

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD

Filed with the secretary of state on April 6, 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 325.51901 and R325.51937 of the Michigan Administrative Code are amended, as follows:

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD
PART 310. LEAD IN GENERAL INDUSTRY

R 325.51901 Scope, application, adoption, and availability of standards.

Rule 1. (1) These rules apply to all occupational exposures to lead, except that they do not apply to construction work or to agricultural operations.

(2) The federal Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1910.1025 "Lead," as amended February 18, 2020, are adopted by reference in these rules, except for the following:

- (a) Section 1910.1025(j)(2)(i)(A) to (C) has been replaced with R 325.51933.
- (b) Section 1910.1025(j)(2)(iv)(A) to (B) has been replaced with R 325.51936.
- (c) Section 1910.1025(j)(3)(i)(A) to (D) has been replaced with R 325.51937.
- (d) Section 1910.1025(j)(3)(ii)(A) to (F) has been replaced with R 325.51938.
- (e) Section 1910.1025(k)(1)(i)(A) to (B) has been replaced with R 325.51943.
- (f) Section 1910.1025(k)(1)(iii)(A) to (B) has been replaced with R 325.51945.

(3) A reference to 29 CFR 1910.133 means both of the following:

(a) General Industry Safety and Health Standard Part 33. "Personal Protective Equipment."

(b) General Industry Safety and Health Standard Part 433. "Personal Protective Equipment."

(4) A reference to 29 CFR 1910.1200 means General Industry Safety Standard Part 92. "Hazard Communication."

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

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

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

(8) 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.

(9) 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.

(10) 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.

(11) The regulations 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.

(12) 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 33. "Personal Protective Equipment," R 408.13301 to R 408.13398.

(b) General Industry Safety and Health Standard Part 433. "Personal Protective Equipment," R 325.60001 to R 325.60013.

(c) General Industry Safety Standard Part 92. "Hazard Communication," R 408.19201 to R 408.19204.

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

(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.

R 325.51937 Medical examinations and consultations.

Rule 37. An employer shall make available medical examinations and consultations to each employee who is or may be exposed to concentrations of lead greater than the action level for more than 30 days a year according to the following schedule:

(a) At least annually for each employee for whom a blood sampling test conducted at any time during the previous 12 months indicated a blood lead level at or above 15 µg/dL of whole blood.

(b) Prior to an employee's being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level.

(c) As soon as possible after notification by an employee that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing either during a respirator fitting test or during use of a respirator.

(d) As medically appropriate for an employee who is either removed from exposure to lead due to a risk of sustaining material impairment to health or who is otherwise limited pursuant to a final medical determination.