annual summary.

Rule 1132. (1) Basic requirement. At the end of each calendar year, you must do all of the following:

(a) Review the MIOSHA 300 **Log log** to verify that the entries are complete and accurate, and correct any deficiencies identified.

(b) Create an annual summary of injuries and illnesses recorded on the MIOSHA 300 **Log log**.

(c) Certify the summary.

(d) Post the annual summary.

(2) **All of the following apply to implementation of subrule (1) of this rule:** ~~Implementation.~~

(a) How extensively **am I required to have** to review the MIOSHA 300 **Log log** entries at the end of the year? You must review the entries as extensively as necessary to make sure that they are complete and correct.

(b) How do I complete the annual summary? You must do all of the following:

(i) Total the columns on the MIOSHA 300 **Log log**. If you had no recordable cases, enter zeros for each column total.

(ii) Enter the calendar year covered, the company's name, establishment name, establishment address, annual average number of employees covered by the MIOSHA 300 **Log log** and the total hours worked by all employees covered by the MIOSHA 300 **Log log**.

(iii) If you are using an equivalent form other than the MIOSHA **300A Summary 300-a summary** form, as permitted under R 408.22129(5), the summary you use must also include the employee access and employer penalty statements found on the MIOSHA **300A Summary 300-A summary** form.

(c) How do I certify the annual summary? A company executive must certify that he or she has examined the MIOSHA 300 **Log log** and that he or she reasonably believes, based on his or her knowledge of the process by which the information was recorded, that the annual summary is correct and complete.

(d) Who is considered a company executive? The company executive who certifies the log must be any of the following persons:

(i) An owner of the company, only if the company is a sole proprietorship or partnership.

(ii) An officer of the corporation.

(iii) The highest ranking company official working at the establishment.

(iv) The immediate supervisor of the highest ranking company official working at the establishment.

(e) How do I post the annual summary? You must post a copy of the annual summary in each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the posted annual summary is not altered, defaced, or covered by other material.

(f) When **am I required to have** to post the annual summary? You must post the summary not later than February 1 of the year following the year covered by the records and keep the posting in place until April 30.

R 408.22133 Retention and updating.

Rule 1133. (1) Basic requirement. You must save the MIOSHA 300 **Log log**, the privacy case list, if one exists, the annual summary **301 301-A**, and the MIOSHA 301 **Incident Report incident report** forms for 5 years following the end of the calendar year that these records cover.

(2) **All of the following apply to implementation of subrule (1) of this rule: Implementation.**

(a) **Am I required to have** to update the MIOSHA 300 **Log log** during the 5-year storage period? Yes, during the storage period, you must update your stored MIOSHA 300 **Logs logs** to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information.

(b) **Am I required to have** to update the annual summary? No, you are not required to update the annual summary, but you may do so if you wish.

(c) **Am I required to have** to update the MIOSHA 301 **Incident Report? incident report?** No, you are not required to update the MIOSHA 301 **Incident Report, incident report**, but you may do so if you wish.

R 408.22134 Change in business ownership.

Rule 1134. If your business changes ownership, you are responsible for recording and reporting work-related injuries and illnesses only for that period of the year during which you owned the establishment. You must transfer your records under this **standard part** to the new owner. The new owner must save all records of the establishment kept by the prior owner, as required by R 408.22133, but need not update or correct the records of the prior owner.

R 408.22135 Employee involvement.

Rule 1135. (1) Basic requirement. Your employees and their representatives must be involved in the recordkeeping system as follows:

(a) You must inform each employee of how he or she is to report **a work-related an** injury or illness to you.

(b) You must provide **employees with the information described in subrule (2)(c) of this rule.** ~~limited access to your injury and illness records for your employees and their representatives.~~

(c) You must provide access to your injury and illness records for your employees and their representatives.

(2) Implementation. What must I do to make sure that employees report work-related injuries and illnesses to me?

(a) You must **establish a reasonable procedure for employees to report work-related injuries and illnesses promptly and accurately. A procedure is not reasonable if it would deter or discourage a reasonable employee from accurately reporting a workplace injury or illness.** ~~set up a way for employees to report work-related injuries and illnesses promptly.~~

(b) You must **inform tell** each employee **of your procedure for reporting how to report** work-related injuries and **illnesses.** ~~illnesses to you.~~

(c) You must inform each employee of both of the following:

(i) Employees have the right to report work-related injuries and illnesses.

(ii) Employers are prohibited from discharging or in any manner discriminating against employees for reporting work-related injuries or illnesses.

(d) You must not discharge or in any manner discriminate against any employee for reporting a work-related injury or illness.

(3) **Am I required** ~~Do I have~~ to give my employees and their representatives access to the MIOSHA injury and illness records? Yes, your employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the MIOSHA injury and illness records, with some limitations, as follows:

(a) Who is an authorized employee representative? An authorized employee representative is an authorized collective bargaining agent of employees.

(b) Who is a "personal representative" of an employee or former employee? A personal representative is either of the following:

(i) Any person who the employee or former employee designates in writing.

(ii) The legal representative of a deceased or legally incapacitated employee or former employee.

(c) If an employee or representative asks for access to the MIOSHA 300 **Log log**, when **am I required** ~~do I have~~ to provide it? When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored MIOSHA 300 **Log log** or **Logs logs** for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant MIOSHA 300 **Log log** or **Logs logs** by the end of the next business day.

(d) May I remove the names of the employees or any other information from the MIOSHA 300 **Log log** before I give copies to an employee, former employee, or employee representative? No, you must

leave the names on the 300 ~~Log log~~. However, to protect the privacy of injured and ill employees, you may not record the employee's name on the MIOSHA 300 ~~Log log~~ for certain "privacy concern cases," as specified in R 408.22129(7) to (10).

(e) If an employee or representative asks for access to the MIOSHA 301 **Incident Report**, ~~incident report~~, when **am I required do I have to provide it?**

(i) When an employee, former employee, or personal representative asks for a copy of the MIOSHA 301 **Incident Report** ~~incident report~~ describing an injury or illness to that employee or former employee, you must give the requester a copy of the MIOSHA 301 **Incident Report** ~~incident report~~ containing that information by the end of the next business day:-

(ii) When an authorized employee representative asks for copies of the MIOSHA 301 **Incident Reports** ~~incident reports~~ for an establishment where the agent represents employees under a collective bargaining agreement, you must give copies of those forms to the authorized employee representative within 7 calendar days.

You are only required to give the authorized employee representative information from the MIOSHA 301 **Incident Report** ~~incident report~~ section titled "tell us about the case." You must remove all other information from the copy of the MIOSHA 301 **Incident Report** ~~incident report~~ or the equivalent substitute form that you give to the authorized employee representative.

(f) May I charge for the copies? No, you may not charge for these copies the first time they are provided. However, if one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records.

R 408.22136 Prohibition against discrimination.

Rule 1136. **In addition to R 408.22135, section** ~~Section~~ 65 of the act prohibits you from discriminating against an employee for reporting a work-related fatality, injury, or illness. Section 65 of the act also protects the employee who files a safety and health complaint, asks for access to the records under this part, or otherwise exercises any rights afforded by the act.

R 408.22137 ~~Revocation.~~ **Rescinded.**

~~Rule 1137. The director may revoke an exception granted under this part for failure to comply with the conditions of the exception. An opportunity for informal hearing or conference shall be afforded to the employers and affected employees, or their representatives. Except in cases of wilful noncompliance or where employee safety or health requires otherwise, before the commencement of an informal proceeding, the employer shall be:~~

~~(a) Notified in writing of the facts or conduct which may warrant the action.~~

~~(b) Given an opportunity to demonstrate or achieve compliance.~~

R 408.22138 Private sector variances from recordkeeping rule.

Rule 1138.(1) If you are a private employer and wish to keep records in a different manner from the manner prescribed by these rules, you may submit a variance petition to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210. You can obtain a variance only if you can show that your alternative recordkeeping system provides all of the following:

(a) Collects the same information as this **standard part** requires.

(b) Meets the purposes of the act.

(c) Does not interfere with the administration of the occupational safety and health act of 1970, 29 U.S.C. §651 et seq.

(2) What do I need to include in my variance petition? You must include all of the following items in your petition:

- (a) Your name and address.
- (b) A list of the state or states where the variance would be used.
- (c) The address or addresses of the business establishment or establishments involved.
- (d) A description of why you are seeking a variance.
- (e) A description of the different recordkeeping procedures you propose to use.
- (f) A description of how your proposed procedures will collect the same information as would be collected by these rules and achieve the purpose of the occupational safety and health act of 1970, 29 U.S.C. §651 et seq.

(g) A statement that you have informed your employees of the petition by giving them or their authorized representative a copy of the petition and by posting a statement summarizing the petition in the same way as notices are posted under 29 C.F.R. 1903.2 “Posting of notice; availability of the Act, regulations and applicable standards” rule (a), as adopted in R 408.22102a.

(3) How will the assistant secretary handle my variance petition? The assistant secretary will take the following steps to process your variance petition:

(a) The assistant secretary will offer your employees and their authorized representatives an opportunity to submit written data, views, and arguments about your variance petition.

(b) The assistant secretary may allow the public to comment on your variance petition by publishing the petition in the Federal Register. If the petition is published, the notice will establish a public comment period and may include a schedule for a public meeting on the petition.

(c) After reviewing your variance petition and any comments from your employees and the public, the assistant secretary will decide if your proposed recordkeeping procedures will meet the purposes of the occupational safety and health act of 1970, 29 U.S.C. §651 et seq., will not otherwise interfere with the act, and will provide the same information as the 29 C.F.R. §1904 “Recording and Reporting of Occupational Injuries and Illnesses” as amended **2016, 2014**, as adopted in R 408.22102a, regulations provide. If your procedures meet these criteria, the assistant secretary may grant the variance subject to such conditions as he or she finds appropriate.

(d) If the assistant secretary grants your variance petition, OSHA will publish a notice in the Federal Register to announce the variance. The notice will include the practices the variance allows you to use, any conditions that apply, and the reasons for allowing the variance.

(4) If I apply for a variance, may I use my proposed recordkeeping procedures while the assistant secretary is processing the variance petition? No. Alternative recordkeeping practices are only allowed after the variance is approved. You must comply with the 29 C.F.R §1904 “Recording and Reporting of Occupational Injuries and Illnesses,” as amended **2016, 2014**, as adopted in R 408.22102a, regulations while the assistant secretary is reviewing your variance petition.

(5) If I have already been cited by MIOSHA for not following these rules, will my variance petition have any effect on the citation and penalty? No. In addition, the assistant secretary may elect not to review your variance petition if it includes an element for which you have been cited and the citation is still under review by a court, an administrative law judge (ALJ), or the MIOSHA review commission.

(6) If I receive a variance, may the assistant secretary revoke the variance at a later date? Yes, the assistant secretary may revoke your variance if he or she has good cause. The procedures revoking a variance will follow the same process as OSHA uses for reviewing variance petitions, as provided in subrule (3) of this rule. Except in cases of willfulness or where necessary for public safety, the assistant secretary will do both of the following:

- (a) Notify you in writing of the facts or conduct that may warrant revocation of your variance.
- (b) Provide you, your employees, and authorized employee representatives with an opportunity to participate in the revocation procedures.

R 408.22139 Reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents to MIOSHA.

Rule 1139. (1) Fatalities. Within 8 hours after the death of any employee from a work-related incident, you must report the fatality by telephone to the MIOSHA toll-free central telephone number: 1-800-858-0397.

(2) Hospitalizations, amputations, and losses of an eye. Within 24 hours after the inpatient hospitalization of 1 or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, you must report the inpatient hospitalization, amputation, or loss of an eye to MIOSHA.

(3) You must report the inpatient hospitalization, amputation, or loss of an eye using 1 of the following methods:

(a) By telephone or in person to the MIOSHA office that is nearest to the site of the incident.

(b) By telephone to the MIOSHA toll-free central telephone number: 1-844-464-6742.

(c) By electronic submission using the reporting application located on MIOSHA's web site at www.michigan.gov/recordkeeping.

(4) If the MIOSHA office is closed, may I report the inpatient hospitalization, amputation, or loss of an eye by leaving a message on MIOSHA's answering machine, faxing the bureau office, or sending an e-mail? No. If the MIOSHA office is closed, you must report the inpatient hospitalization, amputation, or loss of an eye using either the toll-free central telephone number: 1-844-464-6742 or the reporting application located on MIOSHA's web site at www.michigan.gov/recordkeeping.

(5) What information do I need to give to MIOSHA about the fatality, inpatient hospitalization, amputation, or loss of an eye? You must give MIOSHA all of the following information for each fatality, inpatient hospitalization, amputation, or loss of an eye:

(a) The establishment's name.

(b) The location of the work-related incident.

(c) The time of the work-related incident.

(d) The type of reportable event, fatality, inpatient hospitalization, amputation, or loss of an eye.

(e) The number of employees who suffered a fatality, inpatient hospitalization, amputation, or loss of an eye.

(f) The names of the employees who suffered a fatality, inpatient hospitalization, amputation, or loss of an eye.

(g) Your contact person and his or her phone number.

(h) A brief description of the work-related incident.

(6) **Am I required ~~Do I have~~ to report the fatality, inpatient hospitalization, amputation, or loss of an eye if it resulted from a motor vehicle accident on a public street or highway? If the motor vehicle accident occurred in a construction work zone, you must report the fatality, inpatient hospitalization, amputation, or loss of an eye. If the motor vehicle accident occurred on a public street or highway, but not in a construction work zone, you **are not required ~~do not have~~** to report the fatality, inpatient hospitalization, amputation, or loss of an eye to MIOSHA. However, the fatality, inpatient hospitalization, amputation, or loss of an eye must be recorded on your MIOSHA injury and illness records, if you are required to keep such records.**

(7) **Am I required ~~Do I have~~ to report the fatality, inpatient hospitalization, amputation, or loss of an eye if it occurred on a commercial or public transportation system? No. You **are not required ~~do not have~~** to report the fatality, inpatient hospitalization, amputation, or loss of an eye to MIOSHA if it occurred on a commercial or public transportation system, such as an airplane, a train, subway, or bus. However, the fatality, inpatient hospitalization, amputation, or loss of an eye must be recorded on your MIOSHA injury and illness records, if you are required to keep these records.**

(8) **Am I required** ~~Do I have~~ to report a work-related fatality or inpatient hospitalization caused by a heart attack? Yes. The MIOSHA director will decide whether to investigate the incident, depending on the circumstances of the heart attack.

(9) What if the fatality, inpatient hospitalization, amputation, or loss of an eye does not occur during or **immediately following** ~~right after~~ the work-related incident? You must report a fatality to MIOSHA only if the fatality occurs within 30 days of the work-related incident. For an inpatient hospitalization, amputation, or loss of an eye, you must report the event to MIOSHA only if it occurs within 24 hours of the work-related incident. However, the fatality, inpatient hospitalization, amputation, or loss of an eye must be recorded on your MIOSHA injury and illness records, if you are required to keep these records.

(10) What if I don't learn about a reportable fatality, inpatient hospitalization, amputation, or loss of an eye **immediately?** ~~right away?~~ If you do not learn about a reportable fatality, inpatient hospitalization, amputation, or loss of an eye at the time it occurred, you must make the report to MIOSHA within the following time period after the fatality, inpatient hospitalization, amputation, or loss of an eye is reported to you or to any of your agents: 8 hours for a fatality, and 24 hours for an inpatient hospitalization, an amputation, or a loss of an eye.

(11) What if I don't **immediately** learn ~~right away~~ that the reportable fatality, inpatient hospitalization, amputation, or loss of an eye was the result of a work-related incident? If you do not **immediately** learn ~~right away~~ that the reportable fatality, inpatient hospitalization, amputation, or loss of an eye was the result of a work-related incident, you must make the report to MIOSHA within the following time period after you or any of your agents learn that the reportable fatality, inpatient hospitalization, amputation, or loss of an eye was the result of a work-related incident: 8 hours for a fatality, and 24 hours for an inpatient hospitalization, an amputation, or a loss of an eye.

(12) **What is the definition of** ~~How does MIOSHA define~~ “inpatient hospitalization”? MIOSHA defines inpatient hospitalization as **“Inpatient hospitalization” means** a formal admission to the inpatient service of a hospital or clinic for care or treatment.

(13) **Am I required** ~~Do I have~~ to report an inpatient hospitalization that involves only observation or diagnostic testing? No. You **are not required** ~~do not have~~ to report an inpatient hospitalization that involves only observation or diagnostic testing. You must report to MIOSHA each inpatient hospitalization that involves care or treatment.

(14) **What is the definition of** ~~How does MIOSHA define~~ “amputation”? ~~An amputation is~~ “Amputation” means the traumatic loss of a limb or other external body part. Amputation includes all of the following:

- (a) A part, such as a limb or appendage, that has been severed, cut off, amputated, either completely or partially.
- (b) Fingertip amputations with or without bone loss.
- (c) Medical amputations resulting from irreparable damage.
- (d) Amputations of body parts that have since been reattached. Amputations do not include avulsions, enucleations, degloving, scalping, severed ears, or broken or chipped teeth.

R 408.22140 Providing records to government representatives.

Rule 1140. (1) Basic requirement. When an authorized government representative asks for the records you keep under these rules, you must provide copies of the records within 4 business hours.

(2) **All of the following apply to implementation of subrule (1) of this rule:** ~~Implementation.~~

(a) What government representatives have the right to get copies of my records as required by these rules? The government representatives authorized to receive the records are any of the following:

- (i) A representative of the secretary of labor conducting an inspection or investigation under the act.

(ii) A representative of the secretary of health and human services, including the **National Institute for Occupational Safety and Health--NIOSH** national institute for occupational safety and health--NIOSH conducting an investigation under section 20(b) of the occupational safety and health act of 1970, 29 U.S.C. 669.

(iii) A representative of MIOSHA responsible for administering a state plan approved under section 18 of the occupational safety and health act of 1970, 29 U.S.C. 667.

(b) **Am I required** ~~Do I have to~~ produce the records within 4 hours if my records are kept at a location in a different time zone? MIOSHA will consider your response to be timely if you give the records to the government representative within 4 business hours of the request. If you maintain the records at a location in a different time zone, you may use the business hours of the establishment at which the records are located when calculating the deadline.

ELECTRONIC SUBMISSION OF INJURY AND ILLNESS RECORDS TO OSHA

R 408.22141 **Basic requirement.** Annual OSHA injury and illness survey of 11 or more employees.

Rule 1141. (1) **Annual electronic submission of records by establishments with 250 or more employees shall do all of the following:** ~~Basic requirement. If you receive OSHA's annual survey form, you must fill it out and send it to OSHA or OSHA's designee, as stated on the survey form. You must report all of the following information for the year described on the form:~~

(a) **If your establishment had 250 or more employees at any time during the previous calendar year, and this standard requires your establishment to keep records, then you must electronically submit information to OSHA or OSHA's designee from the following three recordkeeping forms that you keep under this standard:** ~~The number of workers you employed.~~

(i) MIOSHA Form 300A "Summary of Work-Related Injuries and Illnesses."

(ii) MIOSHA Form 300 "Log of Work-Related Injuries and Illnesses."

(iii) MIOSHA Form 301 "Injury and Illness Incident Report."

(b) **You must submit the information once a year, no later than the date listed in R 408.22141b of the year after the calendar year covered by the form.** ~~The number of hours worked by your employees.~~

(c) ~~The requested information from the records that you keep under these rules.~~

(2) **Annual electronic submission of MIOSHA Form 300A "Summary of Work-Related Injuries and Illnesses" by establishments with 20 or more employees but fewer than 250 employees in designated industries shall do all of the following:** ~~Implementation.~~

(a) **If your establishment had 20 or more employees but fewer than 250 employees at any time during the previous calendar year, and your establishment is classified in an industry listed in Appendix B, then you must electronically submit information from MIOSHA/OSHA Form 300A "Summary of Work-Related Injuries and Illnesses" to OSHA or OSHA's designee.** ~~Does every employer have to send data to OSHA? No, each year, OSHA sends injury and illness survey forms to employers in certain industries. In any year, some employers will receive an OSHA survey form and others will not. You do not have to send injury and illness data to OSHA unless you receive a survey form.~~

(b) **You must submit the information once a year, no later than the date listed in R 408.22141b of the year after the calendar year covered by the form.** ~~How quickly do I need to respond to an OSHA survey form? You must send the survey reports to OSHA, or OSHA's designee, by mail or other means described in the survey form, within 30 calendar days or by the date stated in the survey form, whichever is later.~~

~~(c) Do I have to respond to an OSHA survey form if I am normally exempt from keeping MIOSHA injury and illness records? Yes, even if you are exempt from keeping injury and illness records under R 408.22103, OSHA may inform you in writing that it will be collecting injury and illness information from you in the following year. If you receive such a letter, you must keep the injury and illness records as required by R 408.22110 to R 408.22119 and make a survey report for the year covered by the survey.~~

~~(d) Do I have to answer the OSHA survey form if I am located in a state plan state? Yes, Michigan is a state plan state and all employers who receive survey forms must respond to the survey.~~

~~(e) Does this rule affect MIOSHA's authority to inspect my workplace? No, nothing in this rule affects MIOSHA's statutory authority to investigate conditions related to occupational safety and health.~~

(3) Electronic submission of records upon notification, you must electronically submit the requested information from your records to OSHA or OSHA's designee.

R 408.22141a Implementation.

Rule 1141a. (1) Does every employer have to routinely submit information from the injury and illness records to OSHA? No, only 2 categories of employers must routinely submit information from their injury and illness records. First, if your establishment had 250 or more employees at any time during the previous calendar year, and this standard requires your establishment to keep records, then you must submit the required MIOSHA/OSHA Form 300A, 300, and 301 information to OSHA once a year. Second, if your establishment had 20 or more employees but fewer than 250 employees at any time during the previous calendar year, and your establishment is classified in an industry listed in Appendix B, then you must submit the required MIOSHA/OSHA Form 300A information to OSHA once a year. Employers in these two categories must submit the required information by the date listed in R 408.22141b of the year after the calendar year covered by the form or forms. If you are not in either of these two categories, then you must submit information from the injury and illness records to OSHA only if MIOSHA or OSHA notifies you to do so for an individual data collection.

(2) If I have to submit information under R 408.22141(1), am I required to submit all of the information from the recordkeeping form? No, you are required to submit all of the information from the form except the following:

(a) MIOSHA/OSHA Form 300 "Log of Work-Related Injuries and Illnesses;" Employee name (column B).

(b) MIOSHA/OSHA Form 301 "Injury and Illness Incident Report:"

(i) Employee name (field 1).

(ii) Employee address (field 2).

(iii) Name of physician or other health care professional (field 6).

(iv) Facility name and address if treatment was given away from the worksite (field 7).

(3) Do part-time, seasonal, or temporary workers count as employees in the criteria for number of employees in R 408.22141? Yes, each individual employed in the establishment at any time during the calendar year counts as one employee, including full-time, part-time, seasonal, and temporary workers.

(4) How will MIOSHA or OSHA notify me that I must submit information from the injury and illness records as part of an individual data collection under R 408.22141(3)? MIOSHA or OSHA will notify you by mail if you will have to submit information as part of an individual data collection under R 408.22141(3). MIOSHA or OSHA will also announce individual data collections through publication in the Federal Register and the OSHA newsletter, and

announcements on the OSHA Web site or other means. If you are an employer who must routinely submit the information, then OSHA will not notify you about your routine submittal.

(5) How often am I required to submit the information from the injury and illness records? If you are required to submit information under R 408.22141(1) or (2), then you must submit the information once a year, by the date listed in R 408.22141b of the year after the calendar year covered by the form or forms. If you are submitting information because MIOSHA or OSHA notified you to submit information as part of an individual data collection under R 408.22141(3), then you must submit the information as often as specified in the notification.

(6) How do I submit the information? You must submit the information electronically. OSHA will provide a secure website for the electronic submission of information. For individual data collections under R 408.22141(3), OSHA will include the website’s location in the notification for the data collection.

(7) Am I required to submit information if my establishment is partially exempt from keeping OSHA injury and illness records? If you are partially exempt from keeping injury and illness records under R 408.22103, then you are not required to routinely submit information under R 408.22141(1) or (2). You will have to submit information under R 408.22141(3) if OSHA informs you in writing that it will collect injury and illness information from you. If you receive such a notification, then you must keep the injury and illness records required by this standard and submit information as directed.

(8) Am I required to submit information if I am located in a State Plan State? Yes, the requirements apply to employers located in State Plan States.

(9) May an enterprise or corporate office electronically submit records for its establishment or establishments? Yes, if your enterprise or corporate office had ownership of or control over one or more establishments required to submit information under R 408.22141(1) or (2), then the enterprise or corporate office may collect and electronically submit the information for the establishment or establishments.

R 408.22141b Reporting dates.

Rule 1141b. (1) In 2017 and 2018, establishments required to submit under R 408.22141(1) or (2) must submit the required information according to Table 1 “Reporting Dates.”

TABLE 1 REPORTING DATES			
Submission year	Establishments submitting under R 408.22141(1) must submit the required information from this form or these forms:	Establishments submitting under R 408.22141(2) must submit the required information from this form:	Submission deadline:
2017	300A	300A	July 1, 2017
2018	300A, 300, 301	300A	July 1, 2018

(2) Beginning in 2019, establishments that are required to submit under R 408.22141(1) or (2) will have to submit all of the required information by March 2 of the year after the calendar year covered by the form or forms.

~~R 408.22143 Rescinded. Summary and posting of the 2001 data.~~

~~Rule 1143. (1) Basic requirement. If you were required to keep MIOSHA 200 logs in 2001, you must post a 2001 annual summary from the MIOSHA 200 log of occupational injuries and illnesses for each establishment.~~

~~(2) Implementation.~~

~~(a) What do I have to include in the summary?~~

~~(i) You must include a copy of the totals from the 2001 MIOSHA 200 log and all of the following information from that form:~~

~~(A) The calendar year covered.~~

~~(B) Your company name.~~

~~(C) The name and address of the establishment.~~

~~(D) The certification signature, title and date.~~

~~(ii) If no injuries or illnesses occurred at your establishment in 2001, you must enter zeros on the totals line and post the 2001 summary.~~

~~(b) When am I required to summarize and post the 2001 information?~~

~~(i) You must complete the summary by February 1, 2002.~~

~~(ii) You must post a copy of the summary in each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the summary is not altered, defaced, or covered by other material.~~

~~(c) You must post the 2001 summary from February 1, 2002, to March 1, 2002.~~

~~R 408.22144 Rescinded. Retention and updating of old forms.~~

~~Rule 1144. You must save your copies of the MIOSHA 200 and 101 forms for 5 years following the year to which they relate and continue to provide access to the data as though these forms were the MIOSHA 300 and 301 forms. You are not required to update your old 200 and 101 forms.~~

~~R 408.22151 Public employer petition for alternate record maintenance.~~

~~Rule 1151. A public employer who wishes to maintain records in a manner different from that required by this part shall submit a petition containing the information prescribed in R 408.22153 to the Department of Licensing and Regulatory Affairs, MIOSHA, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.~~

~~R 408.22157 Revocation.~~

~~Rule 1157. The director may revoke an exception granted under this part for failure to comply with the conditions of the exception. An opportunity for informal hearing or conference shall be afforded to the employers and affected employees or their representatives. Except in cases of willful willful noncompliance or where employee safety or health requires otherwise, before the commencement of an informal proceeding, the employer shall be notified in writing of the facts or conduct that may warrant the action and be given an opportunity to demonstrate or achieve compliance.~~

APPENDIX B DESIGNATED INDUSTRIES FOR R 408.22141 ‘BASIC REQUIREMENT’

MANDATORY

Annual Electronic Submission of MIOSHA/OSHA Form 300A “Summary of Work-Related Injuries and Illnesses” by Establishments With 20 or More Employees but Fewer Than 250 Employees in Designated Industries:

NAICS Industry	
11	Agriculture, forestry, fishing and hunting
22	Utilities
23	Construction
31-33	Manufacturing
42	Wholesale trade
4413	Automotive parts, accessories, and tire stores
4421	Furniture stores
4422	Home furnishings stores
4441	Building material and supplies dealers
4442	Lawn and garden equipment and supplies stores
4451	Grocery stores
4452	Specialty food stores
4521	Department stores
4529	Other general merchandise stores
4533	Used merchandise stores
4542	Vending machine operators
4543	Direct selling establishments
4811	Scheduled air transportation
4841	General freight trucking
4842	Specialized freight trucking
4851	Urban transit systems
4852	Interurban and rural bus transportation
4853	Taxi and limousine service
4854	School and employee bus transportation
4855	Charter bus industry
4859	Other transit and ground passenger transportation
4871	Scenic and sightseeing transportation, land
4881	Support activities for air transportation
4882	Support activities for rail transportation

NAICS Industry	
4883	Support activities for water transportation
4884	Support activities for road transportation
4889	Other support activities for transportation
4911	Postal service
4921	Couriers and express delivery services
4922	Local messengers and local delivery
4931	Warehousing and storage
5152	Cable and other subscription programming
5311	Lessors of real estate
5321	Automotive equipment rental and leasing
5322	Consumer goods rental
5323	General rental centers
5617	Services to buildings and dwellings
5621	Waste collection
5622	Waste treatment and disposal
5629	Remediation and other waste management services
6219	Other ambulatory health care services
6221	General medical and surgical hospitals
6222	Psychiatric and substance abuse hospitals
6223	Specialty (except psychiatric and substance abuse) hospitals
6231	Nursing care facilities
6232	Residential mental retardation, mental health and substance abuse facilities
6233	Community care facilities for the elderly
6239	Other residential care facilities
6242	Community food and housing, and emergency and other relief services
6243	Vocational rehabilitation services
7111	Performing arts companies
7112	Spectator sports
7121	Museums, historical sites, and similar institutions
7131	Amusement parks and arcades
7132	Gambling industries
7211	Traveler accommodation
7212	RV (recreational vehicle) parks and recreational camps

NAICS Industry	
7213	Rooming and boarding houses
7223	Special food services
8113	Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance
8123	Dry-cleaning and laundry services

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

ACCOUNTING – GENERAL RULES

Filed with the secretary of State on

Proposed August 24, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45(a)(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of licensing and regulatory affairs by sections 205 and 721 of 1980 PA 299, MCL 339.205 and 339.721; and on the board of accountancy by section 308 of 1980 PA 299, MCL 339.308; and by Executive Reorganization Order No. 1996-2, 2003-1, 2011-4, 2011-5 and 2011-6, MCL 445.2001, MCL 445.2011, MCL 445.2030, MCL 445.2031, and MCL 445.2032.)

