

**Michigan Office of Administrative Hearings and Rules**  
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

**1. Agency Information**

**Agency name:**

Labor and Economic Opportunity

**Division/Bureau/Office:**

MIOSHA

**Name of person completing this form:**

Daniela Garza

**Phone number of person completing this form:**

517-284-7738

**E-mail of person completing this form:**

garzad@michigan.gov

**Name of Department Regulatory Affairs Officer reviewing this form:**

Thomas Shaver

**2. Rule Set Information**

**MOAHR assigned rule set number:**

2020-67 LE

**Title of proposed rule set:**

General Industry Safety Standard Part 74. Fire Fighting

**3. Purpose for the proposed rules and background:**

General Industry Safety Standard Part 74 Fire Fighting gives direction to employers and employees on protecting Michigan employees from health and safety hazards in the workplace when related to fire fighting.

The current rules will be revised to adopt by reference National Fire Protection Association (NFPA) standard 1403 establishing requirements for live fire training.

MIOSHA is also placing language into Part 74 to meet conditions from new law that took effect July 31, 2020, which involves best practices regarding proper use, handling, and storage of fire-fighting foam concentrate as well as the best health practices including, but not limited to, containment and handling of perfluoroalkyl or polyfluoroalkyl substance (PFAS).

**4. Summary of proposed rules:**

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The Department of Labor and Economic Opportunity (LEO) and the Michigan Occupational Safety and Health Administration (MIOSHA) will hold a public hearing on the promulgation of the General Industry Safety Health Standard Part 74. Firefighting.

The proposed rule set will be updated to adopt by reference National Fire Protection Association (NFPA) standard 1403 establishing requirements for live fire training.

On July 31, 2020, MCL 408.1014r was added to the Michigan Occupational Safety and Health Act, 1974 PA 154, to require the Director of LEO to promulgate rules regarding a firefighter's use of firefighting foam concentrates containing Polyfluoroalkyl Substances (PFAS). These new rules are included in the proposed changes.

Several of the current rules that reference older versions of NFPA standards have been updated to a newer version of the standards. These updated references and requirements can be viewed with other proposed amendments at the link provided below.

The proposed rules will be published in the March 15, 2022, Michigan Register. You may download a free copy of the proposed amendments by visiting the agency's website at <https://www.michigan.gov/mioshastandards>. The proposed rules will take immediate effect after filing with the Secretary of State.

**5. List names of newspapers in which the notice of public hearing was published and publication dates:**

Mining Journal - March 8, 2022  
Lansing State Journal - March 7, 2022  
Oakland Press - March 7, 2022

**6. Date of publication of rules and notice of public hearing in Michigan Register:**

3/15/2022

**7. Date, time, and location of public hearing:**

4/5/2022 10:00 AM at The Michigan Library & Historical Center, 1st Floor Forum , 702 W. Kalamazoo, Lansing MI, 48915

**8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:**

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=195>

**9. List of the name and title of agency representative(s) attending public hearing:**

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Bart Pickleman, MIOSHA Director

Ron Ray, MIOSHA Technical Services Division Director

Shannon Matsumoto, MIOSHA Standards and FOIA Section Manager

Daniela Garza, MIOSHA Standards and FOIA Section Analyst

Toscha Klopp, MIOSHA Standards and FOIA Section Secretary

Kristin Osterkamp, MIOSHA Consultation Education and Training Division Senior Industrial Hygienist

Augustine Syrov, MIOSHA Consultation Education and Training Division Occupational Safety Consultant

Richard Pfander Jr, MIOSHA General Industry Safety and Health Division Safety & Health Manager

Chris Johnson, MIOSHA Consultation Education and Training Division

Deb Ziel, MIOSHA Consultation Education and Training Division

**10. Persons submitting comments of support:**

No comments of support were submitted.

**11. Persons submitting comments of opposition:**

No comments of opposition were submitted.

**12. Persons submitting other comments:**

Lynnae White, Fire Marshal, Grandville Fire Department, written comments related to grammar/clarity.

**13. Identify any changes made to the proposed rules based on comments received during the public comment period:**

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	<b>Name &amp; Organization</b>	<b>Comments made at public hearing</b>	<b>Written Comments</b>	<b>Agency Rationale for Rule Change and Description of Change(s) Made</b>	<b>Rule number &amp; citation changed</b>
1	Lynnae White, Fire Marshal, Grandville Fire Department		Ms. White is asking if individuals should be individual.	MIOSHA will edit the sentence. Removing "a" for clarity.	R 408.17421
2	Lynnae White, Fire Marshal, Grandville Fire Department		Ms. White asks why the acronym PPE isn't used throughout the document as it was previously defined as personal protective equipment in 408.17430(4)(a).	MIOSHA agrees to use the acronym PPE through out the standard, except for the beginning of a sentence or title.	R 408.17431
3	Lynnae White, Fire Marshal, Grandville Fire Department		Ms. White states the word "the" needs to be added after the word "with"	MIOSHA agrees that "the" should be added after "with" for grammatical correctness.	R 408.17463 (2)

**14.Date report completed:**

4/19/2022