

DEPARTMENT OF ~~CONSUMER AND INDUSTRY SERVICES~~ **LABOR AND
ECONOMIC OPPORTUNITY**

~~BUREAU OF SAFETY AND REGULATION~~ **DIRECTOR'S OFFICE**

~~CONSTRUCTION SAFETY STANDARDS COMMISSION~~ **CONSTRUCTION
SAFETY AND HEALTH STANDARD**

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. 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 ~~consumer and industry services~~ **labor and economic opportunity** by sections 19 and 21 of **the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)** ~~Act No. 154 of the Public Acts of 1974, as amended, and Executive Reorganization Order No. 1996-2, being §§408.1019, 408.1021, and 445.2001 of the Michigan Compiled Laws)~~

R 408.41301 of the Michigan Administrative Code ~~are~~ **is** amended, as follows:

PART 13. MOBILE EQUIPMENT

R 408.41301 ~~Adoption by reference of federal OSHA standard~~ **Adoption and availability of standards.**

Rule 1301. (1) ~~The provisions of 29 C.F.R. §§1926.600 to 1926.606, 1926.1000, 1926.1001, 1926.1002, and 1926.1003, as revised December 1, 1998, are adopted by reference in these rules, except as noted in subrules (2) to (6) of this rule, and may be inspected at the Lansing office of the department of consumer and industry services. The federal construction standard may be purchased at a cost as of the time of adoption of this rule of 75 cents by ordering page 66274 of volume 63 of the Federal Register, December 1, 1998, from the Superintendent of Documents, Washington DC 20402, or from the Occupational Safety and Health Administration Area Office, 801 South Waverly, Lansing, Michigan 48917. These sections are available at no cost from the Michigan Department of Consumer and Industry Services, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143. The following federal Occupational Safety and Health Administration (OSHA) regulations, in 29 CFR part 1926, subpart O, "Motor Vehicles, Mechanized Equipment, and Marine Operations," are adopted by reference in these rules:~~

- (a) **29 CFR 1926.600, "Equipment," effective August 9, 2010.**
- (b) **29 CFR 1926.601, "Motor vehicles," effective December 6, 2012.**

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(c) 29 CFR 1926.602, “Material handling equipment,” effective December 1, 1998, including 29 CFR 1910.178, appendix A “Powered industrial trucks (non-mandatory),” effective November 18, 2016.

(d) 29 CFR 1926.603, “Pile driving equipment,” effective January 19, 2005.

(e) 29 CFR 1926.604, “Site clearing,” effective March 14, 2001.

(f) 29 CFR 1926.605, “Marine operations and equipment,” effective July 22, 1977.

(g) 29 CFR 1926.606, “Definitions applicable to this subpart,” effective March 14, 2001.

(2) The following OSHA regulations, in 29 CFR part 1926, subpart W, “Rollover Protective Structures; Overhead Protection,” are adopted by reference in these rules:

(a) 29 CFR 1926.1000, “Scope,” effective May 14, 2019.

(b) 29 CFR 1926.1001, “Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, crawler tractors, compactors, and rubber-tired skid steer equipment,” effective May 14, 2019.

(c) 29 CFR 1926.1002, “Protective frames (roll-over protective structures, known as ROPS) for wheel-type agricultural and industrial tractors used in construction,” effective May 14, 2019.

(d) 29 CFR 1926.1003, “Overhead protection for operators of agricultural and industrial tractors used in construction,” effective May 14, 2019.

(3) A reference to 1926.2 means MIOSHA Safety and Health Standard Part 12. “Variances.”

(4) A reference to 29 CFR part 1926, subpart K, “Electrical,” means all of the following:

(a) Construction Safety and Health Standard Part 10. “Cranes and Derricks.”

(b) Construction Safety Standard Part 17. “Electrical Installations.”

(5) The OSHA regulations adopted in these rules are 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.

(6) The standards adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(7) The standards adopted in these rules may be obtained from the publisher or may be obtained from the Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA 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.

(8) The following Michigan occupational safety and health administration 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 Labor and Economic Opportunity, MIOSHA Standards and FOIA 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) Construction Safety and Health Standard Part 1. “General Rules,” R 408.40101 to R 408.40134.
- (b) Construction Safety and Health Standard Part 6. “Personal Protective Equipment,” R 408.40601 to R 408.40660.
- (c) Construction Safety and Health Standard Part 10. “Cranes and Derricks,” R 408.41001 to R 408.41099a.
- (d) Construction Safety Standard Part 15. “Excavators, Hoists, Elevators, Helicopters, and Conveyors,” R 408.41501 to R 408.41595.
- (e) Construction Safety Standard Part 17. “Electrical Installations,” R 408.41701 to R 408.41734.
- (f) MIOSHA Safety and Health Standard Part 12. “Variances,” R 408.22201 to R 408.22251.
- (g) General Industry Safety and Health Standard Part 21. “Powered Industrial Trucks,” R 408.12101 to R 408.12193.
- (h) Occupational Health Standard Part 504. “Diving Operations,” R 325.50301 to R 325.50348.
- (9) A reference to 29 CFR part 1926, subpart N, “Helicopters, Hoists, Elevators, and Conveyors,” means this standard and both of the following:
- (a) Construction Safety and Health Standard Part 10. “Cranes and Derricks.”
- (b) Construction Safety Standard Part 15. “Excavators, Hoists, Elevators, Helicopters, and Conveyors.”
- (10) A reference to 29 CFR part 1926, subpart W, “Rollover Protective Structures; Overhead Protection,” means this standard and both of the following:
- (a) Construction Safety and Health Standard Part 10. “Cranes and Derricks.”
- (b) Construction Safety Standard Part 15. “Excavators, Hoists, Elevators, Helicopters, and Conveyors.”
- (11) A reference to 29 CFR part 1910, subpart N, “Materials Handling and Storage,” means General Industry Safety and Health Standard Part 21. “Powered Industrial Trucks.”
- (12) A reference to 29 CFR part 1910, subpart T, “Commercial Diving Operations,” means Occupational Health Standard Part 504. “Diving Operations.”
- (13) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094.
- ~~–(2) As of the effective date of this part, subpart K and section 1518.550, referenced in 29 C.F.R. §§1926.600, means Part 17. Electrical Installations and Part 10. Lifting and Digging Equipment, being R 408.41701a et seq. and R 408.41001a et seq., respectively.~~
- ~~–(3) As of the effective date of this part, section 1926.2, referenced in 29 C.F.R. §§1926.602, means Part 12. Variances, being R 408.22201 et seq. As of the effective date of this part, subparts N and W, referenced in 29 C.F.R. §§1926.602, means Part 10. Lifting and Digging Equipment and Part 13. Mobile Equipment, being R 408.41001a et seq. and R 408.41301 et seq., respectively.~~
- ~~–(4) As of the effective date of this part, subpart N, referenced in 29 C.F.R. §§1926.603, means Part 10. Lifting and Digging Equipment, being R 408.41001a et seq.~~

~~(5) Paragraph (d)(1) of 29 C.F.R. §§1926.605 is excepted. Paragraph (d)(1) has been adopted by the Michigan department of consumer and industry services in R 408.40132(1) to (7).~~

~~(6) Paragraph (d)(3) of 29 C.F.R. §§1926.605 is amended to read as follows:
"Employees walking or working on the unguarded decks of barges shall be protected with United States coast guard approved work vests or buoyant vests provided for as prescribed in R 408.40617 and R 408.40636.~~