R 338.5101, R 338.5102, R 338.5115, and R 338.5405 of the Michigan Administrative Code are amended as follows:

R 338.5101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Act" means 1980 PA 299, MCL 339.101 to 339.2919, and known as the occupational code.
- (b) "Audit" or "examination" means an examination applying generally accepted auditing standards, including any procedure undertaken to verify or test the reasonableness of financial information with a view of expressing an opinion or commenting on the fairness of the presentation.
- (c) "Attest ~~services~~" means an audit, review, **examination**, or agreed upon procedures engagement **as defined in MCL 339.720**, performed in accordance with applicable professional standards **adopted in pursuant to R 338.5101(l), R 338.5101(m), R 338.5102, and R 338.5103.**
- (d) "Board" means the Michigan state board of accountancy.
- (e) "Certified public accountant" or "CPA" means a person holding a certificate of certified public accountant granted by the department, or an individual with practice privileges.
- (f) "Client" means the person or persons or entity that retains an individual licensee, a firm licensee, individual with practice privileges, or an out-of-state firm, for the performance of professional services.
- (g) "Continuing education period" means all or part of a year beginning July 1 and ending June 30.
- (h) "Disclose" means to provide a written communication from a CPA or a CPA firm informing the client, prior to making a recommendation or referral, that the CPA or CPA firm will receive a commission, referral fee, or contingency fee from a third party for recommendations or referrals of products and/or services.

(i) "Enterprise" means a person, persons, or entity for which an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm performs professional services.

(j) "Exam window" means the time in each calendar quarter in which the uniform CPA examination is offered. There are 4 exam windows in each calendar year, the first 2 months of each calendar quarter: January 1 to February 28 (or 29), April 1 to May 31, July 1 to August 31, and October 1 to November 30.

(k) "Financial statements" means statements and related footnotes that show financial position, results of operations, and cash flows on the basis of generally accepted accounting principles or another comprehensive basis of accounting. The term does not include incidental financial data included in management advisory services reports to support recommendations to a client and does not include tax returns and supporting schedules of tax returns.

(l) "Generally accepted accounting principles" means accounting principles of professional conduct, promulgated by the applicable nationally or internationally recognized professional standard setting organization, related to individual accounting engagements.

(m) "Generally accepted auditing standards" means the standards of professional conduct, promulgated by the applicable nationally or internationally recognized professional standard setting organization, related to individual audit engagements.

(n) "Individual with practice privileges" means an individual who practices in this state pursuant to MCL 339.727a.

(o) "Licensee" means the holder of an individual license under MCL 339.727 or the holder of a firm licensed under MCL 339.728.

(p) "Out-of-state firm" means a firm that is permitted to provide certain services and use the title "CPA firm" without obtaining a Michigan firm license under MCL 339.728 under the conditions in MCL 339.728(5) and (6).

(q) "Professional engagement" means an agreement between a client and an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm relative to the performance of professional services.

(r) "Professional services" means any services performed or offered to be performed by an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm for a client in the course of the practice of public accounting, pursuant to MCL 339.720.

(s) "Qualifying hours" means continuing education hours that comply with part 3 of these rules.

(t) "State" means the 50 states of the United States of America, Washington, D.C., Puerto Rico, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(2) Terms defined in the act have the same meanings when used in these rules.

R 338.5102 Standards of professional practice adopted by reference.

Rule 102. **(1) The following standards are adopted by reference:** ~~The standards specified in this rule are adopted in these rules by reference and are available for inspection and distribution to the public, at a cost as of the time of adoption of these rules, at the Department of Licensing and Regulatory Affairs, Bureau of Commercial Services 2501 Woodlake Circle, Okemos, MI 48864. Copies of the standards may be obtained from the appropriate agency, organization, or association listed below. The standards adopted are as follows:~~

~~(a) "American Institute of Certified Public Accountants (AICPA) professional standards, as of June 1, 2011. The publication may be viewed for no charge at <http://www.aicpa.org/Research/Standards/Pages/default.aspx> and is available from the American Institute of Certified Public Accountants (AICPA) at 220 Leigh Farm Road,~~

Durham, NC 27702-8110, or by calling 1-888-777-7077. Cost: \$155.00 for members; \$193.75 for non-members. **The standards issued by the American Institute of CPAs (AICPA), 220 Leigh Farm Road, Durham, North Carolina, 27707, set forth in the publication “AICPA Professional Standards” updated June 1, 2015, and any statements issued as of the effective date of this rule, which are available at cost from the institute’s website at: <http://www.aicpa.org>.**

(b) ~~The standards issued by the Public Company Accounting Oversight Board (PCAOB) in the publication entitled “PCAOB Standards and Related Rules,” as of January, 2011. A copy of the publication may be viewed for no charge at <http://peaobus.org/Pages/default.aspx> and may be purchased from the AICPA pursuant to subdivision (a) of this subrule. Cost: \$125.00 for members; \$156.25 for nonmembers.~~ **The standards issued by the Public Company Accounting Oversight Board (PCAOB), 1666 K Street NW, Washington, DC 20006, set forth in the publication entitled “PCAOB Standards and Related Rules” 2016 edition, and any updates issued as of the effective date of this rule, which are available at cost from the AICPA at <http://www.aicpa.org>.**

(c) ~~The auditing standards issued by the Government Accountability Office, 441 G. St., NW, Washington, DC 20548, in the publication entitled “Government Auditing Standards; 2011 Revision,” as of December, 2011 reissued on January 20, 2012, which are available at no cost on the Office’s website at <http://gao.gov/products/GAO-12-331G>. The publication may be downloaded and viewed for no charge at <http://www.gao.gov/assets/590/587281.pdf> and is available from the Government Accountability Office at U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000, or by calling 1-866-512-1800. Cost: \$16.00.~~

(d) ~~The auditing standards issued by the International Auditing and Assurance Standards Board (IAASB), 529 5th Avenue, New York, NY 10017, in the publication entitled “2012 Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements” as of July 31, 2012. The publication may be viewed for no charge at <http://www.ifac.org/auditing-assurance/publications-resources> and is available from the International Federation of Accountants (IFAC) at 529 5th Avenue, 6th Floor, New York, New York 10017; or by calling 1-212-286-9344. Cost: \$160.00~~ **“Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Pronouncements” 2015 edition, and any related pronouncements issued as of the effective date of this rule, which are available at cost from the IAASB's website at: <http://www.ifac.org/publications-resources/2015-handbook-international-quality-control-auditing-review-other-assurance>.**

(e) ~~The accounting standards issued by the Financial Accounting Standards Board (FASB), 401 Merritt 7, P.O. Box 5116, Norwalk, CT 06856, in the publication entitled “FASB Accounting Standards Codification” as of October 31, 2011 2014, and any updates published as of the effective date of this rule, which are available at cost from the board’s website at: The publication may be viewed for no charge at <https://asc.fasb.org> and is available from the FASB at 401 Merritt 7, PO Box 5116, Norwalk, CT 06856-5116, or by calling 1-800-748-0659. Cost: \$215.00.~~

(f) ~~The accounting standards issued by the Governmental Accounting Standards Board (GASB), 407 Merritt 7, P.O. Box 5116, Norwalk, CT 06856, in the publication entitled “GASB Codification” as of June 30, 2011 2014, and any pronouncements published as of the effective date of this rule, which are available at cost from the board’s website at: The publication is available for purchase at www.gasb.org/store. Cost: \$100.00 <http://gasb.org>.~~

(g) ~~The accounting standards issued by the International Accounting Standards Board, (IASB) 30 Cannon Street, London EC4M 6XH, United Kingdom, in the publication entitled “IFRS 2012 (Red Book)” as of January 1, 2012, may be viewed for no charge from the International Financial~~

Reporting Standards (IFRS) Foundation at <http://www.ifrs.org/IFRSs/Pages/IFRS.aspx> and is available for purchase at <http://shop.ifrs.org>. Cost: \$94.16. **“2016 International Financial Reporting Standards IFRS® (Red Book)”** and any pronouncements issued as of the effective date of this rule, which are available at cost from the board’s website at: <http://www.ifrs.org>.

(h) The United States Securities and Exchange Commission (SEC) rules contained in Title 17 Chapter 2 of the United States Code of Federal Regulation and the SEC’s Interpretative Releases and Policy Statements issued as of the effective date of this rule. The SEC rules may be obtained free of charge at <http://www.ecfr.gov>. The SEC’s Interpretative Releases and Policy Statements may be obtained free of charge at <https://www.sec.gov>.

(2) Copies of the standards adopted in this rule are available for inspection and distribution at cost from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 W. Ottawa Street, P.O. Box 30670, Lansing, MI 48909.

(3) A licensee shall comply with the applicable standards adopted in subrule (1) of this rule.

~~R 338.5115 Exam; qualifying educational requirement; adoption of accreditation standards by reference; board recognition of educational institutions; requirements for concentration in accounting. Qualifying educational requirements; approved educational institutions; and adoption of accreditation standards by reference.~~

Rule 115. (1) ~~As provided in~~ Pursuant to section 725(2) of the act, **MCL 339.725(2)**, the department shall regard a person as having **an individual who has** completed a curriculum required for a baccalaureate degree with a concentration in accounting upon completion of an academic program consisting of not less than 120 semester hours **with a concentration in accounting** including those delineated in subrule (3) of this rule at an educational institution pursuant to subrule (2) of this rule. **at a higher education institution approved in subrule (3) or (4) is eligible to take the examination.**

(2) For the purpose of identifying the educational institutions that meet the educational standards required by the board to satisfy section 725 of the act, all of the following provisions apply:

(a) The board adopts the criteria for accreditation of the North Central Association of Colleges and Schools, Commission on Institutions of Higher Education, including in the publication entitled “Handbook of Accreditation, Third Edition.” Accreditation by the north central association of colleges and schools or an affiliated association is prima facie proof of having met the criteria. Copies of the criteria are available for purchase from the North Central Association of Colleges and Schools, The Higher Learning Commission, 30 N. La Salle Street, Suite 2400, Chicago, IL 60602-2501, at a cost of \$33.50 as of the time of adoption of these rules and may be downloaded for no charge at www.neahlc.org/.

(b) The department may recognize an educational institution which demonstrates that the curricula required for its degrees are the equivalent of the curricula required for degrees granted by institutions accredited under subdivision (a) of this subrule.

(3) (2) A concentration in accounting shall include all the following accounting and general business subjects, for which credit is transferable to any baccalaureate degree granting institution recognized by the department:

(a) Auditing: 3 semester hours.

(b) General business subjects: 24 semester hours.

(c) Twenty one semester hours of accounting principles that shall include study in each of the following areas:

(i) Financial accounting and accounting theory.

(ii) Managerial accounting, including cost accounting.

- (iii) Accounting systems and controls.
- (iv) United States federal taxation.
- (v) Governmental/fund accounting.

(3) A higher educational institution is approved if it satisfies 1 of the following postsecondary accreditation standards:

(a) The standards of the Middle States Association of Colleges and Schools, Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, set forth in the document entitled “Characteristics of Excellence in Higher Education: Requirements of Affiliation and Standards of Accreditation,” 2011 edition, which is available at no cost on the association’s website at <http://www.msche.org>.

(b) The standards of the New England Association of Schools and Colleges, Inc., Commission on Institutions of Higher Education, 3 Burlington Woods Drive, Suite 100, Bedford, MA 01803, which is available at no cost on the association’s website at <http://www.neasc.org>.

(c) The standards of the North Central Association of Colleges and Schools, The Higher Learning Commission, 230 South La Salle Street, Suite 7-500, Chicago, IL 60604, set forth in the document entitled “Criteria for Accreditation, Assumed Practices, Obligations of Affiliation: effective January 1, 2015, which is available at no cost on the association’s website at <http://www.hlcommission.org>.

(d) The standards of the Northwest Commission on Colleges and Universities, 8060 165th Avenue, NE, Suite 100, Redmond, WA 98052, set forth in the document entitled “Standards for Accreditation” revised 2010, which is available at no cost on the commission’s website at: <http://www.nwccu.org>.

(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, GA 30333, set forth in the document entitled “Principals of Accreditation: Foundations for Quality Enhancement,” 2012 edition, which is available at no cost on the association’s website at: www.sacscoc.org.

(f) The standards of the Western Association of Schools and Colleges, The Accrediting Commission on Senior Colleges and Universities, 985 Atlantic Avenue, Suite 100, Alameda, CA 94501, set forth in the document entitled “Accreditation Reference Handbook,” July 2015, which is available at no cost on the association’s website at: <http://www.wacsenior.org> .

(g) The standards of the Western Association of Schools and Colleges, The Accrediting Commission for Community and Junior Colleges, 10 Commercial Blvd., Suite 204, Novato, CA 94949, set forth in the document entitled “Accreditation Reference Handbook,” July 2015, which is available at no cost on the association’s website at <http://www.accja.org>.

(4) A higher education institution that does not satisfy the standards set forth in subrule (3) of this rule is approved if it holds accreditation that is substantially equivalent to procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2000, as contained in Title 34, Part 602 of the Code of Federal Regulation, and the policies and procedures for recognition of accrediting organizations of the Council of Higher Education Accreditation (CHEA), effective June 28, 2010. The federal recognition criteria may be obtained from the United States Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Washington, DC 20202 and are available at no cost at <http://www.ecfr.gov> . The policies and procedures may be obtained from CHEA, One Dupont Circle NW, Suite 510, Washington, DC 20036 and are available at no cost at <http://www.chea.org> .

(5) Copies of the standards and criteria adopted by reference in this rule are available for inspection and distribution at cost from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 W. Ottawa Street, P.O. Box 30670, Lansing, MI 48909.

R 338.5405 Independence rule; adoption by reference.

Rule 405. An individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm may express an opinion on financial statements of an enterprise only if the individual licensee, firm licensee, individual with practice privileges, or out of-state firm is independent from the enterprise. ~~For the purpose of defining the impairment of independence, the board adopts by reference the AICPA professional standards, as of June 1, 2011, pursuant to R 338.5102(1)(a).~~ **The standards adopted in R 338.5102(1) shall be used to determine if the individual or firm is independent from the enterprise.**

NOTICE OF PUBLIC HEARING

**Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
NOTICE OF PUBLIC HEARING
September 30, 2016
9:00 a.m. – 12:00 p.m.**

Location: G. Mennen Williams Building Auditorium
525 W. Ottawa Street, Lansing, Michigan

The hearing is held to receive public comments on the following administrative rules:

Board of Accountancy (ORR 2016-019 LR)

Authority: MCL 339.205; MCL 339.308; MCL 339.721(4).

Overview: The proposed changes include: adopting the most recent versions of adopted standards; updating the Bureau name and address; correcting references to rescinded rules; setting forth educational requirements to take the examination; formally accepting all six regional accrediting agencies recognized by the United States Council of Higher Education Accreditation as well as adopting its standards for accrediting agencies; and permitting an independent expression of opinion on financial statements.

Board of Occupational Therapy (ORR 2015-029 LR)

Authority MCL 333.16145; MCL 333.16148; MCL 333.16204; MCL 333.18307; and MCL 333.18309; and MCL 333.18313.

Overview: The proposed changes include: adding a rule requiring a person applying for licensure as an occupational therapist or occupational therapy assistant or renewing either of those licenses to complete training in recognizing the signs of human trafficking in accordance with Public Act 343 of 2014, MCL 333.16148; clarifying the date for when an applicant must apply for licensure; allowing an entity appointed by the department to develop and administer the examination on the laws and rules related to occupational therapists and occupational therapy assistants; adding continuing education requirements for relicensure; modifying the requirements placed on a delegating occupational therapist to account for changes in technology and reduce the burden on licensees; adding a requirement that applicants for renewal must complete 20 hours of continuing education; and clarifying the requirements for acceptable continuing education. The proposed rules rescind the rule pertaining to delegation by occupational therapy assistants as it is prohibited by statute and outside the scope of authority given to the board.

Board of Optometry (ORR 2014-129 LR)

Authority: MCL 333.16145; MCL 333.16148; MCL 333.16204(2); and MCL 333.17431(1).

Overview: The proposed changes include: implementing the most current standards for approval of optometric education programs and continuing education programs; clarifying that applicants need to pass all parts of the NBEO examination, including the TMOD exam embedded in Part II of the NBEO exam; requiring examination for licenses that have been lapsed for more 3 or more years; allowing an entity appointed by the department to develop and administer the examination on the laws and rules relating to

optometry; increasing the continuing education requirement relating to pain and symptom management to 2 hours; implementing training standards for identifying victims of human trafficking; clarifying the process for obtaining board approval of continuing education programs; and expanding the types of activities for which continuing education is granted. The proposed rules rescind rules pertaining to patient records, emergency treatment plans, and advertising as they are outside the scope of authority of the board and/or duplicative of statutory language.

Board of Physical Therapy (ORR 2015-088 LR)

Authority: MCL 333.16145; MCL 333.16148; and MCL 333.17801.

Overview: The rule is being added to require a person applying for licensure as a physical therapist or physical therapist assistant or renewing either of those licenses to complete training in recognizing the signs of human trafficking.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted from date of publication until 5:00 p.m. on September 30, 2016, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing– Boards and Committees Section
P.O. Box 30670
Lansing, MI 48909-8170
Attention: Policy Analyst Email: BPL-BoardSupport@michigan.gov

A copy of the proposed rules may be obtained by contacting Board Support at (517) 241-7500 or the email address noted above. Electronic copies also may be obtained at the following link:

http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing

The meeting site and parking are accessible to people with disabilities. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on

Proposed August 25, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under those sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.13301, R 408.13301a, R 408.13304, R 408.13305, R 408.13306, R 408.13311, R 408.13321, R 408.13322, R 408.13324, R 408.13325, R 408.13327, R 408.13329, R 408.13330, R 408.13342, R 408.13345, R 408.13346, R 408.13347, R 408.13352, R 408.13353, R 408.13360, R 408.13362, R 408.13366, R 408.13375, R 408.13387, and R 408.13389 of the Michigan Administrative Code are amended, as follows:

PART 33. PERSONAL PROTECTIVE EQUIPMENT

R 408.13301. Scope.

Rule 3301. (1) This standard shall apply to all places of general industry employment in this state and includes requirements of the employer and use by the employee of personal protective equipment and provides reasonable and adequate means, ways, and methods for the proper selection and safe use of this equipment.

(2) Hearing protection shall be in compliance with Occupational Health Standard Part 380 "Occupational Noise Exposure **in General Industry**," as referenced in R 408.13301a.

(3) Respiratory protection shall be in compliance with Occupational Health Standard Part 451 "Respiratory Protection," as referenced in R 408.13301a.

R 408.13301a Adopted and referenced standards.

Rule 3301a. (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 **these rules. this subrule.**

(a) American National Standards Institute Standard (ANSI) Z-41 "American National Standard for Personal Protection -- Protective Footwear," 1999 edition. Cost \$25.00.

(b) **ANSI/ISEA (International Safety Equipment Association) Z-87.1 “Occupational and Educational Personal Eye and Face Protection Devices,” 2010 edition.** ~~ANSI Z-87.1 “American National Standard Practice for Occupational and Educational Eye and Face Protection,” 2003 edition.~~ Cost **\$60.00** ~~\$82.00.~~

(c) **ANSI Z-87.1 “Occupational and Educational Personal Eye and Face Protection Devices,” 2003 edition.** ~~“American National Standard Practice for Occupational and Educational Eye and Face Protection,” 1989 edition, revised 1998.~~ Cost **\$68.00.** ~~\$148.00.~~

(d) **ANSI Z-87.1 “Practice for Occupational and Educational Eye and Face Protection,” 1989 edition, revised 1998.** ~~“American National Standard Practice for Occupational and Educational Eye and Face Protection,” 1989 edition.~~ Cost: \$148.00.

(e) American Society of Testing Materials Standard (ASTM) D-120 “Standard Specification for Rubber Insulating Gloves,” 2009 edition. Cost: \$58.00.

(f) ASTM D-178 “Standard Specification for Rubber Insulating Matting,” 2001 edition with 2010 supplement. Cost \$47.00.

(g) ASTM D-178 “Standard Specification for Rubber Insulating Matting,” 1993 edition. Cost \$56.00.

(h) ASTM D-1048 “Standard Specification for Rubber Insulating Blankets,” 2012 edition. Cost \$47.00.

(i) ASTM D-1049 “Standard Specification for Rubber Insulating Covers,” 1998 edition with 2010 supplement. Cost \$47.00.

(j) ASTM D-1050 “Standard Specification for Rubber Insulating Line Hose,” 2005 edition with 2011 supplement. Cost \$47.00.

(k) ASTM D-1051 “Standard Specification for Rubber Insulating Sleeves,” 2008 edition. Cost \$58.00.

(l) ASTM F-478 “Standard Specification for In-Service Care of Insulating Line Hose and Covers,” 2009 edition. Cost \$52.00.

(m) ASTM F-479 “Standard Specification for In-Service Care of Insulating Blankets,” 2006 edition with 2011 supplement. Cost: \$47.00.

(n) ASTM F-496 “Standard Specification for In-Service Care of Insulating Gloves and Sleeves,” 2008 edition. Cost \$58.00.

(o) ASTM F-2412 “Standard Test Methods for Foot Protection,” 2005 edition. Cost \$64.00.

(p) ASTM F-2413 “Standard Specification For Performance Requirements For Protective Footwear,” 2005 edition. Cost \$56.00.

(q) ASTM F-819 “Standard Terminology Relating to Electrical Protective Equipment for Workers,” 2010 edition. Cost \$41.00.

(r) ASTM F-1236 “Standard Guide for Visual Inspection of Electrical Protective Rubber Products,” 1996 edition with 2012 supplement. Cost: \$47.00.

(s) Institute of Electrical and Electronics Engineers IEEE Standard 516 “Guide for Maintenance Methods on Energized Power Lines,” 2009 edition. Cost: \$135.00.

(2) The following standards are adopted by reference in these rules and are available from Document Center, Inc., Customer Service, 121 Industrial Road, Suite 8, Belmont, CA 94002, USA, telephone:(650) 591-7600 or via the internet at website: www.document-center.com; at a cost as of the time of adoption of these rules, as stated in **these rules.** ~~this subrule.~~

(a) ANSI Z-89.1 "American National Standard for Industrial Head Protection," 2009 edition. Cost \$61.25.

(b) ANSI Z-89.1 "American National Standard for Industrial Head Protection," 2003 edition. Cost: \$20.00.

(c) ANSI Z-89.1 "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers--Requirements," 1997 edition. Cost: \$20.00.

(3) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, ~~7150 Harris Drive~~, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(4) Copies of the standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, ~~7150 Harris Drive~~, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(5) 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 Michigan Department of **Licensing and Regulatory Affairs**, ~~licensing and regulatory affairs~~, MIOSHA Regulatory Services section, ~~7150 Harris Drive~~, P.O. Box 30643, Lansing, MI, 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 45 “Fall Protection,” R 408.44501 to R 408.44502.

(b) Occupational Health Standard Part 380 “Occupational Noise Exposure **in General Industry**” R 325.60101 to R 325.30128.

(c) Occupational Health Standard Part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.

(d) General Industry Safety Standard Part 86 “Electric Power Generation, Transmission, and Distribution,” R 408.18601 to R 408.18605.

(6) The appendices are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.

R 408.13304. Definitions; H, I.

Rule 3304. (1) “Hair enclosure” means a hat, cap, or hair net specifically designed to protect the wearer from hair entanglement in moving machinery.

(2) “Handshield” means a hand-held welding helmet. See “welding helmet.”

(3) “Headband” means that part of a goggle, helmet, or hood suspension consisting of a supporting band that encircles the head.

(4) “Headgear” means that part of a protective helmet, hood, or faceshield that supports the device on the wearer’s head, usually consisting of a headband and crown strap.

(5) “Helmet” also called a hard hat or cap, means a device that is worn on the head that is designed to provide limited protection against impact, flying particles, or electric shock.

(6) “Hood” means a device that is worn to provide protection against acids, chemicals, abrasives, and temperature extremes and entirely encloses the whole head including face, neck, and shoulders. **Air-line** ~~Air-line~~ hoods and hoods used to protect wearers from inhalation or harmful atmospheres are not included in this part.

(7) “Isolated” means that all energized conductors or the exposed energized parts of equipment are isolated from the work area by an insulated barrier. Conductors may be isolated by moving them out of reaching distance by use of hot line tools.

R 408.13305. Definitions; L to R.

Rule 3305. (1) “Lanyard” means a tether attached to a safety belt or harness at one end and to a lifeline or a fixed object at the other.

(2) “Lens” means the transparent part of a protective device through which the wearer sees, also referred to as a plate or window for some devices.

(3) “Lifeline” means a rope line, except where used in tree trimming, attached at one end to a fixed object or attended by a person and to which a safety belt or lanyard is secured.

(4) “Lift-front” means a type of mounting frame for a welding helmet, hood, or goggles which is made of 2 connected parts. The front part, which may be removed from the line of vision, contains the high density filter plate with its cover plate, and the back part, which is fixed to the helmet, contains a low density or clear **impact-resistant** ~~impact resistant~~ plate.

(5) “Light” means an optical radiation weighted by its ability to cause visual sensations.

(6) “Manufacturer” means a business entity that marks or directs the permanent marking of the components or complete devices as compliant with this standard, and sells them as compliant.

(7) “Metatarsal guards” means guards that are designed to protect the top of the foot from the toes to the ankle over the instep of the foot. These guards may be attached to the outside of shoes.

(8) “Non-removable lens” means a lens and holder that are homogeneous and continuous.

(9) “Plano lens” means a lens which does not incorporate a corrective prescription; this lens is not necessarily flat.

(10) “Prescription lens” means a lens manufactured to the wearer’s individual corrective prescription.

(11) “Protective footwear” means footwear that is designed, constructed, and classified to protect the wearer from a potential hazard or hazards.

(12) “Protective helmet,” “protective hat or cap,” or “safety hat or cap” means a rigid device, often referred to as a safety cap or hat, that is worn to provide protection for the head or portions thereof against impact, flying particles, or electric shock, or any combination thereof, and which is held in place by a suitable suspension.

(13) “Protector” means a device that provides eye or face protection against the hazards of processes encountered in employment.

(14) “Radiant energy or radiation” means the following kinds of radiant energy which are pertinent to this standard:

(a) Ultraviolet.

(b) Visible light.

(c) Infrared.

(15) “Reaching distance” means the employee’s reach as extended by a conductive material or equipment.

R 408.13306. Definitions; S to W.

Rule 3306. (1) “Safety belt” means a device, usually worn around the waist which, by reason of its attachment to a lanyard and lifeline or a structure, will prevent a worker from falling.

(2) “Safety harness” means a belt with a shoulder strap worn around the waist and shoulder and capable of restraining a pull or fall of an employee.

(3) “Safety strap” means a restraining line secured at both ends to a safety belt or harness to hold an employee to a fixed object.

(4) “Safety toe footwear” means footwear containing a safety toe box of steel or equivalent material capable of meeting the requirements of this part.

(5) “Sanitizing” means an act or process of destroying organisms that may cause disease.

(6) “Shield” means a device to be held in the hand, or supported without the aid of the operator, whose predominant function is protection of the eyes and face.

