

DEPARTMENT OF LABOR AND ECONOMIC ~~GROWTH~~OPPORTUNITY

DIRECTOR'S OFFICE

~~OCCUPATIONAL HEALTH STANDARDS~~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(6) 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 labor and economic ~~growth~~opportunity by sections 14 and 24 of **the Michigan occupational safety and health act**, 1974 PA 154, **MCL 408.1014 and 408.1024**, and Executive Reorganization Order Nos. 1996-1, 1996-2, ~~and~~ 2003-18, **2008-4, 2011-4, and 2019-3**, MCL 330.3101, 445.2001, ~~and~~ 445.2011, **445.2025, 445.2030, and 125.1998**)

R 325.62991, R 325.62992, R 325.62994, R 325.62995, and R 325.62996 of the Michigan Administrative Code are amended, as follows:

PART 665. UNDERGROUND CONSTRUCTION, CAISSONS, COFFERDAMS,  
AND COMPRESSED AIR

R 325.62991 Underground construction; adoption of regulations by reference; exceptions.

Rule 1. (1) The federal ~~occupational safety and health administration's~~ **Occupational Safety and Health Administration's** regulations on underground construction ~~that have been promulgated by the United States department of labor~~ **Department of Labor** and codified at 29 ~~C.F.R.~~ **CFR** §1926.800, **"Underground Construction,"** are adopted by reference in these rules as of ~~the effective date of these rules~~, **May 14, 2019**, except for the following regulations and except as provided in subrule (2) of this rule:

- (a) Section 1926.800(b)(1) to (3).
- (b) Section 1926.800(c).
- (c) Section 1926.800(d).
- (d) Section 1926.800(e)(2).
- (e) Section 1926.800(f)(1) to (5).
- (f) Section 1926.800(g)(1) to (5).
- (g) Section 1926.800(i)(4) and (5).
- (h) Section 1926.800(j)(1)(viii) and (2)(iv) and (v).
- (i) Section 1926.800(m)(1) to (8) and (10) to (12).
- (j) Section 1926.800(n)(2).
- (k) Section 1926.800(o)(1) and (2), (3)(i) to (iv), and (4)(i) and (ii).
- (l) Section 1926.800(p).

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- (m) Section 1926.800(q).
- (n) Section 1926.800(r)(1) to (3), (5), (6)(i)(A) and (C), (7) to (13)(i), and (14) to (17).
- (o) Section 1926.800(s)(1) to (2).
- (p) Section 1926.800(t)(1)(ii), (iv)(A) and (B), (vi), (2), (3)(i), (ii), (viii), (ix), (xi), (xviii) to (xxiii), and (4)(ii) to (iv) and (vii).
- (2) The following references in 29 C.F.R.—§CFR 1926.800, “**Underground Construction,**” have the following meanings:
- (a) A reference to 29 C.F.R.—§§CFR 1926.650 to 1926.652, subpart P, e“**Excavations,**” means eConstruction sSafety sStandard Part 9. “Excavation, Trenching, and Shoring,” being R 408.40901 to R 408.40953et seq. of the Michigan Administrative Code.
- (b) A reference to 29 C.F.R.—§§CFR 1926.950 to 1926.960, subpart V, “**Electric p”Power tTransmission and dDistribution,**” means econstruction—safety standardConstruction Safety Standard Part 16. “Power Transmission and Distribution,” being R 408.41601 to R 408.41658et seq. of the Michigan Administrative Code.
- (c) A reference to 29 C.F.R.—§CFR 1926.55, subpart D, “~~gases, vapors, fumes, dusts, and mists, in subpart D~~**Gases, vapors, fumes, dusts, and mists,**” means ooccupational health standardConstruction Safety and Health Standard Part 601. “Air Contaminants for Construction,” being R 325.60151 to R 325.60161et seq. of the Michigan Administrative Code.
- (d) A reference to 29 C.F.R.—§CFR 1910.20 (redesignated as 1910.1020)**1910.1020,** access to employee exposure and medical records, in subpart Z“**Access to employee exposure and medical records,**” means ooccupational health standardGeneral Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” being R 325.3451 to R 325.3476 et seq. of the Michigan Administrative Code.
- (e) A reference to 29 C.F.R.—§CFR 1926.65, hazardous waste operations and emergency response, in subpart D means ooccupational health standard“**Hazardous waste operations and emergency response,**” means Construction Safety and Health Standard Part 432**632.** “Hazardous Waste Operations and Emergency Response in Construction,” being R 325.52101 et seq. of the Michigan Administrative Code**R 325.63201.**
- (f) A reference to 29 C.F.R.—§CFR 1926.56, illumination, in subpart D“**Illumination,**” means econstruction—safety standardConstruction Safety and Health Standard Part 1. “General Rules,” R 408.40133 Illumination of the Michigan Administrative Code**R 408.40101 to R 408.40134.**
- (g) A reference to 29 C.F.R.—§§CFR 1926.150 to 1926.159, subpart F, fire prevention and protection“**Fire Protection and Prevention,**” means econstruction—safety standardConstruction Safety Standard Part 18. “Fire Protection and Prevention,” being R 408.41801 et seq. the Michigan Administrative Code**R 408.41801 to R 408.41884.**
- (h) A reference to 29 C.F.R.—§§CFR 1926.350 to 1926.354, subpart J, “welding and cutting**Welding and Cutting,**” means econstruction—safety standardConstruction Safety Standard Part 7. “Welding and Cutting,” being R 408.40701 et seq. of the Michigan Administrative Code**R 408.40701 to R 408.40762.**
- (i) A reference to 29 C.F.R.—§§CFR 1926.400 to 449, subpart K, electrical“**Electrical,**” means econstruction—safety standardConstruction Safety Standard Part 17. “Electrical Installations,” being R 408.41701 et seq. of the Michigan Administrative Code**R 408.41701 to R 408.41734.**

