



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

October 19, 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 #21-059-LE)
Legislative Service Bureau (Secretary of State Filing #21-10-03)
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 #2021-059-LE (Secretary of State Filing #21-10-03) on this date at 10:49 A.M. for the Department of Labor and Economic Opportunity entitled, "General Industry and Construction Safety and Health Standard Part 505. Coronavirus Disease 2019 (COVID-19) for Healthcare".

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) 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

Sue Sayer / CK
Sue Sayer, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

October 19, 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 #: 2021-59 LE

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated July 21, 2021 for the Department of Labor and Economic Opportunity “**GI & CS and Health Standard Pt 505. Coronavirus Disease 2019 (COVID-19) for Healthcare**”. 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



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the director of the department of labor and economic opportunity by sections 14, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1019, 408.1021, and 408.1024, 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

R 408.1 and R 408.2 of the Michigan Administrative Code are added

Date: 10/15/2021

Adopted by: *Susan R. Corbin*
Susan R. Corbin
Director
Department of Labor and Economic Opportunity



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 July 21, 2021, in which the Department of Labor and Economic Opportunity proposes to modify a portion of the Michigan Administrative Code entitled "**General Industry and Construction Safety and Health Standard – Part 505. Coronavirus Disease 2019 (COVID-19) for Healthcare**" by:

- ◆ Amending R 408.1 and R 408.2.

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: August 16, 2021

Michigan Office of Administrative Hearings and Rules

By:

Katie Wienczewski,
Attorney

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 July 21, 2021, amending R 408.1 and R 408.2 of the Department's rules entitled "General Industry and Construction Safety and Health Standard Part 505. Coronavirus Disease 2019 (COVID-19) for Healthcare." 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: August 12, 2021

LEGISLATIVE SERVICE BUREAU

By



Elizabeth R. Edberg,
Legal Counsel

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
DIRECTOR'S OFFICE
GENERAL INDUSTRY AND CONSTRUCTION SAFETY AND HEALTH
STANDARD

Filed with the secretary of state on October 19, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) 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 14, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1019, 408.1021, and 408.1024, 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)

R 408.1 and R 408.2 of the Michigan Administrative Code are added, as follows:

PART 505. CORONAVIRUS DISEASE 2019 (COVID-19) FOR HEALTHCARE

R 408.1 Scope, application, and adoption by reference.

Rule 1. (1) These rules apply to all healthcare employers covered in the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094, for SARS-CoV-2 coronavirus and COVID-19.

(2) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

- (a) 29 CFR 1910, Subpart U, "COVID-19 Emergency Temporary Standard."
- (b) 29 CFR 1910.502, "Healthcare," effective June 21, 2021.
- (c) 29 CFR 1910.504, "Mini Respiratory Protection Program," effective June 21, 2021.
- (d) 29 CFR 1910.505, "Severability," effective June 21, 2021.
- (e) 29 CFR 1910.509, "Incorporation by Reference," effective June 21, 2021.

(3) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(4) The regulations adopted in these rules are 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.

(5) The regulations adopted in these rules may be obtained from the Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143. Up to 5 copies of these

July 21, 2021

standards may be obtained at no charge. For quantities greater than 5, the cost is 4 cents per page, plus \$20.00 for shipping and handling.

R 408.2 Sunset.

Rule 2. These rules remain in full force and effect until such time as the United States Department of Labor, Occupational Safety and Health Administration standards adopted by reference in R 408.1 are withdrawn, repealed, or rescinded.

FILED WITH SECRETARY OF STATE

ON 10/19/21 AT 10:48 AM