

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES LICENSING AND REGULATORY AFFAIRS

BUREAU OF SAFETY AND REGULATION DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS COMMISSION

FILED WITH THE SECRETARY OF STATE ON JUNE 5, 2013

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 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024; and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025 and 445.2030** occupational health standards commission by sections 14 and 24 of Act No. 154 of the Public Acts of 1974, as amended, being ~~SS408.1014 and 408.1024 of the Michigan Compiled Laws~~)

R 325.51301 and R 325.51302 of the Michigan Administrative Code are amended as follows:

PART 602. ASBESTOS STANDARDS FOR CONSTRUCTION

R 325.51301 Scope and application.

Rule 1. (1) These rules apply to all construction work as defined by ~~Act No. 154 of the Public Acts of 1974, as amended, §408.1001 et seq. of the Michigan Compiled Laws.~~ **the Michigan Occupational Safety and Health Act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094** being ~~§408.1001 et seq. of the Michigan Compiled Laws.~~ 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) These rules replace occupational health rule 6201(3)(a).~~

R 325.51302 Adoption by reference of federal standard.

Rule 2. (1) The federal occupational safety and health administration's regulations on occupational exposure to asbestos that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1926.1101, **"Asbestos Standards for Construction," as amended March 26, 2012, are adopted in these rules.** ~~August 10, 1994, and amendments which apply to construction work and which appear in the Federal Register on June 28, 1995, pp. 33343 to 33345; June 29, 1995, pp. 33974 to 34002; July 13, 1995, pp. 36043 to 36044; September 29, 1995, pp. 50411 to 50413; August 23, 1996, pp. 43454 to 43459; January 8, 1998, p. 1298; April 23, 1998, p. 20099; and June 29, 1998, p. 35138, are adopted by reference in these rules as of the effective date of these rules.~~

(2) 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 et seq.**

(3) The adopted federal regulations 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** ~~801 South Waverly, Room 306, Lansing, Michigan 48917,~~ or 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.osha.gov** ~~Labor and Economic Growth, Standards Section, P.O. Box 30643, Lansing, Michigan 48909.~~