DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION STANDARD

(By authority conferred on the director of the department of labor and economic opportunity by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

PART 6. PERSONAL PROTECTIVE EQUIPMENT

R 408.40601 Scope, adoption, and availability.

Rule 601. (1) This standard provides specifications for personal protective equipment and prescribes the use, selection, and maintenance of this equipment for the protection of the employee's head, face, eyes, hands, feet, and body during construction operations.

(2) Hearing protection must be in compliance with Occupational Health Standard Part 680. "Occupational Noise Exposure."

(3) Respiratory protection must be in compliance with General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection."

(4) Protective equipment, including personal protective equipment for eyes, face, head, hands, feet, and body, protective clothing, and protective shields and barriers, must be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation, or physical contact.

(5) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR 1926.28 "Personal protective equipment," as in effect as of the effective date of these rules.

(b) 29 CFR 1926.100 "Head protection," as amended July 23, 2012.

(c) 29 CFR 1926.102 "Eye and face protection," as amended March 25, 2016.

(d) 29 CFR 1926.97 "Electrical protective equipment," as amended July 10, 2014.

(e) 29 CFR 1926.105 "Safety nets," as amended August 2, 1995.

(6) A reference to 29 CFR part 1926, subpart E "Personal Protective and Life Saving Equipment," means the following standards:

(a) Construction Safety and Health Standard Part 6. "Personal Protective Equipment."

(b) Occupational Health Standard Part 680. "Occupational Noise Exposure."

(c) General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection."

(7) 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.

(8) The American National Standard Institute ANSI Standard Z-41 “Personal Protection - Protective Footwear,” 1991 edition, is adopted by reference in these rules. This standard is available at the Document Center, Inc., Customer Service, 121 Industrial Road, Suite 8, Belmont, California 94002, USA, telephone: (650) 591-7600 or via the internet at the company's website, www.document-center.com, at a cost as of the time of adoption of these rules of $49.95.

(9) 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.

(10) 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 30645, Lansing, Michigan, 48909-8145.

(11) The standards adopted in these rules may be obtained from the publisher or the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30645, Lansing, Michigan, 48909-8145, at the cost charged in this rule, plus $20.00 for shipping and handling.

(12) The following Michigan Occupational Safety and Health Administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards 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 30645, Lansing, Michigan, 48909-8145 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.

(a) Construction Safety Standard Part 45. “Fall Protection,” R 408.44501 to R 408.44502.

(b) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

(c) Occupational Health Standard Part 680. “Occupational Noise Exposure,” R 325.60131.

History: 1979 AC; 1980 AACS; 2014 AACS; 2015 AACS; 2016 AACS; 2018 AACS; 2021 AACS.

R 408.40603 Rescinded.

History: 2014 AACS; 2015 AACS; 2016 AACS; 2018 AACS.

R 408.40614 Definitions, C to F.

Rule 614. (1) "Contaminant" means any material which by reason of its action upon, within, or to a person is likely to cause physical harm.

(2) “Footwear” means wearing apparel for the feet, such as shoes, boots, slippers, or overshoes, excluding hosiery.

History: 2014 AACS.

R 408.40615 Definitions, H to R.

Rule 615. (1) “Helmet,” also called a hard hat or cap, means a device that is worn on the head and that is designed to provide limited protection against impact, flying particles, or electric shock.

(2) “Lanyard” means a rope, suitable for supporting 1 person. One end is fastened to a safety belt or harness and the other end is secured to a substantial object or a safety line.

(3) “Lifeline” means a rope, suitable for supporting 1 person, to which a lanyard or safety belt (or harness) is attached.

(4) “Manufacturer” means a business entity that marks or directs the permanent marking of the components or complete devices as compliant with this standard and sells them as compliant.

(5) “Metatarsal guards” mean guards that are designed to protect the top of the foot from the toes to the ankle over the instep of the foot. These guards may be attached to the outside of shoes.

(6) “O.D.” means optical density and refers to the light refractive characteristics of a lens.

(7) “Protective footwear” means footwear that is designed, constructed, and classified to protect the wearer from a potential hazard or hazards.

(8) "Radiant energy" means energy that travels outward in all directions from its sources.

History: 1980 AACS; 1982 AACS; 1996 AACS; 1998-2000 AACS; 2014 AACS; 2021 AACS.

R 408.40616 Definitions, S, T.

Rule 616. (1) “Safety belt” means a device, usually worn around the waist which, by reason of its attachment to a lanyard and lifeline or a structure, will prevent a worker from falling.

(2) “Safety line” means a device used for emergency rescue work.

(3) “Sanitizing” means an act or process of destroying organisms that may cause disease.

