

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

FILED WITH THE SECRETARY OF STATE ON FEBRUARY 24, 2015

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, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, **445.2011**, ~~445.2044~~, 445.2025, and 445.2030)

R 408.40115, R 408.40120, R 408.40121, R 408.40122, R 408.40123, R 408.40128, R 408.40130, R 408.40131, R 408.40132, and R 408.40133 of the Michigan Administrative Code are amended and R 408.40105 of the Code is added, as follows:

PART 1. GENERAL RULES

R 408.40105. Adopted and referenced standards.

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

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

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

(2) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, 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 Standards 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.

(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, 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 16 "Power Transmission and Distribution," R 408.41601 to R 408.41658.

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

(c) Construction Safety Standard Part 30 "Telecommunications," R 408.43001 to R 408.43006.

(d) Construction Safety Standard Part 45 "Fall Protection," R 408.44501 to R 408.44502.

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

R 408.40115 Employer responsibilities generally.

Rule 115. (1) An employer shall identify as unsafe a machine, powered tool, or piece of equipment that is damaged or defective. The machine, tool, or equipment shall be locked out, made inoperable, or be physically removed from the jobsite.

(2) An employer shall not permit any of the following:

(a) The use of damaged or defective machinery, tools, materials, or equipment that could create a hazard.

(b) The operation of machinery, equipment, and special tools, except by a qualified employee.

(c) An employee other than the operator to ride any piece of moving equipment not covered by a specific standard, unless there is a seat or other safety feature provided for use by the employee. Acceptable safety features **may** ~~could~~ include a guardrail, enclosure, or a seat belt.

(3) An employer shall not knowingly permit an employee to work while under the influence of intoxicating beverages or substances which could impair the employee's ability to perform a task in a safe manner.

(4) Employees not specifically covered by **Construction Safety Standard Part 16 "Power Transmission and Distribution,"** ~~Distribution,~~ **Construction Safety Standard Part 17 "Electrical Installations,"** ~~17. Electrical Installations,~~ or **Construction Safety Standard Part 30 "Telecommunications,"** as referenced in R 408.40105, ~~30.~~

~~Telecommunications of the construction safety standards commission standards, being R 408.41601 et seq., R 408.41701 et seq., and R 408.43001 et seq. of the Michigan Administrative Code, shall not be allowed by the employer to work or be closer to energized electrical line, gear, or equipment exposed to contact than the minimum clearance prescribed in table 1~~

(5) Table 1 reads as follows:

TABLE 1	
VOLTAGE	MINIMUM EMPLOYEE CLEARANCE
To 50 kv	10 ft.
Over 50	10 ft. + .4 inch per kv

(6) An employer shall comply with all the rules of this part.

R 408.40120 Work in hazardous spaces.

Rule 120. When an employee enters a hazardous space, such as a bin, silo, hopper, or tank, that contains bulk or loose material which could engulf the employee, the employee shall wear a safety belt or a safety harness and a lanyard affixed by a rope grab to a lifeline, all components of which shall be in compliance with ~~the requirements of Construction Safety Standard Part 45 "Fall Protection," as referenced in R 408.40105.~~ ~~45. Fall Protection, being R 408.44501 et seq. of the Michigan Administrative Code.~~ The uppermost elevation of the stored material shall not be higher than the shoulder height of the employee.

R 408.40121. Confined or enclosed spaces; testing; neutralizing hazard.

Rule 121. (1) Before an employee enters a manhole, well, shaft, tunnel, or other confined space where the atmosphere might be hazardous due to a condition such as a deficiency of oxygen, or might be toxic in excess of the maximum allowable limits prescribed by the department of licensing and regulatory affairs, the atmosphere shall be tested and the results recorded **by the employer**. The records shall be maintained at the job site. If the atmosphere is hazardous, either sufficient ventilation to eliminate the hazard shall be provided or respiratory equipment prescribed by the department of licensing and regulatory affairs shall be worn.

(2) If an atmosphere is found to be explosive, sparks, flame, and other sources of ignition shall be prohibited, and ventilation shall be provided until the hazard has been reduced and maintained at or below the maximum allowable limits prescribed by the department of licensing and regulatory affairs.

R 408.40122. Boilers and pressure vessels.

Rule 122. (1) The installation, inspection, testing, marking, and certification of a pressure vessel shall be as prescribed in ~~section viii on unfired pressure vessels of the ASME boiler "Boiler and pressure vessel code," code of 1989 Section viii on "Unfired pressure vessels," 1989 edition, as adopted in R 408.40105.~~ ~~which is adopted by reference in these rules and may be inspected at the Lansing office of the department of licensing and regulatory affairs. This code may be purchased at a cost as of the time of adoption of these rules of \$514.00 from either the American Society of Mechanical Engineers, Standards Department, United Engineering Center, 345 E. 47th Street, New York, New York 10017, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.~~

(2) An employer shall not use a boiler to perform construction operations unless the employer has a valid certification issued by the boiler division of the Michigan department of licensing and regulatory affairs.

R 408.40123 Guarding, belts, gears, pulleys, sprockets, and moving parts.