(7) “Shell” means the portion of welding helmet or handshield that covers the wearer’s face and is the part of a helmet which includes the outermost surface.

(8) “Side shield” means a part of, or attachment to, a spectacle that provides side **impact-resistance**. ~~Impact resistance.~~

(9) “Snood” means a flexible attachment to the back of a hood or helmet for protection against injury to the back of the head and neck.

(10) “Spectacles” also known as “safety glasses” means a protective device intended to shield the wearer’s eyes from certain hazards, depending on the spectacle type; also means a device patterned after conventional-type spectacle eyewear, but of more substantial construction, with or without sideshields, and with plano or corrective **impact-resistant** ~~impact resistant~~ lenses of clear or absorptive filter glass or plastic.

(11) “Temple” means the part of a spectacle frame commonly attached to the front and generally extending behind the ear of the wearer.

(12) “Toe guards” means the guards that fit over the toes of regular shoes to protect the toes from impact and compression hazards. These guards may be attached to the outside of shoes.

(13) “Welding goggle” means a goggle intended for limited welding applications.

(14) “Welding faceshield” means a faceshield intended for limited welding applications. Faceshields shall be used only in conjunction with spectacles or goggles or both.

(15) “Welding helmet” means a protective device intended to provide protection for the eyes and face against optical radiation and weld spatter, which shall be worn only in conjunction with spectacles or goggles.

(16) “Window” means the lens portion of a face shield (~~See definition of “lens”~~ **Lens is defined in R 408.13305(2).**)

EYE AND FACE PROTECTION

R 408.13311. Eye and face protection; consensus standards.

Rule 3311. (1) All protective eye and face protection devices, shall be in compliance with any of the following consensus standards:

(a) **ANSI/ISEA Z-87.1 “Occupational and Educational Personal Eye and Face Protection Devices,” 2010 edition, ANSI Z-87.1 “American National Standard Practice for Occupational and Educational Eye and Face Protection,” 2003 edition,** as adopted in R 408.13301a.

(b) **ANSI Z-87.1 “Occupational and Educational Personal Eye and Face Protection Devices,” 2003 edition, “American National Standard Practice for Occupational and Educational Eye and Face Protection,” 1989 (Revised 1998) edition,** as adopted in R 408.13301a.

(c) **ANSI Z-87.1 “Practice for Occupational and Educational Eye and Face Protection,” 1989 edition, revised 1998, “American National Standard Practice for Occupational and Educational Eye and Face Protection,” 1989 edition,** as adopted in R 408.13301a.

(2) Protective eye and face protection devices that the employer demonstrates are at least as effective as protective eye and face protection devices that are constructed in accordance with 1 of the consensus standards adopted in subrule (1) of this rule shall be considered to be in compliance with this rule.

R 408.13321 Rigid helmet bodies.

Rule 3321. A helmet body of a rigid helmet shall be of such size and shape as to protect the face, forehead, ears, and neck to a vertical line back of the ears. It shall have 1 or more openings in the front

for filter plates or filter lenses. The helmet body shall be attached to the headgear so that it will not come in contact with any part of the head and so that it can be lifted up from in front of the face and hold its position in front of the head. The helmet body shall be made of vulcanized fiber, reinforced plastic, or other suitable material which shall be thermally insulating, noncombustible or **slow-burning**, ~~slow burning~~, opaque to visible, ultraviolet, and infrared radiations, and capable of withstanding sanitizing. The inside of the helmet body shall have a low-light reflecting finish. Rivets or other metal parts, if terminating on the inside surface, shall be adequately separated from the wearer's head.

R 408.13322 Rigid helmet headgear or cradles.

Rule 3322. A rigid helmet shall have a headgear or cradle that shall hold the helmet body comfortably and firmly on the wearer's head, but shall permit the helmet body to be tilted back over the head. The headgear shall be readily adjustable for all head sizes from 6 1/2 to 7 5/8, without the use of tools. The headgear shall be made of materials which are thermally insulating, noncombustible or **slow-burning**, ~~slow burning~~, resistant to heat, and capable of withstanding sanitizing. Where required, the headgear shall be fitted with a removable and replaceable sweatband covering at least the forehead portion of the headband. The sweatband shall be made of leather or other suitable material which is slow-burning and **non-irritating**, ~~nonirritating~~.

R 408.13324 Rigid helmet filter plates.

Rule 3324. (1) A filter plate on a rigid helmet shall fit into the frame and cover the window.

(2) Both surfaces of a filter plate shall be well polished and shall be free from striae, waves, or other defects that would impair the optical quality of the surfaces. Filter plate surfaces shall be flat and substantially parallel.

(3) Table 2 of R 408.13312 shall be used to select the proper shade number of filter lenses or plates during welding operations.

(4) When specified, a filter plate shall be impact-resistant, unless impact-resistant eye protection is worn in conjunction with a welding helmet.

(5) A filter plate shall be marked with the shade designation and a permanent and legible marking by which the manufacturer may be readily identified. In addition, a glass filter plate, when treated for **impact-resistance**, ~~impact resistance~~, shall be marked with the letter "H."

(6) A cover plate made of plain glass, of glass coated on 1 or on both sides with plastic, or of a slow-burning solid plastic sheet shall be used to protect a filter plate from damage. A cover plate shall be the same peripheral size and shape as the filter plate, and the thickness of a cover plate shall not be less than 0.050 inches. A cover plate shall transmit not less than 75% of the luminous radiation and shall be substantially free from optical imperfections.

R 408.13325 **Non-rigid** ~~Nonrigid~~ helmets.

Rule 3325. A helmet may be made of **non-rigid** ~~nonrigid~~ materials where it is to be used in confined spaces, or may be collapsible for convenience in carrying or storing. The helmet may be of the same general shape as a rigid helmet, except that a more complete covering of the top of the head is necessary in order to maintain the face, side, and windows in proper position. The requirements for the filter plates, cover plates, and lens mounting frame are the same as for a rigid helmet. A headgear may be used. The material shall be **non-conducting** ~~nonconducting~~ and opaque to ultraviolet, visible, and infrared radiations. Stitched seams shall be welted. No stitching shall be exposed.

R 408.13327 Hand shield.

Rule 3327. A hand shield shall be constructed of materials similar to those used for a helmet and in like manner. The materials, lens mounting arrangement, and filter and cover plates shall conform to the requirements for the corresponding parts of the helmet body with headgear. The handle shall be made of a material that is a **non-conductor** ~~nonconductor~~ of electricity and is noncombustible or **slow-burning**. ~~slow burning~~. It shall be of such size and shape as to be held easily by 1 hand and shall be firmly attached to the lower portion of the shield. A hand shield intended for use by other than a welding operator shall have filter and cover plates suitable for the intended use.

R 408.13329 Helmet and hand shield lift fronts and chin rests.

Rule 3329. (1) The lift front of a helmet shall be fabricated from metal, plastic, or other suitable material. A snap hinge shall be provided so that the front part will stay up or down but will not remain in a partially opened position. The lift front seal against the helmet shall be light tight. The lift front shall be designed to accommodate 3 plates: a clear impact-resisting plate in the back or fixed part; a filter plate, impact-resisting, when specified; and a cover plate in the front part. The back or fixed part plate shall be clear **heat-treated** ~~heat treated~~ glass or plastic not more than 3/16 inch thick or less than 1/8 inch and capable of withstanding the impact test.

(2) To avoid contact of a helmet or hand shield with the face of the wearer, a chin rest or adjustable position stop shall be provided. They shall be constructed of suitable rigid material and shall be detachable from the body of the helmet or hand shield.

R 408.13330 Helmet snoods, neck protectors, and aprons.

Rule 3330.(1) A snood, or back-of-head-and-neck protector where required shall be of material that is flame resistant, that is a good insulator of heat and electricity, and that is capable of withstanding sanitizing. They shall be designed for easy attachment to the helmet, helmet headgear, or cradle.

(2) An apron or bib, where required for a helmet, shall be of nonflammable, nonconducting material that is flexible and capable of withstanding sanitizing.

R 408.13342 Types and materials.

Rule 3342. (1) Face shields are of 3 basic styles: headgear without crown protector; headgear with crown protector; and headgear with crown protector and chin protector. Each of these styles shall accommodate any of the following styles of windows:

- (a) Clear transparent.
- (b) Colored transparent.
- (c) Wire screen.
- (d) Combination of plastic and wire screen.
- (e) Fiber window with filter plate mounting.

(2) Materials used in the manufacture of a face shield shall be **non-irritating** ~~nonirritating~~ to the skin when subjected to perspiration and shall be capable of withstanding frequent sanitizing. Metals, when used, shall be resistant to corrosion. Plastic materials shall be **slow-burning**. ~~slow burning~~. Clear or colored plastic materials used in windows shall be of an optical grade. Plastic windows shall not be used in connection with welding operations unless they meet the requirements of table 1 of this part.

R 408.13345 Headgear.

Rule 3345. (1) A headgear shall consist of at least a headband and a crown strap. The headgear shall be made from materials having a low heat conductivity. The design shall hold the window and window support comfortably and firmly in place on the wearer's head and shall provide for tilting the window away from the face.

(2) A headgear shall be readily adjustable to head sizes from 6 1/2 to 7 5/8 without the use of tools. The crown strap or band shall be attached to and extend between the front and rear centers or from the middle sides of the headband. It shall form an arc over the head to assist in positioning and holding the headgear in place. An adjusting device shall be positive and hold firmly in place after being adjusted. Its mechanisms and movements shall be protected so that the wearer's hair cannot catch in the device.

(3) For greater protection, a headgear may be replaced by an **impact-resistant** ~~impact-resistant~~ hat or cap to which the window support is connected. The attachment may be either rigid or swiveled. If swiveled, the design shall permit lifting and adjusting the window to permit unobstructed vision or lowering to furnish protection.

R 408.13346 Crown and chin protectors.

Rule 3346. (1) A crown protector and chin protector shall be made of material having an **impact-resistance** ~~impact-resistance~~ not less than that of the plastic window. When the crown protector is used in conjunction with the chin protector for protection against sprays of hazardous liquids, the assembly of the crown protector and window support and the assembly of the chin protector and window shall not allow liquids to pass through any opening in the assembly and reach the face, forehead, or chin of the wearer.

(2) A crown protector shall be shaped to cover at least the frontal portion of the head and shall extend around each side at least to a vertical line at the front of the ears. It may be an integral part of the window support or a separate assembly. The design shall provide a comfortable clearance over the forehead and the head of the wearer.

(3) A chin protector shall be shaped to cover at least the chin and upper part of the neck. The design shall provide a comfortable clearance under the chin of the wearer.

R 408.13347 Marking; special operating conditions.

Rule 3347. (1) When a face shield is used in atmospheres or working areas requiring special conditions of **non-conductivity or non-sparking**, ~~nonconductivity or nonsparking~~, materials used shall meet these requirements. A face shield shall be plainly and permanently labeled, identifying it as a "**non-conductive** ~~nonconductive~~ face shield" or "**non-sparking** ~~nonsparking~~ face shield."

(2) A headgear and a plastic window shall bear a permanent and legible marking by which the manufacturer may be readily identified. A window offered for protection against glare shall also bear its shade designation.

R 408.13352 Materials.

Rule 3352. Materials used in the manufacturing of eye protectors shall combine mechanical strength and lightness of weight to a high degree, shall be **non-irritating** ~~nonirritating~~ to the skin when subjected to perspiration, and shall withstand frequent sanitizing. Metals, where used, shall be corrosion resistant. Plastic materials, when used, shall be noncombustible or **slow-burning**. ~~slow-burning~~. Cellulose nitrate, or materials having flammability characteristics approximating those of cellulose nitrate, shall not be used.

R 408.13353 Lenses.

Rule 3353. (1) Lenses intended for use in eye protectors are of 4 basic types, as follows:

- (a) Clear lenses which are impact-resisting and provide protection against flying objects.
- (b) Absorptive lenses of shades 1.7 through 3.0 which are impact-resisting and provide protection against flying objects and glare or which are impact-resisting and provide protection against flying objects, and narrow-band spectral transmittance of injurious radiation.

(c) Protective-corrective lenses which are impact-resisting and either clear or absorptive, as specified for persons requiring visual correction.

(d) Filter lenses which are impact-resisting and provide protection against flying objects and narrow-band spectral transmittance of injurious radiation.

(2) Glass filter lenses intended for use in eyecup goggles shall be heat treated.

(3) The height of the safety lens shall not be less than 30 millimeters.

R 408.13360 Eyecup lenses and retaining rings.

Rule 3360.(1) An eyecup shall be provided with a rigidly constructed lens retaining ring of metal or of plastic designed to accommodate lenses and to permit their ready removal and replacement without damage to the eyecup or to the lenses and without the use of tools. The ring shall provide a complete clamping action against the lens. Lens retainers for welder's and cutter's models shall accommodate a filter lens, fiber gasket, and cover lens.

(2) A filter lens shall be marked with the shade designation and a permanent and legible marking by which the manufacturer may be readily identified. A glass filter lens, when treated for **impact-resistance**, ~~impact-resistance~~, shall also be marked with the letter "H."

R 408.13362 Flexible and cushioned fitting goggles; construction.

Rule 3362. Flexible and cushioned fitting goggles shall consist of a wholly flexible frame, forming a lens holder or with a separable lens holder or a rigid frame with integral lens or lenses, having a separate cushioned fitting surface on the full periphery of the facial contact area. Materials used shall be chemical-resistant, nontoxic, **non-irritating**, ~~nonirritating~~, and **slow-burning**. ~~slow burning~~. There shall be a positive means of support on the face, such as an adjustable headband of suitable material or other suitable means of support to retain the frame comfortably and snugly in place in front of the eyes. A frame which is a lens holder or has a separable lens holder shall hold the lenses firmly and tightly and be removable or replaceable without the use of tools. The goggles may be ventilated or not, as required by their intended use. Where chemical goggles are ventilated, the openings shall be such as to render the goggles splashproof.

R 408.13366 Foundrymen's goggles; construction.

Rule 3366. A foundryman's goggles shall consist of a mask made of a flexible, **non-irritating**, ~~nonirritating~~, and noncombustible or slow-burning material, such as a leather or flexible plastic, suitable lens holders attached thereto, lenses, and a positive means of support on the face, such as an adjustable headband, to retain the mask comfortably and snugly in place in front of the eyes. The edge of the mask on contact with the face shall be provided with a binding of corduroy or other suitable material. The lens holders shall hold the lenses firmly and tightly and may be readily removable or replaceable. The lens holders shall be ventilated to permit circulation of air.

R 408.13375. Protective helmets.

Rule 3375. (1) Protective helmets shall be described by impact type and electrical class. All protective helmets shall meet either Type I or Type II requirements. All helmets shall be further classified as meeting Class G, Class E, or Class C electrical requirements. Helmets shall be classified as follows:

(a) Impact type protective helmets shall be either of the following:

(i) Type I helmets shall be intended to reduce the force of impact resulting from a blow only to the top of the head.

(ii) Type II helmets shall be intended to reduce the force of impact resulting from a blow to the top or sides of the head.

(b) Electrical classes for protective helmets shall be 1 of the following:

(i) Class G, general protective helmets are intended to reduce the danger of contact with low voltage conductors. Test samples shall be proof-tested at 2200 volts (phase to ground). This voltage is not intended as an indication of the voltage at which the helmets protects the wearer.

(ii) Class E, electrical protective helmets are intended to reduce the danger of contact with higher voltage conductors. Test samples shall be proof-tested at 20,000 volts (phase to ground). This voltage is not intended as an indication of the voltage at which the helmet protects the wearer.

(iii) Class C, conductive protective helmets are not intended to provide protection against contact with electrical hazards.

(2) A metallic head device shall not be furnished by an employer or used by an employee for head protection, except where it has been determined that the use of other types of protective helmets or safety hats or caps is impractical, such as where chemical reaction will cause the deterioration of other types of head protection.

(3) A protective helmet furnished by an employer shall be identified on the inside of the shell with the name of the manufacturer.

(4) When used in conjunction with protective helmets, faceshields, welding helmets, and goggles shall be in compliance with the requirements in these rules, and hearing protection shall be in compliance with Occupational Health Standard Part 380 “Occupational Noise Exposure,” as referenced in R 408.13301a.

(5) Winter liners and chin straps used in conjunction with class E helmets for high-voltage protection shall not contain any metallic parts or other conductive materials.

(6) Winter liners and chin straps used in areas where there is a danger of ignition from heat, flame, or chemical reaction shall be made of materials that are **non-burning** ~~nonburning~~ or flame retardant.

(7) Bump hats or caps or other limited-protection devices shall not be used as a substitute for protective helmets for the hazards described in R 408.13370.

(8) An employer shall ensure that protective helmets designed to reduce electrical shock hazard shall be worn by each affected employee who is near exposed electrical conductors that could come in contact with the employee’s head.

ELECTRICAL PROTECTIVE EQUIPMENT

R 408.13387 Design requirements for specific types of electrical protective equipment.

Rule 3387. (1) Rubber insulating blankets, rubber insulating matting, rubber insulating covers, rubber insulating line hose, rubber insulating gloves, and rubber insulating sleeves shall meet the requirements of this rule.

(a) Blankets, gloves, and sleeves shall be produced by a seamless process.

(b) Each item shall be clearly marked as follows:

(i) Class 00 equipment shall be marked class 00.

(ii) Class 0 equipment shall be marked class 0.

(iii) Class 1 equipment shall be marked class 1.

(iv) Class 2 equipment shall be marked class 2.

(v) Class 3 equipment shall be marked class 3.

(vi) Class 4 equipment shall be marked class 4.

- (vii) Non-ozone-resistant equipment shall be marked type I.
- (viii) Ozone-resistant equipment shall be marked type II.
- (ix) Other relevant markings, such as the manufacturer's identification and the size of the equipment, may also be provided.
- (c) Markings shall be **non-conducting** ~~nonconducting~~ and shall be applied in such a manner as not to impair the insulating qualities of the equipment.
- (d) Markings on gloves shall be confined to the cuff portion of the glove.
- (3) Electrical requirements shall be all of the following:
 - (a) Equipment shall be capable of withstanding the alternating current proof-test voltage specified in Table A or the direct current proof-test voltage specified in Table B. All of the following apply:
 - (i) The proof test shall reliably indicate that the equipment can withstand the voltage involved.
 - (ii) The test voltage shall be applied continuously for 3 minutes for equipment other than matting and shall be applied continuously for 1 minute for matting.
 - (iii) Gloves shall ~~also~~ be capable of separately withstanding the alternating current proof-test voltage specified in Table A after a 16-hour water soak.
 - (b) When the alternating current proof test is used on gloves, the 60-hertz proof-test current shall not exceed the values specified in Table A at any time during the test period. All of the following apply:
 - (i) If the alternating current proof test is made at a frequency other than 60 hertz, the permissible proof-test current shall be computed from the direct ratio of the frequencies.
 - (ii) For the test, gloves (right side out) shall be filled with tap water and immersed in water to a depth that is in accordance with Table C. Water shall be added to or removed from the glove, as necessary, so that the water level is the same inside and outside the glove.
 - (iii) After the 16-hour water soak specified in this subrule, the 60-hertz proof-test current shall not exceed the values given in Table A by more than 2 milliamperes.
 - (c) Equipment that has been subjected to a minimum breakdown voltage test shall not be used for electrical protection. See subrule (3) of this rule.
 - (d) Material used for Type II insulating equipment shall be capable of withstanding an ozone test, with no visible effects. The ozone test shall reliably indicate that the material will resist ozone exposure in actual use. Any visible signs of ozone deterioration of the material, such as checking, cracking, breaks, or pitting, is evidence of failure to meet the requirements for ozone-resistant material. See subrule (3) of this rule.
- (4) Workmanship and finish shall comply with both of the following:
 - (a) Equipment shall be free of physical irregularities that can adversely affect the insulating properties of the equipment and that can be detected by the tests or inspections required by these rules.
 - (b) Surface irregularities that may be present on all rubber goods, because of imperfections on forms or molds or because of inherent difficulties in the manufacturing process, and that may appear as indentations, protuberances, or imbedded foreign material are acceptable under the following conditions:
 - (i) The indentation or protuberance blends into a smooth slope when the material is stretched.
 - (ii) Foreign material remains in place when the insulating material is folded and stretches with the insulating material surrounding it.
- (5) Rubber insulating equipment meeting the national consensus standards in Table 4 is considered to be in compliance with the performance requirements of these rules.

TABLE 2
AMERICAN SOCIETY OF TESTING MATERIALS STANDARDS

STANDARD TITLE	ASTM NUMBER	EDITION	SUPPLEMENT
Standard Specification for Rubber Insulating Gloves	D-120	2009	-
Standard Specification for Rubber Insulating Matting	D-178	2001	2010
Standard Specification for Rubber Insulating Blankets	D-1048	2012	-
Standard Specification for Rubber Insulating Covers	D-1049	1998	2010
Standard Specification for Rubber Insulating Line Hose	D-1050	2005	2011
Standard Specification for Rubber Insulating Sleeves	D-1051	2008	-

These standards contain specifications for conducting the various tests required in these rules. For example, the alternating current and direct current proof tests, the breakdown test, the water-soak procedure, and the ozone test described in this rule are described in detail in these ASTM standards.

ASTM F-1236 “Standard Guide for Visual Inspection of Electrical Protective Rubber Products,” 1996 Edition with 2012 supplement, as adopted in R 408.13301a, presents methods and techniques for the visual inspection of electrical protective equipment made of rubber. This guide also contains descriptions and photographs of irregularities that can be found in this equipment

ASTM F-819 “Standard Terminology Relating to Electrical Protective Equipment for Workers,” 2010 edition, as adopted in R 408.13301a, includes definitions of terms relating to the electrical protective equipment covered in these rules.

R 408.13389 In-service care and use of electrical protective equipment.

Rule 3389. (1) Electrical protective equipment shall be maintained in a safe, reliable condition.

(2) The following specific requirements apply to rubber insulating blankets, rubber insulating covers, rubber insulating line hose, rubber insulating gloves, and rubber insulating sleeves.

(3) Maximum use voltages shall conform to those listed in Table D.

(4) An employer shall ensure that insulating equipment is inspected for damage before each day's use and immediately following any incident that can reasonably be suspected of causing damage. Insulating gloves shall be given an air test, along with the inspection.

Note to subrule (4): ASTM F-1236 "Standard Guide for Visual Inspection of Electrical Protective Rubber Products," 1996 Edition with 2012 supplement, as adopted in R 408.13301a, presents methods and techniques for the visual inspection of electrical protective equipment made of rubber. This guide also contains descriptions and photographs of irregularities that can be found in this equipment.

(5) Insulating equipment with any of the following defects shall not be used.

(a) A hole, tear, puncture, or cut.

(b) Ozone cutting or ozone checking, that is, a series of interlacing cracks produced by ozone on rubber under mechanical stress.

(c) An embedded foreign object.

(d) Any of the following texture changes:

(i) Swelling.

(ii) Softening.

(iii) Hardening.

(iv) Becoming sticky or inelastic.

(v) Any other defect that damages the insulating properties.

(6) An employer shall ensure that insulating equipment found to have other defects that might affect its insulating properties is removed from service and returned for testing under subrules (10) and (11) of this rule.

(7) An employer shall ensure that insulating equipment is cleaned as needed to remove foreign substances.

(8) Insulating equipment shall be stored in a location and in a manner as to protect it from all of the following:

(a) Light.

(b) Temperature extremes.

(c) Excessive humidity.

(d) Ozone.

(e) Other damaging substances and conditions.

(9) Protector gloves shall be worn over insulating gloves, except under the following conditions:

(a) Protector gloves need not be used with class 0 gloves, under limited-use conditions, when small equipment and parts manipulation necessitate unusually high finger dexterity.

Note to subrule (9)(a): Persons inspecting rubber insulating gloves used under these conditions shall take extra care in visually examining them. Employees using rubber insulating gloves under these conditions shall take extra care to avoid handling sharp objects.

(b) If the voltage does not exceed 250 volts, ac, or 375 volts, direct current, protector gloves shall not be used with class 00 gloves, under limited-use conditions, when small equipment and parts manipulation necessitate unusually high finger dexterity.

Note to subrule (9)(b): Persons inspecting rubber insulating gloves used under these conditions shall take extra care in visually examining them. Employees using rubber insulating gloves under these conditions shall take extra care to avoid handling sharp objects.

(c) Any other class of glove may be used without protector gloves, under limited-use conditions, when small equipment and parts manipulation necessitate unusually high finger dexterity but only if the employer can demonstrate that the possibility of physical damage to the gloves is small and if the class of glove is 1 class higher than that required for the voltage involved.

(d) Insulating gloves that have been used without protector gloves may not be reused until they have been tested under the provisions of this rule.

(10) Electrical protective equipment shall be subjected to periodic electrical tests. Test voltages and the maximum intervals between tests shall be pursuant to Table D and Table E.

(11) The test method used in this rule shall reliably indicate whether the insulating equipment can withstand the voltages involved.

Note to subrule (11): The standard electrical test methods considered as meeting this requirement are listed in Table 3.

(12) Insulating equipment failing to pass inspections or electrical tests shall not be used by employees, except as follows:

(a) Rubber insulating line hose may be used in shorter lengths with the defective portion cut off.

(b) Rubber insulating blankets may be salvaged by severing the defective area from the undamaged portion of the blanket. The resulting undamaged area shall not be smaller than 560 millimeters by 560 millimeters (22 inches by 22 inches) for class 1, 2, 3, and 4 blankets.

(c) Rubber insulating blankets shall be repaired using a compatible patch that results in physical and electrical properties equal to those of the blanket.

(d) Rubber insulating gloves and sleeves with minor physical defects, such as small cuts, tears, or punctures, shall be repaired by the application of a compatible patch. Also, rubber insulating gloves and sleeves with minor surface blemishes shall be repaired with a compatible liquid compound. The repaired area shall have electrical and physical properties equal to those of the surrounding material. Repairs to gloves shall be permitted only in the area between the wrist and the reinforced edge of the opening.

(13) An employer shall ensure that repaired insulating equipment is retested before it is used by employees.

(14) The employer shall certify that equipment has been tested pursuant to the requirements of this rule. The certification shall identify the equipment that passed the test and the date it was tested and shall be made available upon request to the department of licensing and regulatory affairs director and to MIOSHA employees or their authorized representatives.

Note to subrule (14): Marking equipment with, and entering onto logs, the results of the tests and the dates of testing are acceptable means of meeting the certification requirement.

TABLE 3 AMERICAN SOCIETY OF TESTING MATERIALS STANDARDS			
STANDARD TITLE	ASTM NUMBER	EDITION	SUPPLEMENT
Standard Specification for Rubber Insulating Gloves	D-120	2009	-
Standard Specification for Rubber Insulating Matting	D-178	2001	2010
Standard Specification for Rubber Insulating Blankets	D-1048	2012	
Standard Specification for Rubber Insulating Covers	D-1049	1998	2010
Standard Specification for Rubber Insulating Line Hose	D-1050	2005	2011
Standard Specification for Rubber Insulating Sleeves	D-1051	2008	-
Standard Specification for In-Service Care of Insulating Line Hose and Covers	F-478	2009	-
Standard Specification for In-Service Care of Insulating Blankets	F-479	2006	2011
Standard Specification for In-Service Care of Insulating Gloves And Sleeves	F-496	2008	-

TABLE A
ALTERNATING CURRENT PROOF-TEST REQUIREMENTS

CLASS OF EQUIPMENT	PROOF-TEST VOLTAGE RMS V	Maximum Proof-Test Current, mA (Globes Only)			
		280-mm (11 in.) Glove	360-mm (14 in.) Glove	410-mm (16 in.) Glove	460-mm (18 in.) Glove
00	2,500	8	12	-	-
0	5,000	8	12	14	16
1	10,000	-	14	16	18
2	20,000	-	16	18	20
3	30,000	-	18	20	22
4	40,000	-	-	22	24

**TABLE B
DIRECT CURRENT PROOF-TEST REQUIREMENTS**

CLASS OF EQUIPMENT	PROOF-TEST VOLTAGE
00	10,000
0	20,000
1	40,000
2	50,000
3	60,000
4	70,000

NOTE: The dc voltages listed in this table are not appropriate for proof testing rubber insulating line hose or covers. For this equipment, dc proof tests shall use a voltage high enough to indicate that the equipment can be safely used at the voltages listed in Table D.

See ASTM D-1050 “Standard Specification for Rubber Insulating Line Hose,” 2005 edition with 2011 supplement and ASTM D-1049 “Standard Specification for Rubber Insulating Covers,” 1998 edition with 2010 supplement, as adopted in R 408.13301a, for further information on proof tests for rubber insulating line hose and covers, respectively.

