

DIRECTOR'S OFFICE BUREAU OF SAFETY AND REGULATION

GENERAL INDUSTRY SAFETY STANDARDS COMMISSION

Filed with the Secretary of State on April 5, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 440, 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 general industry safety standards commission~~ by sections 16 and 21 of ~~1974 PA Act No. 154 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030~~ of the Public Acts of 1974, as amended, being ~~SS408.1016 and 408.1021 of the Michigan Compiled Laws~~)

R 408.12216, R 408.12217, R 408.12218, R 408.12220, and R 408.12242 of the Michigan Administrative Code are amended, R 408.12202 is added, and R 408.12231 is rescinded, as follows:

PART 22. TRACTORS

R 408.12202. Adoption of standards by reference.

Rule 2202. (1) The following standards are adopted by reference in these rules and are available from SAE World Headquarters, 400 Commonwealth Drive, Warrendale, Pennsylvania, 15096-0001, USA, telephone number: 1-877.606.7323 or via the internet at website: [www.sae.org](http://www.sae.org); at a cost as of the time of adoption of these rules, as stated in this subrule.

(a) Society of Automobile Engineers (SAE) standard SAE J4C "Motor Vehicle Seat Belt Assemblies," 1965 edition. Cost \$66.00.,

(b) SAE J167A "Overhead Protection for Agricultural Tractors Standard." Cost: \$ 66.00.

(2) The National Fire Protection Association (NFPA) standard, NFPA 505 "Type Designations, Areas of Use, Maintenance, and Operation of Powered Industrial Trucks," 1975 edition, is adopted by reference in these rules and is available from NFPA, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471, USA, telephone number: 1-800-334-3555 or via the internet at website: [www.nfpa.org](http://www.nfpa.org); at a cost of \$27.00 at the time of adoption of these rules.

(3) The following Federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules. Copies of these regulations are available from the United States Department of Labor, Occupational Safety and Health Administration, via the internet at website [www.osha.gov](http://www.osha.gov), at no charge as of the time of adoption of these rules.

(a) Occupational Safety and Health Standard for Agriculture: 1928.52 "Protective frames for wheel-type agricultural tractors -- test procedures and performance requirements."

(b) Occupational Safety and Health Standards for Agriculture: 1928.53 "Protective enclosures for wheel-type agricultural tractors -- test procedures and performance requirements."

(c) Safety and Health Regulations for Construction: 1926.1001 "Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors."

(4) The standards adopted in subrules (1), (2), and (3) of this rule are also 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.

(5) Copies of the standards adopted in subrules (1), (2), and (3) of this rule may be obtained from the publisher or may also 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.

(6) The following Michigan occupational safety and health 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 standards section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://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 33 "Personal Protective Equipment," R 408.13301 to R 408.13398.

(b) General Industry Safety Standard Part 37 "Accident Prevention Signs and Tags," R 408.13701 to R 408.13736.

R 408.12216. Overhead guards.

Rule 2216. (1) When a load is lifted higher than the head of the operator, and the load creates a hazard to the operator, or when the operator is endangered by a hazard of falling objects other than the load, an overhead guard shall be provided. The overhead guard shall be as prescribed in SAE J167A, "Overhead Protection for Agricultural Tractors Standard," **as referenced in R 408.12202.** ~~which is incorporated herein by reference. This standard may be inspected at the Lansing office of the Department of Consumer and Industry Services. The standard may be purchased at a cost of 50 cents from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096, or from the Michigan Department of Consumer and Industry Services, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.~~

(2) The overhead guard shall be constructed in a manner that minimizes interference with the driver's horizontal visibility. The overhead guard may be constructed of a solid material. If a grid or mesh is used, a 1.5-inch diameter circle shall be the maximum circle that can be inserted between the elements of the grid or mesh. The guard shall be large enough to extend over the operator under all normal circumstances of tractor operation, including forward and rearward tilt of the mast.

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

(4) Where head room conditions limit the overall lowered height of the tractor, the normal clearance height may be reduced if the operator wears safety head protection as prescribed in **General Industry Safety Standard Part 33 "Personal Protective Equipment," as referenced in R 408.12202.** ~~32. Head Protection, being R 408.13201 et seq. of the Michigan Administrative Code.~~

R 408.12217. Operation of tractor on slope, ROPS requirements; remounting; labeling.

Rule 2217. (1) After January 1, 1980, an employer shall not permit a tractor to be operated on a slope that could cause the tractor to overturn, unless the tractor is equipped with a ROPS. A low-profile that is used where the vertical clearance is insufficient to allow a ROPS-equipped, low profile tractor to operate, and where it is used inside a building, is excepted from this requirement.

