

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on March 22, 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 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)

R 325.51983 of the Michigan Administrative Code is amended, and R 325.51984 and R 325.51985 are rescinded, as follows:

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, 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. 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.

R 325.51984 Rescinded.

R 325.51985 Rescinded.