

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 Orders Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.51995 of the Michigan Administrative Code is amended, and R 325.51996 and R 325.51997 are rescinded, as follows:

PART 604. CHROMIUM (VI) IN CONSTRUCTION

R 325.51995 Scope, adoption, and availability of standards.

Rule 1. (1) This standard applies to all occupational exposures to chromium (VI) in all forms and compounds in construction, except for any of the following:

(a) Exposures that occur in the application of pesticides regulated by the Environmental Protection Agency or another federal or state government agency, such as the treatment of wood with preservatives.

(b) Exposures to portland cement.

(c) Where the employer has objective data demonstrating that a material containing chromium or a specific process, operation, or activity involving chromium cannot release dusts, fumes, or mists of chromium (VI) in concentrations at or above $0.5 \mu\text{g}/\text{m}^3$ as an 8-hour time-weighted average (TWA) under any expected conditions of use.

(2) This standard does not apply to general industry work as defined by the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094. Exposure to chromium (VI) in general industry work is covered by Occupational Health Standard Part 315. "Chromium (VI) in General Industry," R 325.50141 to 325.50143.

(3) The federal Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1926.1126 "Chromium (VI)," amended May 14, 2019, is adopted by reference in these rules. As used in these rules:

(a) "Assistant secretary," means the director of the department of labor and economic opportunity or his or her designated representative.

(b) "1910.134" means General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection."

(c) "1910.1200," means Occupational Health Standard Part 430. "Hazard Communication."

(d) "1910.1020," means General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets."

(4) 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.

(5) The OSHA standard 29 CFR 1926.1126 "Chromium (VI)," amended May 14, 2019, 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.

(6) The standard 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.

(7) The standard 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.

(8) 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 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. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety and Health Standard Part 315. "Chromium (VI) in General Industry," R 325.50141 to R 325.50143.

(b) Occupational Health Standard Part 430. "Hazard Communication," R 325.77001 to R 325.77004.

(c) General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection," R 325.60051 and R 325.60052.

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

R 325.51996 Rescinded.

R 325.51997 Rescinded.