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**PROPOSED ADMINISTRATIVE RULES**

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DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY AND CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on

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 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 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, R 408.2, R 408.3, R 408.4, R 408.5, R 408.6, R 408.7, R 408.8, R 408.9, R 408.10, R 408.11, and R 408.12 of the Michigan Administrative Code are added, as follows:**

**PART 505. CORONAVIRUS DISEASE 2019 (COVID-19)**

R 408.1 Scope and application.

Rule 1. These rules apply to all 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.

R 408.2 Definitions.

Rule 2. As used in these rules:

(a) "Close contact" means close contact as defined by the latest Centers for Disease Control and Prevention (CDC) guidelines at the time of contact.

(b) "COVID-19" means a viral respiratory illness characterized by symptoms defined by the CDC.

(c) "Known cases of COVID-19" means persons who have been confirmed through diagnostic testing to have COVID-19.

(d) "SARS-CoV-2" means the novel coronavirus identified as SARS-CoV-2 or a virus mutating from SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2), which is the causative agent of COVID-19.

(e) "Suspected cases of COVID-19" means persons who have symptoms of COVID-19 but have not been confirmed through diagnostic testing or persons who have had close contact with a person who has been confirmed through diagnostic testing to have COVID-19.

R 408.3 Exposure determination for all employers.

Rule 3. (1) The employer shall evaluate routine and reasonably anticipated tasks and procedures to determine whether there is actual or reasonably anticipated employee exposure to SARS-CoV-2.

(2) The employer shall categorize jobs tasks and procedures into the following risk categories:

(a) Lower exposure risk job tasks and procedures. These job tasks and procedures are those that do not require contact with people known to be or suspected of being infected with SARS-CoV-2 nor frequent close contact (e.g., within 6 feet) with the general public. Workers in this category have minimal occupational contact with the public and other coworkers.

(b) Medium exposure risk job tasks and procedures. These job tasks and procedures include those that require frequent or close contact (e.g., within 6 feet) with people who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients. In areas without ongoing community transmission, workers in this risk group may have frequent contact with travelers who may return from locations with widespread SARS-CoV-2 transmission. In areas where there is ongoing community transmission, workers in this category may have contact with the general public (e.g., schools, high-population-density work environments, or high-volume retail settings).

(c) High exposure risk job tasks and procedures. These job tasks and procedures are those with high potential for exposure to known or suspected sources of SARS-CoV-2. Workers in this category could include licensed health care professionals, medical first responders, nursing home employees, law enforcement, correctional officers, or mortuary workers.

(d) Very high exposure risk job tasks and procedures. These job tasks and procedures are those with high potential for exposure to known or suspected sources of SARS-CoV-2 during specific medical, postmortem, or laboratory procedures. Workers in this category can include:

(i) Healthcare workers (e.g., doctors, nurses, dentists, paramedics, or emergency medical technicians) performing aerosol-generating procedures (e.g., intubation, cough induction procedures, bronchoscopies, some dental procedures and exams, or invasive specimen collection) on known or suspected COVID-19 patients.

(ii) Health care or laboratory personnel collecting or handling specimens from known or suspected COVID-19 patients (e.g., manipulating cultures from known or suspected COVID-19 patients).

(iii) Morgue workers performing autopsies, which generally involve aerosol-generating procedures, on the bodies of people who are known to have or are suspected of having COVID-19 at the time of their death.

R 408.4 COVID-19 preparedness and response plan for all employers.

Rule 4. (1) The employer shall develop and implement a written COVID-19 preparedness and response plan, consistent with the latest guidance for COVID-19 from the CDC and the Occupational Health and Safety Administration (OSHA).

(2) The preparedness and response plan must include the employee exposure determination from R 408.3 and detail the measures the employer will implement to prevent employee exposure, including any:

- (a) Engineering controls.
- (b) Administrative controls.
- (c) Basic infection prevention measures.
- (d) Personal protective equipment.
- (e) Health surveillance.
- (f) Training.

