

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE BUREAU OF SAFETY AND REGULATION

OCCUPATIONAL HEALTH STANDARDS

~~INORGANIC ARSENIC (AS)~~

**Filed with the Secretary of State on April 4, 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** ~~consumer and industry services~~ by sections **14 and 24** of 1974 PA 154, **MCL 408.4014 and 408.4024, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) ~~MCL 408.1024, and Executive Reorganization Order Nos. 1996-1 and 1996-2, MCL 330.3101 and 445.2001~~

R 325.51602, R 325.51605, R 325.51609, R 325.51610, R 325.51611, R 325.51614, R 325.51616, R 325.51618, R 325.51619, R 325.51622, R 325.51624, R 325.51625, and R 325.51626 of the Michigan Administrative Code are amended, R 325.51601a, R 325.51611a, R 325.51614a, R 325.51623a, and R 325.51623b are added, and R 325.51604, R 325.51623, and R 325.51628 are rescinded, as follows:

**PART 308. INORGANIC ARSENIC (As)**

**R 325.51601a MIOSHA standards by reference.**

**Rule 601a. (1) 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 Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.**

**(a) General Industry Safety Standard Part 33 "Personal Protective Equipment," R 408.13301 to R 408.13398.**

**(b) Occupational Health Part 430 "Hazard Communication," R 325.77001 to R 325.77003.**

**(c) Occupational Health Part 451 "Respiratory Protection," R 325.60051 to R 325.60052.**

**(d) Occupational Health Part 470 "Employee Medical Records and Trade Secrets," R 325.3451 to R 325.3476.**

**(e) Occupational Health Part 474 "Sanitation," R 325.47401 to R 325.47425.**

**(2) The information contained in the appendices to these rules are not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.**

R 325.51602 Definitions.

Rule 602. As used in these rules:

(a) "Act" means ~~Act No. 154 of the Public Acts of 1974 PA 154, as amended, being § MCL 408.1001 to 408.1094 et seq. of the Michigan Compiled Laws.~~

(b) "Action level" means a concentration of inorganic arsenic of 5 micrograms per cubic meter of air (5 ug/m<sup>3</sup>) averaged over any 8-hour period.

(c) "Authorized person" means a person who is specifically required by the employer to enter a regulated area or a person who enters such an area as a designated representative of employees for the purpose of observing the monitoring and measuring procedures under R 325.51627.

(d) "Department" means the department of **licensing and regulatory affairs** ~~consumer and industry services~~.

(e) "Director" means the director of the department or the designee of the director.

(f) "Inorganic arsenic" means elemental arsenic, copper acetoarsenite, and all inorganic compounds containing arsenic, except arsine, measured as arsenic (As).

~~(g) "O.H. rule" means an occupational health rule which is adopted by reference pursuant to section 14 of the act or promulgated pursuant to section 24 of the act. Copies of these rules are available from the Michigan department of consumer and industry services, standards division.~~

~~R 325.51604 Rescinded. Regulated areas; report of information to director; change of information.~~

~~Rule 604. (1) Within 60 days after the effective date of these rules or within 60 days after the introduction of inorganic arsenic into the workplace, an employer who is required to establish a regulated area in his or her workplace shall report all of the following information in writing to the director:~~

~~(a) The address of the workplace.~~

~~(b) The approximate number of employees who will be working in a regulated area.~~

~~(c) A brief summary of the operations creating the exposure and the actions which the employer intends to take to reduce exposure if it exceeds the permissible exposure limit.~~

~~(2) If there is a significant change in the information required by this rule, an employer shall report the changes in writing to the director within 60 days of the change.~~

R 325.51605 Employee exposure; determination of airborne exposure levels; collection of samples; monitoring and measurement accuracy; written notice to employee of exposure level.

Rule 605. (1) For the purpose of these rules, employee exposure is that exposure which would occur if an employee were not using a respirator.

(2) A determination of airborne exposure levels shall be made from air samples that are representative of an employee's exposure to inorganic arsenic over an 8-hour period.

(3) The employer shall collect full shift personal samples for not less than 7 continuous hours which shall include at least 1 sample for each shift for each job classification and work area.

