

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on March 24, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) 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, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 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 325.64001 of the Michigan Administrative Code is amended, as follows:

PART 640. BERYLLIUM IN CONSTRUCTION

R 325.64001 Scope, application, adoption, and availability of standards.

Rule 4001. (1) This standard applies to occupational exposure to beryllium in all forms, compounds, and mixtures in construction, except those articles and materials exempted by subrules (2) and (3) of this rule.

(2) This standard does not apply to articles, as defined in Construction Safety Standard Part 42. "Hazard Communication," that contain beryllium and that the employer does not process.

(3) This standard does not apply to materials containing less than 0.1% beryllium by weight where the employer has objective data demonstrating that employee exposure to beryllium will remain below the action level as an 8 hour TWA under any foreseeable conditions.

(4) The federal Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1926.1124 "Beryllium," as amended September 30, 2020, is adopted by reference in these rules.

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

(6) A reference to 29 CFR 1926.51, means Construction Safety and Health Standard Part 1. "General Rules."

(7) A reference to 29 CFR part 1926 subpart E, means Construction Safety and Health Standard Part 6. "Personal Protective Equipment."

(8) A reference to 29 CFR 1910.1200, means Construction Safety Standard Part 42. "Hazard Communication."

(9) A reference to 29 CFR 1910.134, means General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection.”

(10) A reference to 29 CFR 1910.1020, means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets.”

(11) 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](http://www.osha.gov), at no charge, as of the time of adoption of these rules.

(12) 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.

(13) The regulations adopted in these rules may be obtained from the publisher or 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 the following 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 Standard Part 42. “Hazard Communication,” R 408.44201 to R 408.44204.

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

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