

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Labor and Economic Opportunity

2. Bureau:

MIOSHA

3. Promulgation type:

Full Process

4. Title of proposed rule set:

General Industry Safety Standard Part 74. Fire Fighting

5. Rule numbers or rule set range of numbers:

R 408.17401 to R 408.17464

6. Estimated time frame:

12 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

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).

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The Williams-Steiger Occupational Safety and Health Act of 1970 requires that the Michigan Occupational Safety and Health Act promulgate standards are that "at least as effective as" those promulgated under Section 6 of the Act, Sections 16 and 21 of Act No. 154 of 1974, as amended, being MCL 408.1016 and MCL 408.1021.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

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.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Michigan Occupational Safety and Health Act, 1974 Pa 154, MCL. 408.1009.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

MIOSHA is not aware of any rules that conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, or regional.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

None that MIOSHA is aware of.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

These proposed rules are more restrictive than Federal OSHA in that Federal OSHA does not have a comparable standard for fire-fighting. Therefore, these rules are being promulgated under the full rulemaking process as specified in the Administrative Procedures Act and a public hearing is required.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

No comments have been received from the public regarding these rules; however, MIOSHA will be convening an advisory committee to receive input from industry.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were last updated June 14, 2019.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

MIOSHA is not aware of any changes.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No