(4) An employer shall use a method of monitoring and measurement which has an accuracy of not less than plus or minus 25% for concentrations of inorganic arsenic of more than or equal to 10 micrograms per cubic meter (10 ug/m<sup>3</sup>) with a confidence level of 95%.

(5) An employer shall use a method of monitoring and measurement which has an accuracy of not less than plus or minus 35% for concentrations of inorganic arsenic of more than 5 micrograms per cubic meter (5 ug/m<sup>3</sup>) but less than 10 micrograms per cubic meter (10 ug/m<sup>3</sup>) with a confidence level of 95%.

**(6) The employer must, within 15 working days after the receipt of the results of any monitoring performed under these rules, notify each affected employee of these results either individually in writing or by posting the results in an appropriate location that is accessible to affected employees.** ~~Within 5 working days after the receipt of monitoring results, an employer shall provide an employee with written notice of the results which represent that employee's exposure.~~

(7) If the results indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure to or below the permissible exposure limit.

R 325.51609 Employee exposure; written programs to reduce exposure by means of engineering and work practice controls; content; availability; revision and update.

Rule 609. (1) An employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limit by means of engineering and work practice controls.

(2) A written program shall include, at a minimum, all of the following:

(a) A description of each operation in which inorganic arsenic is emitted; for example, machinery used, material processed, controls in place, crew size, operating procedures, and maintenance practices.

(b) Engineering plans and studies used to determine the methods selected for controlling exposure to inorganic arsenic.

(c) A report of the technology considered in meeting the permissible exposure limit.

(d) Monitoring data.

(e) A detailed schedule for the implementation of the engineering controls and work practices which cannot be implemented immediately and for the adaption and implementation of any additional engineering and work practices which are necessary to meet the permissible exposure limit.

(f) If an employer currently does not achieve the permissible exposure limit with engineering controls and work practices, the employer shall include an analysis of the effectiveness of the various controls in the written program and implement a plan to minimize the discomfort and maximize the effectiveness of respirator use.

(g) Other relevant information.

(3) The written program shall be submitted, upon request, to the director and shall be available to the director, affected employees, or authorized employee representatives at the worksite for examination and copying.

(4) The program required by this rule shall be revised and updated at least **annually** ~~once every 6 months~~ to reflect the current status of the program.

R 325.51610 Respirators; use.

Rule 610. **(1)** For employees who use respirators required by these rules, the employer shall **provide each employee an appropriate respirator** ~~respirators that complies~~ ~~comply~~ with the requirements of this rule.

**(2)** Respirators shall be used during all of the following:

(a) Periods necessary to install or implement feasible engineering or work practice controls.

(b) Work operations, such as maintenance and repair activities, for which the employer establishes that engineering and work practice controls are not feasible.

(c) Work operations for which engineering and work practice controls are not yet sufficient to reduce employee exposures to or below the permissible exposure limit.

(d) Emergencies.

R 325.51611 Respirator program

Rule 611. (1) The employer shall implement a respiratory protection program in accordance with **Occupational Health Standard Part 451 "Respiratory Protection," as referenced in R 325.51601a, which covers each employee required by these rules to use a respirator.** 29 C.F.R. 1910.134(b) to (d) and (f) to (m), except for (d)(1)(iii), as adopted by reference in Michigan Administrative Rule, R 325.50051 et seq.

(2) If an employee exhibits breathing difficulty during fit testing or respirator use, then the employee shall be examined by a physician trained in pulmonary medicine to determine whether the employee can use a respirator while performing the required duty.