(j) A reference to ~~29 C.F.R. §§~~**CFR 1926.550 to 1926.556**, subpart N, ~~cranes, derricks, hoists, elevators, and conveyors~~ **“Helicopters, Hoists, Elevators, and Conveyors,”** means ~~construction safety standard~~**Construction Safety and Health Standard Part 10. Lifting and Digging Equipment “Cranes and Derricks,”** being ~~R 408.41001a et seq. of the Michigan Administrative Code~~**R 408.41001 to R 408.41099a.**

(k) A reference to ~~29 C.F.R. § 1926.550~~, cranes and derricks, in subpart N means ~~construction safety standard Part 10. Lifting and Digging Equipment, being R 408.41001a et seq. of the Michigan Administrative Code.~~

~~(l) A reference to 29 C.F.R. § 1926.552, material hoists, personnel hoists and elevators, in subpart N means construction safety standard Part 10. Lifting and Digging Equipment, being R 408.41065a of the Michigan Administrative Code.~~

(3) The adopted federal regulations shall have the same force and effect as a rule promulgated under **the Michigan occupational safety and health act**, 1974 PA 154, being **§MCL 408.1001 to 408.1094** et seq. of the Michigan Compiled Laws.

R 325.62992 Caissons; adoption of regulations by reference.

Rule 2. (1) The federal ~~occupational safety and health administration's~~ **Occupational Safety and Health Administration's** regulations on caissons that have been promulgated by the United States ~~department of labor~~ **Department of Labor** and codified at ~~29 C.F.R. §CFR 1926.801~~ are adopted by reference in these rules as of the effective date of these rules, except for the following sections:

(a) 1926.801(b).

(b) 1926.801(c).

(2) The adopted federal regulations shall have the same force and effect as a rule promulgated under **the Michigan occupational safety and health act**, 1974 PA 154, being **§MCL 408.1001 to 408.1094** et seq. of the Michigan Compiled Laws.

R 325.62994 Compressed air; adoption of regulations by reference.

Rule 4. (1) The federal ~~occupational safety and health administration's~~ **Occupational Safety and Health Administration's** regulations on compressed air that have been promulgated by the United States ~~department of labor~~ **Department of Labor** and codified at ~~29 C.F.R. §CFR 1926.803~~ are adopted by reference in these rules as of the effective date of these rules.

(2) The following references in ~~29 C.F.R. §CFR 1926.803~~ have the following meanings:

(a) A reference to ~~29 C.F.R. §CFR 1926.800~~**1926.50 to 1926.66**, subpart D, ~~“occupational health and environmental controls~~**Occupational Health and Environmental Controls,”** means occupational health construction standards.

(b) A reference to ~~29 C.F.R. §§CFR 1926.400 to 449~~, subpart K, ~~electrical~~**“Electrical,”** means ~~construction safety standard~~**Construction Safety Standard Part 17. “Electrical Installations,”** being ~~R 408.41701 et seq. of the Michigan Administrative Code~~**R 408.41701 to R 408.41734.**

(c) A reference to ~~29 C.F.R. §CFR 1926.900 to 1926.914~~, subpart U, ~~“bBlasting and the uUse of eExplosives,”~~ means ~~construction safety standard~~**Construction Safety Standard Part 27. “Blasting and Use of Explosives,”** being ~~R 408.42701 et seq. of the Michigan Administrative Code~~**R 408.42701 to R 408.42799.**

(d) A reference to ~~29 C.F.R. §~~**CFR 1926.500 to 1926.503**, subpart M, “~~Fall Protection,~~” means ~~construction safety standard~~**Construction Safety Standard Part 45**. “~~Fall Protection,~~” being ~~R 408.44501 et seq. of the Michigan Administrative Code~~**R 408.44501 to 408.44502**.

