



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

December 27, 2023

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #23-042-LE)
Legislative Service Bureau (Secretary of State Filing #23-12-02)
Department of Labor and Economic Opportunity

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2023-042-LE (Secretary of State Filing #23-12-02) on this date at 11:21 A.M. for the Department of Labor and Economic Opportunity entitled, "Construction Safety and Health Standard Part 26. Steel Erection".

These rules become effective 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.

Sincerely,

Jocelyn Benson
Secretary of State

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

December 27, 2023

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2023-42 LE

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated October 12, 2023 for the Department of Labor and Economic Opportunity **“Construction Safety and Health Standard Part 26. Steel Erection”**. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the director of the department of labor and economic opportunity by sections 14, 19, and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 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 408.42601, R 408.42609, and R 408.42655 of the Michigan Administrative Code are amended, and R 408.42602, R 408.42604, R 408.42605, R 408.42606, R 408.42608, R 408.42614, R 408.42616, R 408.42618, R 408.42620, R 408.42622, R 408.42626, R 408.42628, R 408.42629, R 408.42634, R 408.42636, R 408.42638, R 408.42640, R 408.42643, R 408.42644, R 408.42645, R 408.42646, R 408.42648, R 408.42651, and R 408.42653 are rescinded.

Date: 11/6/2023

Adopted by:

Susan Corbin
Director

Department of Labor and Economic Opportunity

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GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated October 12, 2023, in which the Department of Labor and Economic Opportunity proposes to modify a portion of the Michigan Administrative Code entitled “**Construction Safety and Health Standard Part 26, Steel Erection**” by:

- ◆ Amending R 408.42601, R 408.42609, and R 408.42655.
- ◆ Rescinding R 408.42602, R 408.42604, R 408.42605, R 408.42606, R 408.42608, R 408.42614, R 408.42616, R 408.42618, R 408.42620, R 408.42622, R 408.42626, R 408.42628, R 408.42629, R 408.42634, R 408.42636, R 408.42638, R 408.42640, R 408.42643, R 408.42644, R 408.42645, R 408.42646, R 408.42648, R 408.42651, and R 408.42653.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: October 18, 2023

Michigan Office of Administrative Hearings and Rules

By: *Emily Leik*

Emily Leik,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Labor and Economic Opportunity dated October 12, 2023, amending R 408.42601, R 408.42609, and R 408.42655 and rescinding R 408.42602, R 408.42604, R 408.42605, R 408.42606, R 408.42608, R 408.42614, R 408.42616, R 408.42618, R 408.42620, R 408.42622, R 408.42626, R 408.42628, R 408.42629, R 408.42634, R 408.42636, R 408.42638, R 408.42640, R 408.42643, R 408.42644, R 408.42645, R 408.42646, R 408.42648, R 408.42651, and R 408.42653 of the Department's rules entitled "Construction and Health Safety Standard Part 26, Steel Erection." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(2) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(2), these rules are being processed without a public hearing.

Dated: October 18, 2023

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel

Michigan Legislature

124 W. Allegan Street, 3rd Floor • P.O. Box 30036 • Lansing, MI 48909-7536 • (517) 373-9425 • Fax: (517) 373-5642

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on December 27, 2023

These rules become effective immediately after 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 14, 19, and 21 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 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 408.42601, R 408.42609, and R 408.42655 of the Michigan Administrative Code are amended, and R 408.42602, R 408.42604, R 408.42605, R 408.42606, R 408.42608, R 408.42614, R 408.42616, R 408.42618, R 408.42620, R 408.42622, R 408.42626, R 408.42628, R 408.42629, R 408.42634, R 408.42636, R 408.42638, R 408.42640, R 408.42643, R 408.42644, R 408.42645, R 408.42646, R 408.42648, R 408.42651, and R 408.42653 are rescinded, as follows:

PART 26, STEEL ERECTION

R 408.42601 Scope, application, adoption, and availability of standards.

Rule 2601. (1) This part sets forth requirements to protect employees from the hazards associated with steel erection activities involved in the construction, alteration, or repair of single and multistory buildings, bridges, and other structures where steel erection occurs. The requirements of this part apply to employers engaged in steel erection unless otherwise specified. This part does not apply to electrical transmission towers, communication and broadcast towers, or tanks. Examples of structures where steel erection may occur, include, but are not limited to, the following:

- (a) Single and multistory buildings.
- (b) Systems-engineered metal buildings.
- (c) Lift slab/tilt-up structures.
- (d) Energy exploration structures.
- (e) Energy production, transfer and storage structures, and facilities.
- (f) Auditoriums.
- (g) Malls.
- (h) Amphitheaters.
- (i) Stadiums.
- (j) Power plants.