(3) Table 1 reads as follows:

TABLE 1  
RESPIRATORY PROTECTION FOR INORGANIC ARSENIC PARTICULATE,  
EXCEPT FOR THOSE WITH SIGNIFICANT VAPOR PRESSURE

Concentration of inorganic arsenic (as As) or condition of use	Required respirator
(a) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 $\text{mg}/\text{m}^3$ ) or firefighting	Any full-facepiece, self-contained breathing apparatus operated in positive pressure mode.
(b) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 $\text{mg}/\text{m}^3$ )	Supplied-air respirator with full facepiece, hood, helmet, or suit and operated in positive pressure mode.
(c) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 $\text{mg}/\text{m}^3$ )	(i) Powered air-purifying respirators in all inlet face coverings with high-efficiency filters. <sup>4</sup> (ii) Half-mask, supplied-air respirator operated in positive pressure mode.
(d) Not greater than 500 $\mu\text{g}/\text{m}^3$	(i) Full-facepiece, air-purifying respirator equipped with high-efficiency filter. <sup>4</sup> (ii) Any full-facepiece, supplied-air respirator. (iii) Any full-facepiece, self-contained breathing apparatus.
(e) Not greater than 100 $\mu\text{g}/\text{m}^3$	(i) Half-mask, air-purifying respirator equipped with high-efficiency filter. <sup>4</sup> (ii) Any half-mask, supplied-air respirator.
<sup>4</sup> High-efficiency filter--99.7 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.	

(4) Table 2 reads as follows:

TABLE 2  
RESPIRATORY PROTECTION FOR INORGANIC ARSENICALS (SUCH AS ARSENIC TRICHLORIDE<sup>2</sup> AND ARSENIC PHOSPHIDE) WITH SIGNIFICANT VAPOR PRESSURE

Concentration of inorganic arsenic (as As) or condition of use	Required respirator
(a) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 $\text{mg}/\text{m}^3$ ) or firefighting	Any full-facepiece, self-contained breathing apparatus operated in positive pressure mode.
(b) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 $\text{mg}/\text{m}^3$ )	Supplied-air respirator with full facepiece, hood, helmet, or suit and operated in positive pressure mode.
(c) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 $\text{mg}/\text{m}^3$ )	Half-mask <sup>2</sup> , supplied-air respirator operated in positive pressure mode.
(d) Not greater than 500 $\mu\text{g}/\text{m}^3$	(i) Front or back-mounted gas mask equipped with high-efficiency filter <sup>4</sup> and acid-gas canister. (ii) Any full-facepiece-supplied air respirator. (iii) Any full-facepiece self-contained breathing apparatus.
(e) Not greater than 100 $\mu\text{g}/\text{m}^3$	(i) Half-mask <sup>2</sup> -air-purifying respirator equipped

	with high- —efficiency filter <sup>1</sup> and acid gas cartridge. (ii) Any half-mask, supplied air respirator.
<sup>1</sup> High efficiency filter--99.7 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles. <sup>2</sup> Half mask respirators shall not be used for protection against arsenic trichloride, as it is rapidly absorbed through the skin.	

(5) The employer shall use table 1 of this rule to select the appropriate respirator or combination of respirators for inorganic arsenic compounds without significant vapor pressure, and the employer shall use table 2 of this rule to select the appropriate respirators for inorganic arsenic compounds that have significant vapor pressure.

(6) If employee exposures exceed the permissible exposure limit for inorganic arsenic and also exceed the relevant limit for other gases, such as sulfur dioxide, then an air-purifying respirator provided to the employee as specified by this rule shall have a combination high-efficiency filter with an appropriate gas sorbent. (See footnote in table 1 of this section).

(7) Employees required to use respirators may choose, and the employer shall provide, a powered air-purifying respirator if the powered air-purifying respirator will provide proper protection. In addition, the employer shall provide a combination dust and acid-gas respirator to employees who are exposed to gases over the relevant exposure limits.

### R 325.51611a Respirator selection.

Rule 611a. (1) An employer shall do all of the following:

(a) Select, and provide to employees, the appropriate respirators in accordance with Occupational Health Standard Part 451 "Respiratory Protection," as referenced in in R 325.51601a.

(b) Ensure that employees do not use half mask respirators for protection against arsenic trichloride because it is absorbed rapidly through the skin.

(c) Provide HEPA filters for powered and non-powered air-purifying respirators

(d) Select for employee use both of the following:

(i) Air-purifying respirators that have a combination HEPA filter with an appropriate gas-sorbent cartridge or canister when the employee's exposure exceeds the permissible exposure level for inorganic arsenic and the relevant limit for other gases.

