

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on October 28, 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, 445.2025, and 445.2030)

R 408.40101, R 408.40102, R 408.40105, and R 408.40114, are amended and R 408.40121 is rescinded, to the Michigan Administrative Code, as follows:

PART 1. GENERAL RULES

R 408.40101 Scope.

Rule 101. **(1)** This **standard part** sets forth general rules for the safe use, operation, and maintenance of equipment, and for safe work practices pertaining to all employers and employees performing construction operations, except that where a specific rule is set forth in another part, the general rule is preempted.

(2) For confined space, see Construction Safety Standard Part 35 "Confined Space in Construction," as referenced in R 408.40105.

R 408.40102. Definitions.

Rule 102. (1) "Accident prevention program" means the program by which an employer provides instruction and safety training to an employee in the recognition and avoidance of hazards.

(2) "Aisle" means a designated path of travel for equipment and employees.

(3) "Approved" means approval by the director of the department of licensing and regulatory affairs or by the director's duly designated representative.

~~(4) "Confined space" means a space that, because of its physical construction, could be subject to the accumulation of loose materials or explosive, toxic, or flammable contaminants or could have an oxygen deficient atmosphere. All of the following are examples of confined spaces:~~

~~(a) Storage tanks.~~

~~(b) Process vessels.~~

~~(c) Bins.~~

~~(d) Boilers.~~

~~(e) Ventilation ducts.~~

~~(f) Sewers.~~

~~(g) Underground utility vaults.~~

~~(h) Tunnels after construction is completed.~~

~~(i) Pipelines.~~

~~(j) Open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.~~

~~(5) "Equivalent" means an alternate design or feature that provides at least as effective degree of safety or a greater degree of safety.~~

(5) (6) "Hazard" means a condition or procedure that is causing or is likely to cause serious physical harm or death to an employee.

(6) (7) "Potable water" means water that is in compliance with the provisions of 1976 PA 399, MCL 325.1001 to 325.1023.

(7) (8) "Qualified employee" means **an employee** ~~one~~ who, by knowledge, training, and experience, has successfully demonstrated to the employer his or her ability to solve or resolve problems relating to the subject matter, the work, or the project.

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 35 "Confined Space in Construction," R 408.43501 to R 408.43510.**

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

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

R 408.40114. Employer responsibilities; accident prevention program.

Rule 114. (1) An employer shall develop, maintain, and coordinate with employees an accident prevention program, a copy of which shall be available at the worksite.

(2) An accident prevention program shall, at a minimum, provide for all of the following:

(a) Instruction to each employee regarding the operating procedures, hazards, and safeguards of tools and equipment when necessary to perform the job.

(b) Inspections of the construction site, tools, materials, and equipment to assure that unsafe conditions which could create a hazard are eliminated.

(c) Instruction to each employee in the recognition and avoidance of hazards and the regulations applicable to his or her work environment to control or eliminate any hazards or other exposure to illness or injury.

(d) Instruction to each employee who is required to handle or use known poisons, toxic materials, caustics, and other harmful substances regarding all of the following:

(i) The potential hazards.

(ii) Safe handling.

(iii) Use.

(iv) Personal hygiene.

(v) Protective measures.

(vi) Applicable first aid procedures to be used in the event of injury.

(e) Instruction to each employee if known harmful plants, reptiles, animals, or insects are present regarding all of the following:

(i) The potential hazards.

(ii) How to avoid injury.

(iii) Applicable first aid procedures to be used in the event of injury.

~~(f) Instruction to each employee who is required to enter a confined space regarding all of the following:~~

~~(i) The hazards involved.~~

~~(ii) The necessary precautions to be taken.~~

~~(iii) The use of required personal protective equipment.~~

~~(iv) Emergency equipment.~~

~~(v) The procedures to be followed if an emergency occurs.~~

~~(g) Instruction in the steps or procedures to be followed in case of an injury or accident or other emergency.~~

(3) An employee required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in the applicable MIOSHA standards.

R 408.40121. ~~Confined spaces; testing; neutralizing hazard.~~ **Rescinded.**

~~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.~~