(3) The employer shall make the preparedness and response plan readily available to employees and their representatives, whether via website, internal network, or by hard copy.

R 408.5 Basic infection prevention measures for all employers.

Rule 5. (1) The employer shall promote frequent and thorough hand washing by providing a place to wash hands. If soap and running water are not immediately available, an employer shall provide antiseptic hand sanitizers or alcohol-based hand towelettes containing at least 60% alcohol.

(2) The employer shall require workers who are sick to not report to work or work in an isolated location.

(3) The employer shall prohibit workers from using other workers' phones, desks, offices, or other work tools and equipment, when possible.

(4) The employer shall increase facility cleaning and disinfection to limit exposure to SARS-CoV-2, especially on high-touch surfaces (e.g., door handles), paying special attention to parts, products, and shared equipment (e.g., tools, machinery, and vehicles).

(5) The employer shall establish procedures for disinfection in accordance with the latest CDC guidance if it is suspected or confirmed that an employee or site visitor has a known case of COVID-19.

(6) The employer shall use Environmental Protection Agency (EPA)-approved disinfectants that are expected to be effective against SARS-CoV-2 based on data for harder to kill viruses.

(7) The employer shall follow the manufacturer's instructions for use of all cleaning and disinfection products (e.g., concentration, application method and contact time, and personal protective equipment).

(8) The employer shall create a policy promoting remote work for employees to the extent that their work activities can feasibly (e.g., technical, economical, performance) be completed remotely.

R 408.6 Health surveillance for all employers.

Rule 6. (1) The employer shall conduct a daily self-reported health screening protocol for all employees or contractors entering the workplace, including, at a minimum, a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.

(2) The employer shall direct employees to promptly report any signs and symptoms of COVID-19 to the employer before or during the work shift.

(3) The employer shall physically isolate any employees known or suspected to have COVID-19 from the remainder of the workforce, using measures such as, but not limited to:

(a) Not allowing known or suspected cases to report to work.

(b) Sending known or suspected cases away from the workplace.

(c) Assigning known or suspected cases to work alone at a remote location (for example, their home), as their health allows.

(4) When an employer learns of an employee, visitor, contractor, or customer with a known case of COVID-19, who was present in the workplace, the employer shall within 24 hours of learning of the known case, notify any co-workers, contractors, or suppliers who may have come into close contact with the person with a known case of COVID-19.

(5) The employer shall allow employees with a known or suspected case of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the CDC or state or local public health authorities, whichever is more stringent.

R 408.7 Workplace controls for all employers.

Rule 7. (1) The employer shall designate 1 or more worksite COVID-19 safety coordinators to implement, monitor, and report on the COVID-19 control strategies developed under these rules. The COVID-19 safety coordinator must remain on-site at all times when employees are present on site. An on-site employee may be designated to perform the COVID-19 safety coordinator role.

(2) The employer shall place posters in the languages common in the employee population that encourage staying away from the workplace when sick, cough and sneeze etiquette, and proper hand hygiene practices.

(3) The employer shall keep everyone on the worksite premises at least 6 feet from one another to the maximum extent possible and to reduce congestion, including using ground markings, signs, and physical barriers, as appropriate to the worksite.

(4) The employer shall provide face coverings to their employees at no cost to the employee.

(5) The employer shall require face coverings to be worn when employees cannot consistently maintain 6 feet of separation from other individuals in the workplace and consider face shields when employees cannot consistently maintain 3 feet of separation from other individuals in the workplace.

(6) The employer shall require face coverings in shared spaces, including during in-person meetings and in restrooms and hallways.

#### R 408.8 Personal protective equipment (PPE) requirements for all employers.

Rule 8. (1) The employer shall provide employees with the types of PPE, including respirators if necessary, for protection from SARS-CoV-2 appropriate to the exposure risk associated with the job. The employer must follow the latest CDC and OSHA guidance for PPE. Note: Face coverings are not considered PPE.

(2) The employer shall ensure that the PPE is properly fitted and worn; used consistently; regularly inspected, maintained, and replaced, as necessary; and properly removed, cleaned, and stored or disposed of to avoid contamination of self, others, or the work environment.

