

**Michigan Office of Administrative Hearings and Rules**

611 W. Ottawa Street

Lansing, MI 48909

Phone: 517-335-8658 Fax: 517-335-9512

**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:**

2019-122 LE

**Title of proposed rule set:**

General Industry Safety and Health Part 62 Plastic Molding

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

GI Part 62 Plastic Molding gives direction to employers and employees on protecting Michigan employees from health and safety hazards in the workplace when using plastic molding machines. The standard is being amended for lockout and guarding to reflect current technologies used in the industry and to review for clarity and consistency.

**4. Summary of proposed rules:**

The amendments of the General Industry Safety and Health Standard Part 62. Plastic Molding are proposed to take immediate effect after filing with the Secretary of State. The proposed rules (2019-122 LE) will be updated to amend the rules for lockout and guarding to reflect current technologies used in the plastics industry. By adding options for guarding this will give an employer more choices for effectively satisfying lockout/tagout minor servicing exemption of their plastic molding machines. This will also allow the rules to add additional options to new and old machines.

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

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Mining Journal – December 15, 2020  
Lansing State Journal – December 15, 2020  
Oakland Press – December 15, 2020

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

1/1/2021

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

1/12/2021 09:00 AM at Virtual via Teams , [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZTNIY2VhNDAzMzQ3OC00NGFhLWE3MjktZjA5NzRjNzE0OGVk%40thread.v2/0?context=%7b%22Tid%22%3a%22d5fb7087-3777-42ad-966a-892ef47225d1%22%2c%22Oid%22%3a%22ca6dec2f-ba39-4bf9-928b-d289fb945b11%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTNIY2VhNDAzMzQ3OC00NGFhLWE3MjktZjA5NzRjNzE0OGVk%40thread.v2/0?context=%7b%22Tid%22%3a%22d5fb7087-3777-42ad-966a-892ef47225d1%22%2c%22Oid%22%3a%22ca6dec2f-ba39-4bf9-928b-d289fb945b11%22%7d)

### **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=108>

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

Bart Pickelman, Director of MIOSHA  
Ron Ray, Director of Technical Services Division  
Shannon Matsumoto, Manager of Standards and FOIA Section  
Daniela Garza, Rules Analyst of Standards and FOIA Section  
Toscha Klopp, Secretary of Standards and FOIA Section  
Laura Basile, General Industry Supervisor, General Industry Safety & Health Division  
Don Trefry, Onsite Safety Supervisor, Consultation Education and Training Division  
Steve Toloken, Plastics News (Media)  
Andrei Toth, Engel Machinery Inc.  
Sebastian Birgel, KraussMaffei Technologies  
Jim Curties Jr., US Farathane  
Marie Gargas, Plastics Industry Association  
Doug Sten, Pilz Automation Safety  
Trevor Pruden, Arburg USA  
Dave Beaudoin, Absolute Haitian  
Juergen Giesow, Arburg, Director of Technology  
Catherine Kavanaugh, Crain Communications, Plastics News (Media)

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

Marie Gargas, Senior Technical Director, Regulatory Affairs, Plastics Industry Association (PLASTICS).

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

Marie Gargas, Senior Technical Director, Regulatory Affairs, Plastics Industry Association (PLASTICS).

### **12. 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 change</b>	<b>Rule number &amp; citation changed</b>
1	Marie Gargas, Senior Technical Director, Regulatory Affairs, Plastics Industry Association	PLASTICS requests the addition of the following definition for “Safety gate” means a moveable, interlocked guard allowing the operator access to the point of operation to perform production related tasks.		MIOSHA agrees with adding the definition of “safety gate” to R 408.16207 that PLASTICS suggested.	R408.16207 (3)
2	Marie Gargas, Senior Technical Director, Regulatory Affairs, Plastics Industry Association	PLASTICS believes these modifications would further improve the proposed amendments. Regarding Rule 6234. (1), we believe monitoring is important; if a failure does occur, it will be known. The date specified in that sentence, February 6, 2008, was the compliance date for monitoring requirements in ANSI/SPI B151.1-2007. For what would be new Rule 6234.		408.16234(1) “For injection molding machines manufactured or remanufactured after February 6, 2008, the safety control systems provided shall be monitored to ensure proper function.”  MIOSHA will not accept this addition to the rule. By not having the date in the rules, all machines have the same requirements regardless of when they were manufactured. Monitoring is addressed in proposed rule 408.16211(3).	R 408.16234 (1)

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3	Marie Gargas, Senior Technical Director, Regulatory Affairs, Plastics Industry Association	R 408.16234 (2)(b)(d), for horizontal IMM, this would add clarity on the intent of the requirement, reduce confusion and underscore that two safety concepts/systems must be selected, encourage diversity in safety application, and eliminate the need for newly proposed option (d) by clarifying (b) to better convey our original intent.		MIOSHA accepts the amendment adding “to stop or prevent mold- closing” to R 408.16234 (2).  MIOSHA will keep the language “any 2” in R 408.16234(2) as written, this helps with the flow of the rule. It also allows for the two electronic mold- closings to be used.	R 408.16234 (2)(b)(d)
4	Marie Gargas, Senior Technical Director, Regulatory Affairs, Plastics Industry Association	For what would be new R 408.16234. (3), for vertical IMM, this adds clarity by changing “injection unit” to “mold,” with parallel changes to (2) in the initial text, option (b), and elimination of newly proposed option (c).		R 408.16234 (2) (b)(d) MIOSHA is keeping the language as written and not accepting PLASTICS suggested amendments. The language in subection (d) specifies a second electric mold closing and clarifies that this requirement can be met with two separate electronic mold-closing controls  MIOSHA accepts the amendments “mold” striking “injection unit” in R 408.16234 (3)  MIOSHA accepts	R 408.16234 (3)(b)(c)

			<p>the amendment adding “to stop or prevent mold-closing” to R 408.16234 (3).</p> <p>MIOSHA will keep the language “any 2” as in R 408.16234(3) as written, this helps with the flow of the rule. It also allows for the two electronic mold-closings to be used.</p> <p>R 408.16234 (3) (b)(c) MIOSHA is keeping the language as written and not accepting PLASTICS suggested amendments. The language in subsection (d) specifies a second electric mold closing and clarifies that this requirement can be met with two separate electronic mold-closing controls.</p>	
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**13.Date report completed:**

2/8/2021