

**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:**

MCL 24.244 (2)

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

Construction Safety Standard Part 14. Tunnels, Shafts, Cofferdams, and Caissons

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

R 408.41401 to R 408.41483

**6. Estimated time frame:**

6 months

**Name of person filling out RFR:**

Daniela Garza

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

These rules, CS Part 14. Tunnels, Shafts, Cofferdams and Caissons give direction to employers and employees on protecting Michigan employees from safety and health hazards in the construction workplace on a variety of subjects.

These rules are being amended, in order to be as effective as the federal Occupational Safety and Health Administration (OSHA) standard 29 CFR 1926.800 Underground Construction.

In addition, this rule set is being amended in order to make editorial and administrative revisions and required under the standard improvement project issued by federal OSHA.

**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.).**

The Williams-Steiger Occupational Safety and Health Act of 1970 requires MIOSHA to promulgate standards that are at least as effective as those promulgated under Section 6 of the Act; Sections 19 and 21 of 1974 PA 154, and 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, MCL 408.1014(5).

**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. Some rules are duplicative in order to be as effective as federal OSHA regulations.

**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 (2)

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

These rules are being amended in order to be as effective as federal OSHA.