

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(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 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, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001,—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 regulations on underground construction promulgated by the United States Department of Labor and codified at 29 CFR 1926.800, "Underground Construction," are adopted by reference in these rules as of, 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).
- (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).

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(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 CFR 1926.800, "Underground Construction," have the following meanings:

(a) A reference to 29 CFR 1926.650 to 1926.652, subpart P, "Excavations," means Construction Safety Standard Part 9. "Excavation, Trenching, and Shoring," R 408.40901 to R 408.40953.

(b) A reference to 29 CFR 1926.950 to 1926.960, subpart V, "Electric Power Transmission and Distribution," means Construction Safety Standard Part 16. "Power Transmission and Distribution," R 408.41601 to R 408.41658.

(c) A reference to 29 CFR 1926.55, subpart D, "Gases, vapors, fumes, dusts, and mists," means Construction Safety and Health Standard Part 601. "Air Contaminants for Construction," R 325.60151 to R 325.60161.

(d) A reference to 29 CFR 1910.1020, "Access to employee exposure and medical records," means General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets," R 325.3451 to R 325.3476.

(e) A reference to 29 CFR 1926.65, "Hazardous waste operations and emergency response," means Construction Safety and Health Standard Part 632. "Hazardous Waste Operations and Emergency Response in Construction," R 325.63201.

(f) A reference to 29 CFR 1926.56, "Illumination," means Construction Safety and Health Standard Part 1. "General Rules," R 408.40101 to R 408.40134.

(g) A reference to 29 CFR 1926.150 to 1926.159, subpart F, "Fire Protection and Prevention," means Construction Safety Standard Part 18. "Fire Protection and Prevention," R 408.41801 to R 408.41884.

(h) A reference to 29 CFR 1926.350 to 1926.354, subpart J, "Welding and Cutting," means Construction Safety Standard Part 7. "Welding and Cutting," R 408.40701 to R 408.40762.

(i) A reference to 29 CFR 1926.400 to 449, subpart K, "Electrical," means Construction Safety Standard Part 17. "Electrical Installations," R 408.41701 to R 408.41734.

(j) A reference to 29 CFR 1926.550 to 1926.556, subpart N, "Helicopters, Hoists, Elevators, and Conveyors," means Construction Safety and Health Standard Part 10. "Cranes and Derricks," R 408.41001 to R 408.41099a.

(3) 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.

R 325.62992 Caissons; adoption of regulations by reference.

Rule 2. (1) The federal Occupational Safety and Health Administration's regulations on caissons that have been promulgated by the United States Department of Labor and codified at 29 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 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.

R 325.62994 Compressed air; adoption of regulations by reference.

Rule 4. (1) The federal Occupational Safety and Health Administration's regulations on compressed air that have been promulgated by the United States Department of Labor and codified at 29 CFR 1926.803 are adopted by reference in these rules as of the effective date of these rules.

(2) The following references in 29 CFR 1926.803 have the following meanings:

(a) A reference to 29 CFR 1926.50 to 1926.66, subpart D, "Occupational Health and Environmental Controls," means occupational health construction standards.

(b) A reference to 29 CFR 1926.400 to 449, subpart K, "Electrical," means Construction Safety Standard Part 17. "Electrical Installations," R 408.41701 to R 408.41734.

(c) A reference to 29 CFR 1926.900 to 1926.914, subpart U, "Blasting and the Use of Explosives," means Construction Safety Standard Part 27. "Blasting and Use of Explosives," R 408.42701 to R 408.42799.

(d) A reference to 29 CFR 1926.500 to 1926.503, subpart M, "Fall Protection," means Construction Safety Standard Part 45. "Fall Protection," R 408.44501 to 408.44502.

(e) A reference to 29 CFR 1926.800 to 804, subpart S, "Underground Construction, Caissons, Cofferdams, and Compressed Air," means Construction Safety and Health Standard Part 14. "Tunnels, Shafts, Caissons, and Cofferdams," R 408.41401 to R 408.41483 and Construction Safety and Health Standard Part 665. "Underground Construction, Caissons, Cofferdams, and Compressed Air," R 325.62991 to R 325.62996.

(3) 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.

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 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 CFR 1926.804 are adopted by reference in these rules as of the effective date of these rules.

(2) 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, ~~being~~ §MCL 408.1001 to 408.1094.

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, via the internet at website: www.osha.gov, or from the Michigan Department of Labor and Economic 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 Opportunity, MIOSHA, Standards and FOIA Section, 530 W. 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, 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 R 408.40134.

(b) Construction Safety Standard Part 7. "Welding and Cutting," R 408.40701 to R 408.40762.

(c) Construction Safety Standard Part 9. "Excavation, Trenching, and Shoring," R 408.40901 to R 408.40953.

(d) Construction Safety and Health Standard Part 10. "Cranes and Derricks," R 408.41001 to R 408.41099a.

(e) Construction Safety and Health Standard Part 14. Tunnels, Shafts, Caissons, and Cofferdams, R 408.41401 to R 408.41483.

(f) Construction Safety Standard Part 16. "Power Transmission and Distribution," R 408.41601 to R 408.41658.

(g) Construction Safety Standard Part 17. "Electrical Installations," R 408.41701 to R 408.41734.

(h) Construction Safety Standard Part 18. "Fire Protection and Prevention," R 408.41801 to R 408.41884.

(i) Construction Safety Standard Part 27. "Blasting and Use of Explosives," R 408.42701 to R 408.42799.

(j) Construction Safety Standard Part 45. "Fall Protection," R 408.44501 to 408.44502.

(k) Construction Safety and Health Standard Part 632. "Hazardous Waste Operations and Emergency Response," R 325.63201.

(l) General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets," R 325.3451 to R 325.3476.

(m) Construction Safety and Health Standard Part 601. "Air Contaminants for Construction," R 325.60151 to R 325.60161.