Rule 123. Means of power transmission, such as, but not limited to, belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or moving parts of equipment, shall be guarded as prescribed in **General Industry Safety Standard Part 7 "Guards for Power Transmission," as referenced in R 408.40105,** ~~the general industry safety standards commission standards, Part 7. Guards for Power Transmission, being R 408.10701 et seq. of the Michigan Administrative Code,~~ if the part is exposed to contact by an employee or otherwise constitutes a hazard.

R 408.40128. Sanitation.

Rule 128. (1) All of the following provisions apply to potable water:

(a) A supply of potable water shall be available to employees in all places of employment.

(b) A container used to distribute drinking water shall be constructed of impervious nontoxic materials, shall be clearly marked as to its contents, and shall not be used for any other purpose. Containers shall be serviced so that sanitary conditions are maintained.

- (c) A portable container used to dispense drinking water shall be closed and equipped with a tap.
- (d) Dipping water from a container or drinking from a common cup is prohibited.
- (e) Where single-service cups, cups to be used once, are supplied, a sanitary container for the unused cups shall be provided. A receptacle for disposing of used cups shall be provided and emptied as often as is necessary.

(2) Both of the following provisions apply to nonpotable water:

(a) An outlet for nonpotable water, such as water for industrial or fire fighting purposes only, shall be identified by signs that are in compliance with the requirements of **Construction Safety Standard Part 22 "Signals, Signs, Tags, and Barricades," as referenced in R 408.40105**, ~~construction safety standard, part 22. Signals, Signs, Tags, and Barricades, being R 408.42201 et seq. of the Michigan Administrative Code,~~ to indicate clearly that the water is not to be used for drinking, washing, or cooking purposes.

(b) There shall be no connection between a system furnishing potable water and a system furnishing nonpotable water.

R 408.40130. General sanitation.

Rule 130. (1) The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where contaminants may be harmful to the employees. Such facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.

(2) Washing facilities shall be maintained in a sanitary condition.

(3) All of the following apply to lavatories.

(a) Lavatories shall be made available in all places of employment. The requirements of this subdivision do not apply to mobile crews or to normally unattended work locations if employees working at these locations have transportation readily available to nearby washing facilities ~~that which~~ meet the other requirements of this paragraph.

(b) Each lavatory shall be provided with hot and cold running water, or tepid running water.

(c) Hand soap or similar cleansing agents shall be provided.

(d) Individual hand towels or sections thereof, of cloth or paper, air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

(4) All of the following apply to showers.

(a) Whenever showers are required by a particular standard, the showers shall be provided in accordance with **subdivisions (b) to (d) of this subrule.** ~~subrule (5)(b) to (d) of this rule.~~

(b) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(c) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in subrule (3)(c) of this rule.

(d) Showers shall be provided with hot and cold water feeding a common discharge line.

(e) Employees who use showers shall be provided with individual clean towels.

(5) Eating and drinking areas. ~~An~~ **No** employee shall **not** be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.

(6) Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. **An employer shall institute a** ~~A~~ continuing and effective extermination program ~~shall be instituted~~ where their presence is detected.

(7) Whenever employees are required by a particular standard to wear protective clothing because of the possibility of contamination with toxic materials, **the employer shall provide** change rooms equipped with storage facilities for street clothes and separate storage facilities for the protective clothing. ~~shall be provided.~~

R 408.40131. Food handling.

Rule 131. All employee food service facilities and operations shall be **carried out in accordance with sound hygienic principles. In all places of employment where the employer provides all or part of the food service is provided, the food dispensed shall be wholesome, free from spoilage, and shall be processed, prepared, handled, and stored in such a manner as to be protected against contamination.** ~~in compliance with the provisions of part 129 of the food service and sanitation requirements of 1978 PA 368, MCL 333.12901 to 333.12922. The food service and sanitation requirements are available from the Michigan Department of Agriculture and Rural Development, 611 W. Ottawa St., P.O. Box 30017, Lansing, Michigan 48909, at no charge as of the time of adoption of this rule.~~

R 408.40132. Medical services and first aid.

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

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

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

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

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

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

(7) An employer shall provide proper equipment for the prompt transportation of an injured person to a physician or hospital and a communication system for contacting the necessary emergency service. **In areas where 911 is not available, the** ~~The~~ telephone numbers of a physician, hospital, or emergency service shall be conspicuously posted at the jobsite.

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

R 408.40133. Illumination.

Rule 133. (1) **The employer shall provide a** A minimum illumination intensity of 10 footcandles ~~shall be provided~~ on a jobsite where construction work is being performed.

(2) **The employer shall provide a** A minimum illumination intensity of 5 footcandles ~~shall be provided~~ to areas on a jobsite where work is not being immediately performed but where workers may pass through.

(3) **The employer shall provide a** A minimum illumination intensity of 50 footcandles ~~shall be provided~~ for first aid stations and infirmaries.

(4) For areas or operations not covered by subrules (1) to (3) of this rule, refer to ~~the American National Standard~~ **ANSI A11.1 -1965, "Industrial lighting," 1965 edition, as adopted in R 408.40105.** ~~R 1970, Practice for Industrial Lighting, for recommended values of illumination. ANSI A11.1 -1965, R 1970, is adopted by reference in this rule. Printed copies of ANSI A11.1 -1965, R 1970, are available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado 80112, telephone number 1-800-854-7179, website: www.global.ihs.com, at a cost as of the time of adoption of these rules of \$156.00 or is available for inspection at the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909.~~