OH Part 315 Chromium (VI) in General Industry
Strike Bold Draft – FINAL
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DEPARTMENT OF **LICENSING AND REGULATORY AFFAIRS** ~~ENERGY, LABOR, AND ECONOMIC GROWTH~~

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on August 11, 2106

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** ~~energy, labor, and economic growth~~ by sections 14 and 24 of 1974 PA 154, **MCL 408.1014 and MCL 408.1024,** and Executive Reorganization Orders Nos. **1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)** ~~1996-1, 1996-2, 2003-1, and 2008-4, MCL 408.1014, 408.1024, 330.3101, 445.2001, 445.2011, and 445.2025)~~

R 325.50141, R 325.50142, and R 325.50143 of the Michigan Administrative Code are amended as follows:

PART 315. Chromium (VI) in General Industry

R 325.50141 Scope and application.
Rule 1. (1) **This standard applies** ~~These rules apply~~ to all occupational exposures to **chromium (VI) in all forms and compounds in general industry, except for any of the following:** ~~Chromium (VI) except as provided in subrule (2) of this rule.~~
(a) Exposures that occur in the application of pesticides regulated by the environmental protection agency or another federal or state government agency, such as the treatment of wood with preservatives.
(b) Exposures to portland cement.
(c) Where the employer has objective data demonstrating that a material containing chromium or a specific process, operation, or activity involving chromium cannot release dusts, fumes, or mists of chromium (VI) in concentrations at or above 0.5 µg/m3 as an 8-hour time-weighted average (TWA) under any expected conditions of use.
(2) **This standard does** ~~These rules do~~ not apply to construction work as defined by 1974 PA 154 **as amended,** MCL 408.1001 to MCL 408.1094. Exposure to **chromium**~~ Chromium~~ (VI) in construction work is covered by **Occupational Health Standard Part 604 "Chromium (VI) in Construction," as referenced in R 325.50143.**

R 325.50142 Adoption ~~by reference~~ of federal standard.
Rule 2. (1) **The federal Occupational Safety and Health Administration (OSHA) regulation 29 C.F.R. §1910.1026 "Chromium (VI)," amended March 26, 2012, is adopted by reference in these rules.** ~~The provisions of federal occupational safety and health administration regulations on the Occupational Exposure to Hexavalent Chromium promulgated by the United States department of labor and codified at 29 C.F.R. §1910.1026, Chromium (VI), February 28, 2006 and appearing in the Federal Register Volume 71, Number 39 on pp. 10374 to 10377 and amended March 17, 2010 and appearing in the Federal Register Volume 75, Number 51 on pp. 12681 to 12686, are adopted by reference in these rules as of the effective date of these rules. As used in these rules:~~
~~(a) "Assistant Secretary," as used in 29 C.F.R. §1910.1026(b), means director of the department of energy, labor, and economic growth.~~
~~(b) "§1910.134," referenced in 29 C.F.R. §1910.1026(g)(2), means occupational health standard part 451 respiratory protection, R 325.60051 and R 325.60052.~~
~~(c) "§1910.1200," referenced in 29 C.F.R. §1910.1026(h)(2)(iv); §1910.1026(j)(3)(ii); §1910.1026(l)(1); and §1910.1026(m), means occupational health standard part 430 hazard communication, R 325.77001 to R 325.77003.~~
~~(d) "§1910.141," referenced in 29 C.F.R. §1910.1026(i)(1), means occupational health standard part 474 sanitation, Rules 4201 and 4202.~~

(2) **As used in these rules, "Assistant Secretary," means the director of the department of licensing and regulatory affairs or his or her designated representative.** ~~The adopted federal regulations shall have the same force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001 to MCL 408.1094.~~

(3) As used in these rules, "§1910.134" means Occupational Health Standard Part 451 "Respiratory Protection."

(4) As used in these rules, "§1910.1200," means Occupational Health Standard Part 430 "Hazard Communication."

(5) As used in these rules, "§1910.141," means Occupational Health Standard Part 474 "Sanitation."

(6) The federal regulation adopted in this rule has 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.

R 325.50143 **Adopted and referenced standards.** ~~Availability of documents.~~

Rule 3. (1) The **OSHA standard 29 C.F.R. §1910.1026 "Chromium (VI)," amended March 26, 2012, is 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.** ~~federal regulation adopted by reference in these rules is 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 Energy, Labor, and Economic Growth, MIOSHA Standards Section, P.O. Box 30643, Lansing, Michigan 48909.~~

(2) The **standard adopted in these rules is available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.** ~~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 Energy, 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.~~

~~(a) Occupational health standard part 430 hazard communication, R 325.77001 to R 325.77003.~~

~~(b) Occupational health standard part 451 respiratory protection, R 325.60051 and R 325.60052.~~

~~(c) Occupational Health Standard part 474 sanitation, Rules 4201 and 4202.~~

(3) The standard adopted in these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services 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.

(4) The following Michigan Occupational Safety and Health Administrative (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 Regulatory Services Section, 530 West Allegan Street, 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) Occupational Health Standard Part 430 "Hazard Communication," R 325.77001 to R 325.77003.

(b) Occupational Health Standard Part 451 "Respiratory Protection," R 325.60051 and R 325.60052.

(c) Occupational Health Standard Part 474 "Sanitation," R 325.47401 to R 325.47425.

(d) Occupational Health Standard Part 604 "Chromium (VI) in Construction," R 325.51995 to R 325.51997.