DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024; and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025, and 445.2030)

OH PART 690 SILICA IN CONSTRUCTION

R 325.69001 Scope.

Rule 69001. This standard applies to all occupational exposures to respirable crystalline silica in construction work, except where employee exposure will remain below 25 micrograms per cubic meter of air (25 $\mu g/m^3$) as an 8-hour time-weighted average (TWA) under any foreseeable conditions.

History: 2017 AACS.

R 325.69005 Dates.

Rule 69005. (1) All obligations of this standard, except requirements for methods of sample analysis in paragraph 1926.1153(d)(2)(v), shall commence June 23, 2017.

(2) Requirements for methods of sample analysis in paragraph 1926.1153(d)(2)(v) shall commence June 23, 2018.

History: 2017 AACS.

R 325.69010 Adoption of standards.

Rule 69010. (1) The following federal occupational safety and health administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 C.F.R. §1926.1153 “Respirable Crystalline Silica,” paragraphs (c) to (j), effective June 23, 2016.

(b) Appendix A “Methods of Sample Analysis,” effective June 23, 2016.

(c) Appendix B “Medical Surveillance Guidelines,” effective June 23, 2016.

(2) As used in these rules, “29 CFR 1910.134” means Occupational Health Standard Part 451 Respiratory Protection.

(3) As used in these rules, “29 CFR 1910.1020” means Occupational Health Standard Part 470 Employee Medical Records and Trade Secrets.

(4) As used in these rules, “29 CFR 1910.1200” means Occupational Health Standard Part 430 Hazard Communication.

(5) As used in these rules, “29 CFR 1926.57” means Occupational Health Standard Part 620 Ventilation Control for Construction.

(6) As used in these rules, 1926.1153(a) means R 325.69001 Scope.

(7) As used in these rules, 1926.1153(b) means R 325.69015 Definitions.

(8) As used in these rules, 1926.1153(k) means R 325.69005 Dates.

(9) The federal regulation adopted in this rule has the same force and effect as a rule promulgated pursuant to the provisions of the Michigan occupational safety and health act (MIOSHA) 1974 PA 154, MCL 408.1001 to 408.1094.

History: 2017 AACS.

R 325.69012 Adopted and referenced standards.

Rule 69012. (1) The OSHA standard and appendices that are 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.

(2) The standard adopted in these rules is available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) The standard adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services 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.

(4) The following Michigan occupational safety and health administrative (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 Licensing and Regulatory Affairs, MIOSHA Regulatory Services 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) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.

(b) Occupational Health Standard Part 451 “Respiratory Protection,” R 325.60051 and R 325.60052.

(c) Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

(d) Occupational Health Standard Part 620 “Ventilation Control for Construction,” R 325.62001 to R 325.62006.

History: 2017 AACS.

R 325.69015 Definitions.

Rule 69015. (1) “Action level” means a concentration of airborne respirable crystalline silica of 25 $\mu g/m^3$, calculated as an 8-hour TWA.

(2) “Assistant Secretary” means the director of the department of licensing and regulatory affairs or his or her designated representative.

(3) “Director” means the director of the National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, or designee.

(4) “Competent person” means an individual who is capable of identifying existing and foreseeable respirable crystalline silica hazards in the workplace and who has authorization to take prompt corrective measures to eliminate or minimize them. The competent person must have the knowledge and ability necessary to fulfill the responsibilities set forth in paragraph (g) of 1926.1153.

(5) “Employee exposure” means the exposure to airborne respirable crystalline silica that would occur if the employee were not using a respirator.

(6) “High-efficiency particulate air [HEPA] filter” means a filter that is at least 99.97 percent efficient in removing mono-dispersed particles of 0.3 micrometers in diameter.

(7) “Objective data” means information, such as air monitoring data from industry-wide surveys or calculations based on the composition of a substance, demonstrating employee exposure to respirable crystalline silica associated with a particular product or material or a specific process, task, or activity. The data must reflect workplace conditions closely resembling or with a higher exposure potential than the processes, types of material, control methods, work practices, and environmental conditions in the employer's current operations.

(8) “Physician or other licensed health care professional [PLHCP]” means an individual whose legally permitted scope of practice, such as license, registration, or certification, allows him or her to independently provide or be delegated the responsibility to provide some or all of the particular health care services required by 1926.1153(h).

(9) “Respirable crystalline silica” means quartz, cristobalite, and/or tridymite contained in airborne particles that are determined to be respirable by a sampling device designed to meet the characteristics for respirable-particle-size-selective samplers specified in the International Organization for Standardization (ISO) 7708:1995: Air Quality—Particle Size Fraction Definitions for Health-Related Sampling.

(10) “Specialist” means an American Board Certified Specialist in Pulmonary Disease or an American Board Certified Specialist in Occupational Medicine.

History: 2017 AACS.