

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on June 4, 2021

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 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)

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

PART 13. MOBILE EQUIPMENT

R 408.41301 Adoption and availability of standards.

Rule 1301. (1) 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.
- (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.

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(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.