

**MIOSHA's Top 25 Serious Rule Violations Sited for the Green Industry  
(October 1, 2006-December 1, 2008)**

Rank	Rule	Language	# of Violations
1	Part 33 408.13312(1)	<p><b>Face and eye protection generally.</b> An employer shall ensure that each affected employee shall use appropriate eye or face protection as prescribed in R 408.13311 if a hazard exists due to any of the following:</p> <ul style="list-style-type: none"> <li>(a) Flying objects or particles.</li> <li>(b) Harmful contacts.</li> <li>(c) Exposures.</li> <li>(d) Molten metal.</li> <li>(e) Liquid chemicals.</li> <li>(f) Acids or caustic liquids.</li> <li>(g) Chemical gases or vapors.</li> <li>(h) Glare.</li> <li>(i) Injurious radiation.</li> <li>(j) Electrical flash.</li> <li>(k) A combination of the hazards specified in this subrule.</li> </ul>	29
2	Part 7 408.10727(1)	<p><b>Belt and pulley.</b> A belt and pulley which is 7 feet or less above the floor or platform and which is exposed to contact shall be guarded pursuant to R 408.10751 to R 408.10754. In a power plant or power-development room, a standard barrier and toeboard may be used pursuant to rule 231 and subrule (2) of rule 233 of the general industry safety standards commission standard, Part 2. Floor and Wall Openings, Stairways, and Skylights, being R 408.10231 and R 408.10233(2) of the Michigan Administrative Code.</p>	28
3	Part 53 408.15313(2)	<p><b>Personal protective equipment</b> Head protection shall be provided and used, as prescribed in general industry safety standard, Part 33. Personal Protective Equipment, being R 408.13301 et seq. of the Michigan Administrative Code, by an employee working on any operation covered by this part.</p>	23
4	Part 92 1910.1200(e)(1)	<p><b>Written hazard communication program.</b> Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, material safety data sheets, and employee information and training will be met, and which also includes the following:</p> <ul style="list-style-type: none"> <li>(i) A list of the hazardous chemicals known to be present using an identity that is referenced on the appropriate material safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and,</li> <li>(ii) The methods the employer will use to inform employees</li> </ul>	20

		of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.	
5	Part 33 408.13308(1)	<b>Hazard assessment and equipment selection.</b> An employer shall assess the workplace to determine if hazards that necessitate the use of personal protective equipment are present, or are likely to be present. If the hazards are present or are likely to be present then the employer shall do all of the following: (a) Select, and have each affected employee use, the types of personal protective equipment that will protect the affected employee from the hazards identified in the hazard assessment. (b) Communicate selection decisions to each affected employee. (c) Select the personal protective equipment that properly fits each affected employee.	14
6	Part 39 1910.303(g)(2)	<b>600 Volts, nominal, or less.</b> The space equal to the width and depth of the equipment shall be kept clear of foreign systems unless protection is provided to avoid damage from condensation, leaks, or breaks in such foreign systems. This area shall extend from the top of the electric equipment to the structural ceiling;	11
7	Part 53 408.15313(6)	<b>Personal protective equipment.</b> (6) When an employee is exposed to vehicular traffic, an orange colored jacket or vest shall be provided by the employer to an employee, at no expense to the employee, and used by the employee. At nighttime the vest or jacket shall be reflectorized.	11
8	Part 53 408.15336(2)	<b>Felling.</b> (2) Each assisting employee on the ground shall be instructed exactly what he is to do. Other employees shall be cleared to a distance of twice the height of the tree being cut.	11
9	Part 53 408.15313(3)	<b>Personal protective equipment.</b> (3) A safety belt, safety strap, tree trimming saddle belt, or rope saddle shall be provided to and used by an employee when working aloft in a tree, as prescribed in general industry safety standard, Part 33. Personal Protective Equipment, being R 408.13301 et seq. of the Michigan Administrative Code. A safety strap shall be worn and attached when aloft in the bucket of an aerial device. A saddle or safety belt made unsafe by damage, defect, or alteration shall not be used.	10
10	Part 2 408.10213(2)	<b>Guards for open-sided floors, platforms and runways.</b> (2) An open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard barrier as specified in rule 231 on all open sides, except where there is entrance to a ramp, stairway or fixed ladder. The barrier shall be provided with a toe board as specified in	8

