DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD

(By authority conferred on the director of the department of labor and economic opportunity by sections 16 and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1016 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)

PART 8. PORTABLE FIRE EXTINGUISHERS

R 408.10801 Scope, application, adoption, and availability of standards.

Rule 801. (1) The rules apply to the placement, use, maintenance, and testing of portable fire extinguishers provided for the use of employees. 29 CFR 1910.157(d) does not apply to extinguishers provided for employee use on the outside of workplace buildings or structures. Where extinguishers are provided but are not intended for employee use and the employer has an emergency action plan and a fire prevention plan that meet the requirements of 29 CFR 1910.38 and 29 CFR 1910.39, respectively, then only the requirements of 29 CFR 1910.157(e) and (f) apply. The provisions of this part are the minimum requirements for portable fire extinguishers. A specific rule may be set forth in other general industry safety standards where, due to process hazards, additional portable fire extinguishers may be required.

Exemptions. Where the employer has established and implemented a written fire safety policy which requires the immediate and total evacuation of employees from the workplace upon the sounding of a fire alarm signal and which includes an emergency action plan and a fire prevention plan which meets the requirements of 29 CFR 1910.38 and 29 CFR 1910.39 respectively, and when extinguishers are not available in the workplace, the employer is exempt from all requirements of this section unless a specific General Industry Safety and Health standard requires that a portable fire extinguisher be provided. Where the employer has an emergency action plan meeting the requirements of 29 CFR 1910.38, which designates certain employees to be the only employees authorized to use the available portable fire extinguishers, and which requires all other employees in the fire area to immediately evacuate the affected work area upon the sounding of the fire alarm, the employer is exempt from the distribution requirements in 29 CFR 1910.157(d).

(2) The federal Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1910.155(c), "Definitions applicable to this subpart," as amended April 12, 1998, are adopted by reference in these rules, except for the following:

(a) Section 1910.155(c)(1).

(b) Section 1910.155(c)(5).

(c) Section 1910.155(c)(6).

(d) Section 1910.155(c)(15).
(e) Section 1910.155(c)(16).
(f) Section 1910.155(c)(17).
(g) Section 1910.155(c)(18).
(h) Section 1910.155(c)(19).
(i) Section 1910.155(c)(20).
(j) Section 1910.155(c)(22).
(k) Section 1910.155(c)(25).
(l) Section 1910.155(c)(28).
(m) Section 1910.155(c)(29).
(n) Section 1910.155(c)(30).
(o) Section 1910.155(c)(32).
(p) Section 1910.155(c)(33).
(q) Section 1910.155(c)(34).
(r) Section 1910.155(c)(35).
(s) Section 1910.155(c)(36).
(t) Section 1910.155(c)(37).
(u) Section 1910.155(c)(39)(iv).
(v) Section 1910.155(c)(40).
(w) Section 1910.155(c)(42).

(3) The following federal Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1910.157, "Portable fire extinguishers," as amended November 7, 2002, are adopted by reference in these rules:

(a) A reference to 29 CFR 1910.38 means General Industry Safety Standard Part 6. "Fire Exits."

(b) A reference to 29 CFR 1910.39 means General Industry Safety Standard Part 6. "Fire Exits."

(c) A reference to 29 CFR 1910.158 means General Industry Safety Standard Part 9. "Fixed Fire Equipment."

(d) A reference to 29 CFR 1910.159 means General Industry Safety Standard Part 9. "Fixed Fire Equipment."

(4) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(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, Michigan Occupational Safety and Health Administration (MIOSHA), Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(7) The following MIOSHA standards are referenced in these rules:

(a) General Industry Safety and Health Standard Part 6. "Fire Exits," R 408.10601 to R 408.10697.

(b) General Industry Safety Standards Part 9. "Fixed Fire Equipment," R 408.10901 to R 408.10999.

(8) Up to 5 copies of the standards listed in subrule (2) of this rule may be obtained at no charge 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 or via the internet at the following website: 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.