(e) A reference to ~~29 C.F.R. §§~~**CFR 1926.800 to 804**, subpart S, “~~underground construction, caissons, cofferdams, and compressed air~~**Underground Construction, Caissons, Cofferdams, and Compressed Air,**” means ~~construction safety standard~~**Construction Safety and Health Standard Part 14**. “~~Tunnels, Shafts, Caissons, and Cofferdams,~~” being ~~R 408.41401 et seq. of the Michigan Administrative Code~~**R 408.41401 to R 408.41483** and ~~occupational health standard~~**Construction Safety and Health Standard Part 665**. “~~Underground Construction, Caissons, Cofferdams, and Compressed Air,~~” being ~~R 325.62991 et seq. of the Michigan Administrative Code~~**R 325.62991 to R 325.62996**.

(3) The adopted federal regulations shall have the same force and effect as a rule promulgated under **the Michigan occupational safety and health act**, 1974 PA 154, being ~~§MCL 408.1001 to 408.1094~~**et seq. of the Michigan Compiled Laws**.

R 325.62995 Definitions applicable to underground construction, caissons, cofferdams, and compressed air; adoption by reference.

Rule 5. (1) The federal ~~occupational safety and health administration's~~ **Occupational Safety and Health Administration's** definitions applicable to underground construction, caissons, cofferdams, and compressed air that have been promulgated by the United States department of labor and codified at ~~29 C.F.R. §~~**CFR 1926.804** are adopted by reference in these rules as of the effective date of these rules.

(2) The adopted federal regulations shall have the same force and effect as a rule promulgated under **the Michigan occupational safety and health act**, 1974 PA 154, being ~~§MCL 408.1001 to 408.1094~~**et seq. of the Michigan Compiled Laws**.

R 325.62996 Availability of documents.

Rule 6. (1) The federal regulations adopted by reference in these rules are available without cost as of the time of adoption of these rules from the United States Department of Labor, OSHA, ~~801 South Waverly, Room 306, Lansing, Michigan 48917~~ or via the internet at ~~web site~~ **website**: [www.osha.gov](http://www.osha.gov), or from the Michigan Department of Labor and Economic Growth **Opportunity**, MIOSHA Standards **and FOIA** Section, **530 W. Allegan Street**, P.O. Box 30643, Lansing, Michigan 48909.

(2) 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 Labor and Economic Growth **Opportunity**, MIOSHA, Standards **and FOIA** Section, ~~7150 Harris Drive~~**530 W. Allegan Street**, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at ~~web site~~ **website**: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, as of 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 408.40133****R 408.40134** .

(b) Construction Safety Standard Part 7. “Welding and Cutting,” R 408.40701 to R **408.40762****et seq.**

- (c) Construction Safety Standard Part 9. “Excavation, Trenching, and Shoring,” R 408.40901 ~~to R 408.40953~~~~et seq.~~
- (d) Construction Safety **and Health** Standard Part 10. ~~Lifting and Digging Equipment~~ **“Cranes and Derricks,”** R 408.41001a ~~to R 408.41099a~~~~et seq.~~
- (e) Construction Safety **and Health** Standard Part 14. Tunnels, Shafts, Caissons, and Cofferdams, R 408.41401 ~~et seq~~ **to R 408.41483.**
- (f) Construction Safety Standard Part 16. “Power Transmission and Distribution,” R 408.41601 ~~to R 408.41658~~~~et seq.~~
- (g) Construction Safety Standard Part 17. “Electrical Installations,” R 408.41701 ~~to R 408.41734~~~~et seq.~~
- (h) Construction Safety Standard Part 18. “Fire Protection and Prevention,” R 408.41801 ~~to R 408.41884~~~~et seq.~~
- (i) Construction Safety Standard Part 27. “Blasting and Use of Explosives,” R 408.42701 ~~to R 408.42799~~~~et seq.~~
- (j) Construction Safety Standard Part 45. “Fall Protection,” R 408.44501 ~~to 408.44502~~~~et seq.~~
- (k) ~~Occupational~~ **Construction Safety and Health** Standard Part ~~432~~**632**. “Hazardous Waste Operations and Emergency Response,” ~~R 325.52101~~~~et seq.~~**R 325.63201.**
- (l) ~~Occupational~~**General Industry and Construction Safety and Health** Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 ~~to R 325.3476~~~~et seq.~~
- (m) ~~Occupational~~**Construction Safety and Health** Standard Part 601. “Air Contaminants for Construction,” R 325.60151 ~~to R 325.60161~~~~et seq.~~