		<p>rule 233(2) where, beneath the open sides:</p> <ul style="list-style-type: none"> <li>(a) Persons can pass,</li> <li>(b) There is moving machinery, or</li> <li>(c) There is equipment with which falling materials could create a hazard. The intermediate sections of the barrier and the toe board may be eliminated when materials are regularly passed over the end of the floor, as in lumber storage. A stationary elevated platform secured to a building or structure used exclusively for the service and maintenance of overhead bridge cranes and similarly mobile equipment may be equipped with standard barriers and toe boards that are removable in lieu of fixed standard barriers and toe boards on the side adjacent to the machinery, if such barriers and toe boards are secured against falling when they are not serving as protective barriers.</li> </ul>	
11	Part 53 408.15338(2)	<p><b>Brush removal and chipping.</b></p> <p>(2) A chipper shall be fed from the side of the center line of the opening and the employee feeding the chipper shall immediately turn away when brush is taken into the rotor chamber. Where applicable, the chipper shall be fed from the curb side.</p>	8
12	Part 53 408.15338(5)	<p><b>Brush removal and chipping.</b></p> <p>(5) An employee feeding a chipper shall not wear attire such as, clothing with loose sleeves, gauntlet gloves, watches or rings. Rings covered by gloves or tape will be considered to be in compliance</p>	8
13	Part 58 408.15811(b)	<p><b>Employer responsibility.</b></p> <p>(b) Ensure that employees do not engage in the activities to which these rules apply until such employees have received training.</p>	8
14	Part 21 408.12154(1)	<p><b>Permits.</b></p> <p>(1) An employer shall provide the employee with a permit to operate a powered industrial truck only after meeting the requirements prescribed in R 408.12151, R 408.12152, and R 408.12153. A permit is optional for operators of motorized hand low lift trucks.</p>	7
15	Part 53 408.15343(1)	<p><b>Brush chippers.</b></p> <p>(1) A brush chipper shall be equipped with a locking device on the ignition system which shall be kept locked with the key removed when the chipper is unattended.</p>	7
16	Part 58 408.15836 (1)	<p><b>Fall protection.</b></p> <p>The employer shall provide a safety harness that has a lanyard which is in compliance with construction safety standard Part 45. "Fall Protection", R 408.44501 to R 408.44502 and which is affixed to attachment points provided and approved by the manufacturer. Any occupant of an aerial work platform described in the provisions of R 408.15802(a) and (c) and figures 1 and 3 shall use a safety harness.</p>	7