History: 1979 AC; 1984 AACS; 2013 AACS; 2024 AACS.

R 408.10803 Definitions; C to E.

Rule 803. (1) "Class "K" fire" means a fire in cooking appliances that involve combustible vegetable or animal oils and fats.

(2) "Extinguisher" means a portable fire extinguisher that is carried or on wheels and operated by hand.

History: 1979 AC; 2006 AACS; 2024 AACS.

R 408.10804 Rescinded.

History: 1979 AC; 2024 AACS.

R 408.10805 Rescinded.

History: 1979 AC; 2024 AACS.

R 408.10807 Rescinded.

History: 2006 AACS; 2013 AACS; 2024 AACS.

R 408.10808 Rescinded.

History: 1979 AC; 2024 AACS.

R 408.10811 Rescinded.

History: 1979 AC; 2006 AACS; 2024 AACS.

R 408.10812 Rescinded.

History: 1979 AC; 2024 AACS.

R 408.10813 Rescinded.

History: 1979 AC; 1980 AACS; 1984 AACS; 2006 AACS; 2024 AACS.

R 408.10814 Rescinded.

History: 1979 AC; 1980 AACS; 2024 AACS.

R 408.10821 Rescinded.

History: 1979 AC; 2024 AACS.

R 408.10822 Rescinded.

History: 1979 AC; 1980 AACS; 1984 AACS; 2006 AACS; 2024 AACS.

R 408.10823 Rescinded.

History: 1979 AC; 1980 AACS; 2013 AACS; 2024 AACS.

R 408.10824 Rescinded.

History: 1979 AC; 2024 AACS.

R 408.10825 Rescinded.

History: 1979 AC; 2024 AACS.

R 408.10826 Class "K" extinguishers.

Rule 826. (1) A class “K” extinguisher shall be provided for hazards where there is a potential for fires involving combustible vegetable or animal oils and fats.

(2) A placard shall be conspicuously placed near the extinguisher that states that the fire protection system shall be activated before using the fire extinguisher.

(3) A class "K" extinguisher shall be maintained within 30 feet, 9.15 meters from the hazards.

History: 2006 AACS; 2024 AACS.

INSTALLATION, INSPECTION, TESTING, AND MAINTENANCE

R 408.10831 Location.

Rule 831. In a location where a visual obstruction cannot be avoided, a sign, color symbol, or other means shall be used to indicate the extinguisher's location.

History: 1979 AC; 2024 AACS.

R 408.10833 Installation.

Rule 833. (1) An extinguisher shall be installed securely on a hanger, in a bracket, or mounted in a cabinet unless it is wheeled type or cart mounted. A means shall be used to indicate the location of an extinguisher mounted in a cabinet or on a shelf. The extinguisher shall be placed so that the operating instructions face outward.

(2) An extinguisher having a gross weight of not more than 40 pounds shall be installed so that the top is not more than 5 feet above the floor. An extinguisher having a gross weight of more than 40 pounds, except a wheeled type or cart mounted extinguisher, shall be installed so that the top is not more than 3 1/2 feet above the floor. An extinguisher, except a wheeled type or cart mounted extinguisher, shall be installed so that the bottom is not less than 4 inches from the floor.

History: 1979 AC; 1980 AACS; 2006 AACS; 2024 AACS.

R 408.10835 Rescinded.

History: 1979 AC; 1984 AACS; 2024 AACS.

R 408.10836 Rescinded.

History: 1979 AC; 1980 AACS; 1984 AACS; 2006 AACS; 2024 AACS.

R 408.10837 Recharging.

Rule 837. An employer maintaining their own extinguisher shall use recharging materials of the class specified on the extinguisher nameplate or recommended by the manufacturer for recharging.

History: 1979 AC; 2024 AACS.

R 408.10839 Rescinded.

History: 1979 AC; 1984 AACS; 2024 AACS.