

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

611 W. Ottawa Street  
Lansing, MI 48909  
Phone: 517-335-8658 Fax: 517-335-9512

**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Labor and Economic Opportunity

**2. Bureau:**

MIOSHA

**3. Promulgation type:**

MCL 24.244 (1)

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

Construction Standard Part 39 Hearing Procedures

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

R 408.3901 - 408.3911

**6. Estimated time frame:**

3 months

**Name of person filling out RFR:**

Shannon Matsumoto

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

The rules govern hearing proceedings in contested cases. The rules should be rescinded as they are duplicative of the Asbestos Abatement Contractors Licensing Act, 1986 PA 135.

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

By authority conferred on the director of the department of labor and economic opportunity by sections 19 and 21 of the Michigan Occupational Safety and Health Act, 1974 PA 154.

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

MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3 MCL 330.3101, 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.**

Section 14 of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1014(5), requires the director to initiate the processing of an administrative rule that is substantially similar to any new federal occupational safety and health standard.

**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 conflict or duplication.

**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?**

MCL 24.244 (1)

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

MIOSHA is requesting rescission of these rules by using 24.244 because the rules are no longer applicable and are duplicative of the Asbestos Abatement Contractors Licensing Act, 1986 PA 135.