

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on February 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 325.60901 of the Michigan Administrative Code is amended, as follows:

CONSTRUCTION SAFETY AND HEALTH STANDARD
PART 609. CADMIUM IN CONSTRUCTION

R 325.60901 Scope, adoption, and availability of standards.

Rule 901. (1) These rules apply to all occupational exposures to cadmium and cadmium compounds, in all forms, in all construction work where an employee may potentially be exposed to cadmium.

(2) Construction work is defined as work involving construction, alteration, or repair, including, but not limited to, all of the following:

(a) Wrecking, demolition, or salvage of structures where cadmium or materials containing cadmium are present.

(b) Use of cadmium containing-paints and cutting, brazing, burning, grinding, or welding on surfaces that were painted with cadmium-containing paints.

(c) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain cadmium, or materials containing cadmium.

(d) Cadmium welding, cutting and welding cadmium-plated steel, or brazing or welding with cadmium alloys.

(e) Installation of products containing cadmium.

(f) Electrical grounding with cadmium welding, or electrical work using cadmium-coated conduit.

(g) Maintaining or retrofitting cadmium-coated equipment.

(h) Cadmium contamination or emergency cleanup, or both.

(i) Transportation, disposal, storage, or containment of cadmium or materials containing cadmium on the site or location at which construction activities are performed.

(3) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR 1926.1127 “Cadmium,” as amended May 14, 2019.

(b) 29 CFR 1926.1127, appendix A “Substance Safety Data Sheet – Cadmium,” as amended June 20, 1996.

(c) 29 CFR 1926.1127, appendix B “Substance Technical Guidelines for Cadmium,” as amended June 20, 1996.

(d) 29 CFR 1926.1127, appendix D “Occupational Health History Interview With Reference to Cadmium Exposure,” as amended June 20, 1996.

(e) 29 CFR 1926.1127, appendix E “Cadmium in Workplace Atmospheres,” as amended June 20, 1996.

(f) 29 CFR 1926.1127, appendix F “Nonmandatory Protocol for Biological Monitoring,” as amended June 20, 1996.

(4) A reference to 29 CFR 1926.51 means Construction Safety and Health Standard Part 1. “General Rules.”

(5) A reference to 29 CFR 1926.353 and 1926.354 means Construction Safety Standard Part 7. “Welding and Cutting.”

(6) A reference to 29 CFR 1926.59 and 1910.1200 means Construction Safety Standard Part 42. “Hazard Communication.”

(7) A reference to 29 CFR 1910.133 means Construction Safety and Health Standard Part 6. “Personal Protective Equipment.”

(8) A reference to 29 CFR 1926.33 and 1910.1020 means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets.”

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

(10) 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.

(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, 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 Michigan 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) Construction Safety and Health Standard Part 1. “General Rules,” R 408.40101 to R 408.40134.

(b) Construction Safety Standard Part 7. “Welding and Cutting,” R 408.40701 to R 408.40762.

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

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

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

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