TABLE C GLOVE TESTS – WATER LEVEL ^{1,2}				
CLASS OF GLOVE	ALTERNATING CURRENT PROOF TEST		DIRECT CURRENT PROOF TEST	
	mm	in	mm	in
00	38	1.5	38	1.5
0	38	1.5	38	1.5
1	38	1.5	51	2.0
2	64	2.5	76	3.0
3	89	3.5	102	4.0
4	127	5.0	153	6.0
¹ The water level is given as the clearance from the reinforced edge of the glove to the water line, with a tolerance of ± 13 mm. (± 0.5 in.).				
² If atmospheric conditions make the specified clearances impractical, the clearances may be increased by a maximum of 25 mm. (1 in.).				

TABLE D RUBBER INSULATING EQUIPMENT, VOLTAGE REQUIREMENTS			
CLASS OF EQUIPMENT	MAXIMUM USE VOLTAGE ¹ ALTERNATING CURRENT RMS	RETEST VOLTAGE ² ALTERNATING CURRENT RMS	RETEST VOLTAGE ² DIRECT CURRENT AVG
00	500	2,500	10,000
0	1,000	5,000	20,000
1	7,500	10,000	40,000
2	17,000	20,000	50,000
3	26,500	30,000	60,000
4	36,000	40,000	70,000
<p>¹ The maximum use voltage is the ac voltage (rms) classification of the protective equipment that designates the maximum nominal design voltage of the energized system that may be safely worked. The nominal design voltage is equal to the phase-to-phase voltage on multiphase circuits. However, the phase-to-ground potential is considered to be the nominal design voltage under the following conditions:</p> <p>(1) There is no multiphase exposure in a system area and the voltage exposure is limited to the phase-to-ground potential, or</p> <p>(2) The electric equipment and devices are insulated or isolated or both so that the multiphase exposure on a grounded wye circuit is removed.</p>			
<p>² The proof-test voltage shall be applied continuously for at least 1 minute, but no more than 3 minutes.</p>			

**TABLE E
RUBBER INSULATING EQUIPMENT TEST INTERVALS**

TYPE OF EQUIPMENT	WHEN TO TEST
Rubber insulating line hose	Upon indication that insulating value is suspect and after repair.
Rubber insulating covers	Upon indication that insulating value is suspect and after repair.
Rubber insulating blankets	Before first issue and every 12 months thereafter; ¹ upon indication that insulating value is suspect; and after repair
Rubber insulating gloves	Before first issue and every 6 months thereafter; ¹ upon indication that insulating value is suspect; after repair; and after use without protectors
Rubber insulating sleeves	Before first issue and every 12 months thereafter; ¹ upon indication that insulating value is suspect; and after repair
¹ If the insulating equipment has been electrically tested but not issued for service, the insulating equipment shall not be placed into service unless it has been electrically tested within the previous 12 months.	

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on

Proposed August 25, 2016

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. 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 licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.40601, R 408.40603, R 408.40623, R 408.40624, R 408.40624a, R 408.40624b, and R 408.40650 of the Michigan Administrative Code are amended, as follows:

PART 6. PERSONAL PROTECTIVE EQUIPMENT

GENERAL PROVISIONS

R 408.40601 Scope.

Rule 601. (1) This standard provides specifications for personal protective equipment and prescribes the use, selection, and maintenance of this equipment for the protection of the employee's head, face, eyes, hands, feet, and body during construction operations.

(2) Hearing protection shall be in compliance with Occupational Health Standard Part **680 "Noise Exposure for Construction,"** ~~380 "Occupational Noise Exposure,"~~ as referenced in R 408.40603.

(3) Respiratory protection shall be in compliance with Occupational Health Standard Part 451 "Respiratory Protection," as referenced in R 408.40603.

(4) Protective equipment, including personal protective equipment for eyes, face, head, hands, feet, and body, protective clothing, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation, or physical contact.

R 408.40603 Adopted and referenced standards.

Rule 603. (1) The following standards are adopted by reference in these rules and are available from the Document Center, Inc., Customer Service, 121 Industrial Road, Suite 8, Belmont, California 94002, USA, telephone: (650) 591-7600 or via the internet at website: www.document-center.com; at a cost as

of the time of adoption of these rules, as stated in **these rules**. ~~this subrule:~~

(a) American National Standard Institute ANSI standard Z-41 “Personal Protection - Protective Footwear,” 1991 edition. Cost: \$49.95.

(b) ANSI Z-89.1 "American National Standard for Industrial Head Protection," 2003 edition. Cost: \$20.00.

(c) ANSI Z-89.1 "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers--Requirements," 1997 edition. Cost: \$20.00.

~~(d) ANSI Z-87.1 “Practice for Occupational and Educational Eye and Face Protection,” 1991 edition. Cost: \$117.30~~

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

(a) ANSI/ISEA (International Safety Equipment Association) Z-87.1 “Occupational and Educational Personal Eye and Face Protection Devices,” 2010 edition. Cost: \$60.00.

(b) ANSI Z-87.1 “Occupational and Educational Personal Eye and Face Protection Devices,” 2003 edition. Cost \$68.00.

(c) ANSI Z-87.1 “Practice for Occupational and Educational Eye and Face Protection,” 1989 edition, revised 1998. Cost: \$148.00.

~~(d) (a)~~ ANSI Z-89.1 “American National Standard for Industrial Head Protection,” 2009 edition. Cost: \$35.00.

~~(e) (b)~~ American Society of Testing Materials ASTM Standard D-120, “Standard Specification for Rubber Insulating Gloves,” 2009 edition. Cost: \$58.00.

~~(f) (c)~~ ASTM D-178 “Standard Specification for Rubber Insulating Matting,” 2001 edition with 2010 supplement. Cost: \$47.00.

~~(g) (d)~~ ASTM D-1048 “Standard Specification for Rubber Insulating Blankets,” 2012 Edition. Cost: \$47.00.

~~(h) (e)~~ ASTM D-1049 “Standard Specification for Rubber Insulating Covers,” 1998 edition with 2010 supplement. Cost: \$47.00.

~~(i) (f)~~ ASTM D-1050 “Standard Specification for Rubber Insulating Line Hose,” 2005 edition with 2011 supplement. Cost: \$47.00.

~~(j) (g)~~ ASTM D-1051 “Standard Specification for Rubber Insulating Sleeves,” 2008 edition. Cost: \$58.00.

~~(k) (h)~~ ASTM F-478 “Standard Specification for In-Service Care of Insulating Line Hose and Covers,” 2009 edition. Cost: \$52.00.

~~(l) (i)~~ ASTM F-479 “Standard Specification for In-Service Care of Insulating Blankets,” 2006 edition with 2011 supplement. Cost: \$47.00.

~~(m) (j)~~ ASTM F-496 “Standard Specification for In-Service Care of Insulating Gloves and Sleeves,” 2008 edition. Cost: \$58.00.

~~(n) (k)~~ ASTM F-712 “Standard Test Methods and Specifications for Electrically Insulating Plastic Guard Equipment for Protection of Workers,” 2006 edition with 2011 supplement. Cost \$47.00.

~~(o) (l)~~ ASTM F-819 “Standard Terminology Relating to Electrical Protective Equipment for Workers,” 2010 edition. Cost: \$41.00.

~~(p) (m)~~ ASTM F-1236 “Standard Guide for Visual Inspection of Electrical Protective Rubber Products,” 1996 Edition with 2012 supplement. Cost: \$ 47.00.

~~(q) (n)~~ Institute of Electrical and Electronics Engineers IEEE Standard 516 “Guide for Maintenance Methods on Energized Power Lines,” 2009 edition. Cost: \$135.00.

(3) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, **P.O. Box 30643, 7150 Harris Drive,** Lansing, Michigan, 48909-8143.

(4) The standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, ~~7150 Harris Drive,~~ P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

(5) The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, ~~7150 Harris Drive,~~ 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, as of 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 45 “Fall Protection,” R 408.44501 to R 408.44502.

~~(c) Occupational Health Standard Part 380 “Occupational Noise Exposure” R 325.60101 to R 325.60128.~~

~~(c) (d)~~ Occupational Health Standard Part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.

(d) Occupational Health Standard Part 680 “Noise Exposure for Construction,” R 325.60131

(6) The appendices are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.

EYE AND FACE PROTECTION

R 408.40623 **Eye and face protection; consensus standards.** ~~Certification of face and eye protection; Rule 623. (1) All protective eye and face protection devices shall be in compliance with any of the following consensus standards: Except for the devices required by R 408.40624(5), all face and eye protection devices shall bear a certification by the manufacturer that the device has been produced according to ANSI standard Z-87.1, “Practice for Occupational and Educational Eye and Face Protection,” 1991 edition, as adopted in R 408.40603. If it is impractical for the protection device to bear the certification, then the container for the device shall bear the certification.~~

(a) ANSI/ISEA Z-87.1 “Occupational and Educational Personal Eye and Face Protection Devices,” 2010 edition, as adopted in R 408.40603.

(b) ANSI Z-87.1 “Occupational and Educational Personal Eye and Face Protection Devices,” 2003 edition, as adopted in R 408.40603.

(c) ANSI Z-87.1 “Practice for Occupational and Educational Eye and Face Protection,” 1989 edition, revised 1998, as adopted in R 408.40603.

(2) Protective eye and face protection devices that the employer demonstrates are at least as effective as protective eye and face protection devices that are constructed in accordance with 1 of the consensus standards adopted in this rule shall be considered to be in compliance with the requirements of this rule.

~~EYE AND FACE PROTECTION~~

R 408.40624 Use of eye and face protection.

Rule 624. (1) An employer shall ensure that each affected employee uses appropriate eye and face protection, when exposed to eye or face hazards or if risk of injury exists from any of the following:

- (a) Flying objects or particles.
- (b) Harmful contacts.
- (c) Exposures. ~~Exposures, such as glare.~~
- (d) ~~Molten metal. Liquids.~~
- (e) Liquid chemicals. ~~Injurious radiation.~~
- (f) Acids or caustic liquids. ~~Electrical flash.~~
- (g) ~~Chemical gases or vapors. A combination of these hazards.~~
- (h) ~~Glare.~~
- (i) ~~Potentially injurious light radiation.~~
- (j) ~~Electrical flash.~~
- (k) **A combination of these hazards in subdivisions (a) to (j) of this subrule.**

Note: Appendix B, Appendix Table 1, “Eye and Face Protector Selection Chart,” and Appendix Figure 1, “Eye and Face Protective Devices Chart,” shall be used as a guide in the selection of the proper eye and face protection.

(2) An employer shall ensure that each affected employee who wears prescription lenses while engaged in operations that involve eye hazards shall wear eye protection that incorporates either of the following: ~~An employee who wears prescription eyewear shall be protected by 1 of the following:~~

- (a) Eye protection that incorporates the prescription in its design.
- (b) **Eye protection that can be worn over prescription lenses without disrupting the proper position of the prescription lenses or the protective lenses.** ~~either the prescription eyewear or the protective eyewear.~~

~~(c) Eye protection that incorporates corrective lenses mounted behind the protective lenses.~~

~~(3) Eye and face protection equipment shall be of proper size to fit each employee and protect against the intrusion of foreign objects. Eye and face protection shall be kept clean and in good repair. Equipment with structural or optical defects shall not be used.~~

(3) (4) An employer shall ensure that a A protector is shall be in compliance with all of the following minimum requirements:

- (a) Provides adequate protection against the particular hazards for which it is designed.
- (b) Be reasonably comfortable when worn under the designated conditions.
- (c) Fits snugly and does not unduly interfere with movements of the wearer.
- (d) Be durable.
- (e) Be capable of **being disinfected.** ~~withstanding sanitizing.~~
- (f) Be easily cleanable.**

(4) (5) An employer shall ensure that eye and face personal protective equipment is distinctly marked to facilitate identification of the manufacturer.

~~(6) Limitations or precautions indicated by the manufacturer shall be transmitted to the user and care is taken to ensure that the limitations or precautions are observed.~~

(5) (7) An employer shall ensure that each affected employee uses eye protection that provides side protection when there is a hazard from flying objects. Detachable side protectors, such as clip-on or slide-on sideshields, that are in compliance with the applicable requirements of this standard are acceptable. ~~Table 1 shall be used as a guide in the selection of face and eye protection for the hazards and operations noted.~~

**TABLE 1
EYE AND FACE PROTECTOR SELECTION GUIDE**



1.	GOGGLES	Flexible Fitting, Regular Ventilation
2.	GOGGLES	Flexible Fitting, Hooded Ventilation
3.	GOGGLES	Cushioned Fitting, Rigid Body
* 4.	SPECTACLES	Metal Frame, with Side Shields
* 5.	SPECTACLES	Plastic Frame, with Side Shields
* 6.	SPECTACLES	Metal-Plastic Frame, with Side Shields
** 7.	WELDING-GOGGLES	Eyecup Type, Tinted Lenses (Illustrated)
7A.	CHIPPING-GOGGLES	Eyecup Type, Clear Safety Lenses (Not Illustrated)
** 8.	WELDING-GOGGLES	Converspec Type, Tinted Lenses (Illustrated)
** 8A.	CHIPPING-GOGGLES	Coverspec Type, Clear Safety Lenses. (Not Illustrated)
** 9.	WELDING-GOGGLES	Coverspec Type, Tinted Plate Lens
10.	FACE SHIELD	(Available with Plastic or Mesh Window)
** 11.	WELDING HELMETS	

APPLICATIONS		
OPERATION	HAZARDS	RECOMMENDED PROTECTORS: Bold Type Numbers Signify Preferred Protection
Acetylene Burning Acetylene Cutting Acetylene Welding	Sparks, Harmful rays, Molten Metal, Flying Particles	7, 8, 9
Chemical Handling	Splash, Acid burns, Fumes	2, 10 (For severe exposure add 10 over 2)
Chipping	Flying Particles	1, 3, 4, 5, 6, 7A, 8A
Electric(arc) Welding	Sparks, Intense Rays, Molten Metal	9, 11 (11 in combination with 4, 5, 6, in tinted lenses advisable)
Furnace Operations	Glare, Heat, Molten Metal	7, 8, 9 (For severe exposure add 10)
Grinding-Light	Flying Particles	1, 3, 4, 5, 8, 10
Grinding-Heavy	Flying Particles	1, 3, 7A, 8A (For severe exposure add 10)
Laboratory	Chemical Splash,	2

	Glass Breakage	(10 when in combination with 4, 5, 6)
Machining	Flying Particles	1, 3, 4, 5, 8, 10
Molten Metals	Heat, Glare, Sparks, Splash	7, 8 (10 in combination with 4, 5, 6, in tinted lenses)
Spot Welding	Flying Particles, Sparks	1, 3, 4, 5, 8, 10

* Non-side shield spectacles are available for limited hazard use requiring only frontal protection.

** See table 2 of this rule, “Filter Lens Shade Numbers During Welding Operations.”

WELDING PROTECTION

R 408.40624a Welding protection.

Rule 624a (1) **Table 2 shall be used as a guide for the selection of the proper shade numbers of filter lenses or plates used in welding.** ~~Table 2 shall be used as a guide to select the proper shade number of filter lenses or plates during welding operations.~~

(2) When an employee is welding and using a welding shield, the shield shall incorporate a safety glass feature with a flip-up filter lens or the employee shall wear safety glasses with side shields or goggles under the shield when the shield is raised and is exposed to flying objects.

(3) Shades more dense than those listed in Table 2 may be used to suit the individual's needs.

(4) Table 2 reads as follows:

Table 2 Filter Lens Shade Numbers for Protection Against Radiant Energy	
Welding operation	Shade number
Shielded metal-arc welding 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes	10
Gas-shielded arc welding (non-ferrous) 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes	11
Gas-shielded arc welding (ferrous) 1/16-, 3/32-, 1/8-, 5/32-inch diameter electrodes	12
Shielded metal-arc welding 3/16-, 7/32-, 1/4-inch diameter electrodes	12
5/16-, 3/8-inch diameter electrodes	14
Atomic hydrogen welding	10-14
Carbon-arc welding	14
Soldering	2
Torch brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1 inch to 6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Gas welding (light), up to 1/8-inch	4 or 5
Gas welding (medium), 1/8-inch to 1/2-inch	5 or 6
Gas welding (heavy), over 1/2-inch	6 or 8

TABLE 2	
FILTER LENS SHADE NUMBERS DURING WELDING OPERATIONS	
WELDING OPERATION	SHADE NUMBER
Shielded metal-arc welding 1/16-, 3/32-, 1/8-, 5/32-, inch diameter electrodes	10
Gas-shielded arc welding(nonferrous) 1/16-, 3/32-, 1/8-, 5/32-inch	11

diameter electrodes	
Gas-shielded arc welding (ferrous) 1/16, 3/32, 1/8, 5/32 inch diameter electrodes	12
Shielded metal arc welding 3/16, 7/32, 1/4 inch diameter electrodes	12
5/16, 3/8 inch diameter electrodes	14
Atomic hydrogen welding	10—14
Carbon arc welding	14
Soldering	2
Torch brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1 inch to 6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Gas welding (light), up to 1/8 inch	4 or 5
Gas welding (medium), 1/8 inch to 1/2 inch	4 or 6
Gas welding (heavy), over 1/2 inch	6 or 8

LASER PROTECTION

R 408.40624b Laser protection.

Rule 624b. (1) **All employees whose occupation or assignment requires exposure to laser beams shall be furnished suitable laser safety goggles that will protect for the specific wavelength of the laser and be of optical density (O.D.) adequate for the energy involved.** ~~An employee exposed to laser beams with a wattage of more than .005 (5 milliwatts) shall wear laser safety goggles that provides protection for the specific wavelength of the laser and that are of an optical density (O.D.) adequate for the energy involved. The maximum power or energy density for which adequate protection is afforded by glasses of optical densities from 5 to 8 is shown in Table 3~~

(2) **Table 3 lists the maximum power or energy density for which adequate protection is afforded by glasses of optical densities from 5 through 8.** ~~All protective goggles shall bear a label identifying all of the following data:~~

- ~~(a) The laser wavelengths for which use is intended.~~
- ~~(b) The optical density of those wavelengths.~~
- ~~(c) The visible light transmission.~~

(3) **Output levels falling between lines in this table shall require the higher optical density.** ~~Table 3 reads as follows:~~

(4) All protective goggles shall bear a label identifying all of the following data:

- (a) The laser wavelengths for which use is intended.**
- (b) The optical density of those wavelengths.**
- (c) The visible light transmission.**

(5) Table 3 reads as follows:

Table 3 Selecting Laser Safety Glass		
Intensity, CW maximum power density (watts/cm²)	Attenuation	
	Optical density (O.D.)	Attenuation factor
10⁻²	5	10⁵
10⁻¹	6	10⁶
1.0	7	10⁷
10.0	8	10⁸
*10⁻² Equals 1 Milliwatt.		

TABLE 3		
SELECTING LASER SAFETY GLASS		
INTENSITY		ATTENUATION
CW Maximum Power Density (Watts/cm²)	Optical Density (O.D.)	Attenuation Factor
10 ⁻²	5	10 ⁵
10 ⁻¹	6	10 ⁶
1.0	7	10 ⁷
10.0	8	10 ⁸
*10 ⁻² Equals 1 Milliwatt.		
Output levels falling between lines in this table shall require the higher optical density.		

ELECTRICAL PROTECTIVE EQUIPMENT

R 408.40650 Design requirements for specific types of electrical protective equipment.

Rule 650. (1) Rubber insulating blankets, rubber insulating matting, rubber insulating covers, rubber insulating line hose, rubber insulating gloves, and rubber insulating sleeves shall meet the requirements of this rule.

(2) Manufacture and marking of rubber insulating equipment shall be as follows:

(a) Blankets, gloves, and sleeves shall be produced by a seamless process.

(b) Each item shall be clearly marked as follows:

(i) Class 00 equipment shall be marked class 00.

(ii) Class 0 equipment shall be marked class 0.

(iii) Class 1 equipment shall be marked class 1.

(iv) Class 2 equipment shall be marked class 2.

(v) Class 3 equipment shall be marked class 3.

(vi) Class 4 equipment shall be marked class 4.

- (vii) Non-ozone-resistant equipment shall be marked type I.
- (viii) Ozone-resistant equipment shall be marked type II.
- (ix) Other relevant markings, such as the manufacturer's identification and the size of the equipment, may also be provided.
- (c) Markings shall be **non-conducting** ~~nonconducting~~ and shall be applied in such a manner as not to impair the insulating qualities of the equipment.
- (d) Markings on gloves shall be confined to the cuff portion of the glove.
- (3) Electrical requirements shall be all of the following:
 - (a) Equipment shall be capable of withstanding the alternating current proof-test voltage specified in Table A or the direct current proof-test voltage specified in Table B, all of the following apply:
 - (i) The proof test shall reliably indicate that the equipment can withstand the voltage involved.
 - (ii) The test voltage shall be applied continuously for 3 minutes for equipment other than matting and shall be applied continuously for 1 minute for matting.
 - (iii) Gloves shall also be capable of separately withstanding the alternating current proof-test voltage specified in Table A after a 16-hour water soak.
 - (b) When the alternating current proof test is used on gloves, the 60-hertz proof-test current may not exceed the values specified in Table A at any time during the test period all of the following apply:
 - (i) If the alternating current proof test is made at a frequency other than 60 hertz, the permissible proof-test current shall be computed from the direct ratio of the frequencies.
 - (ii) For the test, gloves (right side out) shall be filled with tap water and immersed in water to a depth that is in accordance with Table C. Water shall be added to or removed from the glove, as necessary, so that the water level is the same inside and outside the glove.
 - (iii) After the 16-hour water soak specified in this subrule, the 60-hertz proof-test current may not exceed the values given in Table A by more than 2 milliamperes.
 - (c) Equipment that has been subjected to a minimum breakdown voltage test may not be used for electrical protection. See subrule (3) of this rule.
 - (d) Material used for Type II insulating equipment shall be capable of withstanding an ozone test, with no visible effects. The ozone test shall reliably indicate that the material will resist ozone exposure in actual use. Any visible signs of ozone deterioration of the material, such as checking, cracking, breaks, or pitting, is evidence of failure to meet the requirements for ozone-resistant material. See subrule (3) of this rule.
- (4) Workmanship and finish shall comply with both of the following:
 - (a) Equipment shall be free of physical irregularities that can adversely affect the insulating properties of the equipment and that can be detected by the tests or inspections required by these rules.
 - (b) Surface irregularities that may be present on all rubber goods, because of imperfections on forms or molds or because of inherent difficulties in the manufacturing process, and that may appear as indentations, protuberances, or imbedded foreign material are acceptable under both of the following conditions:
 - (i) The indentation or protuberance blends into a smooth slope when the material is stretched.
 - (ii) Foreign material remains in place when the insulating material is folded and stretches with the insulating material surrounding it.
- (5) Rubber insulating equipment meeting the national consensus standards in Table 4 is considered to be in compliance with the performance requirements of these rules.

TABLE 4 AMERICAN SOCIETY OF TESTING MATERIALS STANDARDS
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STANDARD TITLE	ASTM NUMBER	EDITION	SUPPLEMENT
Standard Specification for Rubber Insulating Gloves	D-120	2009	-
Standard Specification for Rubber Insulating Matting	D-178	2001	2010
Standard Specification for Rubber Insulating Blankets	D-1048	2012	
Standard Specification for Rubber Insulating Covers	D-1049	1998	2010
Standard Specification for Rubber Insulating Line Hose	D-1050	2005	2011
Standard Specification for Rubber Insulating Sleeves	D-1051	2008	-

These standards also contain specifications for conducting the various tests required in these rules. For example, the alternating current and direct current proof tests, the breakdown test, the water-soak procedure, and the ozone test mentioned in these rules are described in detail in these ASTM standards.

ASTM F-1236 “Standard Guide for Visual Inspection of Electrical Protective Rubber Products,” 1996 Edition with 2012 supplement, as adopted in R 408.40603, presents methods and techniques for the visual inspection of electrical protective equipment made of rubber. This guide also contains descriptions and photographs of irregularities that can be found in this equipment.

ASTM F-819 “Standard Terminology Relating to Electrical Protective Equipment for Workers,” 2010 edition, as adopted in R 408.40603, includes definitions of terms relating to the electrical protective equipment covered in these rules.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...””

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

July 28, 2016

VIA E-MAIL

Ms. Deidre O’Berry
Office of Regulatory Reinvention
Department of Licensing and Regulatory Affairs
Ottawa Building, 2nd Floor
611 West Ottawa Street
Lansing, Michigan 48909

Dear Ms. O’Berry:

SUBJECT: Request for Correction of the Michigan Administrative Code, ORR 2014-033 EQ

The Department of Environmental Quality (DEQ), as the promulgating agency, is writing to request that the Office of Regulatory Reinvention exercise its discretion to correct obvious errors in the Michigan Administrative Code, pursuant to Section 56(1), MCL 24.256, of the Administrative Procedures Act, 1969 PA 306, as amended.

The certified version of the rule filed with the Office of the Great Seal contained multiple obvious errors, as follows:

R 325.5003 Definitions; Ab to Ai.

In subrule 5, please remove the period after “42”

Current

(5) "Agreement material" means "byproduct material", "source material", or "special nuclear material in quantities not sufficient to form a critical mass" which is subject to regulation by this state under an agreement between the NRC and this state pursuant to section 274 of the federal atomic energy act of 1954, as amended, being 42. U.S.C. 2011 to 2297H-13.

R 325.5016 Definitions; Re to Ro.

In subrule (1), please add a space between the “1” and “rem” in “1rem”

Rule 16. (1) "Rem" means the absorbed dose in rads multiplied by appropriate modifying factors which are determined by the quality of radiation and the conditions of exposure and is the special unit of dose equivalent. For the purpose of these regulations, each of the following is considered to be equivalent to a dose of 1rem:

R 325.5016 Definitions; Re to Ro.

In subrule (1), Neutron Flux Equivalents table: change the unit in column 1 from “(Mev)” to “(MeV)” and change units in column 2 to “neutrons/cm²”

Current

Neutron Energy (Mev)	Number of neutrons per square centimeter for a dose equivalent of 1 rem (neutron/cm ²)	Average flux to deliver 100 millirem in 40 hours (neutrons/cm ² per second)
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Corrected

Neutron Energy (MeV)	Number of neutrons per square centimeter for a dose equivalent of 1 rem (neutrons/cm ²)	Average flux to deliver 100 millirem in 40 hours (neutrons/cm ² per second)
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R 325.5025 Prefixes.

The “n” in nano is missing. The subsequent symbols in that column are with the wrong prefix.

Current

Symbol	Prefix	Quantity	Symbol	Prefix	Quantity
d	deci	(=10 ⁻¹)	da	deka	(=10)
c	centi	(=10 ⁻²)	h	hecto	(=10 ²)
m	milli	(=10 ⁻³)	k	kilo	(=10 ³)
μ	micro	(=10 ⁻⁶)	M	mega	(=10 ⁶)
p	nano	(=10 ⁻⁹)	G	giga	(=10 ⁹)
f	pico	(=10 ⁻¹²)	T	tera	(=10 ¹²)
a	femto	(=10 ⁻¹⁵)			
	atto	(=10 ⁻¹⁸)			

Corrected

Symbol	Prefix	Quantity	Symbol	Prefix	Quantity

d	deci	(=10 ⁻¹)	da	deka	(=10)
c	centi	(=10 ⁻²)	h	hecto	(=10 ²)
m	milli	(=10 ⁻³)	k	kilo	(=10 ³)
μ	micro	(=10 ⁻⁶)	M	mega	(=10 ⁶)
n	nano	(=10 ⁻⁹)	G	giga	(=10 ⁹)
p	pico	(=10 ⁻¹²)	T	tera	(=10 ¹²)
f	femto	(=10 ⁻¹⁵)			
a	atto	(=10 ⁻¹⁸)			

Rule 325.5032 Carriers.

Please change “theses” to “these.” The “s” was struck through on the text sent to the Joint Committee on Rules.

Current

Rule 32. A common or contract carrier, freight forwarder, warehouseman, and the United States postal service are exempt from theses rules to the extent that they transport or store agreement material in the regular course of carriage for another or storage incident thereto.

Corrected

Rule 32. A common or contract carrier, freight, warehouseman, and the United States postal service are exempt from these rules to the extent that they transport or store agreement material in the regular course of carriage for another or storage incident thereto.

R 325.5056 Uranium contained in counterweights.

Please change “use’s” to “uses”

Current

Rule 56. (1) A person is exempt from this part to the extent that he or she receives, possesses, use’s or transfers uranium contained in counterweights installed in aircraft,

(j) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of radioactive material not exceeding the applicable quantity set forth in Rule 147.

Corrected

Rule 56. (1) A person is exempt from this part to the extent that he or she receives, possesses, uses or transfers uranium contained in counterweights installed in aircraft,

R 325.5067 Items containing tritium, promethium-147, or radium.

Subdivision (j) should be changed to (i).

Current

Corrected

(i) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of radioactive material not exceeding the applicable quantity set forth in Rule 147.