(2) A ROPS for a wheel-type tractor shall meet the test and performance requirements of the Federal Occupational Safety and Health Administration (**OSHA**) regulations 29 C.F.R. 1928.52 "**Protective frames for wheel-type agricultural tractors -- test procedures and performance requirements,**" and 1928.53 "**Protective enclosures for wheel-type agricultural tractors -- test procedures and performance requirements,**" **that are adopted by reference in R 408.12202.** ~~which are incorporated herein by reference, and are available for inspection at the Lansing office of the department of consumer and industry services. The Federal Register for the above dates is available from the Superintendent of Documents, Washington, D.C. 20402, at a cost of 75 cents each, or the Michigan Department of Consumer and Industry Services, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909, at the cost of 20 cents each.~~

(3) If a ROPS is removed for any reason, it shall be remounted before the tractor is operated so as to meet the requirements of this rule.

(4) Each ROPS shall have permanently affixed to it a label that states **all of the following:**

(a) Manufacturer's or fabricator's name and address.

(b) ROPS model number, if any.

(c) Tractor make, model, or series number that the ROPS is designed to fit.

(d) That the ROPS model was tested in accordance with the requirements of **OSHA regulations** 29 C.F.R. 1928.52, "**Protective frames for wheel-type agricultural tractors -- test procedures and performance requirements,**" 29 C.F.R. 1928.53 "**Protective enclosures for wheel-type agricultural tractors -- test procedures and performance requirements,**" or 29 C.F.R. 1926.1001 "**Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors,**" **that are adopted by reference in R 408.42202.** ~~as incorporated herein by reference.~~

R 408.12218. Construction of seat belts.

Rule 2218. An employer shall equip each tractor having a ROPS with a seat belt which meets the requirements of the standard, SAE J4C ~~1965,~~ "Motor Vehicle Seat Belt Assemblies," **1965 edition, as adopted by reference in R 408.42202,** except as noted in rule **R 408.12252** (2) and (3). ~~This standard is incorporated herein by reference and may be inspected at the Lansing office of the Department of Consumer and Industry Services. This standard may be purchased at the cost of \$3.20 from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096, or the Michigan Department of Consumer and Industry Services, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.~~

R 408.12220. Restrictions of use.

Rule 2220. (1) Except as provided in subrule (2) **of this rule,** a tractor shall not be used in an environment that is likely to contain an ignitable mixture of gases, vapors, dusts, or fibers.

(2) A tractor used in a hazardous environment, as noted in subrule (1) **of this rule,** shall be equipped and labeled as prescribed in the National Fire Protection Association Standard **NFPA 505** ~~4975,~~ "Type Designations, Areas of Use, Maintenance, and Operation of Powered Industrial Trucks," **1975 edition, as adopted by reference in R 408.42202.**

incorporated herein by reference. This standard is available for inspection at the Lansing office of the Department of Consumer and Industry Services. The standard may be purchased at a cost of \$2.75 from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, or from the Michigan Department of Consumer and Industry Services, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.

(3) A tractor with an internal combustion engine shall not be operated in a building or enclosed area unless ventilation is provided which reduces the concentration of toxic gases below the maximum allowable limits as set by the Michigan **Occupational Safety and Health Administration (MIOSHA) Standards.** ~~department of consumer and industry services.~~

R 408.12231. **Rescinded.** ~~Operator Selection.~~

~~Rule 2231. (1) An employee assigned to operate a tractor shall meet the following minimum requirements:~~

~~(a) Have corrected vision that meets the requirements for a valid Michigan driver's license. Evidence of meeting this requirement shall be a Michigan driver's license or a doctor's certificate.~~

~~(b) Have effective use of all 4 limbs.~~

~~(c) Be of a height sufficient to operate the controls and to have a unobstructed view over the controls and dashboard.~~

~~(d) Have coordination between eyes, hands, and feet.~~

~~(e) Have freedom from known convulsive disorders or episodes of unconsciousness.~~

~~(f) Have the hearing ability to hear and understand conversational levels of sound in an ordinary office environment.~~

~~(g) Have the ability to understand signs, labels, and instructions.~~

~~(2) An employee who operates a tractor at the effective date of this part and who does not meet the requirements of subdivisions (a), (b), (c), (d), (f), and (g), of subrule (1) may be continued as an operator if the handicap or inability does not prove detrimental to the task.~~

R 408.12242. Signs, lights, and warning devices.

Rule 2242. (1) A tractor that is operated on a public street or road shall display a slow moving vehicle sign, as prescribed in ~~rule R 408.13721 of General Industry Safety Standard Part 37 "Accident Prevention Signs and Tags," as referenced in R 408.12202.~~ ~~being R 408.13721 of the Michigan Administrative Code.~~ The tractor shall be equipped with an amber flashing or rotating light visible from 360 degrees.

(2) A tractor that is operated between dawn and dusk on a public street or road or in an area where general lighting is less than 2 foot-candles shall be equipped with headlights and a taillight.

(3) Where an employee's safety may be affected, a tractor used in areas where general lighting is less than 2 foot-candles shall be equipped with auxiliary lights that illuminate the work in progress.