

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:

MCL 24.244 (2)

4. Title of proposed rule set:

Part 11. Recording and Reporting of Occupational Injuries and Illnesses

5. Rule numbers or rule set range of numbers:

R 408.22101 - R 408.22162

6. Estimated time frame:

3 months

Name of person filling out RFR:

Heather Albert

E-mail of person filling out RFR:

AlbertH@michigan.gov

Phone number of person filling out RFR:

5172847738

Address of person filling out RFR:

Stevens T. Mason Building
505 W. Allegan
Lansing, MI 48909

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

MIOSHA Safety and Health Standard Part 11, Recording and Reporting of Occupational Injuries and illnesses gives direction to employers and employees on the recording and reporting of occupational injuries and illnesses to comply with federal requirements.

These rules are being amended due to a previous clerical error that omitted appendices A and C, which must be included to be at least as effective as the United States Department of Labor, Occupational Safety and Health Administration (OSHA).

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

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

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

MCL 408.1016, MCL 408.1069, and Executive Reorganization 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.

The Williams-Steiger Occupational Safety and Health Act of 1970 requires that MIOSHA promulgate standards that are “at least as effective as” those promulgated under Section 6 of the Act.

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.

These rules are being promulgated under MCL 24.244 to be at least as effective as OSHA. Therefore, the state standards adopted by these rules are duplicative with the federal standards. The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state or regional 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?

No, the rules are not listed on the department’s annual regulatory plan.

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?

MCL 24.244 (2)

A. Explain why the rules are being promulgated under 24.244.

These rules are being promulgated under MCL 24.244(2) to be as effective as United States Department of Labor, Occupational Safety and Health Administration (OSHA), as required by the Williams-Steiger Occupational Safety and Health Act of 1970. The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

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.