

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
DIRECTOR'S OFFICE
CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on March 23, 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. 1996-1, 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R 325.51301 of the Michigan Administrative Code is amended, and R 325.51302 is rescinded, as follows:

PART 602. ASBESTOS STANDARDS FOR CONSTRUCTION

R 325.51301 Scope, application, and adoption by federal standards.

Rule 1. (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, but is not limited to, all of the following:

- (a) Demolition or salvage of structures where asbestos is present.
- (b) Removal or encapsulation of materials containing asbestos.
- (c) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof that contain asbestos.
- (d) Installation of products containing asbestos.
- (e) Asbestos spill or emergency cleanup.
- (f) The transportation, disposal, storage, or containment of, and housekeeping activities involving, asbestos or products containing asbestos on the site or location at which construction activities are performed.

(2) Coverage under these rules shall be based on the nature of the work operation involving asbestos exposure.

(3) The federal Occupational Safety and Health Administration (OSHA) regulations on occupational exposure to asbestos that have been promulgated by the United States Department of Labor and codified at 29 CFR 1926.1101, "Asbestos," as amended February 18, 2020, are adopted in these rules.

(4) 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.

January 6, 2021

(5) 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.

(6) The regulations adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(7) 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 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

R 325.51302 Rescinded.