October 12, 2023

- (k) Mills.
- (l) Chemical process structures.
- (m) Bridges.
- (n) Trestles.
- (o) Overpasses.
- (p) Underpasses.
- (q) Viaducts.
- (r) Aqueducts.
- (s) Aerospace facilities and structures.
- (t) Radar and communication structures.
- (u) Light towers
- (v) Signage.
- (w) Billboards.
- (x) Scoreboards.
- (y) Conveyor systems.
- (z) Conveyor supports and related framing.
- (aa) Stairways.
- (bb) Stair towers.
- (cc) Fire escapes.
- (dd) Draft curtains.
- (ee) Fire containment structures.
- (ff) Monorails.
- (gg) Aerialways.
- (hh) Catwalks.
- (ii) Curtain walls.
- (jj) Window walls.
- (kk) Store fronts.
- (ll) Elevator fronts.
- (mm) Entrances.
- (nn) Skylights
- (oo) Metal roofs.
- (pp) Industrial structures.
- (qq) Hi-bay structures.
- (rr) Rail marine, and other transportation structures.
- (ss) Sound barriers.
- (tt) Water process and water containment structures.
- (uu) Air and cable-supported structures.
- (vv) Space frames.
- (ww) Geodesic domes.
- (xx) Canopies.
- (yy) Racks and rack support structures and frames.
- (zz) Platforms.
- (aaa) Walkways.
- (bbb) Balconies.
- (ccc) Atriums.
- (ddd) Penthouses.

- (eee) Car dumpers.
- (fff) Stacker and reclaimers.
- (ggg) Cranes and craneways.
- (hhh) Bins.
- (iii) Hoppers.
- (jjj) Ovens.
- (kkk) Furnaces.
- (lll) Stacks.
- (mmm) Amusement park structures and rides.
- (nnn) Artistic and monumental structures.
- (2) Steel erection activities include all of the following:
 - (a) Hoisting, laying out, placing, connecting, welding, burning, guying, bracing, bolting, plumbing, and rigging structural steel, steel joists, and metal buildings.
 - (b) Installing metal decking, curtain walls, window walls, siding systems, miscellaneous metals, ornamental iron, and similar materials.
 - (c) Moving point-to-point while performing the activities specified in this subrule.
- (3) All of the following activities are covered by this part when they occur during and are a part of steel erection activities:
 - (a) Rigging.
 - (b) Hoisting.
 - (c) Laying out.
 - (d) Placing.
 - (e) Connecting.
 - (f) Guying.
 - (g) Bracing.
 - (h) Dismantling.
 - (i) Burning.
 - (j) Welding.
 - (k) Bolting.
 - (l) Grinding.
 - (m) Sealing.
 - (n) Caulking.
 - (o) All related activities for construction, alteration, or repair of materials and assemblies such as any of the following:
 - (i) Structural steel.
 - (ii) Ferrous metals and alloys.
 - (iii) Nonferrous metals and alloys.
 - (iv) Glass.
 - (v) Plastics and synthetic composite materials.
 - (vi) Structural metal framing and related bracing and assemblies.
 - (vii) Anchoring devices.
 - (viii) Structural cabling.
 - (ix) Cable stays.
 - (x) Permanent and temporary bents and towers.
 - (xi) Falsework for temporary supports of permanent steel members.
 - (xii) Stone and other non-precast concrete architectural materials mounted on steel

frames.

- (xiii) Safety systems for steel erection.
- (xiv) Steel and metal joists.
- (xv) Metal decking and raceway systems and accessories.
- (xvi) Metal roofing and accessories.
- (xvii) Metal siding.
- (xviii) Bridge flooring.
- (xix) Cold formed steel framing.
- (xx) Elevator beams.
- (xxi) Grillage.
- (xxii) Shelf racks.
- (xxiii) Multipurpose supports.
- (xxiv) Crane rails and accessories.
- (xxv) Miscellaneous, architectural, and ornamental metals and metal work.
- (xxvi) Ladders.
- (xxvii) Railings.
- (xxviii) Handrails.
- (xxix) Fences and gates.
- (xxx) Gratings.
- (xxxi) Trench covers.
- (xxxii) Floor plates.
- (xxxiii) Castings.
- (xxxiv) Sheet metal fabrications.
- (xxxv) Metal panels and panel wall systems.
- (xxxvi) Louvers.
- (xxxvii) Column covers.
- (xxxviii) Enclosures and pockets.
- (xxxix) Stairs.
- (xl) Perforated metals.
- (xli) Ornamental iron work.
- (xlii) Expansion control, including bridge expansion joint assemblies.
- (xliii) Slide bearings.
- (xliv) Hydraulic structures.
- (xlv) Fascias.
- (xlvi) Soffit panels.
- (xlvii) Penthouse enclosures.
- (xlviii) Skylights.
- (xlix) Joint fillers.
- (l) Gaskets.
- (li) Sealants and seals.
- (lii) Doors.
- (liii) Windows.
- (liv) Hardware.
- (lv) Detention and security equipment and doors, windows, and hardware.
- (lvi) Conveying systems.
- (lvii) Building specialties.

