

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE BUREAU OF SAFETY AND REGULATION

GENERAL INDUSTRY SAFETY STANDARDS COMMISSION

Filed with the Secretary of State on April 2, 2013

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 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 408.13811, R 408.13812, R 408.13822, R 408.13847, R 408.13865, R 408.13871, and R 408.13881, of the Michigan Administrative Code are amended, and R 408.13802 is added, as follows:

PART 38. HAND AND PORTABLE POWERED TOOLS

R 408.13802 Adopted and referenced standards.

Rule 3802. (1) The American National Standard Institute (ANSI) Standard, ANSI A10.3 "Powder-Actuated Fastening Systems," 1977 edition, is adopted by reference in these rules and is 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 of \$20.00.

(2) The standard adopted in subrule (1) of this rule is 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.

(3) Copies of the standard adopted in subrule (1) 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.

(4) The Michigan occupational safety and health standard General Industry Safety Standard Part 33 "Personal Protective Equipment," R 408.13301 to R 408.13398, is 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, 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.

R 408.13811. Employer responsibility.

Rule 3811. An employer shall do **both** all of the following:

(a) Ensure that an employee has been trained in the use of hand tools and portable powered tools before authorizing their use.

(b) Maintain, or require to be maintained, hand tools and portable powered tools free of defects that could cause injury to an employee.

~~(c) Comply with the requirements of this part.~~

R 408.13812. Employee responsibilities.

Rule 3812. An employee shall ~~do all of the following~~:

~~(a) Use personal protective equipment where required by the employer or dictated by the hazard of the job.~~

~~(b) not use a tool for other than its designated or approved use.~~

~~(c) Report defective hand tools and portable power tools to his or her supervisor.~~

R 408.13822. Inspection.

Rule 3822. (1) A portable pneumatic grinder not legibly marked with the manufacturer's rated speed shall not be used.

(2) A tool shall be inspected visually by the employee using the tool for safe operation before daily use, and, when found defective, it shall be removed from service.

~~(3) The speed of a portable air grinder shall be checked with a tachometer or other device for reading r.p.m. (revolutions per minute) when purchased, annually, and after repairs to ensure the speed does not exceed the manufacturer's rated speed. A grinding wheel shall not be installed if its rated speed is less than the grinder.~~

R 408.13847. Hot sticks.

Rule 3847. (1) A hot stick and any tool attached to it shall be clean and inspected for damage before use.

(2) A hot stick which has been repaired by a knowledgeable employee or an outside service and tested to meet the requirements of subrule (3) of this rule.

(3) A new hot stick purchased after **June 1, 1983**, ~~the effective date of this part~~ shall not be used unless it has been certified and labeled by the manufacturer to meet the following standards:

(a) Fiberglass, 100,000 volts per foot of length for 5 minutes, or any equivalent test.

(b) Wood, 75,000 volts per foot of length for 3 minutes, or any equivalent test.

(4) A hot stick shall be stored in a manner to protect it from damage. A hot stick made of wood shall be protected from moisture.

(5) A hot stick shall not be used in excess of the rated capacity certified by the manufacturer.

(6) The minimum working distance and minimum clear hot stick distances prescribed in table 1, when using live-line tools, shall not be violated.

(7) Table 1 reads as follows:

TABLE 1 ALTERNATING CURRENT — MINIMUM DISTANCES	
Voltage Range (Phase To Phase) Kilovolt	Minimum Working and Clear Hot Stick Distance
2.1 to 15	2 ft. 0 in.
15.1 to 35	2 ft. 4 in.
35.1 to 46	2 ft. 6 in.
46.1 to 72.5	3 ft. 0 in.
72.6 to 121	3 ft. 4 in.
138 to 145	3 ft. 6 in.
161 to 169	3 ft. 8 in.
230 to 242	5 ft. 0 in.
345 to 362	¹ 7 ft. 0 in.
500 to 552	¹ 11 ft. 0 in.
700 to 765	¹ 15 ft. 0 in.
¹ NOTE: For 345-362 kV. 500-552 kV. and 700-765 kV., the minimum working distance and the minimum clear hot stick distance may be reduced provided that such distances are not less than the shortest distance between the energized part and the grounded surface.	

R 408.13865. Powered stapler and nailers.

Rule 3865. (1) A portable powered stapler or nailer, capable of driving a fastener with a diameter more than .0475 inch — 18 gauge A.W.G., at more than 75 feet per second, shall be designed so that the operator is required to make not less than 2 separate operations to activate the tool with 1 operation being to place the tool against the work surface.

(2) The design shall prevent discharge of the stapler during loading or when dropped.

(3) A portable powered stapler or nailer shall not be pointed or discharged at other than the work piece.

- (4) The operator of a portable powered stapler or nailer and those employees within the striking distance of its fastener shall be provided with and use eye protection as prescribed in **General Industry Safety Standard** Part 33 "Personal Protective Equipment," **as referenced in R 408.13802.** ~~being R 408.13301 et seq. of the Michigan Administrative Code.~~
- (5) A positive actuation of the operator control shall be required to propel each fastener from a powered stapler or nailer.
- (6) When relieving a jam-up of a fastening device, the source of power shall be disconnected.
- (7) At the beginning of each shift, a portable powered stapler and nailer shall be tested for safe operation.
- (8) Safety devices and operating controls shall not be made inoperative.

R 408.13871. ~~Powder-Power~~ **Powder**-actuated tools; design and construction.

Rule 3871. A Powder-actuated tools shall be designed and constructed as prescribed in section 6 of the ANSI standard, A10.3 -1977, "Powder-Actuated Fastening Systems," **1977 edition, as adopted in R 408.13802.** ~~which is adopted 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 a cost of \$3.50 from the American National Standards Institute, 1430 Broadway, New York, New York 10018, or from the Michigan Department of Consumer and Industry Services, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.~~

R 408.13881. Refueling; operation in enclosed area prohibited; exception.

- Rule 3881. (1) A fuel-powered tool shall be stopped while being refueled, serviced, or maintained.
- (2) A fuel-powered tool shall not be operated in an enclosed area, unless the toxic fumes are below the maximum allowable limits prescribed by **Michigan occupational safety and health administration (MIOSHA) standards.** ~~the department of consumer and industry services in R 325.2430.~~
- (3) Where refueling is done with a portable container, the container shall be an approved safety can with an automatic closing cap and flame arrestor.