(ii) Front-or back-mounted gas masks equipped with HEPA filters and acid gas canisters or any full facepiece supplied-air respirators when the inorganic arsenic concentration is at or below 500 mg/m<sup>3</sup>; and half mask air-purifying respirators equipped with HEPA filters and acid gas cartridges when the inorganic arsenic concentration is at or below 100 µg/m<sup>3</sup>.

(2) Employees required to use respirators may choose, and the employer must provide, a powered air-purifying respirator if it will provide proper protection. In addition, the employer must provide a combination dust and acid-gas respirator to employees who are exposed to gases over the relevant exposure limits.

R 325.51614 Protective work clothing and equipment; provision and use; cleaning and replacement; notice to cleaning or laundering persons of the potentially harmful effects of exposure to inorganic arsenic.

Rule 614. (1) If the possibility of skin or eye irritation from inorganic arsenic exists, and for all employees working in a regulated area, an employer shall provide, at no cost to the employee, and shall assure that employees use, appropriate and clean protective work clothing and equipment, such as the following:

(a) Coveralls or similar full-body work clothing.

(b) Gloves and shoes or coverlets.

(c) Face shields or vented goggles if necessary to prevent eye irritation. Such shields or goggles shall comply with **General Industry Safety Standard Part 33 "Personal Protective Equipment," as referenced in R 325.50601a.**

~~R 408.13311 to R 408.13313 and R 408.13340 to R 408.13369 of the Michigan Administrative Code, which are administered and enforced by the Michigan department of consumer and industry services.~~

(d) Impervious clothing for employees who are subject to exposure to arsenic trichloride.

(2) An employer shall provide the protective clothing that is required in subrule (1) of this rule in a freshly laundered and dry condition at least once each week. If an employee works in an area where the exposure to inorganic arsenic is over 100 micrograms per cubic meter (100 µg/m<sup>3</sup>) or in an area where more frequent washing is needed to prevent skin irritation, then the protective clothing shall be laundered daily.

(3) An employer shall clean, launder, or dispose of protective clothing that is required by subrule (1) of this rule.

(4) An employer shall repair or replace the protective clothing and equipment as necessary to maintain the effectiveness of the protective clothing and equipment.

(5) At the completion of a work shift, an employer shall assure that all protective clothing is removed only in change rooms prescribed in R 325.51616(1).

(6) An employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of is placed in a closed container in the change room in a manner that prevents the dispersion of inorganic arsenic outside the container.

(7) An employer shall inform, in writing, any person who cleans or launders clothing that is required by this rule of the

potentially harmful effect, including the carcinogenic effects, of exposure to inorganic arsenic.

~~(8) An employer shall assure that the containers of contaminated protective clothing and equipment which are in the workplace or which are to be removed from the workplace are labeled as follows: CAUTION: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water pursuant to applicable local, state, or federal regulations.~~

~~(9) An employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.~~

**R 325.51614a Labels on contaminated protective clothing and equipment.**

**Rule 614a.(1) The employer shall ensure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labeled and that the labels include the following information:**

**DANGER: CONTAMINATED WITH INORGANIC ARSENIC.  
MAY CAUSE CANCER.  
DO NOT REMOVE DUST BY BLOWING OR SHAKING.  
DISPOSE OF INORGANIC ARSENIC CONTAMINATED WASH WATER IN ACCORDANCE  
WITH APPLICABLE LOCAL, STATE OR FEDERAL REGULATIONS.**

**(2) Prior to June 1, 2015, employers may include the following information on containers of protective clothing and equipment in lieu of the labeling requirements in subrule (1) of this rule:**

**CAUTION: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water in accordance with applicable local State or Federal regulations.**

**(3) The employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.**

R 325.51616 Hygiene facilities and practices; change rooms; showers; lavatories; lunchrooms.