(3) In establishments that provide direct care or housing to known or suspected cases of COVID-19, the employer shall ensure that employees in frequent or prolonged close contact with such cases are provided with and wear, at a minimum, an N95 respirator, goggles or face shield, and a gown.

#### R 408.9 Industry-specific requirements.

Rule 9. An employer of a business, operation, or facility in the industry sectors named below shall comply with the following requirements specific for its business, operation, or facility.

(1) Construction. Businesses or operations in the construction industry must:

(a) Create dedicated entry point or points at every worksite, if possible, for daily health screening as provided in R 408.6, or in the alternative issue stickers or other indicators to employees to show that they received a health screening before entering the worksite that day.

(b) Identify choke points and high-risk areas where employees must stand near one another (such as hallways, hoists and elevators, break areas, water stations, and employer provided transportation) and control their access and use (including through physical barriers) to maintain physical distancing.

(c) Create protocols for minimizing personal contact upon delivery of materials to the worksite.

(2) Manufacturing. Manufacturing facilities must create protocols for minimizing personal contact upon delivery of materials to the facility.

(3) Retail, libraries, and museums. Retail stores that are open for in-store sales, as well as libraries and museums, must:

(a) Create communications material for customers (e.g., signs or pamphlets) to inform them of changes to store practices and to explain the precautions the store is taking to prevent infection.

(b) Require patrons to wear a face covering (unless the patron is unable medically to tolerate a face covering).

(c) Post signs at store entrances instructing customers to wear a face covering when inside the store.

(d) Post signs at store entrances informing customers not to enter if they are or have recently been sick.

(e) Configure spaces and store activities in a manner that encourages employees and customers to maintain 6 feet of distance from one another.

(f) Install physical barriers at checkout or other service points that require close interaction, including plexiglass barriers, tape markers, or tables.

(g) Establish an enhanced cleaning and sanitizing protocol for high-touch areas like restrooms, credit-card machines, keypads, counters, shopping carts, and other surfaces.

(4) Restaurants and bars. Restaurants and bars must:

(a) Require 6 feet of separation between parties or groups at different tables or bar tops (e.g., spread tables out, use every other table, remove or put-up chairs or barstools that are not in use). This provision shall be rescinded 14 days after the Michigan department of health and human services (MDHHS) removes this requirement.

(b) Require patrons to wear a face covering except when seated at their table or bar top (unless the patron is unable medically to tolerate a face covering).

(c) Prohibit access to common areas in which people can congregate. This provision shall be rescinded 14 days after the MDHHS removes this requirement.

(d) Create communications material for customers (e.g., signs, pamphlets) to inform them of changes to restaurant or bar practices and to explain the precautions that are being taken to prevent infection.

(e) Post signs at all entrances informing customers not to enter if they are or have recently been sick.

(f) Post signs instructing customers to wear face coverings until they are seated at their table.

(g) Require hosts, servers, and staff to wear face coverings in the dining area in addition to areas where social distancing cannot be maintained.

(5) Health care. Health facilities or agencies, including outpatient health-care facilities, clinics, primary care physician offices, dental offices, and veterinary clinics, must:

(a) Post signs at entrances instructing patients to wear a face covering when in the facility, except as necessary for identification or to facilitate an examination or procedure.

(b) Limit waiting-area occupancy to the number of individuals who can be present while staying 6 feet away from one another and ask patients, if possible, to wait in cars for their appointment to be called.

(c) Mark or arrange waiting rooms to enable 6 feet of social distancing (e.g., by placing X's on the ground or removing seats, or both, in the waiting room).

(d) Conduct a common health screening protocol for all patients, including a temperature check and questions about COVID-19 symptoms.

(e) Place hand sanitizer and face coverings at patient entrances.

(f) Require patients to wear a face covering when in the facility, except as necessary for identification or to facilitate an examination or procedure.

(g) Install physical barriers at sign-in, temperature screening, or other service points that normally require personal interaction (e.g., plexiglass, cardboard, tables).