R 325.5073 Self-luminous products containing tritium, krypton-85, promethium-147, or radium 226.

Please change the “radium 226” to “radium-226” in the catchline.

Current

R 325.5073 Self-luminous products containing tritium, krypton-85, promethium-147, or radium 226.

Corrected

R 325.5073 Self-luminous products containing tritium, krypton-85, promethium-147, or radium-226.

R 325.5131 General license for limited period.

Please change the wording from “This rule applies to a general license...” to “This rule is a general license...”

Current

Rule 131. This rule applies to a general license issued to a person who holds a specific license from the NRC or an agreement state issued by the agency having jurisdiction where the

Corrected

Rule 131. This rule is a general license issued to a person who holds a specific license from the NRC or an agreement state issued by the agency having jurisdiction where the

R 325.5142 Annual fees.

Please delete “[Note: The requirements for this rule that pertain to radiation machine registration, licensing, or compliance are under the purview of the Michigan Department of Consumer & Industry Services.]”

R 325.5142. Annual fees.

Rule 142. (1) An annual license fee is payable 1 year after the date of issuance of the license and annually thereafter.

(2) The annual fee shall be submitted in a timely manner so that its receipt is assured on or before the due date in order to maintain the license in effect.

[Note: The requirements of this rule that pertain to radiation machine registration, licensing, or compliance are under the purview of the Michigan Department of Consumer & Industry Services.]



R 325.5203 Exposure of individuals to radiation.

There should be a space between “205.” and “A” since “205.” is the end of a sentence.

Rule 203. (1) Except as provided in subrules (3),(4), and (6) of this rule, a licensee or registrant shall not receive, possess, use, or transfer sources of radiation in a manner as to cause any individual to receive in any period from all sources of radiation in the licensee's or registrant's possession a dose in excess of the limits specified in table 1 of Rule 205.A licensee or

325.5146 Schedule A - Exempt concentrations.

Please center justify the table headings.

R 325.5146 Schedule A - Exempt concentrations.

Rule 146. See Rule 65.

Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml*	Column II Liquid and solid concentration μCi/ml**
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Please correct “Cd 5m” to “Cd 115m”

Cadmium (48)	Cd 109 Cd 5m Cd 115		2 x 10 ⁻³ 3 x 10 ⁻⁴ 3 x 10 ⁻⁴
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Please change full justification to left justification for Niobium. The “(41)” should be adjacent to “Niobium: and the “(Columbium)” should be indented in the line below “Niobium.”

Current

Niobium (Columbium)	(41)	Nb 95 Nb 97	1 x 10 ⁻³ 9 x 10 ⁻³
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Corrected

Niobium (41)		Nb 95	1 x 10 ⁻³
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| (Columbium) | Nb 97 | | 9×10^{-3} |

R 325.5147 Schedule B – Exempt quantities.

There should be a space between the “F” and the “18”

Fluorine 18 (F18)	1,000
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R 325.5226 High radiation area signs.

Please add a space between the “1” and the “or” in the “1or”

Rule 226. Each high radiation area shall be conspicuously posted with 1or more signs bearing the radiation caution symbol and the following words:

R 325.5261 Appendix A1.

The entire Rule 261 was left out of the rule set. Please insert the following:

R 325.5261 Appendix A1. Concentrations in air and water above natural background.

Elements A and B.

Rule 261. (See notes in Rule 270.)

Element (atomic number)	Radionuclide*		TABLE I		TABLE II	
			Column 1 Air ($\mu\text{Ci/ml}$)	Column 2 Water ($\mu\text{Ci/ml}$)	Column 1 Air ($\mu\text{Ci/ml}$)	Column 2 Water ($\mu\text{Ci/ml}$)
Actinium (89)	Ac-227	S	2×10^{-12}	6×10^{-5}	8×10^{-14}	2×10^{-6}
		I	3×10^{-11}	9×10^{-3}	9×10^{-13}	3×10^{-4}
	Ac-228	S	8×10^{-8}	3×10^{-3}	3×10^{-9}	9×10^{-5}
		I	2×10^{-8}	3×10^{-3}	6×10^{-10}	9×10^{-5}
Americium (95)	Am-241	S	6×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
		I	1×10^{-10}	8×10^{-4}	4×10^{-12}	3×10^{-5}
	Am-242m	S	6×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
		I	3×10^{-10}	3×10^{-3}	9×10^{-12}	9×10^{-5}
	Am-242	S	4×10^{-8}	4×10^{-3}	1×10^{-9}	1×10^{-4}
		I	5×10^{-8}	4×10^{-3}	2×10^{-9}	1×10^{-4}
	Am-243	S	6×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
		I	1×10^{-10}	8×10^{-4}	4×10^{-12}	3×10^{-5}
	Am-244	S	4×10^{-6}	1×10^{-1}	1×10^{-7}	5×10^{-3}
		I	2×10^{-5}	1×10^{-1}	8×10^{-7}	5×10^{-3}
Antimony (51)	Sb-122	S	2×10^{-7}	8×10^{-4}	6×10^{-9}	3×10^{-5}
		I	1×10^{-7}	8×10^{-4}	5×10^{-9}	3×10^{-5}
	Sb-124	S	2×10^{-7}	7×10^{-4}	5×10^{-9}	2×10^{-5}

		I	2×10^{-8}	7×10^{-4}	7×10^{-10}	2×10^{-5}
	Sb-125	S	5×10^{-7}	3×10^{-3}	2×10^{-8}	1×10^{-4}
		I	3×10^{-8}	3×10^{-3}	9×10^{-10}	1×10^{-4}
Argon (18)	A-37	Sub* *	6×10^{-3}	-----	1×10^{-4}	-----
	A-41	Sub	2×10^{-6}	-----	4×10^{-8}	-----
Arsenic (33)	As-73	S	2×10^{-6}	1×10^{-2}	7×10^{-8}	5×10^{-4}
		I	4×10^{-7}	1×10^{-2}	1×10^{-8}	5×10^{-4}
	As-74	S	3×10^{-7}	2×10^{-3}	1×10^{-8}	5×10^{-5}
		I	1×10^{-7}	2×10^{-3}	4×10^{-9}	5×10^{-5}
	As-76	S	1×10^{-7}	6×10^{-4}	4×10^{-9}	2×10^{-5}
		I	1×10^{-7}	6×10^{-4}	3×10^{-9}	2×10^{-5}
	As-77	S	5×10^{-7}	2×10^{-3}	2×10^{-8}	8×10^{-5}
		I	4×10^{-7}	2×10^{-3}	1×10^{-8}	8×10^{-5}
Astatine (85)	At-211	S	7×10^{-9}	5×10^{-5}	2×10^{-10}	2×10^{-6}
		I	3×10^{-8}	2×10^{-3}	1×10^{-9}	7×10^{-5}
Barium (56)	Ba-131	S	1×10^{-6}	5×10^{-3}	4×10^{-8}	2×10^{-4}
		I	4×10^{-7}	5×10^{-3}	1×10^{-8}	2×10^{-4}
	Ba-140	S	1×10^{-7}	8×10^{-4}	4×10^{-9}	3×10^{-5}
		I	4×10^{-8}	7×10^{-4}	1×10^{-9}	2×10^{-5}
Berkelium (97)	Bk-249	S	9×10^{-10}	2×10^{-2}	3×10^{-11}	6×10^{-4}
		I	1×10^{-7}	2×10^{-2}	4×10^{-9}	6×10^{-4}
	Bk-250	S	1×10^{-7}	6×10^{-3}	5×10^{-9}	2×10^{-4}
		I	1×10^{-6}	6×10^{-3}	4×10^{-8}	2×10^{-4}
Beryllium (4)	Be-7	S	6×10^{-6}	5×10^{-2}	2×10^{-7}	2×10^{-3}
		I	1×10^{-6}	5×10^{-2}	4×10^{-8}	2×10^{-3}
Bismuth (83)	Bi-206	S	2×10^{-7}	1×10^{-3}	6×10^{-9}	4×10^{-5}
		I	1×10^{-7}	1×10^{-3}	5×10^{-9}	4×10^{-5}
	Bi-207	S	2×10^{-7}	2×10^{-3}	6×10^{-9}	6×10^{-5}
		I	1×10^{-8}	2×10^{-3}	5×10^{-10}	6×10^{-5}
	Bi-210	S	6×10^{-9}	1×10^{-3}	2×10^{-10}	4×10^{-5}
		I	6×10^{-9}	1×10^{-3}	2×10^{-10}	4×10^{-5}
	Bi-212	S	1×10^{-7}	1×10^{-2}	3×10^{-9}	4×10^{-4}
		I	2×10^{-7}	1×10^{-2}	7×10^{-9}	4×10^{-4}
Bromine (35)	Br-82	S	1×10^{-6}	8×10^{-3}	4×10^{-8}	3×10^{-4}
		I	2×10^{-7}	1×10^{-3}	6×10^{-9}	4×10^{-5}

R 325.5262 Appendix A2. Concentrations in air and water above natural background. Element C.

See strike changes below:

Element (atomic number)	Radionuclide*	TABLE I		TABLE II	
		Column 1 Air ($\mu\text{Ci/ml}$)	Column 2 Water ($\mu\text{Ci/ml}$)	Column 1 Air ($\mu\text{Ci/ml}$)	Column 2 Water ($\mu\text{Ci/ml}$)

Cadmium (48)	Cd-109	S	5×10^{-8}	5×10^{-3}	2×10^{-9}	2×10^{-4}
		I	7×10^{-8}	5×10^{-3}	3×10^{-9}	2×10^{-4}
	Cd-115m	S	4×10^{-8}	7×10^{-4}	1×10^{-9}	3×10^{-5}
		I	4×10^{-8}	7×10^{-4}	1×10^{-9}	3×10^{-5}
	Cd-115	S	2×10^{-7}	1×10^{-3}	8×10^{-9}	3×10^{-5}
		I	2×10^{-7}	1×10^{-3}	6×10^{-9}	4×10^{-5}

R 325.5266 Appendix A6. Concentrations in air and water above natural background. Element P.

See strike changes below:

Element (atomic number)	Radionuclide *	TABLE I		TABLE II		
		Column 1 Air ($\mu\text{Ci/ml}$)	Column 2 Water ($\mu\text{Ci/ml}$)	Column 1 Air ($\mu\text{Ci/ml}$)	Column 2 Water ($\mu\text{Ci/ml}$)	
Polonium (84)	Po-210	S	5×10^{-10}	2×10^{-5}	2×10^{-11}	7×10^{-7}
		I	2×10^{-10}	8×10^{-4}	7×10^{-12}	3×10^{-5}
Praseodymium (59)	Pr-142	S	2×10^{-7}	9×10^{-4}	7×10^{-9}	3×10^{-5}
		I	2×10^{-7}	9×10^{-4}	5×10^{-9}	3×10^{-5}
	Pr-143	S	3×10^{-7}	1×10^{-3}	1×10^{-8}	5×10^{-5}
		I	2×10^{-7}	1×10^{-3}	6×10^{-9}	5×10^{-5}

R 325.5267 Appendix A7. Concentrations in air and water above natural background. Elements R and S.

See strike changes below:

Element (atomic number)	Radionuclide*	TABLE I		TABLE II		
		Column 1 Air ($\mu\text{Ci/ml}$)	Column 2 Water ($\mu\text{Ci/ml}$)	Column 1 Air ($\mu\text{Ci/ml}$)	Column 2 Water ($\mu\text{Ci/ml}$)	
Radon (86)	Rn-220	S	3×10^{-7}	-----	1×10^{-8}	-----
		I	-----	-----	-----	-----
	Rn-222***	S	1×10^{-6}	-----	3×10^{-9}	-----

R 325.5268 Appendix A8. Concentrations in air and water above natural background. Elements T.

The R number and catchline should be in bold.

R 325.5269 Appendix A9. Concentrations in air and water above natural background. Elements U to Z and certain unlisted radionuclides.

Please add a space between “Zinc: and “(30).”

Zinc(30)	Zn-65	S	1×10^{-7}	3×10^{-3}	4×10^{-9}	1×10^{-4}
		I	6×10^{-8}	5×10^{-3}	2×10^{-9}	2×10^{-4}

R 325.5270 Notes to Appendices A1 to A9.

Please correct “I-29” to “I-129”

If it is known that (I-29, Table II only), Ra-226, and Ra-228 are not present	-----	3×10^{-6}	-----	1×10^{-7}
If it is known that alpha-emitters and Sr-90, I-129, Pb-210, Ac-227, Ra-228, Pa-230, Pu-241, and Bk-249 are not present	3×10^{-9}	-----	1×10^{-10}	-----

R 325.5272 Appendix C. Radioactive surface contamination guides.

Rule 272 and associated notes were left out of the rule set. Please insert:

R 325.5272 Appendix C. Radioactive surface contamination guides.
Rule 272.

Application	Alpha (dpm/100 cm ²)		Beta/Gamma*	
	Total	Removable	Total (mR/hr)	Removable (dpm/100 cm ²)
Restricted Area				
Basic Guide	25,000 (max)	500	1.0	5,000

Application	Alpha (dpm/100 cm ²)		Beta/Gamma*	
	Total	Removable	Total (mR/hr)	Removable (dpm/100 cm ²)
	5,000 (avg)			
Clean Area	1,000	100	0.5	1,000
Non-Restricted Area				
Skin, Personal Clothing	500	N.D.**	0.1	N.D.**
Release of Material or Facilities	2,500 (max) 500 (avg)	100	0.2	1,000

*Measured at 1 cm from the surface

**N.D. - non-detectable

NOTES TO APPENDIX C

It should be emphasized that because of the wide range of physical factors, no one value (of the few which can be incorporated in a standard) can relate health effects to contamination levels in all the diverse situations in which contamination is measured. Accordingly, standards for contamination levels must be used as guides (or decision levels). The above levels shall therefore be applied with the following guidance:

1. The levels are to be used as guides, and in practice professional judgment should be used by the health physicist to determine the acceptability of the actual contamination.
2. Although it is felt that the recommended values should not result in a health hazard, good radiation protection practice dictates that a reasonable effort be made to keep actual contamination levels below these values.
3. Compliance with contamination guides shall not be used as evidence that exposing persons to internal or external sources of radiation is within the prescribed standards. Biological sampling or whole body counting should be used to ascertain internal doses.
4. For release of material to the general public:
 - a. A reasonable effort shall be made to minimize the contamination (i.e. the application of additional decontamination procedures have little effect on the contamination levels).
 - b. Surfaces of premises or equipment likely to be contaminated that are inaccessible for measurement shall be presumed to be contaminated in excess of the above limits and not released.
5. The levels adopted are for generally used isotopes of high toxicity, therefore lower levels may be appropriate for extremely toxic radionuclides and relaxations allowed for less toxic radionuclides.

R 325.5454 Ventilation Systems.

The text of subrule (2) needs to be revised. "...pursuant to subrule of Rule 238(2) of Part 5" should be changed to "subrule (2) of Rule 238 of part 5." Also, please add a space between the "1" and "year" in "1year."

Current

(2) A licensee or registrant shall not vent, release, or otherwise discharge concentrations of radioactive material from an airborne radioactivity area to an uncontrolled area that exceed the limits specified in table II of Rules 261 to 269 except as authorized pursuant to subrule of Rule 238(2) of part 5. For purposes of this subrule, concentrations may be averaged over a period not greater than 1year.

Corrected

(2) A licensee or registrant shall not vent, release, or otherwise discharge concentrations of radioactive material from an airborne radioactivity area to an uncontrolled area that exceed the limits specified in table II of Rules 261 to 269 except as authorized pursuant to subrule (2) of Rule 238 of part 5. For purposes of this subrule, concentrations may be averaged over a period not greater than 1 year.

R 325.5511 License or registration conditions.

The R number and catchline should be in bold.

Please note the corrections in both the *Michigan Register* and the Michigan Administrative Code. If you have any questions regarding this request, please contact me at 517-284-6705 or fiedlerd@michigan.gov.

Sincerely,



David Fiedler
Regulatory Affairs Officer

cc: Mr. Keith Creagh, Director, DEQ
Mr. Jim Sygo, Chief Deputy Director, DEQ
Ms. Maggie Pallone, Deputy Director, DEQ
Mr. Steve Sliver, DEQ
Ms. Ronda Blayer, DEQ
Mr. Robert Skowronek, DEQ
OWMRP, ORR 2014-033 EQ File

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

July 28, 2016

Mr. Adam Sandoval
Office of Regulatory Reinvention
Ottawa Building - 2nd Floor
611 W. Ottawa Street
Lansing, MI 48909

Dear Mr. Sandoval;

It has come to the department's attention that there is an obvious error in the Department of Agriculture and Rural Development's (MDARD) Animal Industry Division's Regulation No. 112. Importation of Dogs. The authority for the regulation states:

“By authority of Act No. 181 of the Public Acts of 1919, as amended, being S287.2 et seq. of the Michigan Compiled Laws.”

However, 1919 PA 181 was repealed in 1977 and replaced by the Animal Industry Act, (1988 PA 466) section 45 of which grants to the department authority to promulgate rules for the implementation and enforcement of the act. The Animal Industry Act covers the provisions for the importation of all domestic and livestock animals into the state, which includes dogs, as well as providing the requirements for the health certificate. The regulation simply needs to be updated to reflect this change in authority.

Therefore, Reg. No. 112 should read:

“By authority of section 45 of Act No. 466 of the Public Acts of 1988, as amended, being section 287.745 of the Michigan Compiled Laws.”

Moreover, the Department of Agriculture's name was changed through Governor Snyder's Executive Order 2011-2 and is now known as the Department of Agriculture and Rural Development. The Regulation title should additionally be amended to reflect the Department's name change.

We would ask that you make this correction under MCL 24.256(1) and publish it in the Michigan Register and the Michigan Administrative Code, thereby obviating the need for formal and costly rulemaking.

If you have any questions regarding this submission, please call 284-5729.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

July 28, 2016

Mr. Adam Sandoval
Office of Regulatory Reinvention
Ottawa Building - 2nd Floor
611 W. Ottawa Street
Lansing, MI 48909

Dear Mr. Sandoval;

Currently, Regulation No. 129. Dog Kennels, refers to “section 10 of Act No. 339 of the Public Acts of 1939, as amended, being S287.270 of the Michigan Compiled Laws” as the regulation’s stated authority. It has come to our attention that there is an obvious error pertaining to the year of the Public Act. Instead of the authority reading 1939 PA 339, it should read 1919 PA 339.

There is no history of 1939 PA 339 existing and the MCL reference (287.270) pertains to “kennel’ defined; kennel license; fee; tags; certificate; rules; inspection; exception” of the Dog Law of 1919. This clearly indicates the presence of an obvious error. Regulation No. 129 should be referencing the Dog Law of 1919 as its authority, as this is also the MCL reference.

We are asking that the regulation be amended to read: “By authority of section 10 of Act. No. 339 of the Public Acts of 1919, as amended, being S287.270 of the Michigan Compiled Laws.”

Moreover, the Department of Agriculture’s name was changed through Governor Snyder’s Executive Order 2011-2 and is now known as the Department of Agriculture and Rural Development. The Regulation title should additionally be amended to reflect the Department’s name change.

We would ask that you make this correction under MCL 24.256(1) and publish it in the Michigan Register and the Michigan Administrative Code, thereby obviating the need for formal and costly rulemaking.

If you have any questions regarding this submission, please call me at 284-5729.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

July 28, 2016

Mr. Adam Sandoval
Office of Regulatory Reinvention
Ottawa Building - 2nd Floor
611 W. Ottawa Street
Lansing, MI 48909

Dear Mr. Sandoval;

It has come to the department's attention that there is an obvious error regarding the authority in Regulation No. 810. Thoroughbred Breeders' Awards and State Supplements. The authority for the regulation reads:

“By authority conferred on the director of the department of agriculture by section 7 of Act No. 279 of the Public Acts of 1995, as amended, and section 13 of Act No. 327 of the Public Acts of 1980, as amended, being ‘16.109, 19.278, and 431.307 of the Michigan Compiled Laws.”

However, 1980 PA 327 was repealed in 1995 and replaced by the Horse Racing Law of 1995 (1995 PA 279). Authority for the regulation is sufficient solely under the Horse Racing Law, therefore rendering mention of 1980 PA 327 obsolete. The Horse Racing Law grants authority to promulgate rules to the racing commissioner, which has since been abolished by Governor Granholm's Executive Order 2009-45. All authority that was formerly under the Office of Racing Commissioner was then integrated into the Michigan Gaming Control Board on January 17, 2010. Therefore, the regulation should instead read:

“By authority conferred on the director of the department of agriculture and rural development by section 7 of Act No. 279 of the Public Acts of 1995, as amended, being 431.307 of the Michigan Compiled Laws.”

Moreover, the Department of Agriculture's name was changed through Governor Snyder's Executive Order 2011-2 and is now known as the Department of Agriculture and Rural Development. The regulation title should additionally be amended to reflect the Department's name change.

We would ask that you make this correction under MCL 24.256(1) and publish it in the Michigan Register and the Michigan Administrative Code, thereby obviating the need for formal and costly rulemaking.

If you have any questions regarding this submission, please call me at 284-5729.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

DATE: August 9, 2016

TO: Deidre O’Berry, Regulatory Affairs Manager
Office of Regulatory Reinvention

FROM: T.R. Wentworth, Rules Specialist
Radiation Safety Section, Michigan Occupational Safety & Health Administration

SUBJECT: Request for correction of obvious errors in the Ionizing Radiation Rules Governing the Use of Radiation Machines R 333.5057, R 333.5080, R 333.5312(7), R 333.5411(7), and R 333.5685 pursuant to Administrative Procedures Act, Section 56(1), MCL 24.256 (1).

The Radiation Safety Section, as a promulgating agency, is writing to request that the Office of Regulatory Reinvention exercise its discretion to correct several obvious errors in the Ionizing Radiation Rules Governing the Use of Radiation Machines as published in the Michigan Administrative Code.

The errors are contained in R 333.5057, R 333.5080, R 333.5312, R 333.5411, and R 333.5685. These rules were promulgated as part of the full rule set, 2016 MR 10, Eff May 25, 2016.

The agency promulgated the rules in May 2016. The rules are based on older Michigan rules (since rescinded) and standards templates of the Conference of Radiation Control Program Directors (CRCPD). During the promulgation process, some editorial errors were committed which escaped notice. R 333.5057 and R 333.5080 are based on CRCPD suggested standards. In R 333.5057, subdivision (1)(a)(ii) of this rule uses the term “deep dose equivalent to an individual organ”. “Deep dose equivalent” in health physics generally and as defined in R 333.5004 of this rule set describes radiation dose to the whole body and does not have a meaning in describing dose to an individual organ. The term should be “dose equivalent to an individual organ”.

In R 333.5080, the subrules are numbered (1), (3), (4), and (5). The subrules should be renumbered continuously from (1) to (4).

R 333.5312, R 333.5411, and R 333.5685 are based on a previous version of the Ionizing Radiation Rules of Michigan. In R 333.5312, subrule (7) refers to machines “manufactured after the effective date of these rules”. The “effective date” referred to was the effective date of the rescinded rule (December 3, 1975). Inclusion of the phrase was an editorial oversight and should be removed.

In R 333.5411 two subrule references point to the wrong subrule number. Subrule (7) incorrectly refers to subrule (14). It should refer to subrule (15). Subrule (15) of this rule incorrectly refers to subrule (13). It should refer to subrule (14).

In R 333.5685, subdivision (a)(ii) requires a stereotactic breast biopsy physician to “participate in the facility’s medical outcome audit program”. The prior version of the Ionizing Radiation Rules required

stereotactic breast biopsy facilities to maintain a “medical outcome audit program”. The old rule (R 325.5698) was rescinded as part of the promulgation process for the Ionizing Radiation Rules Governing the Use of Radiation Machines. The agency did not create a similar requirement in the current rules. As a result, R 333.5685(a)(ii) requires a stereotactic breast biopsy physician to participate in an outcome audit program that isn’t required. The subdivision should be removed.

The affected sections currently read (strike-bold format used to show the items being corrected):

R 333.5057 Occupational dose limits for adults.

Rule 57. (1) A registrant shall control the occupational dose to individual adults, to the following dose limits:

- (a) An annual limit, which is the more limiting of the following:
 - (i) The effective dose equivalent of 0.05 sievert (5 rem).
 - (ii) The ~~deep~~ dose equivalent to an individual organ or tissue other than the lens of the eye of 0.5 sievert (50 rem).
- (b) The annual limits to the lens of the eye, to the skin of the whole body, and to the skin of the extremities which are the following:
 - (i) A lens dose equivalent of 0.15 sieverts (15 rem).
 - (ii) A shallow dose equivalent of 0.5 sievert (50 rem) to the skin of the whole body or to the skin of an extremity.
- (2) For exposure determined by measurement with an external individual monitoring device, the deep-dose equivalent shall be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the department.
- (3) The assigned deep dose equivalent shall be for the part of the body receiving the highest exposure. The assigned shallow-dose equivalent shall be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure.
 - (a) If the individual monitoring device was not in the region of highest potential exposure or the results of individual monitoring are unavailable, the deep dose equivalent, lens dose equivalent, and shallow dose equivalent may be assessed from surveys or other radiation measurements to demonstrate compliance with the occupational dose limits.
 - (b) When a protective apron is worn while working with medical fluoroscopic equipment and monitoring is conducted as specified in R 333.5065, the effective dose equivalent shall be determined by any of the following:
 - (i) When only 1 individual monitoring device is used and it is located at the neck (collar) outside the protective apron, the reported deep dose equivalent shall be the effective dose equivalent for external radiation.
 - (ii) When only 1 individual monitoring device is used and it is located at the neck outside the protective apron, and the reported dose exceeds 25% of the limit specified in subrule (1) of this rule, the reported deep dose equivalent value multiplied by 0.3 shall be the effective dose equivalent for external radiation.
 - (iii) When 2 individual monitoring devices are worn, 1 under the protective apron at the waist and the other outside the protective apron at the neck, the effective dose equivalent for external radiation shall be assigned the value of the sum of the deep dose equivalent reported for the individual monitoring device located at the waist under the protective apron multiplied by 1.5 and the deep dose equivalent reported for the individual monitoring device located at the neck outside the protective apron multiplied by 0.04.
 - (4) The registrant shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by another person during the current

year. Requirements for determining prior occupational exposure are provided in R 333.5080.

R 333.5080 Determination and records of prior occupational dose.

Rule 80. (1) For each individual likely to receive an annual occupational dose requiring monitoring under R 333.5064, the registrant shall determine the occupational radiation dose received during the current year. To comply, a registrant may do any of the following:

(a) Accept, as a record of an individual's occupational dose, a written and signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that documents the nature and the amount of occupational dose the individual may have received during the current year.

(b) Accept, as the record of cumulative radiation dose, an up-to-date department Form MIOSHA-RSS-101, or equivalent, signed by the individual and countersigned by either an appropriate official of the most recent employer for work involving radiation exposure, or by the individual's current employer if the individual is not employed by the registrant.

(c) Obtain reports of the individual's dose equivalents from the most recent employer for work involving radiation exposure, or the individual's current employer if the individual is not employed by the registrant, by telephone, telegram, facsimile, other electronic media, or letter. The registrant shall request a written verification of the dose data if the authenticity of the reports cannot be established.

~~(3)~~(2) The registrant shall record the exposure history of each individual, as required by subrule (1) of this rule, on department Form MIOSHA-RSS-101, or other clear and legible record, that includes all the information required on that form. The form or record shall show each period in which the individual received occupational exposure to radiation. For each period for which the registrant obtains reports, the registrant shall use the dose shown in the report in preparing department Form MIOSHA-RSS-101 or equivalent. For a period in which the registrant does not obtain a report, the registrant shall place a notation on department Form MIOSHA-RSS-101, or equivalent, indicating the periods for which data are not available.

~~(4)~~(3) If the registrant cannot obtain a complete record of an individual's occupational dose for the current year, the registrant shall assume, in establishing administrative controls pursuant to R 333.5057(4) for the current year, that the allowable dose limit for the individual is reduced by 12.5 millisieverts (1,250 mrem) for each calendar quarter for which records are unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure.

~~(5)~~(4) The registrant shall retain the records on department Form MIOSHA-RSS-101, or equivalent, until the department terminates each pertinent registration requiring this record. The registrant shall retain records used in preparing department Form MIOSHA-RSS-101, or equivalent, for 3 years after the record is made.

R 333.5312 X-ray equipment.

Rule 312. (1) The tube housing shall be of the therapeutic type.

(2) Permanent diaphragms or cones used for collimating the useful beam shall afford the same degree of attenuation as is required of the housing.

(3) Adjustable or removable beam-limiting devices shall transmit not more than 5% of the useful beam as determined at the maximum tube potential and with maximum treatment filter.

(4) Filters shall be so mounted as to prevent their movement during the treatment.