Rule 616. (1) For employees who work in a regulated area or who are subject to the possibility of skin or eye irritation from inorganic arsenic, an employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing equipment pursuant to **Occupational Health Standard Part 474 "Sanitation," as referenced in R 325.50601a.** ~~O.H. rule 4201(5) Sanitation.~~

(2) An employer shall provide shower facilities pursuant to **Occupational Health Standard Part 474 "Sanitation," as referenced in R 325.50601a,** ~~O.H. rule 4201(4)(c) Sanitation,~~ and shall assure that an employee who works in a regulated area or who is subject to the possibility of skin or eye irritation from inorganic arsenic showers at the end of the work shift.

(3) For employees who work in a regulated area, an employer shall provide lunchroom facilities which have temperature-controlled, positive pressure, filtered air supplies and which are readily accessible to employees who work in a regulated area.

(4) An employer shall provide lavatory facilities which comply with **Occupational Health Standard Part 474 "Sanitation," as referenced in R 325.50601a,** ~~O.H. rule 4201(4)(a) and (b) Sanitation,~~ and shall assure that an employee who works in the regulated area or who is subject to the possibility of skin or eye irritation from exposure to inorganic arsenic washes his or her hands and face before eating.

(5) For an employee who works in an area where exposure to inorganic arsenic, without regard to the use of respirators, exceeds 100 micrograms per cubic meter (100 ug/m<sup>3</sup>), an employer shall provide facilities to vacuum his or her protective clothing and to clean or change shoes worn in such areas before entering change rooms, lunchrooms, or shower rooms and shall assure their use.

(6) If engineering controls and work practices currently reduce exposures below the permissible exposure limit for affected employees, then change room, shower, lavatory, and lunchroom facilities need not be completed until December 31, 1980.

R 325.51618 Medical surveillance program; initial examinations.

Rule 618. (1) Within 60 days after the effective date of these rules, an employer shall provide an opportunity for an initial medical examination, if not already provided, to an employee who is covered by the medical provisions of these rules.

(2) An employer shall provide an opportunity for an initial medical examination at the time of the first assignment to an area where the employee is likely to be exposed to more than the action level of inorganic arsenic for not less than 30 days per year.

(3) The initial medical examination shall include all of the following elements:

(a) A work history and a medical history that shall include a smoking history and the presence and degree of respiratory symptoms, such as breathlessness, cough, sputum production, and wheezing.

- (b) A **standard posterior-anterior chest x-ray**. 14-inch by 17-inch posterior-anterior chest X ray and the international labor office UICC/Cincinnati (ILO U/C) rating.
- (c) A nasal and skin examination.
- (d) Other examinations that the physician believes are appropriate because of the employee's exposure to inorganic arsenic or because of required respirator use.

R 325.51619 Medical surveillance program; periodic examination.

Rule 619. (1) An employer shall provide the examinations specified in **these rules at least annually**. ~~R 325.51618(3)(a) to (d) at least once a year for a covered employee who is under 45 years of age and who has less than 10 years of exposure to inorganic arsenic above the action level, without regard to respirator use.~~

~~(2) An employer shall provide a medical examination as specified in R 325.51618(3)(a), (c), and (d) at least semiannually and the X ray requirement specified in R 325.51618(3)(b) at least annually for other covered employees.~~

**(2)(3)** If a covered employee has not taken the examination specified in R 325.51618(3) within 6 months before the termination of employment, then the employer shall provide the examination to the employee upon termination of employment.

**(3)(4)** If for any reason an employee develops signs or symptoms commonly associated with exposure to inorganic arsenic, then the employer shall provide an appropriate examination and emergency medical treatment.

R 325.51622 Employee information and training program; applicability; provision of information to employees; availability of rules and other materials to employees and director.

Rule 622. (1) An employer shall institute a training program for all employees who are subject to exposure to inorganic arsenic above the action level, without regard to respirator use, or for whom there is the possibility of skin or eye irritation from inorganic ~~arsenic~~. **arsenic in accordance with the requirements of these rules**. An employer shall assure that these employees participate in the training program.

(2) The training program shall be provided at the time of initial assignment for employees specified in subrule (1) of this rule and at least annually thereafter.

(3) An employer shall assure that each employee is informed of all of the following:

(a) The information contained in appendix A to these rules.

