

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on January 10, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. 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 **licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 to 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) ~~labor and economic growth by sections 16 and 21 of 1974 PA 154 and Executive Reorganization Order Nos. 1996-2 and 2003-18, MCL 408.1016, 408.1021, 445.2001, and 445.2011)~~

R 408.17601 and R 408.17602 of the Michigan Administrative Code are amended as follows:

PART 76. SPRAY FINISHING USING FLAMMABLE AND COMBUSTIBLE MATERIALS

R 408.17601 Adoption of **standards by reference**. ~~federal O.S.H.A. standards.~~

Rule 7601. (1) The **following** federal occupational safety and health **administration (OSHA)** ~~administration's~~ regulations **are adopted by reference in these rules:**

(a) 29 C.F.R. §1910.107 "Spray finishing using flammable and combustible materials," effective March 26, 2012.

(b) 29 C.F.R. §1910.94(c) "Ventilation for spray finishing operations," effective September 9, 2009.

~~on spray finishing using flammable and combustible materials that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1910.107, Spray Finishing Using Flammable and Combustible Materials, March 7, 1996 and appearing in the Federal Register, Volume 61, No. 46 on p. 9237 and the federal occupational safety and health administration's regulations on ventilation for spray finishing operations that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1910.94(c), Ventilation for Spray Finishing Operations, March 23, 1999 and appearing in the Federal Register, Volume 64, No. 55 on p. 13909, are adopted by reference in these rules as of the effective date of these rules.~~

(2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of this rule:

(a) A reference to Subpart S means General Industry Safety Standard Part 39 "Design Safety Standards for Electrical Systems," and General Industry Safety Standard Part 40 "Electrical Safety-Related Work Practices," as referenced in R 408.17602. ~~As of the effective date of these rules, Subpart S, referenced in 29 C.F.R. §1910.107(c)(4), (c)(6), (j)(4)(iv), and (l)(1) means general industry safety standard Part 39, Design Safety Standards for Electrical Systems, R 408.13901 to R 408.13902 and Part 40, Electrical Safety-Related Work Practices, R 408.14001 to R 408.14009.~~

(b)(3) A reference to 29 C.F.R. §1910.106 "Flammable liquids," means General Industry Safety Standard Part 75 "Flammable Liquids," as referenced in R 408.17602. ~~As of the effective date of these rules, §1910.106, referenced in 29 C.F.R. §1910.107(e)(1), means general industry safety standard Part 75, Flammable and Combustible Liquids, R 408.17501.~~

(c)(4) A reference to 29 C.F.R. §1910.159 "Automatic sprinkler systems," means General Industry Safety Standard Part 9 "Fixed Fire Equipment" as referenced in R 408.17602. ~~As of the effective date of these rules, §1910.159, referenced in 29 C.F.R. §1910.107(f)(1), mean general industry safety standard Part 9, Fixed Fire Equipment, Automatic Sprinkler Systems, R 408.10921 to R 408.10928.~~

~~(5) These rules replace occupational health rule 3235.~~

(d)(6) A reference to "Dip Tank Operations" means Occupational Health Standard Part 526 "Dipping and Coating Operations," as referenced in R 408.17602. ~~Rules for dip tank operations can be found in occupational health standard Part 526, Dipping and Coating Operations, R 325.52601 to R 325.52602.~~

(3) The provisions of 29 C.F.R. §1910.107 and 29 C.F.R. §1910.94 have the same force and effect as rules promulgated under 1974 PA 154, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.

(4) The standards adopted in subrule (1) of this rule 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.

(5) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

July 18, 2013

(6) The standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

R 408.17602 **MIOSHA referenced standards.** Availability of documents.

Rule 7602. (1) The federal regulations adopted by reference in these rules are available without cost as of the time of adoption of these rules from the United States Department of Labor, OSHA, 315 West Allegan, Room 315, Lansing, Michigan 48933, or via the internet at website: www.osha.gov, or from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, P.O. Box 30643, Lansing, Michigan 48909.

(2) The following Michigan occupational safety and health 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 Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at 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.

The following Michigan occupational safety and health (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 Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at 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 Standard **Part 9 “Fixed Fire Equipment,”** Part 9. Fixed Fire Equipment, R 408.10901 to R 408.10999.

(b) General Industry Safety Standard **Part 39 “Design Safety Standards for Electrical Systems,”** Part 39. Design Safety Standards for Electrical Systems, R 408.13901 to R 408.13902.

(c) General Industry Safety Standard **Part 40 “Electrical Safety-Related Work Practices,”** Part 40. Electrical Safety-Related Work Practices, R 408.14001 to R 408.14009.

(d) General Industry Safety Standard **Part 75 “Flammable Liquids,”** Part 75. Flammable and Combustible Liquids, R 408.17501 to **R 408.17502.**

(e) Occupational Health Standard **Part 526 “Dipping and Coating Operations,”** Part 526. Dipping and Coating Operations, R 325.52601 to R 325.52602.

(3) The following standards are available from IHS/Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules, as stated in this subrule:

(a) American National Standard Institute Z9.1-1951 Open-Surface Tanks--Ventilation and Operation, 1951 edition. Cost: \$20.00

(b) American National Standard Institute Z9.2-1960 Fundamentals Governing the Design and Operation of Local Exhaust Ventilation Systems, 1960 edition. Cost: \$32.00.

(c) American Society of Mechanical Engineers, Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessel Code, 1968 edition. Cost: \$141.00

(d) National Fire Protection Association NFPA 33-1969 Standard for Spray Finishing Using Flammable and Combustible Materials, 1969 edition. Cost: \$39.00.

(e) National Fire Protection Association NFPA 86A-1969 Standard for Ovens and Furnaces, 1969 edition. Cost: \$66.00.

(f) National Fire Protection Association NFPA 91-1961 Standard for Blower and Exhaust Systems for Vapor Removal, 1961 edition. Cost: \$33.00.