

**DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY**

**DIRECTOR'S OFFICE**

**CONSTRUCTION SAFETY AND HEALTH STANDARD**

(By authority conferred on the director of the department of labor and economic opportunity by sections 14 and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014 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)

**PART 603. LEAD EXPOSURE IN CONSTRUCTION**

**R 325.51983 Scope, application, adoption, and availability of standards.**

Rule 83. (1) These rules apply to all construction work as defined by the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094. Construction work includes all of the following:

- (a) Demolition or salvage of structures where lead or materials containing lead are present.
- (b) Removal or encapsulation of materials containing lead.
- (c) New construction, alteration, repair, painting, decorating, or renovation of structures, substrates, or portions thereof that contain lead or materials containing lead.
- (d) Installation of products containing lead.
- (e) Lead contamination or emergency cleanup.
- (f) Transportation, disposal, storage, or containment of lead or materials containing lead on the site or location at which construction activities are performed.
- (g) Maintenance operations associated with the construction activities described in this rule.

(2) The federal Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1926.62, "Lead," as amended on February 18, 2020, is adopted by reference in these rules.

(3) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094.

(4) The following provisions of the OSHA regulation adopted in these rules are not adopted by reference:

- (a) 1926.62(d)(2)(v) is replaced by R 325.51986.
- (b) 1926.62(j)(1) is replaced by R 325.51987.
- (c) 1926.62(j)(2)(i) is replaced by R 325.51988.
- (d) 1926.62(j)(2)(iv) is replaced by R 325.51989.
- (e) 1926.62(j)(3)(i) is replaced by R 325.51990.
- (f) 1926.62(j)(3)(ii) is replaced by R 325.51991.
- (g) 1926.62(k)(1)(i) is replaced by R 325.51992.

(h) 1926.62(k)(1)(iii) is replaced by R 325.51993.

(5) A reference to 1926.51 “Sanitation,” means Construction Safety and Health Standard Part 1. “General Rules,” R 408.40101 to R 408.40134.

(6) A reference to 1910.133 “Eye and face protection,” means Construction Safety and Health Standard Part 6. “Personal Protective Equipment,” R 408.40601 to R 408.40660.

(7) A reference to 1910.134 “Respiratory Protection,” means General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

(8) A reference to 1910.1020 “Access to employee exposure and medical records,” means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

(9) A reference to 1910.1025 “Lead,” means General Industry Safety and Health Standard Part 310. “Lead in General Industry,” R 325.51901 to 325.51958.

(10) A reference to 1910.1200 “Hazard Communication,” means Construction Safety and Health Standard Part 42. “Hazard Communication,” R 408.44201 to R 408.44204.

(11) The OSHA regulation adopted in these rules is available from the United States Department of Labor, Occupational Safety and Health Administration website, [www.osha.gov](http://www.osha.gov), at no charge, as of the time of adoption of these rules.

(12) The regulation 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.

(13) The regulation adopted in these rules may be obtained from the publisher or 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, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(14) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge 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 or via the internet at website: [www.michigan.gov/mioshastandards](http://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 and Health Standard Part 1. “General Rules,” R 408.40101 to R 408.40134.

(b) Construction Safety and Health Standard Part 6. “Personal Protective Equipment,” R 408.40601 to R 408.40660.

(c) Construction Safety and Health Standard Part 42. “Hazard Communication,” R 408.44201 to R 408.44204.

(d) General Industry Safety and Health Standard Part 310. “Lead in General Industry,” R 325.51901 to R 325.51958.

(e) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

(f) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

History: 2018 AACCS; 2021 MR 6, Eff. Mar 29, 2021.

**R 325.51984 Rescinded.**

History: 2018 AACCS; 2021 MR 6, Eff. Mar 29, 2021.

**R 325.51985 Rescinded.**

History: 2018 AACCS; 2021 MR 6, Eff. Mar 29, 2021.

**R 325.51986 Interim protection.**

Rule 86. (1) This rule replaces OSHA 1926.62(d)(2)(v).

(2) Until the employer performs an employee exposure assessment as required under 1926.62(d) and determines actual employee exposure, the employer shall provide to employees performing the tasks described in 1926.62(d)(2)(i), (ii), (iii) and (iv) with interim protection as follows:

(a) Appropriate respiratory protection in accordance with 1926.62(f).

(b) Appropriate personal protective clothing and equipment in accordance with 1926.62(g).

(c) Change areas in accordance with 1926.62(i)(2).

(d) Hand washing facilities in accordance with 1926.62(i)(5).

(e) Biological monitoring in accordance with R 325.51987(2) of these rules, to consist of blood sampling and analysis for lead levels.

(f) Training as required by the following:

(i) Under 1926.62(l)(1)(i) regarding “Hazard Communication.”

(ii) Under 1926.62(l)(2)(iii) regarding use of respirators.

(iii) Training in accordance with Construction Safety and Health Standard Part 1 “General Rules,” as referenced in R 325.51985.

History: 2018 AACCS.