(5) The filter slot shall be so constructed that the radiation escaping through it does not produce an exposure rate exceeding 1 R/h at 1 meter, or if the patient is likely to be exposed to radiation escaping from the slot, 30 R/h at 5 centimeters (2 inches) from the external opening.

(6) A removable filter shall be permanently marked with its thickness and material.

(7) A filter indication system shall be used on therapy machines which use changeable filters ~~and are manufactured after the effective date of these rules~~. It shall indicate, from the control panel, the presence or absence of a filter and it shall be designed to permit easy recognition of the filter in place.

(8) The x-ray tube shall be so mounted that it cannot turn or slide with respect to the housing aperture. A reproducible means of measuring the focal spot to patient distance shall be provided.

(9) Means to immobilize the tube housing during stationary portal treatment shall be provided.

(10) An easily discernible indicator which shows whether or not x-rays are being produced shall be on the control panel.

(11) Beam monitoring devices shall be fixed in the useful beam to indicate an error due to incorrect filter, tube current, or tube potential, unless the device introduces more filtration than is clinically acceptable.

(12) A suitable exposure control device, such as an automatic timer, exposure meter, or dose meter, shall be provided to terminate the exposure after a preset time interval or preset exposure or dose limit. If a timer is used, it shall permit accurate presetting and determination of exposure times as short as 1 second. Means for the operator to terminate the exposure at any time shall be provided.

(13) Mechanical or electrical stops or both shall be provided to insure that the useful beam is oriented only toward primary barriers.

(14) Interlocks shall be provided so that, when a door to the treatment room is opened, the machine turns off automatically or the radiation level within the room is reduced to an average of not more than 2 mR/h and a maximum of 10 mR/h at a distance of 1 meter in any direction from the source. After the shut-off or reduction in exposure rate, it shall be possible to restore the machine to full operation only from the control panel.

(15) The x-ray control circuit shall be so designed that it is not possible to energize the x-ray tube to produce x-rays without resetting the x-ray "ON-OFF" switch at the control panel.

(16) When the relationship between the beam interceptor (when present) and the useful beam is not permanently fixed, mechanical or electrical stops shall be provided to ensure that the beam is oriented only toward primary barriers.

(17) X-ray machines with electron beam extraction capability shall be provided with such additional safety devices as determined necessary and specified in writing by the department to prevent accidental electron beam exposure.

(18) To reduce the electron contamination of high energy treatment beams, shadow trays, or other accessories placed in the primary beam shall be placed at a sufficient distance from the patient that the electron contamination contribution to the skin dose is minimal.

R 333.5411 X-ray equipment.

Rule 411. (1) All x-ray tube housings in fixed fluoroscopic installations shall be of the diagnostic type.

(2) The aluminum equivalent of the total filtration permanently in the useful beam shall not be less than 2.5 millimeters aluminum.

(3) The source-patient distance on fluoroscopic machines should not be less than 45 centimeters (18 inches) and shall not be less than 30 centimeters (12 inches).

(4) Provision shall be made to intercept the scattered x-rays from the undersurface of the table top and other structures under the fluoroscopic table if the tube is mounted under the table. A cone or shield shall provide the same degree of attenuation as is required of the tube housing.

(5) A shielding device of at least 0.25 millimeter lead equivalence for covering the bucky slot during fluoroscopy shall be provided.

(6) A shielding device of at least 0.25 millimeter lead equivalence, such as overlapping protective drapes or hinged or sliding panels, shall be used to intercept scattered radiation that would otherwise reach the fluoroscopist and others near the machine.

(7) A fluoroscopic machine shall comply with both of the following:

(a) The entire cross section of the useful beam shall be intercepted by the primary protective barrier of the fluoroscopic image assembly at any SID. The fluoroscopic tube shall not produce x-rays unless the barrier is in position to intercept the entire useful beam. The exposure rate due to transmission through the barrier with the attenuation block in the useful beam combined with radiation from the image intensifier, if provided, shall not exceed 2 milliroentgens per hour at 10 centimeters from an accessible surface of the fluoroscopic imaging assembly beyond the plane of the image receptor for each roentgen per minute of entrance exposure rate.

(b) The entrance exposure rate shall be measured as described in subrule ~~(14)~~ (15) of this rule. The exposure rate due to transmission through the primary barrier combined with radiation from the image intensifier shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters. If the source is below the tabletop, the measurement shall be made with the input surface of the fluoroscopic imaging assembly positioned 30 centimeters above the tabletop. If the source is above the tabletop and the SID is variable, the measurement shall be made with the end of the beam-limiting device or spacer as close to the tabletop as it can be placed, if it is not closer than 30 centimeters. Movable grids and compression devices shall be removed from the useful beam during the measurement. For all measurements, the attenuation block shall be positioned in the useful beam 10 centimeters from the point of measurement of the entrance exposure rate and between this point and the input surface of the fluoroscopic imaging assembly.

(8) The lead equivalence of the barrier of conventional fluoroscopes shall be not less than 1.5 millimeters at 100 kVp, 1.8 millimeters at 125 kVp, and 2.0 millimeters at potentials greater than 125 kVp.

(9) A beam-limiting device shall be provided to restrict the size of the useful beam to less than the area of the barrier. The x-ray tube and beam-limiting system shall be linked with the fluorescent screen assembly so that the useful beam at the fluorescent screen is confined within the barrier irrespective of the panel-screen distance. For image intensifiers, the useful beam shall be centered on the input phosphor. It should not exceed the diameter of the input phosphor during fluoroscopy or cine-recording. For spot film radiography with image intensifier equipment, the shutters should automatically open to the required field size before the exposure.

(10) Beam-limiting devices, such as collimators, adjustable diaphragms, or shutters, shall provide the same degree of attenuation as is required of the tube housing.

(11) A fluoroscopic machine shall comply with either of the following:

(a) The x-ray field produced by nonimage-intensified fluoroscopic equipment shall not extend beyond the entire visible area of the image receptor. Means shall be provided to permit further limitation of the field. The minimum field size at the greatest SID shall be equal to or less than 5 by 5 centimeters.

(b) For image-intensified fluoroscopic equipment, the total misalignment of the edges of the x-ray field with the respective edges of the visible area of the image receptor along any dimension of the visually defined field in the plane of the image receptor shall not exceed 3% of the SID. The sum, without regard to sign, of the misalignment along any 2 orthogonal dimensions intersecting at the center of the visible area of the image receptor shall not exceed 4% of the SID. For rectangular x-ray fields used with circular image receptors, the error in alignment shall be determined along the length and width dimensions of the x-ray field which pass through the center of the visible area of the image receptor. Means shall be provided to permit further limitation of the field. The minimum field size, at the greatest SID, shall be equal to or less than 5 by 5 centimeters.

(12) X-ray production in the fluoroscopic mode shall be controlled by a device that requires continuous pressure by the operator for the entire time of an exposure. When recording serial fluoroscopic images, the operator shall be able to terminate the x-ray exposures at any time, but means

may be provided to permit completion of any single exposure of the series in progress.

(13) When the fluoroscope is operated at 80 kVp, the exposure rate at the position where the beam enters the patient shall not exceed 3.2 R/mA-min and should not exceed 2.1 R/mA-min.

(14) Entrance exposure rate limits for fluoroscopic machines shall be as follows:

(a) Machines with automatic exposure rate control shall not be operable at a combination of tube potential and current which results in an exposure rate in excess of 10 roentgens per minute at the point where the center of the useful beam enters the patient, except during recording of fluoroscopic images or when an optional high level control is provided. Special means of activation of high level controls, such as additional pressure applied continuously by the operator, shall be required to avoid accidental use. A continuous signal audible to the fluoroscopist shall indicate that the high level control is being employed.

(b) Machines without automatic exposure rate control shall not be operable at a combination of tube potential and current which results in an exposure rate in excess of 5 roentgens per minute at the point where the center of the useful beam enters the patient, except during recording of fluoroscopic images or when an optional high level control is activated. Special means of activation of high level controls, such as additional pressure applied continuously by the operator, shall be provided to avoid accidental use. A continuous signal audible to the fluoroscopist shall indicate that the high level control is being employed.

(15) Compliance with subrule ~~(13)~~ (14) of this rule shall be determined as follows:

(a) If the source is below the table, the exposure rate shall be measured 1 centimeter above the tabletop or cradle.

(b) If the source is above the table, the exposure rate shall be measured at 30 centimeters above the tabletop with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement.

(c) In a C-arm type of fluoroscope, the exposure rate shall be measured 30 centimeters from the input surface of the fluoroscopic imaging assembly.

(16) Means shall be provided to preset the cumulative on-time of the fluoroscopic tube. The maximum cumulative time of the timing device shall not exceed 5 minutes without resetting. A signal audible to the fluoroscopist shall indicate the completion of the preset cumulative on-time. This signal shall continue to sound while x-rays are produced until the timing device is reset.

(17) Devices which indicate the x-ray tube potential and current shall be provided. On image intensified fluoroscopic equipment, these devices should be located in such a manner that the operator may monitor the tube potential and current during fluoroscopy.

R 333.5685 Responsible individuals.

Rule 685. Responsibility for the quality assurance program and for each of its elements shall be assigned to the following individuals who are qualified for their assignments:

(a) Lead stereotactic breast biopsy physician. The facility shall identify a lead stereotactic breast biopsy physician who shall be responsible for ensuring that the quality assurance program meets all requirements of R 333.5684 to R 333.5697. No other individual shall be assigned or shall retain responsibility for quality assurance tasks unless the lead stereotactic breast biopsy physician has determined that the individual is qualified to perform the assignment.

(b) Stereotactic breast biopsy physicians. All stereotactic breast biopsy physicians conducting stereotactic breast biopsy procedures for the facility shall ~~do both of the following:~~

~~(i) Follow~~ **follow** the facility's procedures for corrective action when the images they are asked to interpret are of poor quality.

~~(ii) Participate in the facility's medical outcomes audit program.~~

(c) Medical physicist. The facility shall have the services of a medical physicist available to survey stereotactic breast biopsy equipment and oversee the equipment-related quality assurance practices of the facility. The medical physicist shall be responsible for performing the surveys and stereotactic breast biopsy equipment evaluations and providing the facility with the reports described in R 333.5693 and R 333.5694.

(d) Quality control technologist. Responsibility for tasks within the quality assurance program not assigned to the lead stereotactic breast biopsy physician or the medical physicist shall be assigned to a quality control technologist. The tasks are to be performed by the quality control technologist, but may be delegated to other qualified personnel by the quality control technologist. When other personnel are utilized for these tasks, the quality control technologist shall ensure that they were completed in compliance with R 333.5687.

If you have any questions about this transmittal, you may contact me at (517) 284-7830.

(2016 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

**MICHIGAN ADMINISTRATIVE CODE TABLE
(2015 RULE FILINGS)**

R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
29.1901	*	10	285.553.11	*	10	325.2584	R	3
29.1902	*	10	285.553.12	*	10	325.2586	R	3
29.1903	*	10	285.553.13	*	10	325.2587	R	3
29.1904	*	10	285.553.14	*	10	325.2588	R	3
29.1905	*	10	285.553.15	*	10	325.2589	R	3
29.1906	*	10	285.553.16	*	10	325.2590	R	3
29.1907	*	10	285.553.17	*	10	325.2591	R	3
29.1908	*	10	285.553.18	*	10	325.5002	*	10
29.1921	*	10	285.553.19	*	10	325.5003	*	10
29.1922	*	10	285.553.20	*	10	325.5004	*	10
29.1923	*	10	285.553.21	*	10	325.5005	*	10
29.1924	*	10	285.553.22	*	10	325.5006	*	10
29.1931	*	10	285.553.23	*	10	325.5007	*	10
29.1932	*	10	285.553.24	*	10	325.5008	*	10
29.1933	*	10	285.553.25	*	10	325.5009	*	10
29.1934	*	10	285.553.26	*	10	325.5010	*	10
29.1907a	A	10	285.619.22	*	11	325.5011	*	10
29.1909	R	10	299.5001	R	16	325.5012	*	10
54.251	A	10	299.5002	R	16	325.5013	*	10
54.252	A	10	299.5003	R	16	325.5014	*	10
54.253	A	10	299.5004	R	16	325.5016	*	10
125.651	R	4	299.5005	R	16	325.5017	*	10
125.652	R	4	299.5006	R	16	325.5018	*	10
125.653	R	4	299.5007	R	16	325.5019	*	10
125.654	R	4	299.5008	R	16	325.5020	*	10
206.28	A	8	299.5009	R	16	325.5031	*	10
257.1005	R	7	299.5010	R	16	325.5033	*	10
257.1006	R	7	299.5011	R	16	325.5041	*	10
281.700.3	*	4	299.5012	R	16	325.5043	*	10
285.553.1	*	10	299.5013	R	16	325.5044	*	10
285.553.2	*	10	299.5014	R	16	325.5046	*	10
285.553.3	*	10	299.5015	R	16	325.5047	*	10
285.553.4	*	10	299.5016	R	16	325.5051	*	10
285.553.5	*	10	325.1	*	2	325.5052	*	10
285.553.6	*	10	325.2	*	2	325.5053	*	10
285.553.7	*	10	325.3	*	2	325.5054	*	10
285.553.8	*	10	325.4	*	2	325.5055	*	10
285.553.9	*	10	325.2581	R	3	325.5056	*	10
285.553.10	*	10	325.2583	R	3	325.5057	*	10

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
325.5058	*	10	325.5189	R	10	325.5323	R	10
325.5059	*	10	325.5191	R	10	325.5325	R	10
325.5060	*	10	325.5192	R	10	325.5331	R	10
325.5061	*	10	325.5193	R	10	325.5333	R	10
325.5065	*	10	325.5194	R	10	325.5337	R	10
325.5066	*	10	325.5195	R	10	325.5347	R	10
325.5067	*	10	325.5196	R	10	325.5348	R	10
325.5071	*	10	325.5232	R	10	325.5351	R	10
325.5072	*	10	325.5256	R	10	325.5352	R	10
325.5073	*	10	325.5273	R	10	325.5353	R	10
325.5074	*	10	325.5274	R	10	325.5355	R	10
325.5081	*	10	325.5281	R	10	325.5357	R	10
325.5087	*	10	325.5282	R	10	325.5358	R	10
325.5102	*	10	325.5285	R	10	325.5359	R	10
325.5110	*	10	325.5286	R	10	325.5361	R	10
325.5111	R	10	325.5287	R	10	325.5362	R	10
325.5111a	R	10	325.5288	R	10	325.5365	R	10
325.5111b	R	10	325.5289	R	10	325.5366	R	10
325.5111c	R	10	325.5290	R	10	325.5368	R	10
325.5112	R	10	325.5291	R	10	325.5371	R	10
325.5113	R	10	325.5293	R	10	325.5372	R	10
325.5114	R	10	325.5294	R	10	325.5373	R	10
325.5115	R	10	325.5296	R	10	325.5375	R	10
325.5116	R	10	325.5297	R	10	325.5376	R	10
325.5117	R	10	325.5298	R	10	325.5378	R	10
325.5117	R	10	325.5299	R	10	325.5379	R	10
325.5121	R	10	325.5301	R	10	325.5380	R	10
325.5122	R	10	325.5302	R	10	325.5381	R	10
325.5132	R	10	325.5303	R	10	325.5383	R	10
325.5148	R	10	325.5305	R	10	325.5384	R	10
325.5149	R	10	325.5306	R	10	325.5385	R	10
325.5181	R	10	325.5307	R	10	325.5386	R	10
325.5182	R	10	325.5309	R	10	325.5388	R	10
325.5183	R	10	325.5311	R	10	325.5389	R	10
325.5184	R	10	325.5312	R	10	325.5390	R	10
325.5185	R	10	325.5315	R	10	325.5391	R	10
325.5186	R	10	325.5317	R	10	325.5395	R	10
325.5187	R	10	325.5321	R	10	325.5396	R	10
325.5188	R	10	325.5322	R	10	325.5397	R	10

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
325.5401	R	10	325.5494	R	10	325.5678	R	10
325.5402	R	10	325.5495	R	10	325.5679	R	10
325.5403	R	10	325.5501	R	10	325.5681	R	10
325.5404	R	10	325.5505	R	10	325.5682	R	10
325.5405	R	10	325.5506	R	10	325.5683	R	10
325.5407	R	10	325.5507	R	10	325.5684	R	10
325.5409	R	10	325.5508	R	10	325.5685	R	10
325.5411	R	10	325.5601	R	10	325.5686	R	10
325.5417	R	10	325.5601a	R	10	325.5687	R	10
325.5418	R	10	325.5602	R	10	325.5688	R	10
325.5421	R	10	325.5603	R	10	325.5689	R	10
325.5422	R	10	325.5605	R	10	325.5690	R	10
325.5423	R	10	325.5606	R	10	325.5691	R	10
325.5425	R	10	325.5607	R	10	325.5692	R	10
325.5437	R	10	325.5608	R	10	325.5693	R	10
325.5438	R	10	325.5609	R	10	325.5694	R	10
325.5439	R	10	325.5610	R	10	325.5695	R	10
325.5440	R	10	325.5611	R	10	325.5696	R	10
325.5441	R	10	325.5612	R	10	325.5697	R	10
325.5442	R	10	325.5613	R	10	325.5698	R	10
325.5448	R	10	325.5626	R	10	325.5701	R	10
325.5449	R	10	325.5627	R	10	325.5703	R	10
325.5461	R	10	325.5628	R	10	325.5705	R	10
325.5462	R	10	325.5629	R	10	325.5707	R	10
325.5464	R	10	325.5630	R	10	325.5709	R	10
325.5465	R	10	325.5634	R	10	325.5711	R	10
325.5466	R	10	325.5635	R	10	325.5713	R	10
325.5468	R	10	325.5637	R	10	325.5715	R	10
325.5471	R	10	325.5655	R	10	325.5717	R	10
325.5474	R	10	325.5656	R	10	325.5719	R	10
325.5475	R	10	325.5657	R	10	325.5721	R	10
325.5482	R	10	325.5658	R	10	325.5102	*	10
325.5484	R	10	325.5667	R	10	325.5117a	*	10
325.5485	R	10	325.5668	R	10	325.5118	*	10
325.5486	R	10	325.5669	R	10	325.5119	*	10
325.5487	R	10	325.5674	R	10	325.5120	*	10
325.5491	R	10	325.5675	R	10	325.5123	*	10
325.5492	R	10	325.5676	R	10	325.5124	*	10
325.5493	R	10	325.5677	R	10	325.5125	*	10

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

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R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
325.5131	*	10	325.5239	*	10	325.5072	R	10
325.5133	*	10	325.5240	*	10	325.5073	R	10
325.5141	*	10	325.5241	*	10	325.5074	R	10
325.5143	*	10	325.5245	*	10	325.5081	R	10
325.5144	*	10	325.5246	*	10	325.5087	R	10
325.5145	*	10	325.5247	*	10	325.5110	R	10
325.5146	*	10	325.5250	*	10	325.9050	*	10
325.5147	*	10	325.5253	*	10	325.9051	*	10
325.5201	*	10	325.5255	*	10	325.9052	*	10
325.5202	*	10	325.5261	*	10	325.9057	R	10
325.5203	*	10	325.5262	*	10	325.50141	*	16
325.5205	*	10	325.5263	*	10	325.50142	*	16
325.5206	*	10	325.5264	*	10	325.50143	*	16
325.5208	*	10	325.5265	*	10	325.51995	*	16
325.5210	*	10	325.5266	*	10	325.51996	*	16
325.5211	*	10	325.5267	*	10	325.51997	*	16
325.5212	*	10	325.5268	*	10	325.52001	*	6
325.5213	*	10	325.5269	*	10	325.52002	*	6
325.5214	*	10	325.5270	*	10	325.52003	*	6
325.5215	*	10	325.5271	*	10	325.52005	*	6
325.5216	*	10	325.5431	*	10	325.52008	*	6
325.5217	*	10	325.5432	*	10	325.52011	*	6
325.5218	*	10	325.5435	*	10	325.50251	*	5
325.5219	*	10	325.5446	*	10	325.50252	*	5
325.5220	*	10	325.5447	*	10	325.50253	*	5
325.5221	*	10	325.5450	*	10	325.50254	*	5
325.5222	*	10	325.5452	*	10	325.50255	*	5
325.5224	*	10	325.5454	*	10	325.50256	*	5
325.5225	*	10	325.5455	*	10	325.50257	*	5
325.5226	*	10	325.5481	*	10	325.50258	*	5
325.5227	*	10	325.5511	*	10	325.52601	*	5
325.5228	*	10	325.5021	R	10	325.52602	*	5
325.5229	*	10	325.5049	R	10	333.5001	A	10
325.5230	*	10	325.5060	R	10	333.5003	A	10
325.5231	*	10	325.5061	R	10	333.5004	A	10
325.5233	*	10	325.5065	R	10	333.5005	A	10
325.5236	*	10	325.5066	R	10	333.5006	A	10
325.5237	*	10	325.5067	R	10	333.5007	A	10
325.5238	*	10	325.5071	R	10	333.5008	A	10

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

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R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
333.5009	A	10	333.5064	A	10	333.5305	A	10
333.5010	A	10	333.5065	A	10	333.5306	A	10
333.5011	A	10	333.5067	A	10	333.5307	A	10
333.5012	A	10	333.5068	A	10	333.5308	A	10
333.5013	A	10	333.5069	A	10	333.5309	A	10
333.5015	A	10	333.5071	A	10	333.5311	A	10
333.5017	A	10	333.5072	A	10	333.5312	A	10
333.5018	A	10	333.5073	A	10	333.5315	A	10
333.5019	A	10	333.5074	A	10	333.5317	A	10
333.5020	A	10	333.5075	A	10	333.5321	A	10
333.5021	A	10	333.5077	A	10	333.5322	A	10
333.5023	A	10	333.5079	A	10	333.5323	A	10
333.5024	A	10	333.5080	A	10	333.5325	A	10
333.5026	A	10	333.5081	A	10	333.5331	A	10
333.5031	A	10	333.5082	A	10	333.5333	A	10
333.5032	A	10	333.5083	A	10	333.5337	A	10
333.5033	A	10	333.5084	A	10	333.5347	A	10
333.5034	A	10	333.5086	A	10	333.5348	A	10
333.5036	A	10	333.5087	A	10	333.5351	A	10
333.5037	A	10	333.5088	A	10	333.5352	A	10
333.5038	A	10	333.5089	A	10	333.5353	A	10
333.5039	A	10	333.5091	A	10	333.5355	A	10
333.5040	A	10	333.5092	A	10	333.5361	A	10
333.5041	A	10	333.5093	A	10	333.5362	A	10
333.5042	A	10	333.5094	A	10	333.5365	A	10
333.5043	A	10	333.5096	A	10	333.5366	A	10
333.5045	A	10	333.5097	A	10	333.5368	A	10
333.5046	A	10	333.5098	A	10	333.5371	A	10
333.5047	A	10	333.5100	A	10	333.5372	A	10
333.5051	A	10	333.5101	A	10	333.5373	A	10
333.5052	A	10	333.5281	A	10	333.5375	A	10
333.5053	A	10	333.5282	A	10	333.5376	A	10
333.5055	A	10	333.5293	A	10	333.5378	A	10
333.5057	A	10	333.5294	A	10	333.5379	A	10
333.5058	A	10	333.5296	A	10	333.5380	A	10
333.5059	A	10	333.5297	A	10	333.5381	A	10
333.5060	A	10	333.5298	A	10	333.5383	A	10
333.5061	A	10	333.5299	A	10	333.5384	A	10
333.5063	A	10	333.5302	A	10	333.5385	A	10

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue	R Number	Action	2016 MR Issue
333.5386	A	10	333.5482	A	10	333.5658	A	10
333.5388	A	10	333.5484	A	10	333.5667	A	10
333.5389	A	10	333.5485	A	10	333.5668	A	10
333.5390	A	10	333.5486	A	10	333.5669	A	10
333.5391	A	10	333.5487	A	10	333.5674	A	10
333.5395	A	10	333.5491	A	10	333.5675	A	10
333.5396	A	10	333.5492	A	10	333.5676	A	10
333.5397	A	10	333.5493	A	10	333.5677	A	10
333.5401	A	10	333.5494	A	10	333.5678	A	10
333.5402	A	10	333.5495	A	10	333.5679	A	10
333.5403	A	10	333.5505	A	10	333.5681	A	10
333.5404	A	10	333.5506	A	10	333.5682	A	10
333.5405	A	10	333.5507	A	10	333.5683	A	10
333.5407	A	10	333.5508	A	10	333.5684	A	10
333.5409	A	10	333.5511	A	10	333.5685	A	10
333.5411	A	10	333.5601	A	10	333.5686	A	10
333.5417	A	10	333.5602	A	10	333.5687	A	10
333.5418	A	10	333.5603	A	10	333.5688	A	10
333.5421	A	10	333.5604	A	10	333.5689	A	10
333.5422	A	10	333.5605	A	10	333.5690	A	10
333.5423	A	10	333.5606	A	10	333.5691	A	10
333.5425	A	10	333.5607	A	10	333.5692	A	10
333.5431	A	10	333.5608	A	10	333.5693	A	10
333.5432	A	10	333.5609	A	10	333.5694	A	10
333.5435	A	10	333.5610	A	10	333.5695	A	10
333.5437	A	10	333.5611	A	10	333.5696	A	10
333.5438	A	10	333.5612	A	10	333.5697	A	10
333.5439	A	10	333.5613	A	10	333.5701	A	10
333.5440	A	10	333.5626	A	10	333.5703	A	10
333.5441	A	10	333.5627	A	10	333.5705	A	10
333.5442	A	10	333.5628	A	10	333.5707	A	10
333.5445	A	10	333.5629	A	10	333.5709	A	10
333.5446	A	10	333.5630	A	10	333.5711	A	10
333.5447	A	10	333.5634	A	10	333.5713	A	10
333.5448	A	10	333.5635	A	10	333.5715	A	10
333.5449	A	10	333.5637	A	10	333.5717	A	10
333.5450	A	10	333.5655	A	10	333.5719	A	10
333.5452	A	10	333.5656	A	10	333.5721	A	10
333.5481	A	10	333.5657	A	10	336.1430	A	11

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338.601	*	6	338.4978	*	6	408.10525	*	16
338.607	*	6	338.4982	*	6	408.10526	*	16
338.611	*	6	338.6103	A	8	408.10528	*	16
338.613	*	6	338.12001a	A	6	408.10529	*	16
338.617	*	6	338.13002	A	8	408.10532	*	16
338.619	*	6	339.14002	A	6	408.10542	*	16
338.621	*	6	340.1355	R	16	408.10544	*	16
338.623	*	6	340.1351	*	16	408.10546	*	16
338.602	A	6	340.1352	*	16	408.10548	*	16
338.604	A	6	340.1353	*	16	408.10561	*	16
338.627	A	6	340.1354	*	16	408.10564	*	16
338.629	A	6	400.3402	*	10	408.10565	*	16
338.641	A	6	400.3404	*	10	408.10567	*	16
338.645	a	6	400.3405	*	10	408.10568	*	16
338.647	A	6	400.3406	*	10	408.10569	*	16
338.649	A	6	400.3408	R	10	408.10572	*	16
338.609	R	6	400.5001	R	3	408.10575	*	16
338.625	R	6	400.5002	R	3	408.10576	*	16
338.1303	A	8	400.5004	R	3	408.10577	*	16
338.1751a	A	6	400.5005	R	3	408.10578	*	16
338.2201a	A	6	400.5006	R	3	408.10579	*	16
338.3113	*	8	400.5008	R	3	408.10580	*	16
338.3120	*	8	400.5009	R	3	408.10582	*	16
338.3121	*	8	400.5011	R	3	408.10583	*	16
338.3123	*	8	400.5013	R	3	408.10584	*	16
338.3125	*	8	400.5014	R	3	408.10585	*	16
338.3651	A	6	400.5016	R	3	408.10589	*	16
338.3653	A	6	400.5017	R	3	408.10591	*	16
338.3655	A	6	400.5018	R	3	408.10592	*	16
338.3657	A	6	408.10501	*	16	408.10568a	A	16
338.3659	A	6	408.10502	*	16	408.10568b	A	16
338.3661	A	6	408.10509	*	16	408.10568c	A	16
338.3663	A	6	408.10511	*	16	408.10568d	A	16
338.3665	A	6	408.10512	*	16	408.10568e	A	16
338.3901a	A	6	408.10513	*	16	408.10568f	A	16
338.4971	*	6	408.10521	*	16	408.10568g	A	16
338.4972	*	6	408.10522	*	16	408.10575a	A	16
338.4973	*	6	408.10523	*	16	408.10575b	A	16