(b) The quantity, location, and manner of use or storage of arsenic materials, sources of exposure, and the specific nature of operations that could result in exposure to inorganic arsenic, as well as any necessary protective steps.

(c) The purpose, proper use, and limitation of respirators.

(d) The purpose and a description of the medical surveillance program as required by R 325.51617 to R 325.51621 .

(e) The engineering controls and work practices that are associated with the employee's job assignment.

(f) These rules, which the employer shall review.

(4) An employer shall make a copy of these rules and their appendices readily available to all affected employees.

(5) Upon request, an employer shall provide, to the director, all materials that relate to the employee information and training program.

R 325.51623 **Rescinded**. ~~Warning signs and labels; employer responsibilities.~~

Rule 623. (1) An employer shall post signs which bear the following legend to demarcate regulated areas:

**DANGER INORGANIC ARSENIC CANCER HAZARD**

**AUTHORIZED PERSONNEL ONLY**

**NO SMOKING OR EATING RESPIRATOR REQUIRED**

~~(2) An employer shall assure that signs required by this rule are illuminated and cleaned as necessary so that the legend is readily visible.~~

~~(3) An employer shall apply precautionary labels to all shipping and storage containers of inorganic arsenic and to all products containing inorganic arsenic, except when the inorganic arsenic in the product is bound in such a manner so as to make the possibility of airborne exposure to inorganic arsenic unlikely. Possible examples of products that do not require labels are semiconductors, light emitting diodes, and glass. The labels shall bear the following legend:~~

~~**DANGER CONTAINS INORGANIC ARSENIC CANCER HAZARD**~~

~~**HARMFUL IF INHALED OR SWALLOWED**~~

~~**USE ONLY WITH ADEQUATE VENTILATION OR RESPIRATORY PROTECTION**~~

~~(4) An employer shall assure that statements do not appear on or near any sign or label required by this rule which contradict or detract from the meaning of the required sign or label.~~

~~(5) An employer may use labels or signs required by other statutes, rules, or ordinances in addition to, or in combination with, signs and labels required by this rule.~~

## HAZARD COMMUNICATIONS

### R 325.51623a Communication of hazards, general.

Rule 623a. (1) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Occupational Health Part 430, "Hazard Communication," as referenced in R 325.51601a, for inorganic arsenic.

(2) In classifying the hazards of inorganic arsenic at least the following hazards are to be addressed:

- (a) Cancer.
- (b) Liver effects.
- (c) Skin effects.
- (d) Respiratory irritation.
- (e) Nervous system effects.
- (f) Acute toxicity effects.

(3) Employers shall include inorganic arsenic in the hazard communication program established to comply with the Occupational Health Part 430, "Hazard Communication." Employers shall ensure that each employee has access to labels on containers of inorganic arsenic and to safety data sheets, and is trained in accordance with the requirements of R 325.51622 and Occupational Health Part 430, "Hazard Communication," as referenced in R 325.51601a,

(4) The employer shall ensure that no statement appears on or near any sign or label required by this rule which contradicts or detracts from the meaning of the required sign or label.

### R 325.51623b Communication of hazards, signs.

Rule 623b. (1) The employer shall post signs demarcating regulated areas bearing the legend:

**DANGER  
INORGANIC ARSENIC  
MAY CAUSE CANCER DO NOT EAT, DRINK OR SMOKE  
WEAR RESPIRATORY PROTECTION IN THIS AREA  
AUTHORIZED PERSONNEL ONLY**

(2) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subrule (1) of this rule.

**DANGER  
INORGANIC ARSENIC  
CANCER HAZARD AUTHORIZED PERSONNEL ONLY  
NO SMOKING OR EATING  
RESPIRATOR REQUIRED**

(3) The employer shall ensure that signs required by these rules are illuminated and cleaned as necessary so that the legend is readily visible.

(4) Prior to June 1, 2015, in lieu of the labeling requirements in R 325.51623a, employers may apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic, bearing the following legend:

**DANGER  
CONTAINS INORGANIC ARSENIC  
CANCER HAZARD HARMFUL IF INHALED OR SWALLOWED  
USE ONLY WITH ADEQUATE VENTILATION OR RESPIRATORY PROTECTION**

(5) Labels are not required when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass.