17	Part 1 408.10034(8)	<p><b>Machine guards and devices.</b> (8) A fan used in process cooling whose blade is less than 7 feet above the floor or working level shall meet the distance requirements of table 2. Where the openings are larger than those shown in table 2, the distance from the guard to the blade shall prevent any part of the employee's body from making contact with the blade.</p> <p style="text-align: center;"><b>TABLE 2</b></p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Distance of opening from point of operation hazard (inches)</th> <th style="text-align: left;">Maximum width opening (inches)</th> </tr> </thead> <tbody> <tr><td style="text-align: center;">1/2 to 1 1/2</td><td style="text-align: center;">1 / 4</td></tr> <tr><td style="text-align: center;">1 1/2 to 2 1/2</td><td style="text-align: center;">3 / 8</td></tr> <tr><td style="text-align: center;">2 1/2 to 3 1/2</td><td style="text-align: center;">1 / 2</td></tr> <tr><td style="text-align: center;">3 1/2 to 5 1/2</td><td style="text-align: center;">5 / 8</td></tr> <tr><td style="text-align: center;">5 1/2 to 6 1/2</td><td style="text-align: center;">3 / 4</td></tr> <tr><td style="text-align: center;">6 1/2 to 7 1/2</td><td style="text-align: center;">7 / 8</td></tr> <tr><td style="text-align: center;">7 1/2 to 12 1/2</td><td style="text-align: center;">1 1/4</td></tr> <tr><td style="text-align: center;">12 1/2 to 15 1/2</td><td style="text-align: center;">1 1/2</td></tr> <tr><td style="text-align: center;">15 1/2 to 17 1/2</td><td style="text-align: center;">1 7/8</td></tr> <tr><td style="text-align: center;">17 1/2 to 31 1/2</td><td style="text-align: center;">2 1/8</td></tr> </tbody> </table>	Distance of opening from point of operation hazard (inches)	Maximum width opening (inches)	1/2 to 1 1/2	1 / 4	1 1/2 to 2 1/2	3 / 8	2 1/2 to 3 1/2	1 / 2	3 1/2 to 5 1/2	5 / 8	5 1/2 to 6 1/2	3 / 4	6 1/2 to 7 1/2	7 / 8	7 1/2 to 12 1/2	1 1/4	12 1/2 to 15 1/2	1 1/2	15 1/2 to 17 1/2	1 7/8	17 1/2 to 31 1/2	2 1/8	6
Distance of opening from point of operation hazard (inches)	Maximum width opening (inches)																								
1/2 to 1 1/2	1 / 4																								
1 1/2 to 2 1/2	3 / 8																								
2 1/2 to 3 1/2	1 / 2																								
3 1/2 to 5 1/2	5 / 8																								
5 1/2 to 6 1/2	3 / 4																								
6 1/2 to 7 1/2	7 / 8																								
7 1/2 to 12 1/2	1 1/4																								
12 1/2 to 15 1/2	1 1/2																								
15 1/2 to 17 1/2	1 7/8																								
17 1/2 to 31 1/2	2 1/8																								
18	Part 22 408.12219(3)	<p><b>Protection from spillage, pinch points, and power take-offs.</b> (3) A tractor having a power take-off shaft shall be equipped with a master shield on the power take-off shaft, except as permitted in subrule (4). The shield shall have a strength capable of preventing permanent deformation when a 250-pound operator mounts or dismounts the tractor using the shield as a step.</p>	6																						
19	Part 53 408.15311(c)	<p><b>Employer responsibility.</b> An employer shall: (c) Develop rescue procedures such as, but not limited to, removal of injured, stricken or electrically shocked employees from work positions aloft. .</p>	6																						
20	Part 53 408.15338(1)	<p><b>Brush removal and chipping.</b> (1) Cut brush and logs shall not be allowed to create a hazard in the work area.</p>	6																						
21	Part 54 408.15416(12)	<p><b>Operating rules generally.</b> (12) All rotating shafts, fly wheels, chains, belts, pulleys, and sprockets, shall be located or guarded to prevent accidental contact in accordance with and as prescribed in, Part 7. Guards for Power Transmission, being R 408.10701 to R 408.10765 of the Michigan Administrative Code.</p>	6																						
22	Part 58 408.15831(1)	<p><b>Inspection, maintenance; testing.</b> (1) An employer shall comply with all of the following requirements: (a) Each aerial work platform shall be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturers or owner's operating or maintenance and repair manual or manuals.</p>	6																						

		<p>(b) Any aerial work platform found not to be in a safe operating condition shall be removed from service until repaired. All repairs shall be made by an authorized person in accordance with the manufacturer's or owner's operating or maintenance and repair manual or manuals.</p> <p>(c) If the aerial work platform is rated and used as an insulated aerial device, the electrical insulating components shall be tested for compliance with the rating of the aerial work platform in accordance with ANSI standard A92.2 2002 edition "Vehicle-Mounted Elevating and Rotating Aerial Devices," which is adopted by reference in R 408.15810. Testing shall comply with all of the following provisions:</p> <p>(i) The test shall be performed not less than annually.</p> <p>(ii) Written, dated, and signed test reports shall be made available by the employer for examination by a department representative.</p> <p>(iii) The insulated portion of an aerial device shall not be altered in any manner that might reduce its insulating value.</p> <p>(d) All danger, caution, and control markings and operational plates shall be legible and not obscured.</p>	
23	Part 1 408.10034(9)	<p><b>Machine guards and devices.</b></p> <p>(9) When an employee is exposed to a hazard created by a pinch point other than point of operation, the hazard shall be guarded or the employee otherwise protected.</p>	5
24	Part 54 408.15411(c)	<p><b>Employer responsibility.</b></p> <p>An employer shall:</p> <p>(c) Not allow powered groundskeeping and related equipment to be operated which is not guarded as prescribed by this part, or which has a known defect that could affect the safety of the operator.</p>	5
25	Part 58 408.15832 (2)	<p><b>Electrical hazards.</b></p> <p>(2) A qualified lineman or a qualified line clearance tree trimmer, as prescribed in General Industry Safety Standard Part 53 "Tree Trimming and Removal" R 408.15301 to R 408.15363, shall maintain distances as prescribed in Table 2 when performing work from an aerial work platform on or near an exposed power line unless any of the following conditions exist:</p> <p>(a) The employee is insulated or guarded from the energized part by gloves or sleeves, as provided for and prescribed in General Industry Safety Standard Part 33 "Personal Protective Equipment," R 408.13301 to R 408.13398.</p> <p>(b) The employee is insulated, isolated, or guarded from any other conductive part.</p> <p>(c) The energized part is insulated from the employee.</p>	2