

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY 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, 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 325.50051 of the Michigan Administrative Code is amended, as follows:

PART 303. METHYLENEDIANILINE (MDA) IN GENERAL INDUSTRY

R 325.50051 Scope, application, adoption, and availability of standards.

Rule 1. (1) These rules apply to all occupational exposures to methylenedianiline (MDA), Chemical Abstracts Service Registry No. 101-77-9, except as provided in subrules (2) to (7) of this rule.

(2) Except as provided in subrule (8) of this rule and 29 CFR 1910.1050(e)(5), these rules do not apply to the processing, use, and handling of products containing MDA if initial monitoring indicates that the product is not capable of releasing MDA in excess of the action level under the expected conditions of processing, use, and handling that will cause the greatest possible release; and if no "dermal exposure to MDA" can occur.

(3) Except as provided in subrule (8) of this rule, these rules do not apply to the processing, use, and handling of products containing MDA if objective data are reasonably relied upon that demonstrate the product is not capable of releasing MDA under the expected conditions of processing, use, and handling that will cause the greatest possible release; and if no "dermal exposure to MDA" can occur.

(4) These rules do not apply to the storage, transportation, distribution or sale of MDA in intact containers sealed in such a manner as to contain the MDA dusts, vapors, or liquids, except for the provisions of 29 CFR 1910.1200 and 29 CFR 1910.1050(d).

(5) These rules do not apply to the construction industry. Exposure to MDA in the construction industry is covered by Construction Safety and Health Standard Part 605. "Methylenedianiline (MDA) in Construction."

(6) Except as provided in subrule (8) of this rule, these rules do not apply to materials in any form that contain less than 0.1% MDA by weight or volume.

(7) Except as provided in subrule (8) of this rule, these rules do not apply to "finished articles containing MDA."

(8) If products containing MDA are exempted under subrules (2) to (7) of this rule, the employer shall maintain records of the initial monitoring results or objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in the recordkeeping provision of 29 CFR 1910.1050(n).

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

(a) 29 CFR 1910.1050 "Methylenedianiline," as amended May 14, 2019.

(b) 29 CFR 1910.1050, appendix A "Substance Data Sheet, for 4,4'-Methylenedianiline," as amended April 23, 1998.

(c) 29 CFR 1910.1050, appendix B "Substance Technical Guidelines, MDA," as in effect as of the effective date of these rules.

(d) 29 CFR 1910.1050, appendix C "Medical Surveillance Guidelines for MDA," as in effect as of the effective date of these rules.

(e) 29 CFR 1910.1050, appendix D "Sampling and Analytical Methods for MDA Monitoring and Measurement Procedures," as in effect as of the effective date of these rules.

(10) A reference to 29 CFR 1910.38 and 1910.39 means General Industry Safety and Health Standard Part 6. "Fire Exits."

(11) A reference to 29 CFR 1910.133 means General Industry Safety and Health Standard Part 33. "Personal Protective Equipment."

(12) A reference to 29 CFR 1910.1200 means Occupational Health Standard Part 430. "Hazard Communication."

(13) A reference to 29 CFR 1910.141 means General Industry Safety and Health Standard Part 474. "Sanitation."

(14) A reference to 29 CFR 1910.134 means General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection."

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

(16) 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.

(17) 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.

(18) 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.

(19) 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 these rules, plus \$20.00 for shipping and handling.

(20) 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) General Industry Safety and Health Standard Part 6. "Fire Exits," R 408.10601 to R 408.10697.

(b) General Industry Safety and Health Standard Part 33. "Personal Protective Equipment," R 408.13301 to R 408.13398.

(c) General Industry Safety and Health Standard Part 474. "Sanitation," R 325.47401 to R 325.47425.

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

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

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

(g) Construction Safety and Health Standard Part 605. "Methylenedianiline (MDA) in Construction," R 325.60501 to R 325.60501.