(6) In-home services. All businesses or operations that provide in-home services, including cleaners, repair persons, painters, and the like, must:

(a) Maintain accurate appointment records, including date and time of service, name of client, and contact information, to aid with contact tracing.

(b) Prior to entering the home, inquire with the customer whether anyone in the household has been diagnosed with COVID-19, is experiencing symptoms of COVID-19, or has had close contact with someone who has been diagnosed with COVID-19. If so, the business or operation must reschedule for a different time.

(7) Personal-care services. All businesses or operations that provide barbering, cosmetology services, body art services (including tattooing and body piercing), tanning services, massage services, or similar personal-care services must:

- (a) Post signs at all entrances instructing customers to wear a face covering when inside the facility.
- (b) Post signs at all entrances informing customers not to enter if they are or have recently been sick.
- (c) Restrict entry to customers, to a caregiver of those customers, or to the minor dependents of those customers.
- (d) Limit waiting-area occupancy to the number of individuals who can be present while staying 6 feet away from one another and ask customers, if possible, to wait in cars for their appointment to be called.
- (e) Discard magazines in waiting areas and other non-essential, shared items that cannot be disinfected.
- (f) Mark or arrange waiting rooms to enable 6 feet of social distancing (e.g., by placing X's on the ground or removing seats, or both, in the waiting room).
- (g) Require employees and customers to wear a face covering at all times, except that customers may temporarily remove a face covering when receiving a service that requires its removal. During services that require a customer to remove their face covering, an employee must wear a face shield or goggles in addition to the face covering.
- (8) Public accommodations. Sports and entertainment facilities, including arenas, cinemas, concert halls, performance venues, sporting venues, stadiums, and theaters, as well as places of public amusement, such as amusement parks, arcades, bingo halls, bowling alleys, night clubs, skating rinks, and trampoline parks, must:
  - (a) Post signs at all entrances instructing customers to wear a face covering when inside the facility.
  - (b) Post signs outside of entrances informing customers not to enter if they are or have recently been sick.
  - (c) Require patrons to wear a face covering (unless the patron is unable medically to tolerate a face covering).
  - (d) Establish crowd-limiting measures to meter the flow of patrons (e.g., digital queuing, delineated waiting areas, parking instructions, social distance markings on ground, or cones to designate social distancing).
  - (e) For sports and entertainment facilities, establish safe exit procedures for patrons (e.g., dismiss groups based on ticket number, row).
- (9) Sports and exercise facilities. Gymnasiums, fitness centers, recreation centers, exercise facilities, exercise studios, bowling alleys, roller rinks, ice rinks, and like facilities must:
  - (a) Post signs at all entrances instructing customers to wear a face covering when inside the facility.
  - (b) Post signs outside of entrances instructing individuals not to enter if they are or have recently been sick.
  - (c) Mandate wearing of facial coverings at all times except when swimming.
  - (d) Provide equipment-cleaning products throughout the facility for use on equipment.
  - (e) Ensure that ventilation systems operate properly.
- (10) Meat and poultry processing. Meat and poultry processing plants must provide clean face coverings or disposable mask options for employees to use when the coverings become wet, soiled, or otherwise visibly contaminated over the course of a workday.
- (11) Casinos. Casinos must:
  - (a) Post signs at all entrances instructing customers to wear a face covering when inside the facility.
  - (b) Designate entry points and exit points with extensive signage of the directional flow of patrons.
  - (c) Place signs at each entrance point, cage, and throughout the casino reminding patrons of the latest CDC guidelines for social distancing practices, proper washing of hands, wearing face coverings, and to stay at home if feeling ill or sick.

(d) Conduct a daily entry health screening protocol for customers and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening.

(e) Require patrons to wear a face covering, except while eating or drinking or for identification purposes.

R 408.10 Training requirements for all employers.

Rule 10. (1) The employer shall provide training to employees on SARS-CoV-2 and COVID-19.

(2) The employer shall provide any communication and training on COVID-19 infection control practices in the primary languages common in the employee population.