(4) “Shell” means the portion of welding helmet or handshield that covers the wearer’s face and is the part of a helmet which includes the outermost surface.

(5) “Toe guards” means the guards that fit over the toes of regular shoes to protect the toes from impact and compression hazards. These guards may be attached to the outside of shoes.

History: 1980 AACS; 1996 AACS; 1998-2000 AACS; 2014 AACS; 2021 AACS.

R 408.40617 Employer’s and employee’s responsibilities.

Rule 617. (1) An employer shall not allow defective or damaged personal protective equipment to be used.

(2) An employer shall require each employee to wear personal protective equipment as prescribed by the manufacturer when required by any MIOSHA standard.

(3) If personal protective equipment is required and is worn in direct contact with the skin, the equipment must be sanitized before being reissued to another employee.

(4) An employer shall require the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees.

(5) Employers shall ensure that all personal protective equipment complies with both of the following:

(a) Is of safe design and constructed for the work to be performed.

(b) Is selected to ensure that it properly fits each affected employee.

History: 1980 AACS; 1982 AACS; 1985 AACS; 2013 AACS; 2014 AACS; 2025 AACS.

PAYMENT FOR PERSONAL PROTECTIVE EQUIPMENT.

R 408.40617a Payment for personal protective equipment (PPE).

Rule 617a. (1) An employer shall provide at no cost to employees the personal protective equipment necessary to protect against hazards that the employer is aware of as a result of any required assessments.

(2) An employer shall pay for replacement PPE, as necessary, under either of the following conditions:

(a) When the PPE no longer provides the protection it was designed to provide.

(b) When the previously provided PPE is no longer adequate or functional.

(3) When an employee has lost or intentionally damaged the PPE issued to him or her, an employer is not required to pay for its replacement and may require the employee to pay for its replacement.

(4) An employer is not required to pay for prescription safety eyewear with removable or permanent sideshields as long as the employer provides safety eyewear that fits over an employee's prescription lenses.

(5) An employer is not required to pay for non-specialty prescription safety eyewear, provided that the employer permits these items to be worn off the job-site.

(6) An employer is not required to pay for non-specialty safety-toe protective footwear, including steel-toe shoes or steel-toe boots, provided that the employer permits these items to be worn off the job-site.

(7) When the employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is not required to reimburse the employee for the shoes or boots.

(8) An employer is not required to pay for either of the following:

(a) Everyday clothing, which includes any of the following:

(i) Long-sleeve shirts.

(ii) Long pants.

(iii) Street shoes.

(iv) Normal work boots.

(v) Ordinary clothing.

(vi) Skin creams.

(b) Other items used solely for protection from weather, which includes any of the following:

(i) Winter coats.

(ii) Jackets.
(iii) Gloves.
(iv) Parkas.
(v) Rubber boots.
(vi) Hats.
(vii) Raincoats.
(viii) Ordinary sunglasses.
(ix) Sunscreen.

(9) An employer shall pay for protection when ordinary weather gear is not sufficient to protect an employee and special equipment or extraordinary clothing is needed to protect the employee from unusually severe weather conditions. Clothing used in artificially-controlled environments with extreme hot or cold temperatures, such as freezers, is not considered part of the weather gear exception.

(10) All of the following apply to upgraded and personalized PPE:

(a) An employer is not required to pay for PPE requested by an employee that exceeds the PPE requirements, provided that the employer provides PPE that meets the standards at no cost to the employee.

(b) If an employer allows an employee to acquire and use upgraded or personalized PPE, then the employer is not required to reimburse the employee for the equipment, provided that the employer has provided adequate PPE at no cost to the employee.

(c) An employer shall evaluate an employee's upgraded or personalized PPE to ensure that it is in compliance with all of the following:

(i) Adequate to protect from hazards present in the workplace.
(ii) Properly maintained.
(iii) Kept in a sanitary condition.

(11) When the provisions of another MIOSHA standard specify whether the employer shall pay for specific equipment, the payment provisions of that standard prevails.

History: 2014 AACS; 2015 AACS; 2021 AACS.

R 408.40621 Rescinded.

History: 1980 AACS; 1998-2000 AACS; 2013 AACS; 2014 AACS; 2018 AACS.

R 408.40622 Rescinded.

History: 1980 AACS; 2013 AACS; 2014 AACS; 2018 AACS.

R 408.40623 Rescinded.

History: 1980 AACS; 1998-2000 AACS; 2013 AACS; 2015 AACS; 2016 AACS; 2018 AACS.

R 408.40624 Rescinded.

History: 1980 AACS; 1988 AACS; 2013 AACS; 2014 AACS; 2016 AACS; 2018 AACS.

WELDING PROTECTION

R 408.40624a Rescinded.

