

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

MOAHR-Rules@michigan.gov

**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Labor and Economic Opportunity

**2. Bureau:**

MIOSHA

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

Part 25. Concrete Construction

**5. Rule numbers or rule set range of numbers:**

R 408.42501 - R 408.42535

**6. Estimated time frame:**

12 months

**Name of person filling out RFR:**

Thomas Shaver

**E-mail of person filling out RFR:**

ShaverT1@michigan.gov

**Phone number of person filling out RFR:**

517-241-3659

**Address of person filling out RFR:**

Stevens T. Mason Building  
530 West Allegan St. 2nd Floor  
Lansing, MI 48909

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

Construction Safety Standard Part 25, Concrete Construction, sets forth requirements to protect employees from the hazards associated with concrete construction activities in the reinforcing, pouring, stressing, lifting, and floating of concrete.

These rules are being amended to increase protections of employees from the hazards associated with concrete construction activities in the reinforcing, pouring, stressing, lifting, and floating of concrete.

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

The director of the department has the specific promulgation authority for the rules.

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

MCL 408.1014, 408.1019, and 408.1021, Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, 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 section 14(5), MCL 408.1014.

**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.**

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

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

MIOSHA is not aware of any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda that contains the subject matter of the rules.

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

Yes, the rules were listed on the department's annual regulatory plan as rules to be processed for the current year.

**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.**

The rules will exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. The rules will add additional protections for construction workers in the vicinity of the covered work operations.

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

Yes, the rules incorporate recommendations received from the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers.

**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.**

This rule set was last amended on August 10, 2016. Technology, economic conditions, and other factors have not significantly changed regulatory activity covered by the rules since the last evaluation.

**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?**

There has not been any change or development since implementation that demonstrates that there is no continued need for the rules, or any portion of the rules.

**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

**Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.**