**R 325.51987 Medical surveillance, general.**

Rule 87. (1) This rule replaces OSHA 1926.62(j)(1).

(2) An employer shall make available initial medical surveillance to employees occupationally exposed on any day to lead at or above the action level. Initial medical surveillance consists of biological monitoring in the form of blood sampling and analysis for lead levels.

(3) An employer shall institute a medical surveillance program in accordance with R 325.51988, 1926.62(j)(2), R 325.51989, R 325.51990, R 325.51991, and 1926.62(j)(3)

for all employees who are or may be exposed by the employer at or above the action level for more than 30 days in any consecutive 12 months.

(4) An employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(5) An employer shall make available the required medical surveillance including multiple physician review under 1926.62(j)(3)(iii) without cost to employees and at a reasonable time and place.

History: 2018 AACCS.

**R 325.51988 Blood lead level sampling and analysis.**

Rule 88. (1) This rule replaces OSHA 1926.62(j)(2)(i).

(2) An employer shall make available biological monitoring in the form of blood sampling and analysis for lead levels to each employee covered under R 325.51987 (2) and (3) of these rules on the following schedule:

(a) For each employee covered under R 325.51987(3) of these rules, at least every 2 months for the first 6 months and every 6 months thereafter.

(b) For each employee covered under R 325.51987 (2) or (3) of these rules whose last blood sampling and analysis indicated a blood lead level at or above 15 µg/dL, at least every 2 months. This frequency shall continue until 2 consecutive blood samples and analyses indicate a blood lead level below 15 µg/dL.

(c) For each employee who is removed from exposure to lead due to an elevated blood lead level at least monthly during the removal period.

History: 2018 AACCS.

**R 325.51989 Employee notification.**

Rule 89. (1) This rule replaces OSHA 1926.62(j)(2)(iv).

(2) Within 5 working days after the receipt of biological monitoring results, the employer shall notify each employee in writing of his or her blood lead level.

(3) An employer shall notify each employee whose blood lead level is at or above 15 µg/dL that these rules require temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level is at or above the numerical criterion for medical removal under R 325.51992 of these rules.

History: 2018 AACCS.

**R 325.51990 Medical examinations and consultations, frequency.**

Rule 90. (1) This rule replaces OSHA 1926.62(j)(3)(i).

(2) An employer shall make available medical examinations and consultations to each employee covered under R 325.51987(3) of these rules on the following schedule:

(a) At least annually for each employee for whom a blood lead sampling test conducted at any time during the preceding 12 months indicated a blood lead level at or above 15 µg/dL.

(b) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, that the employee is pregnant, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use.

(c) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

History: 2018 AACCS.

**R 325.51991 Content of medical examinations.**

Rule 91. (1) This rule replaces OSHA 1926.62(j)(3)(ii).

(2) The content of medical examinations made available pursuant to R 325.51990(2) (b) and (c) of these rules shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(3) Medical examinations made available pursuant to R 325.51990(2)(a) of these rules include all of the following elements:

(a) A detailed work history and a medical history, with particular attention to past occupational and non-occupational lead exposure in all of the following:

- (i) Personal habits, such as smoking and hygiene.
- (ii) Past gastrointestinal.
- (iii) Hematologic.
- (iv) Renal.
- (v) Cardiovascular.
- (vi) Reproductive.
- (vii) Neurological problems.

(b) A thorough physical examination, with particular attention to all of the following:

- (i) Teeth.
- (ii) Gums.
- (iii) Hematologic.
- (iv) Gastrointestinal.
- (v) Renal.
- (vi) Cardiovascular.
- (vii) Neurological systems.
- (viii) Pulmonary status should be evaluated if respiratory protection will be used.

(c) A blood pressure measurement.

(d) A blood sample and an analysis which determines all of the following:

- (i) Blood lead level.
- (ii) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology.

(iii) Blood urea nitrogen.

(iv) Serum creatinine.

(e) A routine urinalysis with microscopic examination.

(f) Any laboratory or other test relevant to lead exposure which the examining physician deems necessary by sound medical practice.

History: 1993 AACCS; 2014 AACCS; 2018 AACCS

**R 325.51992 Temporary removal due to elevated blood lead level.**

Rule 92. (1) This rule replaces OSHA 1926.62(k)(1)(i).

(2) An employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to these rules indicate that the employee's blood lead level is at or above 30 µg/dL.

History: 1993 AACCS; 1998-2000 AACCS; 2014 AACCS; 2018 AACCS.

**R 325.51993 Return of employee to former job status.**

Rule 93. (1) This rule replaces OSHA 1926.62(k)(1)(iii).

(2) An employer shall return an employee to his or her former job status under either of the following circumstances:

(a) For an employee removed due to a blood lead level at or above 30 µg/dL when 2 consecutive blood sampling tests indicate that the employee's blood lead level is below 15 µg/dL.

(b) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(3) For the purposes of this rule, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

History: 2014 AACCS; 2018 AACCS.