History: 2014 AACS; 2016 AACS; 2021 AACS.

R 408.40624b Rescinded.

History: 2014 AACS; 2016 AACS; 2018 AACS.

FOOT AND TOE PROTECTION

R 408.40625 Foot and toe protection.

Rule 625. (1) Safety toe footwear shall bear a permanent mark to show the manufacturer's name or trademark and to show certification of compliance with ANSI standard Z-41 "Personal Protection – Protective Footwear," 1991 edition, as adopted in R 408.40601(8).

(2) An employer shall ensure that each affected employee wears foot protection or toe protection, or both, if conditions of the job are likely to cause a foot injury.

(3) If a hazard is created from a process, chemical, or mechanical irritant which could cause an injury or impairment to the feet by absorption or physical contact, other than from impact, then the employer shall provide any of the following to the employee:

(a) Boots.

(b) Overshoes.

(c) Rubbers.

(d) Wooden-soled shoes.

(e) The equivalent to subdivisions (a) to (d) of this subrule.

History: 1980 AACS; 1982 AACS; 1998-2000 AACS; 2013 AACS; 2014 AACS; 2015 AACS; 2018 AACS.

HAND AND BODY PROTECTION

R 408.40626 Hand and body protection.

Rule 626. (1) An employee who handles rough, sharp-edged, abrasive materials, or whose work subjects the hands to any of the following, shall wear hand protection of a type suitable for the work being performed:

(a) Lacerations.

(b) Punctures.
(c) Burns.
(d) Bruises.

(2) Cloth gloves shall not be worn when operating rotating equipment such as a drill or a powered threading machine.

(3) Precautions shall be taken with regard to synthetic clothing that is worn near a source of flame, spark, a hot surface, or material that could ignite the clothing.

(4) An employee shall not wear loose clothing, neckwear encircling the neck, or exposed jewelry, such as rings and necklaces, near a machine having reciprocating or rotating shafts or spindles or when handling material that could catch on clothing or jewelry and cause injury. A ring shall not be worn on the finger unless covered by a glove or tape.

(5) When an employee is exposed to hazards such as radiation, alkalies, acids, abrasives, and temperature extremes other than those caused by weather conditions, appropriate head, body, and hand protection shall be worn to protect the employee from that hazard. Such personal protective equipment shall be provided by the employer.

History: 1980 AACS; 1982 AACS; AACS; 2014 AACS.

R 408.40627 Rescinded.

History: 1980 AACS; 2013 AACS.

FALL PROTECTION

R 408.40631 Fall protection.

Rule 631. An employer shall ensure that each employee whose fall protection is not covered by another MIOSHA standard, and the employee's work area is more than 6 feet above the ground, floor, water, or other surface, is protected as prescribed in Construction Safety Standard Part 45. "Fall Protection." The following systems are included in Construction Safety Standard Part 45. "Fall Protection":

(a) Guardrail systems.
(b) Safety net systems.
(c) Personal fall arrest systems.

History: 1998-2000 AACS; 2013 AACS; 2014 AACS; 2015 AACS; 2018 AACS; 2025 AACS.

R 408.40632 Rescinded.

History: 1998-2000 AACS; 2013 AACS.

R 408.40633 Rescinded.

History: 1980 AACS; 1996 AACS; 2014 AACS.

R 408.40634 Rescinded.

History: 1980 AACS; 2013 AACS; 2014 AACS.

R 408.40635 Rescinded.

History: 1998-2000 AACS; 2013 AACS; 2014 AACS.

WORKING OVER OR NEAR WATER

R 408.40636 Working over or near water.

Rule 636. (1) Where a possibility of drowning exists, each employee working over or adjacent to water shall wear a life jacket or buoyant work vest. The life jacket or buoyant vest shall bear a label, "U.S. Coast Guard approved."

(2) Before and after each use, a competent person shall inspect the life jacket or buoyant vest for defects which might alter its strength or buoyancy. Defective units shall not be used.

(3) A ring buoy with not less than 90 feet of safety line shall be provided and shall be readily available for rescue operations. The distance between the buoys shall not be more than 200 feet.

(4) Not less than 1 lifesaving boat equipped with a method of propulsion that is effective for the water conditions shall be available at the location where an employee works over or adjacent to water.

History: 1980 AACS; 2014 AACS; 2021 AACS.

R 408.40641 Rescinded.

History: 1980 AACS; 1983 AACS; 1998-2000 AACS; 2013 AACS.

R 408.40650 Rescinded.

History: 2015 AACS; 2016 AACS; 2018 AACS.

R 408.40655 Rescinded.

History: 2015 AACS; 2018 AACS.

R 408.40660 Rescinded.

History: 2015 AACS; 2018 AACS.