(lviii) Building equipment.

(lix) Machinery and plant equipment, furnishings, and special construction.

(4) The duties of controlling contractors under this part include, but are not limited to, the duties specified in R 408.42608(1) and (3), R 408.42626(6), R 408.42644(2), and R 408.42651(4).

(5) The federal Occupational Safety and Health Administration (OSHA) regulations, 29 CFR 1926, Subpart R, "Steel erection," as amended February 18, 2020, are adopted by reference in these rules, except for the following:

(a) 29 CFR 1926.753 is replaced with R 408.42609 and R 408.42610.

(b) 29 CFR 1926.761 is replaced with R 408.42655.

(6) A reference to 29 CFR 1926.502 means Construction Safety Standard Part 45. "Fall 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 OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Washington, DC 20210, or via the internet at www.OSHA.gov, at no charge, as of the time of adoption of these rules.

(9) The regulations 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.

(10) The regulations adopted by reference 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.

(11) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of the following Michigan occupational safety and health administrative standards that are referenced in this standard may be obtained at no charge from the Department of Labor and Economic Opportunity, FOIA and Standards Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at: www.michigan.gov/mioshastandards, and 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 10. "Cranes and Derricks," R 408.41001 to R 408.41099a.

(b) Construction Safety Standards Part 28. "Personnel Hoisting in Steel Erection," R 408.42801 to R 408.42809.

R 408.42602 Rescinded.

R 408.42604 Rescinded.

R 408.42605 Rescinded.

R 408.42606 Rescinded.

R 408.42608 Rescinded.

R 408.42609. Hoisting and rigging.

Rule 2609. (1) All the provisions of Construction Safety and Health Standard Part 10. "Cranes and Derricks," as referenced in R 408.42601 apply to hoisting and rigging.

(2) The headache ball, hook or load shall not be used to transport personnel except as provided in subrule (3) of this rule.

(3) Cranes or derricks may be used to hoist employees when work under this rule is being conducted, provided either of the following provisions is met:

(a) All of the requirements of the Construction Safety and Health Standard Part 10. "Cranes and Derricks," R 408.41001, except for R 408.41001(1), as referenced in R 408.42601.

(b) All of the requirements of the Construction Safety Standards Part 28. "Personnel Hoisting in Steel Erection," as referenced in R 408.42601.

(4) Safety latches on hooks shall not be deactivated or made inoperable, except in either of the following situations:

(a) When a qualified rigger has determined that the hoisting and placing of purlins and single joists can be performed more safely by doing so.

(b) When equivalent protection is provided in a site-specific erection plan.

(5) Routes for suspended loads shall be preplanned to ensure that no employee is required to work directly below a suspended load, except for the following employees:

(a) Employees engaged in the initial connection of the steel.

(b) Employees necessary for the hooking or unhooking of the load.

(6) When working under suspended loads, all of the following criteria shall be met:

(a) Materials being hoisted shall be rigged to prevent unintentional displacement.

(b) Hooks with self-closing safety latches or their equivalent shall be used to prevent components from slipping out of the hook.

(c) All loads shall be rigged by a qualified rigger.

R 408.42614 Rescinded.

R 408.42616 Rescinded.

R 408.42618 Rescinded.

R 408.42620 Rescinded.

R 408.42622 Rescinded.

R 408.42626 Rescinded.

R 408.42628 Rescinded.

R 408.42629 Rescinded.

R 408.42634 Rescinded.

R 408.42636 Rescinded.

R 408.42638 Rescinded.

R 408.42640 Rescinded.

R 408.42643 Rescinded.

R 408.42644 Rescinded.

R 408.42645 Rescinded.

R 408.42646 Rescinded.

R 408.42648 Rescinded.

R 408.42651 Rescinded.

R 408.42653 Rescinded.

R 408.42655 Special training.

Rule 2655. (1) An employer shall ensure that each employee who performs multiple lift rigging has been provided training in both of the following areas:

(a) The nature of the hazards associated with multiple lifts.

(b) The proper procedures and equipment to perform multiple lifts required by R 408.42610.

(2) An employer shall ensure that each connector has been provided training in all of the following areas:

(a) The nature of the hazards associated with connecting.

(b) The establishment, access, proper connecting techniques, and work practices required by 29 CFR 1926.756(c) and 29 CFR 1926.760(b).

(c) Specific training on personnel hoisting as prescribed in Construction Safety Standards Part 28. "Personnel Hoisting in Steel Erection," as referenced in R 408.42601.

(3) Where CDZs are being used, an employer shall assure that each employee has been provided training in both of the following areas:

(a) The nature of the hazards associated with work within a controlled decking zone.

(b) The establishment, access, proper installation techniques, and work practices required by 29 CFR 1926.760(c) and 29 CFR 1926.754(e).

FILED WITH SECRETARY OF STATE

ON 12/27/23 AT 11:21 A.M.