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408.10575d	A	16	408.14019c	R	6	408.41006a	*	6
408.10575e	A	16	408.14020a	R	6	408.41001	A	6
408.10575f	A	16	408.14021a	R	6	408.41003	A	6
408.10575g	A	16	408.14021b	R	6	408.41003b	A	6
408.10575h	A	16	408.14022a	R	6	408.41003c	A	6
408.10702	A	5	408.14023a	R	6	408.41003d	A	6
408.10711	*	5	408.14024a	R	6	408.41003e	A	6
408.10712	*	5	408.14025a	R	6	408.41006	A	6
408.10713	*	5	408.14025b	R	6	408.41006b	A	6
408.10727	*	5	408.14026a	R	6	408.41006c	A	6
408.10753	*	5	408.14027a	R	6	408.41006d	A	6
408.12101	*	16	408.14028a	R	6	408.41006e	A	6
408.12103	*	16	408.14029a	R	6	408.41007	A	6
408.12106	*	16	408.14030a	R	6	408.41035	A	6
408.12107	*	16	408.14031a	R	6	408.41035a	A	6
408.12108	*	16	408.14032a	R	6	408.41035b	A	6
408.12109	*	16	408.14033a	R	6	408.41035c	A	6
408.12110	*	16	408.14034a	R	6	408.41035d	A	6
408.12111	*	16	408.14041a	R	6	408.41036	A	6
408.12132	*	16	408.17405	*	8	408.41036a	A	6
408.12136	*	16	408.17411	*	8	408.41036b	A	6
408.12137	*	16	408.17421	*	8	408.41036c	A	6
408.12139	*	16	408.17422	*	8	408.41036d	A	6
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408.12152	*	16	408.17424	*	8	408.41037a	A	6
408.12153	*	16	408.17426	*	8	408.41037b	A	6
408.12154	*	16	408.17432	*	8	408.41037c	A	6
408.12155	*	16	408.17433	*	8	408.41037d	A	6
408.12163	*	16	408.17434	*	8	408.41037e	A	6
408.12164	*	16	408.17435	*	8	408.41037f	A	6
408.12165	*	16	408.17436	*	8	408.41038	A	6
408.12171	*	16	408.17437	*	8	408.41038a	A	6
408.12176	*	16	408.17440	*	8	408.41038b	A	6
408.12102	R	16	408.17451	*	8	408.41038c	A	6
408.14016e	R	6	408.17461	*	8	408.41039	A	6
408.14017a	R	6	408.17463	*	8	408.41039a	A	6
408.14018a	R	6	408.18502	*	5	408.41039b	A	6
408.14019a	R	6	408.18599	*	5	408.41040	A	6

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408.41052	A	6	408.41061g	A	6	408.41082f	A	6
408.41052a	A	6	408.41062	A	6	408.41082g	A	6
408.41052b	A	6	408.41063	A	6	408.41083	A	6
408.41053	A	6	408.41064	A	6	408.41084	A	6
408.41053a	A	6	408.41065a	R	6	408.41084a	A	6
408.41053b	A	6	408.41066a	R	6	408.41084b	A	6
408.41053c	A	6	408.41067a	R	6	408.41084c	A	6
408.41053d	*	6	408.41068a	R	6	408.41084d	A	6
408.41053e	*	6	408.41069a	R	6	408.41084e	A	6
408.41053f	A	6	408.41070a	R	6	408.41084f	A	6
408.41053g	A	6	408.41070b	R	6	408.41085	A	6
408.41054	A	6	408.41071a	R	6	408.41085a	A	6
408.41055	A	6	408.41072a	R	6	408.41085b	A	6
408.41055a	A	6	408.41073a	R	6	408.41085c	A	6
408.41055b	A	6	408.41074a	R	6	408.41085d	A	6
408.41055c	A	6	408.41075a	R	6	408.41085e	A	6
408.41056	A	6	408.41080	A	6	408.41085f	A	6
408.41056a	A	6	408.41080a	A	6	408.41085g	A	6
408.41056b	A	6	408.41080b	A	6	408.41085h	A	6
408.41056c	A	6	408.41080c	A	6	408.41086	A	6
408.41056d	A	6	408.41080d	A	6	408.41086a	A	6
408.41056e	A	6	408.41080e	A	6	408.41086b	A	6
408.41056f	A	6	408.41080f	A	6	408.41086c	A	6
408.41056g	A	6	408.41080g	A	6	408.41086d	A	6
408.41056h	A	6	408.41080h	A	6	408.41086e	A	6
408.41056i	A	6	408.41080i	A	6	408.41086f	A	6
408.41057	A	6	408.41080j	*	6	408.41086g	A	6
408.41058	A	6	408.41080k	*	6	408.41087	A	6
408.41060	A	6	408.41080l	A	6	408.41088	A	6
408.41060a	A	6	408.41080m	A	6	408.41089	A	6
408.41060b	A	6	408.41080n	A	6	408.41090	A	6
408.41060c	A	6	408.41080o	A	6	408.41090a	A	6
408.41061	A	6	408.41081	A	6	408.41090b	A	6
408.41061a	A	6	408.41082	A	6	408.41090c	*	6
408.41061b	A	6	408.41082a	A	6	408.41090d	*	6
408.41061c	A	6	408.41082b	A	6	408.41090e	A	6
408.41061d	A	6	408.41082c	A	6	408.41001a	R	6
408.41061e	A	6	408.41082d	A	6	408.41004a	R	6

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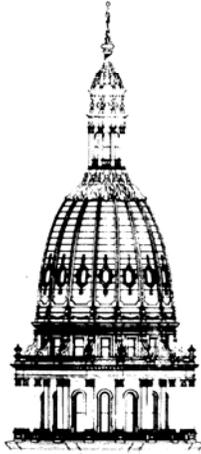
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408.41008a	R	6	408.41251	*	16	408.42150	*	11
408.41009a	R	6	408.41254	*	16	408.42154	*	11
408.41009b	R	6	408.41256	*	16	408.42156	*	11
408.41011a	R	6	408.41256a	*	16	408.42157	*	11
408.41011b	R	6	408.41256b	*	16	408.42110	A	11
408.41011c	R	6	408.41256	*	16	408.42501	*	16
408.41011d	R	6	408.41202	A	16	408.42502	*	16
408.41011e	R	6	408.41501	A	6	408.42503	*	16
408.41012a	R	6	408.41505	A	6	408.42517	*	16
408.41013a	R	6	408.41510	A	6	408.42518	*	16
408.41014a	R	6	408.41515	A	6	408.42520	*	16
408.41015a	R	6	408.41520	A	6	408.42523	*	16
408.41016a	R	6	408.41521	A	6	408.42533	*	16
408.41016b	R	6	408.41522	A	6	436.1311	R	4
408.41016c	R	6	408.41523	A	6	484.71	*	8
408.41016d	R	6	408.41524	A	6	484.72	*	8
408.41201	*	16	408.41525	A	6	484.73	*	8
408.41203	*	16	408.41526	A	6	484.74	*	8
408.41204	*	16	408.41527	A	6	484.75	*	8
408.41205	*	16	408.41530	A	6	484.81	*	10
408.41206	*	16	408.41531	A	6	484.82	*	10
408.41207	*	16	408.41540	A	6	484.83	*	10
408.41208	*	16	408.41541	A	6	484.84	*	10
408.41209	*	16	408.41542	A	6	484.85	*	10
408.41210	*	16	408.41543	A	6	484.86	*	10
408.41211	*	16	408.41550	A	6	484.87	*	10
408.41212	*	16	408.41560	A	6	484.88	*	10
408.41213	*	16	408.41561	A	6	484.89	*	10
408.41217	*	16	408.41562	A	6	484.90	*	10
408.41219	*	16	408.41563	A	6	792.10101	*	5
408.41223	*	16	408.41564	A	6	792.11501	*	5
408.41224	*	16	408.41570	A	6	792.11503	R	5
408.41227	*	16	408.41580	A	6	792.11504	R	5
408.41229	*	16	408.41590	A	6	792.11505	R	5
408.41232	*	16	408.41595	A	6	792.11506	R	5
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792.11511	R	5
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SIGNED INTO LAW OR VETOED
(2015 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2016 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

July 15, 2016
Through Act 280 of 2016

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4983		Yes	1/26	1/26	4/25/16	Natural resources; fishing; entrance into state-operated public boating access sites and certain state parks on free fishing weekends; allow free of charge. (Rep. B. Rendon)
2	4604		Yes	1/26	1/26	2/25/16	Natural resources; soil and erosion; soil erosion and sedimentation permit process; provide exemption for certain agricultural practices. (Rep. B. Roberts)
3	5220		Yes	1/29	1/29	1/29/16	Appropriations; supplemental; distribution of certain appropriated revenue from the state general fund to department of health and human services; provide for. (Rep. P. Phelps)
4	4459		Yes	2/2	2/2	2/2/16	Traffic control; driver license; emergency contact information encoded in driver license; allow. (Rep. P. Lucido)
5	4460		Yes	2/2	2/2	2/2/16	State; identification cards; emergency contact information on state identification card; provide for. (Rep. P. Lucido)
6	4535		Yes	2/2	2/2	5/2/16	Weapons; licensing; requirement to obtain a license to purchase, carry, possess, use, or transport a pistol; exempt law enforcement officers. (Rep. L. Theis)
7		0232	Yes	2/2	2/2	2/2/16	Use tax; definitions; definition of auto dealer; modify. (Sen. D. Robertson)
8		0233	Yes	2/2	2/2	2/2/16	Sales tax; definitions; definition of auto dealer; modify. (Sen. D. Robertson)

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- + - Line item veto.
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2016 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0539	Yes	2/16	2/16	2/16/16	Higher education; financial aid; promise zones; modify administration. (Sen. G. Hansen)
10		0540	Yes	2/16	2/16	2/16/16 #	Property tax; state education tax; distribution of state education tax; modify. (Sen. J. Ananich)
11	5023		Yes	2/16	2/16	5/16/16	Natural resources; other; dark sky preserves; expand locations. (Rep. P. Pettalia)
12		0328	Yes	2/16	2/16	5/16/16	Law enforcement; state police; grade and duties of state law enforcement officers; modify. (Sen. T. Schuitmaker)
13		0303	Yes	2/16	2/16	5/16/16	Cemeteries and funerals; other; investment of money in a perpetual care and maintenance fund; expand authority. (Sen. M. Knollenberg)
14		0394	Yes	2/16	2/16	5/16/16	Housing; inspection; multi-unit inspections; make discretionary unless complaint is received and include certain townships within scope of act. (Sen. D. Robertson)
15		0615	Yes	2/16	2/16	2/16/16	Civil procedure; remedies; judgments against municipalities that are collected as tax levies; prohibit transmission or capturing by other governmental entity. (Sen. W. Schmidt)
16	4455		Yes	2/23	2/23	5/23/16	Highways; bridges; bridge inspection process; modify. (Rep. B. Glardon)
17	5070		Yes	2/23	2/23	5/23/16	Labor; health and safety; franchisee and franchisor responsibility as employer under the Michigan occupational safety and health act; clarify. (Rep. E. Leutheuser)
18	5071		Yes	2/23	2/23	5/23/16	Labor; hours and wages; employer responsibility for employees; allocate between franchisor and franchisee. (Rep. P. Somerville)

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	HB	SB					
19	5072		Yes	2/23	2/23	5/23/16	Labor; hours and wages ; franchisor responsibility for minimum wage violations; clarify. (Rep. N. Jenkins)
20	5073		Yes	2/23	2/23	5/23/16	Employment security; employers ; franchisee and franchisor responsibility for contributions and benefits; clarify. (Rep. D. Garcia)
21		0513	Yes	2/23	2/23	2/23/16	Highways; name ; renaming a bridge on US-10; designate as the "Corpsman Aaron D. Ullom Memorial Bridge". (Sen. J. Stamas)
22	4853		Yes	2/23	2/23	5/23/16	Vehicles; motorcycles ; fee for motorcycle safety course; modify. (Rep. J. Tedder)
23	4854		Yes	2/23	2/23	5/23/16	Vehicles; motorcycles ; waiver of certain test requirements for individuals who complete a motorcycle safety course; provide for. (Rep. J. Tedder)
24		0136	Yes	2/26	2/26	2/26/16	Appropriations; zero budget ; supplemental appropriations; provide for fiscal year 2015-2016. (Sen. D. Hildenbrand)
25	4888		Yes	3/1	3/1	5/30/16	Property tax; other ; assessment roll; allow assessor to maintain electronically. (Rep. H. Hughes)
26		0503	Yes	3/1	3/1	5/30/16	Children; adoption ; Michigan Indian family preservation act (MIFPA); modify. (Sen. J. Emmons)
27	4758		Yes	3/1	3/1	3/1/16	Drains; financing ; term bonds with mandatory redemption; provide for. (Rep. A. Pscholka)
28	4727		Yes	3/1	3/1	5/30/16	Aeronautics; other ; regulations for tall structures; revise for meteorological towers. (Rep. T. Cole)

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	HB	SB					
29		0554	Yes	3/8	3/8	6/6/16	Health; occupations; use of electronic continuing education tracking services; allow. (Sen. T. Schuitmaker)
30		0555	Yes	3/8	3/8	6/6/16	Occupations; individual licensing and regulation; use of electronic continuing education tracking services; allow. (Sen. T. Schuitmaker)
31		0056	Yes	3/8	3/8	3/8/16	Courts; judges; salary formula for judges; modify. (Sen. R. Jones)
32		0176	Yes	3/8	3/8	6/6/16 #	Crimes; intoxication or impairment; oversight for ignition interlock servicing centers; provide for department of state. (Sen. T. Schuitmaker)
33		0357	Yes	3/8	3/8	6/6/16 #	Occupations; vehicles, dealers and repair facilities; breath alcohol ignition interlock mechanics and servicers; include in motor vehicle service and repair act. (Sen. T. Schuitmaker)
34	4980		Yes	3/8	3/8	6/6/16 #	Criminal procedure; sentencing guidelines; guidelines for crime of knowingly providing false information concerning an ignition interlock device; revise. (Rep. K. Kesto)
35		0334	Yes	3/8	3/8	3/8/16	Children; protection; reporting child abuse or child neglect through an online reporting system and waiving a written report under certain circumstances; allow, change venereal disease to sexually transmitted infection, and allow federal or state governmental agency access to certain records. (Sen. J. Emmons)
36		0588	Yes	3/8	3/8	6/6/16	Natural resources; hunting; certain tribal conservation officers; authorize to demand hunting, fishing, or fur harvester's licenses. (Sen. T. Casperson)
37		0680	Yes	3/8	3/8	3/8/16	Mental health; other; naming the new patient programming center at the Walter P. Reuther Psychiatric Hospital the "James K. Haveman Center for Activity, Rehabilitation, and Therapy"; provide for. (Sen. P. MacGregor)
38		0150	Yes	3/15	3/15	3/15/16	Insurance; health insurers; health plans that provide prescription drug coverage; clarify requirements for synchronizing multiple prescriptions and dispensing fees. (Sen. M. O'Brien)

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	HB	SB					
39		0051	Yes	3/15	3/15	6/13/16	Highways; name ; renaming a portion of highway in Genesee County; designate as "John Wayne "Dusty" Marcum Memorial Highway". (Sen. K. Horn)
40		0444	Yes	3/15	3/15	6/13/16	Health; emergency services ; critical incident stress management services for emergency service providers; provide for, prohibit disclosure of confidential communications, and provide immunity from liability. (Sen. J. Stamas)
41		0471	Yes	3/15	3/15	6/13/16	Courts; district court ; sixty-seventh district; clarify fourth division jurisdiction. (Sen. D. Robertson)
42		0472	Yes	3/15	3/15	6/13/16	Taxation; tobacco ; tobacco product manufacturers' escrow accounts act; modify. (Sen. W. Schmidt)
43		0473	Yes	3/15	3/15	6/13/16	Tobacco; generally ; tobacco products tax act; require certain enforcement disclosures. (Sen. P. MacGregor)
44		0578	Yes	3/15	3/15	6/13/16	Consumer credit; predatory lending ; mortgage borrowers' bill of rights; modify to refer to federal home loan publications. (Sen. D. Booher)
45		0644	Yes	3/15	3/15	3/15/16	Businesses; nonprofit corporations ; authorization to restructure municipal health facilities corporations; revise requirements. (Sen. J. Stamas)
46	4314		Yes	3/15	3/15	6/13/16	Traffic control; violations ; operation of a motor vehicle on property open to public in a manner that would be a moving violation if on public property causing death or serious impairment of a body function; prohibit, and provide penalties. (Rep. S. Singh)
47	4408		Yes	3/15	3/15	6/13/16 #	Health occupations; veterinarians ; veterinarian continuing education requirement; modify, and include veterinary technicians and a license cycle for veterinarian and veterinary technician licenses. (Rep. K. Crawford)
48	4458		Yes	3/15	3/15	6/13/16	Transportation; other ; complete streets advisory council; eliminate. (Rep. J. Runestad)

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	HB	SB					
49	4999		Yes	3/15	3/15	6/13/16 #	Health; pharmaceuticals; dispensing prescription drug or device requirements; expand to include an out-of-state veterinary prescriber, and amend certain other provisions relating to veterinary licensing. (Rep. E. McBroom)
50	5105		No	3/15	3/15	**	Insurance; health insurers; health insurance claims assessment on carriers and third party administrators; modify sunset. (Rep. A. Pscholka)
51	4887		Yes	3/22	3/22	3/22/16	Individual income tax; other; limitations on investment direction of contributions made to a Michigan education savings account; modify. (Rep. A. Forlini)
52	4747		Yes	3/22	3/22	6/20/16	Property; other; adverse possession; prohibit against local units of government. (Rep. H. Hughes)
53	5385		Yes	3/29	3/29	3/29/16 #	State financing and management; authorities; Michigan financial review commission; expand to include certain education districts. (Rep. E. Poleski)
54	5296		Yes	3/29	3/29	3/29/16	Appropriations; zero budget; supplemental appropriations for distressed public schools; provide for fiscal year 2015-2016. (Rep. A. Pscholka)
55		0507	Yes	3/29	3/29	6/27/16	Environmental protection; recycling; registration and reporting requirements; establish for recyclers of material from residential and commercial waste. (Sen. M. Green)
56		0216	Yes	3/29	3/29	6/27/16	School aid; other; certain references to general education development (GED); modify. (Sen. D. Robertson)
57		0551	Yes	3/29	3/29	6/27/16	Probate; wills and estates; designation of a funeral representative to make disposition arrangements for decedent; provide for. (Sen. T. Schuitmaker)
58	4577		Yes	3/29	3/29	3/29/16	Traffic control; driver license; renewal of unexpired seasonal restricted commercial driver licenses; allow. (Rep. D. Lauwers)

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	HB	SB					
59	5034		Yes	3/29	3/29	6/27/16	Probate ; wills and estates; fiduciary access to digital assets act; enact. <i>(Rep. A. Forlini)</i>
60	4792		Yes	3/29	3/29	6/27/16	Health occupations ; health care professionals; authorized health professionals from other states accompanying athletic teams to sporting events in this state; provide licensing waiver. <i>(Rep. R. Wittenberg)</i>
61	5377		Yes	4/5	4/5	4/5/16	Appropriations ; supplemental; Michigan natural resources trust fund; provide appropriations for fiscal year 2015-2016. <i>(Rep. J. Bumstead)</i>
62	5107		Yes	4/5	4/5	7/4/16	Law enforcement ; other; human trafficking notification act; create. <i>(Rep. K. Heise)</i>
63		0374	Yes	4/5	4/5	7/4/16 #	Health ; code; references to venereal disease; revise to sexually transmitted infection. <i>(Sen. C. Hertel)</i>
64		0375	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. <i>(Sen. P. MacGregor)</i>
65		0376	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. <i>(Sen. D. Knezek)</i>
66		0377	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. <i>(Sen. W. Schmidt)</i>
67		0378	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. <i>(Sen. M. O'Brien)</i>
68		0379	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. <i>(Sen. R. Warren)</i>

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	HB	SB					
69		0380	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. <i>(Sen. J. Marleau)</i>
70		0381	Yes	4/5	4/5	7/4/16 #	Health ; code; references of venereal disease; revise to sexually transmitted infection. <i>(Sen. C. Young)</i>
71		0592	Yes	4/5	4/5	4/5/16	Health facilities ; other; designated places to perform surgical removal of a human organ; expand. <i>(Sen. C. Hertel)</i>
72	4418		Yes	4/5	4/5	7/4/16	Traffic control ; traffic regulation; maple sap transport; include in agricultural commodities for exemption from seasonal road restrictions. <i>(Rep. L. Chatfield)</i>
73	4813		Yes	4/5	4/5	7/4/16	Occupations ; electricians; number of apprentice electricians a journeyman or master electrician may supervise on a jobsite; revise. <i>(Rep. A. Price)</i>
74	5006		Yes	4/5	4/5	7/4/16	Highways ; name; certain portion of Business Route I-96; designate as the "Lansing Firefighter Dennis E. Rodeman Memorial Highway". <i>(Rep. T. Cochran)</i>
75	4537		Yes	4/5	4/5	7/4/16	Labor ; fair employment practices; employee absence from work to provide emergency civil air patrol services; protect from adverse employment action. <i>(Rep. A. LaFontaine)</i>
76	5192		Yes	4/5	4/5	7/4/16	Occupations ; accounting; practice of public accounting; revise scope of practice. <i>(Rep. C. Afendoulis)</i>
77		0729	Yes	4/12	4/12	4/12/16	Transportation ; funds; counties to provide loans to townships for purpose of funding township road construction projects; allow. <i>(Sen. W. Schmidt)</i>
78		0171	Yes	4/12	4/12	7/11/16	Property tax ; exemptions; housing exemption for elderly or disabled families; modify. <i>(Sen. S. Bieda)</i>

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	HB	SB					
79		0366	Yes	4/12	4/12	7/11/16	Records; public ; solicitation of a fee for providing a copy of a deed; regulate. (Sen. C. Hertel)
80		0502	Yes	4/12	4/12	7/11/16	Health; pharmaceuticals ; health care false claims act; modify exemption to exempt certain payments from drug manufacturers to certain persons for certain health care services. (Sen. J. Marleau)
81		0667	Yes	4/12	4/12	4/12/16	Liquor; advertising ; providing advertising items to retailers; modify. (Sen. J. Stamas)
82		0582	Yes	4/12	4/12	4/12/16	Property tax; delinquent taxes ; issuance of revenue notes secured by the collection of delinquent taxes by a county treasurer; allow. (Sen. J. Brandenburg)
83		0583	Yes	4/12	4/12	4/12/16	State financing and management; bonds ; requirement for a county treasurer to issue revenue notes secured by delinquent tax revenues; provide for. (Sen. J. Brandenburg)
84	4895		Yes	4/12	4/12	7/11/16	Liquor; licenses ; secondary location permit to sell beer and wine at retailers with motor fuel pumps; provide for. (Rep. A. Nesbitt)
85		0352	Yes	4/13	4/13	7/12/16	Health; home health care ; designated caregiver act; create. (Sen. M. O'Brien)
86		0476	Yes	4/19	4/19	4/19/16	Taxation; tobacco ; tobacco products act; eliminate sunset related to tax on cigars. (Sen. W. Schmidt)
87	4479		Yes	4/26	4/26	7/25/16	Crimes; assaultive ; assault or battery of a pregnant woman; increase penalties under certain circumstances. (Rep. A. Price)
88	4788		Yes	4/26	4/26	7/25/16 #	Criminal procedure; sentencing guidelines ; sentencing guidelines for crime of assault and battery of a pregnant individual; provide for. (Rep. A. Price)

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	HB	SB					
89		0508	Yes	4/26	4/26	7/25/16	Crimes; other ; intentional posting of sexually explicit visual material of another person without consent; prohibit. (Sen. S. Bieda)
90		0509	Yes	4/26	4/26	7/25/16 #	Crimes; penalties ; penalties for intentionally posting sexually explicit visual material of another person without consent; provide for. (Sen. R. Jones)
91	4477		Yes	4/26	4/26	7/25/16	Civil procedure; appeals ; service of papers; provide for alternate service if party is protected by a protective order. (Rep. K. Kesto)
92		0490	Yes	5/2	5/2	7/31/16	Trade; business practices ; provisions relating to the disclosure of customer information under video rental privacy statute; modify. (Sen. T. Schuitmaker)
93	4476		Yes	5/3	5/3	8/1/16	Civil procedure; other ; mediation; limit in certain domestic relations actions. (Rep. H. Santana)
94	4478		Yes	5/3	5/3	8/1/16	Civil procedure; personal protection orders ; acts that may be enjoined; include harming animals owned by petitioner. (Rep. R. Kosowski)
95	4480		Yes	5/3	5/3	8/1/16	Children; protection ; factors determining best interest of child; modify in cases of domestic violence. (Rep. K. Heise)
96	4481		Yes	5/3	5/3	8/1/16	Family law; child custody ; custody or parenting time for certain parents of a child conceived through sexual assault or sexual abuse; prohibit under certain circumstances. (Rep. L. Lyons)
97	4660		Yes	5/3	5/3	8/1/16	Insurance; health insurers ; reporting requirements for health maintenance organizations' enrollment levels; eliminate. (Rep. T. Leonard)
98	4661		Yes	5/3	5/3	8/1/16 #	Insurance; other ; medical malpractice report related to assumed liability to pay a claim; eliminate. (Rep. L. Theis)

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	HB	SB					
99	4662		Yes	5/3	5/3	8/1/16	Insurance; other ; reporting requirements for state of competition in the commercial liability insurance market; eliminate. (Rep. H. Vaupel)
100	4663		Yes	5/3	5/3	8/1/16	Insurance; other ; reporting requirements for short-term limited duration policies; modify. (Rep. J. Runestad)
101	4664		Yes	5/3	5/3	8/1/16	Insurance; other ; reporting requirement for competition in the worker's compensation market; eliminate. (Rep. R. Franz)
102	4665		Yes	5/3	5/3	8/1/16 #	Insurance; other ; municipal claims report; eliminate. (Rep. R. Wittenberg)
103	4666		Yes	5/3	5/3	8/1/16 #	Insurance; other ; reference municipal claims report; eliminate. (Rep. D. Miller)
104	4667		Yes	5/3	5/3	8/1/16 #	Insurance; other ; reporting requirement for liquor liability insurance; eliminate. (Rep. R. Kosowski)
105	4668		Yes	5/3	5/3	8/1/16 #	Insurance; other ; waiver of proof of financial responsibility filing requirement for retail licensees; eliminate. (Rep. A. LaFontaine)
106	5257		Yes	5/3	5/3	8/1/16	Liquor; advertising ; social media promotions; define and allow. (Rep. K. Kesto)
107	5525		Yes	5/5	5/6	5/6/16	Property tax; special assessments ; state essential services assessment act; modify filing requirements. (Rep. A. Nesbitt)
108	5526		Yes	5/5	5/6	5/6/16	Property tax; exemptions ; general property tax act; modify filing requirements. (Rep. J. Farrington)

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	HB	SB					
109	5545		Yes	5/5	5/6	5/6/16	Property tax; special assessments; alternative state essential services assessment act; modify filing requirements. <i>(Rep. J. Farrington)</i>
110	5527		Yes	5/5	5/6	5/6/16	Economic development; plant rehabilitation; certain filing requirements; modify. <i>(Rep. J. Farrington)</i>
111	4187		Yes	5/10	5/10	8/8/16	Crimes; malicious destruction; vandalizing, desecrating, or intentionally destroying certain public property on a highway, freeway, or interstate road; prohibit, and provide penalties. <i>(Rep. F. Durhal)</i>
112		0331	Yes	5/10	5/10	8/8/16	Businesses; distributors and dealers; used motor vehicle parts dealers; require certain forms of payment for used tires, wheels, and rims. <i>(Sen. R. Jones)</i>
113	4793		Yes	5/10	5/10	8/8/16	Mental health; code; confidentiality of filing petitions for involuntary hospitalization; require. <i>(Rep. P. Lucido)</i>
114	4636		Yes	5/10	5/10	8/8/16	Occupations; insurance; sale of insurance for self-service storage units; eliminate license requirement. <i>(Rep. B. Rendon)</i>
115	5278		Yes	5/10	5/10	5/10/16	Drains; financing; incomplete drain improvement; specify types of costs that can be apportioned. <i>(Rep. B. Glardon)</i>
116	5163		Yes	5/10	5/10	8/8/16	State financing and management; funds; urban land assembly act; repeal, and transfer any remaining funds into the Michigan land bank. <i>(Rep. K. Heise)</i>
117	4436		Yes	5/17	5/17	8/15/16	Traffic control; driver license; grant of restricted driving privileges by a court reviewing the denial, suspension, or revocation of a driver license; allow. <i>(Rep. P. Lucido)</i>
118	5439		Yes	5/17	5/17	5/17/16	Economic development; renaissance zones; exception from payment in lieu of taxes provision; modify. <i>(Rep. M. Webber)</i>