### R 325.51624 Monitoring and medical surveillance records; maintenance.

Rule 624. (1) An employer shall establish and maintain an accurate record of all monitoring required by R 325.51605 and R 325.51606, including all of the following:

- (a) The date, duration, location, and results of each sample taken, including, where applicable, a description of the sampling procedure used to determine representative employee exposure.
- (b) A description of the sampling and analytical methods used and evidence of their accuracy.
- (c) The type of respiratory protective devices worn, if any.

- (d) Names, social security numbers, and job classifications of the employees monitored and of all other employees whose exposure the measurement is intended to represent.
- (e) The environmental variables that could affect the measurement of the employee's exposure.
- (2) An employer shall maintain the monitoring records for not less than 40 years or for the duration of employment plus 20 years, whichever period is longer.
- (3) An employer shall establish and maintain an accurate record for each employee who is subject to medical surveillance as required by R 325.51617 to R 325.51621, including all of the following:
  - (a) The name, social security number, and description of duties of the employee.
  - (b) A copy of the physician's written opinion.
  - (c) Results of any exposure monitoring done for that employee and the representative exposure levels supplied to the physician.
  - (d) Any employee medical complaints related to exposure to inorganic arsenic.
- (4) An employer shall keep, or assure that the examining physician keeps, the following medical records:
  - (a) A copy of the medical examination results, including medical and work histories required by R 325.51617 to R 325.51621.
  - (b) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information.
  - (c) The initial X-ray.
  - (d) The X-rays for the most recent 5 years.
  - (e) Any X-ray film with a demonstrated abnormality and all subsequent X-ray films.
  - ~~(f) The initial cytologic examination slide and written description.~~
  - ~~(g) The cytologic examination slides and written descriptions for the most recent 5 years.~~
  - ~~(h) Any cytologic examination slides with demonstrated atypia, if such atypia persists for 3 years, and all subsequent slides and written descriptions.~~
- (5) An employer shall maintain, or assure that the physician maintains, the medical records for not less than 40 years or for the duration of employment plus 20 years, whichever period is longer.

R 325.51625 Availability of records.

- Rule 625. (1) Upon request, an employer shall make all records that are required to be maintained pursuant to the provisions of R 325.51624 available to the director for examination and copying.
- (2) Upon request, an employer shall make all records that are required pursuant to the provisions of R 325.51624 available to affected employees, former employees, and their designated representatives in accordance with the provisions of **Occupational Health Standard Part 470, "Employee Medical Records and Trade Secrets," as referenced in R 325.50601a.** ~~R 325.3451 et seq.~~

R 325.51626 Retention and **transfer of records.** ~~disposal of records; successor employer; transmittal and notice to director.~~

- Rule 626. (1) If an employer ceases to do business, the successor employer shall receive and retain all records that are required to be maintained by these rules.
- ~~(2) If an employer ceases to do business and there is no successor employer to receive and retain the records that are required to be maintained by these rules for the prescribed period, the records shall be transmitted to the director.~~
- ~~(3) At the expiration of the retention period for the records that are required to be maintained by these rules, an employer shall notify the director not less than 3 months before the disposal of the records and shall transmit those records to the director if requested within that period.~~
- (2) The employer shall also comply with any additional requirements involving the transfer of records set in Occupational Health Standard Part 470, "Employee Medical Records and Trade Secrets," as referenced in R 325.50601a.**

R 325.51628 **Rescinded.** ~~Availability of rules and appendices; permission to reproduce.~~

- Rule 628. ~~(1) A copy of these rules and related appendices, which are titled "Appendix A—Substance Information Sheet," "Appendix B—Substance Technical Information," and "Appendix C—Medical Surveillance Information," are available to affected employers and employees at no cost from the Michigan Department of Consumer and Industry Services, Standards Division, P.O. Box 30643, Lansing, Michigan 48909.~~
- ~~(2) Permission to reproduce any of these documents in full is granted by the director.~~
- ~~(3) The information contained in the appendices to this section is not intended by itself to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.~~