

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE BUREAU OF SAFETY AND REGULATION

OCCUPATIONAL HEALTH STANDARDS COMMISSION

FILED WITH THE SECRETARY OF STATE ON FEBRUARY 6, 2014

~~Filed with the Secretary of State on October 18, 1993 (as amended October 18, 1999)~~

~~This rule takes effect 15 days after filing with the Secretary of State~~

**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 **408.1014 and 408.1024**; and Executive Reorganization Order Nos. 1996-1, and 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3101, and 445.2001, 445.2011, 445.2025, and 445.2030)

R 325.51991 and R 325.51992 of the Michigan Administrative Code are amended,  
and R 325.51993 is added, as follows:

PART 603. LEAD EXPOSURE IN CONSTRUCTION

R 325.51991 Scope and application.

Rule 1. ~~(4)~~ These rules apply to all construction work as defined by **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 all of the following:

- (a) Demolition or salvage of structures where lead or materials containing lead are present.
  - (b) Removal or encapsulation of materials containing lead.
  - (c) New construction, alteration, repair, painting, decorating, or renovation of structures, substrates, or portions thereof that contain lead or materials containing lead.
  - (d) Installation of products containing lead.
  - (e) Lead contamination or emergency cleanup.
  - (f) Transportation, disposal, storage, or containment of lead or materials containing lead on the site or location at which construction activities are performed.
  - (g) Maintenance operations associated with the construction activities described in this **rule**.
- ~~(2) These rules supersede R 325.2416 as it applies to lead.~~

R 325.51992 Adoption by reference of federal regulations.

Rule 2. (1) The federal occupational safety and health administration's regulations on lead exposure in ~~construction that have been~~ promulgated by the United States department of labor and codified at 29 C.F.R. §1926.62, "**Lead Exposure in Construction,**" **as amended on March 26, 2012, are adopted in these rules.** ~~which were published in the Federal Register on May 4, 1993, and which have an effective date of June 3, 1993, are adopted by reference in these rules as of the effective date of these rules. The regulations were amended on January 8, 1998, 29 C.F.R. §1926.62, volume 63, no. 5, pp. 1296 to 1297.~~

(2) The ~~adopted~~ federal regulations **adopted in subrule (1) of** ~~specified in subrule (1) of~~ this rule have the same force and effect as a rule promulgated **pursuant to the provisions of the Michigan Occupational Safety and Health Act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094.** ~~under 1974 PA 154, MCL 408.1001 et seq.~~

(3) All of the following provisions apply as **used in** ~~of the effective date of~~ these rules:

(a) A reference to 29 C.F.R. §1926.59, "Hazard communication," **in 29 C.F.R. 1926.62(d)** means Occupational Health **Standard Part 430 "Hazard Communication,** ~~rules for hazard communication, being R 325.77001 et seq. of the Michigan Administrative Code and Construction Safety Standard Part 42 "Hazard Communication," as referenced in R 325.51993.~~ ~~being R 408.44201 et seq. of the Michigan Administrative Code.~~

(b) A reference to 29 C.F.R. §1910.133, "Eye and face protection," **in 29 C.F.R. 1926.62(g)** means Occupational Health **Standard rules for Part 433 "Personal Protective Equipment,"** ~~being R 325.60001 et seq. of the Michigan Administrative Code, General Industry Safety Standard Part 33 "Personal Protective Equipment," being R 408.13301 et seq. of the Michigan Administrative Code, and Construction Safety Standard Part 6 "Personal Protective Equipment," as referenced in R 325.51993.~~ ~~being R 408.40601 et seq. of the Michigan Administrative Code.~~

(c) A reference to 29 C.F.R. §1910.20, "Access to employee exposure and medical records," in **29 C.F.R. 1926.62(l)** means Occupational Health **Standard Part 470** ~~rules for~~ "Employee Medical Records and Trade Secrets," **as referenced in R 325.51993.** ~~being R 325.3451 et seq. of the Michigan Administrative Code.~~

~~(4) The adopted federal regulations specified in subrule (1) of this rule are available without cost as of the time of adoption of these rules from the United States Department of Labor, OSHA, 801 South Waverly, Room 306, Lansing, Michigan 48917, or from the Michigan Department of Consumer and Industry Services, Standards Division, Post Office Box 30643, Lansing, Michigan 48909.~~

**R 325.51993. Obtaining adopted and referenced standards.**

**Rule 3. (1) The OSHA regulations adopted in R 325.51992 are available from the United States Department of Labor, Occupational Safety and Health Administration, via the internet at website [www.osha.gov](http://www.osha.gov), at no charge as of the time of adoption of these rules.**

**(2) The standards adopted in R 325.51992 are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.**

**(3) Copies of the standards adopted in R 325.51992 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.**

**(4) The following Michigan occupational safety and health standards are referenced in R 325.51991 and R 325.51992. 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) Construction Safety Standard Part 6 "Personal Protective Equipment," R 408.40601 to R 408.40841.**

**(b) Construction Safety Standard Part 42 "Hazard Communication," R 408.44201 to R 408.44203.**

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

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

**(e) Occupational Health Standard Part 433 "Personal Protective Equipment," R 325.60001 to R 325.60013.**

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