



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

March 22, 2021

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rules #20-049-LE)
Legislative Service Bureau (Secretary of State Filing #21-03-05)
Department of Labor and Economic Opportunity

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-049-LE (Secretary of State Filing #21-03-05) on this date at 1:17 P.M. for the Department of Labor and Economic Opportunity entitled, "Construction Safety and Health Standard Part 8. Handling and Storage of Materials".

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

Sincerely,

Jocelyn Benson
Secretary of State

Melissa Malerman /CK

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
ACTING DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Labor and Economic Opportunity by 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998.

R 408.40810 and R 408.40818 of the Michigan Administrative Code are amended, and R 408.40801 is rescinded.

Date: 1/28/2021

Adopted by:

A handwritten signature in cursive script that reads "Susan R. Corbin".

Susan R. Corbin
Acting Director
Department of Labor and Economic Opportunity

CERTIFICATE OF APPROVAL

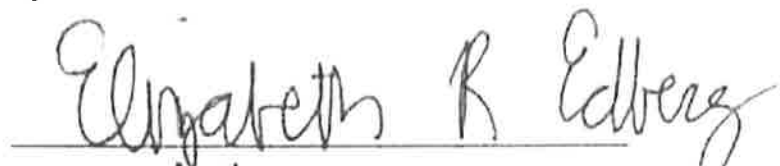
On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Labor and Economic Opportunity dated January 25, 2021, amending R 408.40810 and R 408.40818 and rescinding R 408.40801 of the Department's rules entitled "Construction Safety and Health Standard Part 8. Handling and Storage of Materials." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(2) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(2), these rules are being processed without a public hearing.

Dated: January 28, 2021

LEGISLATIVE SERVICE BUREAU

By



Elizabeth R. Edberg,
Legal Counsel



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated January 25, 2021, in which the Department of Labor and Economic Opportunity proposes to modify a portion of the Michigan Administrative Code entitled “**Construction Safety and Health Standard – Part 8. Handling and Storage of Materials**” by:


- ◆ Amending R 408.40810 and R 408.40818.
- ◆ Rescinding R 408.40801.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: January 28, 2021

Michigan Office of Administrative Hearings and Rules

By: 
Katie Wienczewski,
Attorney



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

March 22, 2021

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2020-49 LE

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated January 25, 2021, for the Department of Labor and Economic Opportunity - "**Construction Safety Standard Part 8. Handling and Storage of Materials**". We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on March 22, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(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, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 408.40810 and R 408.40818 of the Michigan Administrative Code are amended, and R 408.40801 is rescinded, as follows:

PART 8. HANDLING AND STORAGE OF MATERIALS

R 408.40801 Rescinded.

R 408.40810 Scope and adoption by reference of standards.

Rule 810. (1) This standard pertains to the handling and storage of construction materials, including care and use of slings, ropes, and chains for a construction operation, except for specific rules covering materials covered in the following MIOSHA standards, which are referenced in this rule:

- (a) Construction Safety Standard Part 7. "Welding and Cutting."
- (b) Construction Safety Standard Part 18. "Fire Protection and Prevention."
- (c) Construction Safety Standard Part 20. "Demolition"
- (d) Construction Safety Standard Part 27. "Blasting and Use of Explosives."

(2) The Compressed Gas Association Standard, P-1--2000, "Safe Handling of Compressed Gases in Containers," ninth edition, is adopted in these rules. The standard is available from the Compressed Gas Association, Inc., 4221 Walney Road, 5th Floor, Chantilly, Virginia, 20151-2923; telephone number: 703-788-2700 or via the internet at web-site: www.cganet.com at a cost as of the time of adoption of these rules of \$227.00.

(3) The standard adopted in these rules is available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(4) The standard adopted in these rules may be obtained from the publisher or may be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards

January 25, 2021

and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

(5) The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 7. "Welding and Cutting," R 408.40701 to R 408.40762.

(b) Construction Safety Standard Part 18. "Fire Protection and Prevention," R 408.41801 to R 408.41884.

(c) Construction Safety Standard Part 20. "Demolition," R 408.42001 to R 408.42047.

(d) Construction Safety Standard Part 27. "Blasting and Use of Explosives," R 408.42701 to R 408.42799.

(e) General Industry Safety and Health Standard Part 49. "Slings," R 408.14901 to R 408.14965.

R 408.40818 General provisions; storage.

Rule 818. (1) All material shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling, or collapse during storage or transit.

(2) Structural steel, poles, pipe, bar stock, and other cylindrical materials, unless racked, shall be stacked and blocked so as to prevent spreading or tilting.

(3) The maximum safe load limit in pounds per square foot of a floor or roof of a building shall be conspicuously posted in all storage areas, except when a storage area is on a floor or slab on grade. The maximum safe load limit shall not be exceeded. Posting is not required for storage areas in all single-family residential structures and wood-framed multi-family residential structures.

(4) Storage areas, aisles, and passageways shall be kept free of the accumulation of materials that constitutes a hazard to the movement of material-handling equipment and employees. Such areas shall be kept in good repair.

(5) If a difference in road or work levels exists, ramps, grading, or blocking shall be provided to ensure the safe movement of material-handling equipment.

(6) A railcar, truck, or semitrailer shall be chocked or otherwise secured during loading and unloading if the movement of a railcar, truck, or trailer could create a hazard for the employee.

(7) While roofing work is being performed, materials and equipment shall not be stored within 6 feet (1.8 m) of a roof edge, unless guardrails are erected at the roof edge.

(8) Material stored inside buildings under construction shall not be placed within 6 feet of any hoistway or inside floor openings, nor within 10 feet of an exterior wall that does not extend above the top of the material stored.

(9) Noncompatible materials shall be segregated in storage.

(10) Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion, or pest harborage. Vegetation control shall be exercised when necessary.

(11) Materials shall not be stored on scaffolds or runways in excess of supplies needed for immediate operations.

(12) Portable and powered dockboards shall be strong enough to carry the load imposed on them.

(13) Portable dockboards shall be secured in position by being anchored and equipped with devices that will prevent slipping.

(14) Handholds, or other effective means, shall be provided on portable dockboards to permit safe handling.

(15) Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

FILED WITH SECRETARY OF STATE

ON 3/22/21 AT 1:17 P.M.