(3) The training shall cover:

(a) Workplace infection-control practices.

(b) The proper use of personal protective equipment.

(c) Steps the employee must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.

(d) How to report unsafe working conditions.

(4) The employer shall provide updated training if it changes its preparedness and response plan or new information becomes available about the transmission of SARS-CoV-2 or diagnosis of COVID-19.

R 408.11 Recordkeeping requirements for all employers.

Rule 11. (1) Employers must maintain a record of the following requirements:

(a) Training. The employer shall maintain a record of all COVID-19 employee training.

(b) Health screening protocols. The employer shall maintain a record of health screening for each employee or contractor entering the workplace.

(c) Records of required notifications. The employer shall maintain a record of each notification required by R 408.6.

(2) Employers must maintain records for 6 months from time of generation.

R 408.12 Requirements for MIOSHA.

Rule 12. Within 21 days of the expiration or rescission of any remaining emergency order issued for COVID-19 under section 2253 of the public health code, 1978 PA 368, MCL 333.2253, and the absence, expiration, or rescission of a declaration of a state of emergency issued related to COVID-19 by the governor under section 3(4) of the emergency management act, 1976 PA 390, MCL 30.403, or section 1(1) of 1945 PA 302, MCL 10.31, the department shall examine the continued need for these COVID-19 rules.

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**NOTICE OF PUBLIC HEARING**

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Department of Labor and Economic Opportunity  
MIOSHA

Administrative Rules for General Industry and Construction Safety and Health Part 505. Coronavirus-19  
(COVID-19)  
Rule Set 2021-27 LE

NOTICE OF PUBLIC HEARING  
Wednesday, May 26, 2021  
09:00 AM

The public hearing will be held virtually via Microsoft Teams to receive public comments while complying with measures designed to help prevent the spread of Coronavirus Disease 2019 (COVID 19) and Ingham County Resolution #21-138.

[https://teams.microsoft.com/l/meetup-join/19%](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTZiN2ZjZmYtMzllYi00ZTZkLTgyMmYtMmFlYzcyM2Q5OGVk%40thread.v2/0?cont)

[3ameeting\\_MTZiN2ZjZmYtMzllYi00ZTZkLTgyMmYtMmFlYzcyM2Q5OGVk%40thread.v2/0?cont](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTZiN2ZjZmYtMzllYi00ZTZkLTgyMmYtMmFlYzcyM2Q5OGVk%40thread.v2/0?cont)  
[ext=%7b%22id%22%3a%22d5fb70](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTZiN2ZjZmYtMzllYi00ZTZkLTgyMmYtMmFlYzcyM2Q5OGVk%40thread.v2/0?cont)

The Department of Labor and Economic Opportunity will hold a public hearing to receive public comments on proposed changes to the General Industry and Construction Safety and Health Part 505. Coronavirus-19 (COVID-19) rule set.

The amendments of the General Industry and Construction Safety and Health Standard Part 505. Coronavirus Disease 2019 (COVID-19) are proposed to take immediate effect after filing with the Secretary of State. The proposed rules (2021-27 LE) will be updated to establish requirements for employers to control and prevent COVID-19 among employees. At present the MIOSHA has no permanent rules specific to severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) exposure. SARS-CoV-2 is easily transmitted through the air from person-to-person through respiratory aerosols.

By authority conferred on the director of the Department of Labor and Economic Opportunity by sections 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 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. The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan web site at <http://www.michigan.gov/ARD> and in the Michigan Register in the 5/15/2021 issue. Copies of these proposed rules may also be obtained by mail or electronic transmission at the following address: [kloppt@michigan.gov](mailto:kloppt@michigan.gov).

Comments on these proposed rules may be made at the hearing or by mail or electronic mail at the following address until 5/26/2021 at 05:00PM.

Toscha Klopp

[Email: kloppt@michigan.gov](mailto:kloppt@michigan.gov)

530 West Allegan Street – P.O. Box 30643 – Lansing MI 48909-8143

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-284-7740 to make arrangements.