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+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2016 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
119	4990		Yes	5/19	5/19	8/17/16	State financing and management; other; certain forms of energy improvement financing for cities; provide for. (Rep. A. Pscholka)
120	4991		Yes	5/19	5/19	8/17/16	State financing and management; other; certain forms of energy improvement financing for general law villages; provide for. (Rep. A. Pscholka)
121	4992		Yes	5/19	5/19	8/17/16	State financing and management; other; certain forms of energy improvement financing for home rule villages; provide for. (Rep. A. Pscholka)
122	4993		Yes	5/19	5/19	8/17/16	State financing and management; other; certain forms of energy improvement financing for certain townships; provide for. (Rep. A. Pscholka)
123	4994		Yes	5/19	5/19	8/17/16	State financing and management; other; certain forms of energy improvement financing for counties; provide for. (Rep. A. Pscholka)
124	5176		Yes	5/19	5/19	5/19/16	Local government; other; distribution of local community stabilization authority act share revenues; modify. (Rep. J. Farrington)
125		0409	Yes	5/25	5/25	8/23/16	Crimes; controlled substances; attempt to solicit another person to purchase ephedrine or pseudoephedrine for purpose of manufacturing methamphetamine; prohibit, and provide penalties. (Sen. M. O'Brien)
126		0410	Yes	5/25	5/25	8/23/16 #	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of attempting to solicit another person to obtain ephedrine or pseudoephedrine; revise to reflect. (Sen. T. Casperson)
127	4864		Yes	5/25	5/25	8/23/16	Crimes; controlled substances; attempt to commit "smurfing" crime; provide for 5-year stop-sale alert after conviction. (Rep. J. Kivela)
128	4769		Yes	5/25	5/25	8/23/16	Crimes; controlled substances; penalties for manufacture of methamphetamine near a school or library; increase. (Rep. E. McBroom)

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	HB	SB					
129	5182		Yes	5/25	5/26	8/24/16	Education; special; certain language in Michigan school for the deaf act; update. (Rep. M. Howrylak)
130	5183		Yes	5/25	5/26	8/24/16	Disabilities; other; reference to "hearing impaired" and "division on deafness"; revise. (Rep. J. Bizon)
131	5184		Yes	5/25	5/26	8/24/16	Disabilities; other; reference to "hearing impaired" in division on deafness act; revise to "deaf, deafblind, and hard of hearing". (Rep. J. Runestad)
132	5185		Yes	5/25	5/26	8/24/16	Crimes; definitions; reference to "deaf and dumb"; eliminate from statute. (Rep. A. Price)
133	5186		Yes	5/25	5/26	8/24/16	Disabilities; other; reference to "hearing impaired" regarding certain limited teaching certificates; revise to "hard of hearing". (Rep. W. Brinks)
134	5187		Yes	5/25	5/26	8/24/16	Public employees and officers; duties; provision relating to the transfer of books and materials to successors; modify to remove obsolete language. (Rep. G. Darany)
135	5188		Yes	5/26	5/26	8/24/16	Disabilities; other; reference to "hearing impaired" in division on deafness act; revise to "deaf, deafblind, and hard of hearing". (Rep. P. Phelps)
136		0343	Yes	5/25	5/26	5/26/16	Retirement; public school employees; unfunded actuarial accrued liability contribution rate for certain universities; modify. (Sen. T. Schuitmaker)
137		0344	Yes	5/25	5/26	8/24/16 #	Liquor; licenses; issuance of specially designated license and specially designated distributor license to 1 licensee; allow. (Sen. D. Hildenbrand)
138		0501	No	5/25	5/26	**	Traffic control; driver license; persons exempt from obtaining a Michigan driver license; modify. (Sen. J. Stamas)

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2016 Michigan Public Acts Table

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	HB	SB					
139		0659	Yes	5/25	5/26	8/24/16	Children; foster care; fostering futures scholarship trust fund; expand investment options. (Sen. P. MacGregor)
140		0607	Yes	5/25	5/26	8/24/16 #	Financial institutions; payday lending; deferred presentment service transactions act; revise definitions. (Sen. D. Booher)
141		0719	Yes	5/25	5/26	8/24/16 #	Financial institutions; payday lending; satisfaction of deferred presentment transactions; authorize use of debit cards and certain telephone-initiated transactions. (Sen. D. Booher)
142		0776	Yes	6/6	6/7	6/7/16	Elections; petitions; petition signature rebuttable presumption; eliminate. (Sen. D. Robertson)
143		0458	Yes	6/6	6/7	9/5/16	Children; adoption; grounds for termination of parental rights; clarify under certain circumstances. (Sen. T. Schuitmaker)
144		0606	Yes	6/6	6/7	6/7/16	Property tax; principal residence exemption; exemption from tax levied by local school district for school operating purposes; extend to include military service members temporarily residing elsewhere due to military deployment. (Sen. M. Shirkey)
145		0738	Yes	6/6	6/7	6/7/16	Retirement; pension oversight; executive summary of annual valuation reports on pension and retiree health care for state unit systems; require. (Sen. D. Booher)
146		0818	Yes	6/6	6/7	6/7/16	Education; occupational schools; occupational school regulations; exempt yoga teacher training programs. (Sen. T. Schuitmaker)
147	5512		Yes	6/8	6/9	9/7/16	Human services; services or financial assistance; Michigan energy assistance program; extend sunset. (Rep. E. Poleski)
148	4634		Yes	6/8	6/9	9/7/16	Vehicles; registration; renewal deadline for vehicle registration; modify to provide a grace period under certain circumstances. (Rep. B. Giarson)

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2016 Michigan Public Acts Table

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	HB	SB					
149	4787		Yes	6/8	6/9	9/7/16	Crimes; other ; coercing female to have an abortion against her will; prohibit, and provide penalties. (Rep. A. Price)
150	4830		Yes	6/8	6/9	9/7/16 #	Criminal procedure; sentencing guidelines ; sentencing guidelines for crime of coercing a female to have an abortion against her will; enact. (Rep. N. Jenkins)
151	4984		Yes	6/8	6/9	6/9/16	Property tax; other ; specific tax levied under the tax reverted clean title act; revise. (Rep. T. Barrett)
152	5017		Yes	6/9	6/9	9/7/16 #	Financial institutions; credit unions ; credit union act; make general amendments. (Rep. A. Forlini)
153	5018		Yes	6/8	6/9	9/7/16 #	Financial institutions; credit unions ; administration and operation of credit unions; make certain revisions to credit union act. (Rep. P. Pettalia)
154	5019		Yes	6/8	6/9	9/7/16 #	Financial institutions; credit unions ; authority to organize or invest in credit union service organizations that provide trust services and other services; revise. (Rep. P. Clemente)
155	5020		Yes	6/8	6/9	9/7/16 #	Financial institutions; credit unions ; examinations by department of insurance and financial services; revise requirements and provide for confidentiality of certain documents. (Rep. L. Theis)
156	5021		Yes	6/8	6/9	9/7/16 #	Financial institutions; credit unions ; credit union act; revise provisions relating to mergers. (Rep. T. Barrett)
157	5022		Yes	6/8	6/9	9/7/16 #	Financial institutions; credit unions ; loan promotion raffles; authorize. (Rep. L. Love)
158	5131		Yes	6/8	6/9	7/1/16	Individual income tax; withholding requirements ; flow-through entity withholdings; eliminate. (Rep. J. Farrington)

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2016 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
159	5132		Yes	6/8	6/9	9/7/16	Sales tax; exemptions; taxation of direct mail; comply with streamlined sales and use tax agreement. (Rep. J. Farrington)
160	5133		Yes	6/8	6/9	9/7/16	Use tax; exemptions; taxation of direct mail; comply with streamlined sales and use tax agreement. (Rep. W. Byrd)
161	5247		Yes	6/8	6/9	9/7/16	Vehicles; equipment; use of green and amber lights on snowplow vehicles; allow. (Rep. R. VerHeulen)
162	5251		Yes	6/8	6/9	9/7/16 #	Financial institutions; banks; loan promotion raffles; authorize for state banks. (Rep. B. Iden)
163		0752	Yes	6/8	6/9	9/7/16	Crimes; gambling; loan promotion raffles by state banks; exclude from gambling and lottery crimes. (Sen. P. MacGregor)
164	5395		Yes	6/8	6/9	6/9/16	Environmental protection; sewage; grant program for sewage collection and treatment systems; expand options for certain systems at risk of failure. (Rep. J. Johnson)
165		0453	Yes	6/8	6/9	9/7/16	Courts; district court; residency requirement for magistrate in the third class district courts; expand. (Sen. R. Jones)
166		0637	Yes	6/8	6/9	9/7/16	Agriculture; other; grass seed test period and certain label requirements; modify. (Sen. J. Hune)
167		0656	Yes	6/8	6/9	9/7/16	Occupations; collection practices; applicability of collection practices provisions of occupational code to repossession and certain other collection practices; modify. (Sen. R. Jones)
168		0657	Yes	6/8	6/9	9/7/16	Consumer credit; collection practices; applicability of collection practices statute to repossession and certain other collection activities; modify. (Sen. R. Jones)

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	HB	SB					
169		0569	Yes	6/8	6/9	9/7/16	Local government; financing; municipal budget stabilization fund; increase. (Sen. M. Nofs)
170	4493		Yes	6/13	6/14	6/14/16	Education; curriculum; genocide education; provide for, and define teacher for purposes of teacher performance evaluation system. (Rep. K. Kesto)
171	4656		Yes	6/12	6/14	9/12/16	Drains; other; entry on property for drain maintenance project; require written notification to property owner. (Rep. J. Johnson)
172	4796		Yes	6/12	6/14	9/12/16	Veterans; employment; employment protections for National Guard members who work outside of the state where they mobilize; provide for. (Rep. R. Franz)
173		0481	Yes	6/12	6/14	9/12/16 #	Local government; authorities; recreational authorities act; clarify regarding use of tax proceeds by a recreational authority. (Sen. D. Booher)
174	4578		Yes	6/12	6/14	9/12/16 #	Local government; authorities; recreational authorities act; revise to include school districts. (Rep. P. Potvin)
175		0748	Yes	6/12	6/14	9/12/16 #	Financial institutions; banks; fees and examinations of state banks in banking code of 1999; revise, and establish state bank regulatory fund. (Sen. D. Booher)
176		0749	Yes	6/12	6/14	9/12/16 #	Financial institutions; banks; general definitions in banking code of 1999; revise. (Sen. D. Zorn)
177		0750	Yes	6/12	6/14	9/12/16 #	Financial institutions; banks; permissible investments by state banks; revise. (Sen. M. Nofs)
178		0858	Yes	6/12	6/14	9/12/16	Family law; paternity; revocation of paternity in cases where a child's birth is the result of criminal sexual conduct; clarify. (Sen. R. Jones)

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	HB	SB					
179		0844	Yes	6/12	6/14	6/14/16	<i>Property; conveyances</i> ; state-owned property in Ingham County; provide for conveyance. (Sen. R. Jones)
180		0901	Yes	6/12	6/14	6/14/16	<i>Liquor; licenses</i> ; issuance of a national sporting event license; expand to include United States Golf Association Amateur Championship. (Sen. M. Kowall)
181	4817		Yes	6/15	6/16	6/16/16 #	<i>Individual income tax; other</i> ; Michigan junior achievement fund act; create. (Rep. B. Iden)
182	4818		Yes	6/15	6/16	6/16/16 #	<i>Individual income tax; checkoff</i> ; donation to the Michigan junior achievement fund; provide check-off option. (Rep. B. Iden)
183		0428	Yes	6/15	6/16	6/16/16 #	<i>Individual income tax; other</i> ; American Red Cross Michigan fund act; create. (Sen. R. Jones)
184		0429	Yes	6/15	6/16	6/16/16 #	<i>Individual income tax; checkoff</i> ; American Red Cross Michigan fund; provide check-off option. (Sen. R. Jones)
185		0251	Yes	6/20	6/21	9/19/16	<i>Courts; other</i> ; consent calendar for juveniles; create. (Sen. J. Proos)
186		0632	Yes	6/20	6/21	pending #	<i>Courts; jurisdiction</i> ; jurisdiction on appeals from orders and judgments of the probate court; provide to the court of appeals. (Sen. T. Schuitmaker)
187		0672	Yes	6/20	6/21	9/19/16	<i>Torts; liability</i> ; parental waiver of liability for minor; expand to include camping activities. (Sen. G. Hansen)
188		0774	Yes	6/20	6/21	9/19/16	<i>Food; other</i> ; vending machine locations; classify as food establishments, provide for state inspections, and assess fees against base location. (Sen. J. Hune)

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	HB	SB					
189		0957	Yes	6/20	6/21	6/21/16	Health facilities; quality assurance assessments; state retention amount from funds generated through hospital assessments; revise. <i>(Sen. J. Marleau)</i>
190	5521		Yes	6/20	6/21	9/19/16 #	Children; foster care; keeping siblings together in foster care placements; require under certain conditions. <i>(Rep. K. Kesto)</i>
191		0483	Yes	6/20	6/21	9/19/16 #	Children; children's rights; rights for siblings to be placed together in foster care or to have sibling visitation; establish, and change husband and wife to spouse in the Michigan adoption code. <i>(Sen. R. Jones)</i>
192	5384		Yes	6/21	6/21	6/21/16 #	Education; school districts; education district; create to be successor to qualifying school district, and provide for certain reforms. <i>(Rep. D. Garcia)</i>
193	5383		Yes	6/21	6/21	6/21/16 #	Education; financing; community district education trust fund; create. <i>(Rep. A. Price)</i>
194	5387		Yes	6/21	6/21	9/19/16	Education; employees; enforcement actions against public school employers and employees involved in a prohibited lockout or strike; modify procedures and sanctions. <i>(Rep. D. Garcia)</i>
195		0711	Yes	6/21	6/21	6/21/16 #	State financing and management; authorities; Michigan financial review commission; expand to include certain school districts. <i>(Sen. G. Hansen)</i>
196		0820	Yes	6/21	6/21	6/21/16 #	Public employees and officers; ethics; superintendent or chairperson of a qualified school district, member of a financial review commission, emergency manager, and transition manager; include in exemptions from incompatible offices. <i>(Sen. G. Hansen)</i>
197		0822	Yes	6/21	6/21	6/21/16 #	Local government; financing; emergency municipal loan act; modify criteria for issuance of loans. <i>(Sen. G. Hansen)</i>
198		0809	Yes	6/21	6/22	9/20/16	Veterans; other; veterans' ombudsman; create. <i>(Sen. P. MacGregor)</i>

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	HB	SB					
199	5332		Yes	6/21	6/22	9/20/16	Veterans; other ; definition of veteran; modify. (Rep. T. Barrett)
200	5333		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran; update in the veterans' military pay act. (Rep. D. Maturen)
201	5334		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran; update in the Vietnam veteran era bonus act. (Rep. D. Rutledge)
202	5335		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran; update in the Korean veterans' military pay fund act of 1955. (Rep. G. Glenn)
203	5336		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran; update in state personal identification act. (Rep. H. Hughes)
204	5337		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran; update in department of management and budget act. (Rep. L. Cox)
205	5338		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran; update in the veteran right to employment services act. (Rep. H. Vaupel)
206	5339		Yes	6/21	6/22	9/20/16 #	Health; diseases ; definition of veteran; update in the public health code. (Rep. P. Lucido)
207	5340		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran; update in the private employer's veterans' preference policy act. (Rep. J. Bizon)
208	5341		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran; update in the veterans' relief fund act. (Rep. J. Bizon)

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	HB	SB					
209	5342		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran; update in the bonds to provide service bonus for Vietnam veterans act. (Rep. L. Theis)
210	5343		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran for individuals seeking license or qualification for a trade, occupation, or apprenticeship; update. (Rep. R. Kosowski)
211	5344		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran; update in the preference for public employment act. (Rep. J. Sheppard)
212	5345		Yes	6/21	6/22	9/20/16 #	Individual income tax; veterans ; definition of veteran; update in the income tax act. (Rep. L. Inman)
213	5346		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran; update in the veterans' facility act. (Rep. L. Chatfield)
214	5347		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran; update in the license to sell goods act. (Rep. T. Cole)
215	5348		Yes	6/21	6/22	9/20/16 #	Courts; juries ; definition of veteran; update in the revised judicature act of 1961. (Rep. E. Leutheuser)
216	5548		Yes	6/21	6/22	9/20/16 #	Veterans; other ; definition of veteran and period of war for purposes of compensating an estate for burial expenses; modify. (Rep. M. Whiteford)
217	5549		Yes	6/21	6/22	9/20/16 #	Veterans; trust fund ; definition of veteran and period of war for purposes of the veterans' trust fund; modify. (Rep. G. Howell)
218	5550		Yes	6/21	6/22	9/20/16 #	Veterans; other ; reference to federal code periods of war; update. (Rep. H. Hughes)

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	HB	SB					
219	5551		Yes	6/21	6/22	9/20/16 #	Traffic control ; driver license; definition of veteran on driver license; revise. <i>(Rep. T. Barrett)</i>
220		0914	Yes	6/22	6/23	6/23/16	State financing and management ; funds; appropriation cap on disaster and emergency contingency fund; increase. <i>(Sen. M. Nofs)</i>
221		0292	No	6/22	6/23	**	State financing and management ; budget; governor's executive budget; require to include reporting of unfunded accrued liabilities. <i>(Sen. J. Proos)</i>
222		0673	Yes	6/22	6/23	6/23/16	Economic development ; obsolete property and rehabilitation; sunset on obsolete property rehabilitation act; extend. <i>(Sen. K. Horn)</i>
223		0883	Yes	6/22	6/23	6/23/16	State financing and management ; funds; Michigan infrastructure fund; create. <i>(Sen. D. Hildenbrand)</i>
224		0599	Yes	6/22	6/23	10/1/16 #	Property ; recording; fees for recording documents; revise. <i>(Sen. P. MacGregor)</i>
225		0600	Yes	6/22	6/23	10/1/16 #	Liens ; other; liens for labor on oil and gas wells; clarify fee for recording and indexing a statement claiming a lien. <i>(Sen. P. MacGregor)</i>
226		0601	Yes	6/22	6/23	10/1/16 #	Liens ; other; federal tax liens; modify fee for filing and indexing liens and notices. <i>(Sen. D. Zorn)</i>
227		0602	Yes	6/22	6/23	10/1/16 #	Liens ; other; state tax liens; modify fee for recording or filing and indexing liens and notices. <i>(Sen. D. Zorn)</i>
228		0603	Yes	6/22	6/23	10/1/16 #	Liens ; other; fee for recording or discharging lien; modify in the Michigan employment security act. <i>(Sen. D. Booher)</i>

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	HB	SB					
229		0604	Yes	6/22	6/23	10/1/16 #	Commercial code ; secured transactions; recording fees for mortgages that are effective as financing statements; clarify. <i>(Sen. C. Hertel)</i>
230		0737	Yes	6/22	6/23	10/1/16 #	State financing and management ; funds; recovery of certain fees for recording certain documents; allow. <i>(Sen. P. MacGregor)</i>
231	5164		Yes	6/22	6/23	10/1/16 #	Land use ; land division; fee collected for final plat; revise. <i>(Rep. L. Chatfield)</i>
232	5165		Yes	6/22	6/23	10/1/16 #	Property ; recording; recording fee for judgments recorded by register of deeds; clarify. <i>(Rep. J. Moss)</i>
233		0610	Yes	6/22	6/23	9/21/16	Housing ; condominium; reversion of undeveloped units to common elements after period of time; require approval by condominium association. <i>(Sen. M. O'Brien)</i>
234		0976	Yes	6/23	6/24	9/22/16 #	Criminal procedure ; sentencing guidelines; crime of making a false report of an urgent and immediate threat; provide for. <i>(Sen. M. Nofs)</i>
235	5442		Yes	6/23	6/24	9/22/16 #	Law enforcement ; communications; public threat alert system to send alerts to residents through various modes of communication including on cellular telephones; create. <i>(Rep. B. Iden)</i>
236	5567		Yes	6/23	6/24	9/22/16 #	Criminal procedure ; other; recovery of certain costs for prosecution for a false report of a public threat; provide for. <i>(Rep. D. Maturen)</i>
237		0690	Yes	6/23	6/24	9/22/16	Disabilities ; other; reference to "hearing impaired" in the Michigan telecommunications act; revise to "deaf, deafblind, or hard of hearing". <i>(Sen. D. Robertson)</i>
238		0691	Yes	6/23	6/24	9/22/16	Health occupations ; speech-language pathologists; reference to "hearing impaired"; revise to "hard of hearing". <i>(Sen. M. Knollenberg)</i>

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2016 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
239		0692	Yes	6/23	6/24	9/22/16	Mental health ; code; reference to deaf and "hearing impaired"; revise to deaf, deafblind, and "hard of hearing". <i>(Sen. D. Zorn)</i>
240		0693	Yes	6/23	6/24	9/22/16	Disabilities ; other; title of division on deafness act; revise to division on deaf, deafblind, and hard of hearing. <i>(Sen. M. O'Brien)</i>
241		0694	Yes	6/23	6/24	9/22/16	Disabilities ; other; reference to "deaf, deafblind, and hearing impaired" in the department of civil rights; revise. <i>(Sen. R. Warren)</i>
242		0207	Yes	6/23	6/24	9/22/16 #	Crimes ; intoxication or impairment; operating a motor vehicle under the influence of alcohol or a controlled substance, or both; amend certain definitions and procedures. <i>(Sen. R. Jones)</i>
243		0434	Yes	6/23	6/24	9/22/16 #	Law enforcement ; investigations; pilot program to use preliminary drug testing at roadside stop and add certain definitions; create. <i>(Sen. T. Casperson)</i>
244		0878	Yes	6/23	6/24	6/24/16	Communications ; emergency 9-1-1; certain requirements of multiline telephone systems to identify the specific location of 9-1-1 calls; modify implementation date. <i>(Sen. M. Shirkey)</i>
245	5701		Yes	6/23	6/24	6/24/16	State financing and management ; purchasing; sale of certain state transportation department equipment; require to offer to local units of government first. <i>(Rep. L. Inman)</i>
246		0105	Yes	6/23	6/24	9/22/16	Highways ; bridges; movable bridge fund; create, and require oversight of publicly owned movable bridges by department of transportation. <i>(Sen. M. Green)</i>
247		0523	Yes	6/23	6/24	9/22/16	History and arts ; historic sites; Native American historical recognition program; create. <i>(Sen. W. Schmidt)</i>
248	5631		Yes	6/23	6/24	9/22/16	Natural resources ; funding; forest development fund; modify allowable uses. <i>(Rep. A. Pscholka)</i>

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	HB	SB					
249		0801	Yes	6/27	6/27	6/27/16	Appropriations; school aid ; fiscal year 2016-2017 omnibus appropriations for school aid, higher education, and community colleges and certain supplemental appropriations for 2015-2016; provide for. (Sen. D. Hildenbrand)
250	5050		Yes	6/27	6/28	9/26/16	Agriculture; animals ; provision related to breeding of horses; repeal. (Rep. D. Page)
251	5051		Yes	6/27	6/28	6/28/16	Taxation; specific tax ; provision related to collection of specific taxes; repeal. (Rep. E. Canfield)
252	5052		Yes	6/27	6/28	9/26/16	Agriculture; animals ; provision related to immature or unwholesome calves, pigs, kids, and lambs; repeal. (Rep. T. Cole)
253	5053		Yes	6/27	6/28	9/26/16	Animals; dogs ; certain provisions related to dog identification; repeal. (Rep. H. Hughes)
254	5054		Yes	6/27	6/28	9/26/16	Agriculture; diseases and pests ; provision related to nursery agent permit and fee; repeal. (Rep. M. Howrylak)
255	5055		Yes	6/27	6/28	9/26/16	Agriculture; other ; provision related to silos treated with polychlorinated biphenyls; repeal. (Rep. J. Bizon)
256	5059		Yes	6/27	6/28	9/26/16	Agriculture; animals ; provision related to started pullets; repeal. (Rep. T. Barrett)
257	5060		Yes	6/27	6/28	9/26/16	Agriculture; animals ; provision related to livestock and poultry remedies; repeal. (Rep. J. Sheppard)
258	5392		Yes	6/27	6/28	9/26/16	Agriculture; products ; regulation of purity, germination, and other seed testing; provide for. (Rep. B. Roberts)

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	HB	SB					
259		0477	Yes	6/27	6/28	9/26/16	Food; milk ; reference to federal recommendations in the definition of pasteurized milk ordinance in the grade A milk law of 2001; update. <i>(Sen. M. Green)</i>
260		0651	Yes	6/23	6/28	6/28/16 #	Taxation; specific tax ; transitional qualified forest property specific tax for properties previously enrolled in commercial forest program; create, and provide for transition into the qualified forest program. <i>(Sen. D. Booher)</i>
261		0652	Yes	6/23	6/28	6/28/16 #	Property tax; exemptions ; exemption for transitional qualified forest property; create. <i>(Sen. D. Booher)</i>
262		0653	Yes	6/27	6/28	6/28/16 #	Natural resources; forests ; withdrawal of properties enrolled in commercial forest program; permit without penalty for transitional qualified forest property. <i>(Sen. T. Casperson)</i>
263		0899	Yes	6/27	6/28	9/26/16	Trade; other ; farm produce in possession of failed grain dealer; establish lien and revise allocation of proceeds. <i>(Sen. J. Stamas)</i>
264		0900	Yes	6/27	6/28	9/26/16	Trade; other ; payment of producer premiums into farm produce insurance fund; revise requirements. <i>(Sen. J. Hune)</i>
265	5189		Yes	6/27	6/28	9/26/16 #	Land use; farmland and open space ; development rights agreements; modify terms for processing and relinquishment. <i>(Rep. D. Lauwers)</i>
266	5190		Yes	6/27	6/28	6/28/16	Individual income tax; administration ; earmark for unclaimed farmland tax credits and filing requirements; provide for and clarify. <i>(Rep. B. Roberts)</i>
267	5191		Yes	6/27	6/28	6/28/16	Taxation; administration ; calculation of interest penalties related to certain credits; provide for. <i>(Rep. D. Lauwers)</i>
268	5294		Yes	6/29	6/29	6/29/16	Appropriations; zero budget ; omnibus budget appropriations; provide for. <i>(Rep. A. Pscholka)</i>

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	HB	SB					
269	5641		Yes	6/29	7/1	9/29/16 #	Civil procedure; personal protection orders; orders for transfer of wireless telephone numbers; allow issuance of. (Rep. T. Barrett)
270	5642		Yes	6/29	7/1	9/29/16 #	Civil procedure; personal protection orders; wireless telephone providers; require to transfer numbers under court order. (Rep. V. Guerra)
271		0504	Yes	6/29	7/1	7/1/16	Gaming; horse racing; simulcast races; revise provisions related to, and make other general amendments. (Sen. D. Robertson)
272		0505	Yes	6/29	7/1	7/1/16 #	Criminal procedure; sentencing guidelines; sentencing guidelines for accepting wagers on live or simulcast horse races without a license; enact. (Sen. D. Robertson)
273	4440		Yes	6/29	7/1	7/1/16	Transportation; funds; transportation economic development fund sunset; revise. (Rep. E. Canfield)
274	4933		Yes	6/29	7/1	9/29/16 #	Insurance; health insurers; patient's right to independent review act; provide for general amendments relating to health insurance. (Rep. T. Barrett)
275	4934		Yes	6/29	7/1	7/1/16 #	Insurance; health insurers; coordination of benefits act; revise. (Rep. R. Kosowski)
276	4935		Yes	6/29	7/1	7/1/16 #	Insurance; health insurers; insurance code; provide for general amendments relating to health insurance. (Rep. T. Leonard)
277	5457		Yes	6/29	7/1	7/1/16	Michigan business tax; insurance companies; credit for certain amounts paid that are attributable to the assigned claims plan; exclude. (Rep. J. Bumstead)
278	5458		Yes	6/29	7/1	7/1/16	Corporate income tax; insurance companies; credit for certain amounts paid that are attributable to the assigned claims plan; exclude. (Rep. E. Poleski)

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	HB	SB					
279	5562		Yes	6/29	7/1	10/1/16	Human services; county services ; sunset on administrative rate for foster care services; extend. (Rep. E. Poleski)
280	5706		Yes	6/29	7/1	9/29/16	Vehicles; registration ; disposition and use of revenues from increases in fees; modify. (Rep. L. Inman)
Veto	4344			No		6/16/16	Occupations; vehicles, dealers and repair facilities ; motor vehicle service and repair act; make general revisions. (Rep. P. Pettalia)
Veto		0363		No		6/6/16	Natural resources; Great Lakes ; payment for occupying waters or bottomlands; reduce, or waive in certain circumstances. (Sen. T. Casperson)
Veto		0557		No		7/1/16	Transportation; funds ; requirement that cities and villages bear a portion of the cost of opening, widening, and improving state trunk line highways; eliminate. (Sen. M. Knollenberg)

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