

IN THIS ISSUE

What's Happening

[New HAZCOM/Global Harmonized Standards](#)

[Globally Harmonized System \(GHS\) Initiative Workshops](#)

[New Hearing Decision on Lead Citations](#)

[Michigan Safety Conference](#)

[Variances](#)

[Quick Links](#)

WHAT'S HAPPENING

NEW HAZCOM/GLOBALLY HARMONIZED STANDARDS

The Hazard Communication standards were amended as of December 14, 2012, and these changes were effective as of December 21, 2012. The standards are:

CONSTRUCTION SAFETY STANDARD PART 42. HAZARD COMMUNICATION
GENERAL INDUSTRY SAFETY STANDARD PART 92. HAZARD COMMUNICATION
OCCUPATIONAL HEALTH STANDARD PART 430. HAZARD COMMUNICATION

In 2012, federal OSHA amended the Hazard Communication Standard (29 CFR 1910.1200) and, effective December 21, 2012, Michigan adopted the amended federal standard by reference.

The amendments essentially modify the Hazard Communication Standard (HCS) to closely align with the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

OSHA has concluded this improved information will enhance the effectiveness of the HCS in ensuring that employees are apprised of the chemical hazards to which they may be exposed, and in reducing the incidence of chemical-related occupational illnesses and injuries.

The modifications to the standard include:

- Revised criteria for classification of chemical hazards.
- Revised labeling provisions that include requirements for use of standardized signal words, pictograms, hazard statements, and precautionary statements.
- A specified format for safety data sheets (SDSs).
- Related revisions to definitions of terms used in the standard.
- Requirements for employee training on labels and safety data sheets (SDSs).

OSHA and MIOSHA are also modifying provisions of other standards, including standards for flammable and combustible liquids, process safety management, and most substance-specific health standards, to ensure consistency with the modified HCS requirements. The consequences of these modifications will be to improve safety and to facilitate global harmonization of standards.

The revised CS Part 42; GI Part 92; and OH Part 430 "Hazard Communication" standard is available on the MIOSHA Standards web-page.

For more frequent updates on MIOSHA activities:

Like us on  or

Follow us on .

If this email was forwarded to you and you would like to subscribe, please visit our [website](#).

Register for your FREE MIOSHA eNews today!

GLOBALLY HARMONIZED SYSTEM (GHS) INITIATIVE WORKSHOPS

The MIOSHA Consultation Education and Training Division (CET), with co-sponsor support from The American Society of Safety Engineers-Lansing Chapter, will be providing three half-day workshops that will highlight the revisions to the hazard communication standard including new requirements for hazard classification, labeling, safety data sheets, and employee information and training. The scheduled dates are:

February 21, 2013 – Fillmore Street Complex, West Olive

9:00 am to 11:30 am

March 5, 2013 – GOB Lansing (Conference Room A)

9:00 am – 11:30 am (Session 1)

1:00 pm – 3:30 pm (Session 2)

The workshop is free but ALL attendees must register. A link to registration information can be found on the [MIOSHA website](#).

NEW HEARING DECISION ON LEAD CITATIONS

This month an Administrative Law Judge (ALJ) issued a decision ruling upon Lead citations issued to an employer by the **Construction Safety and Health Division**. The citations resulted from an inspection of a bridge project in Menominee, MI.

Company employees were removing portions of the existing bridge to construct a new bridge. As the employees removed the concrete road surface, they discovered old layers of orange paint along the top of the girders. Orange paint is widely known by the industry to contain lead. Despite this discovery, the company proceeded with the project without taking the precautions required by the Lead Standard to protect employees against lead exposure. Samples of the paint and materials contained lead levels ranging from 0% to 20%; the highest of which was found in the orange paint sample.

A hearing was held to review two Serious citations of Part 603, Lead Exposure in Construction:

- Rule 1926.62(d)(1)(i) – not performing an initial determination for lead; and
- Rule 1926.62(d)(2)(v) – not providing interim protection when employees may be exposed to lead.

A key issue at hearing was the relevance of “historical data” for lead-containing paint from other bridge projects. The company claimed that data from a bridge in Wisconsin, where there was significant torch cutting on lead-containing paint, was representative, or at least a worst-case scenario, for the bridge inspected in Michigan. The company did not take bulk material samples of the paint at either site to determine the exact percentage of lead in the paint. Instead, chemical testing swabs were utilized to determine if lead was present. Chemical testing swabs do not quantify the exact amount of lead in the paint.

MIOSHA maintained that without bulk samples identifying the percentages of lead in the paint, it was not possible to determine if the two bridges were comparable. The company contended the lead standard did not expressly require bulk samples in order for an employer to rely upon “historical data” from another project.

The ALJ upheld the citations, classifications and penalties as issued by MIOSHA. The judge ruled that when the company removed the deck exposing the orange paint, presumably containing lead, the company “had an obligation to do additional tests.”

The ALJ also ruled “Because the lead content of paint can vary widely, and because the lead content of the paint at the Wisconsin bridge is unknown, the fact that the levels of airborne lead at the

NEW HEARING DECISION ON LEAD CITATIONS ~ Continued

Wisconsin bridge were safe does not imply that the levels of airborne lead at the Menominee Bridge were also safe.” The ALJ rejected the company’s reliance on the chemical swab tests stating the tests did not satisfy the company’s duty under the Lead Standard because they do not measure airborne lead, and they do not give graded values of lead concentrations in the materials being tested.

Both the employer and MIOSHA can file exceptions to the ALJ decision with the Board of Health and Safety Compliance and Appeals or file a petition for review of the decision with the circuit court.

MICHIGAN SAFETY CONFERENCE

The 2013 Michigan Safety Conference will take place April 16-17, 2013, at the DeVos Place, Grand Rapids, MI. The Michigan Safety Conference is a two-day world class health and safety training event, held every Spring. Training is targeted at workplace health and safety issues. All businesses in Michigan are encouraged to send their employees responsible for health and safety and risk management operations. For more information and registration details, please visit www.michsafetyconference.org or call (517) 203-0737.

VARIANCES

Variations from MIOSHA standards must be made available to the public in accordance with Part 12, Variations (R408.22201 to 408.22251). MIOSHA variations are published on the MIOSHA News website: www.michigan.gov/mioshavariances.

QUICK LINKS

[Asbestos Program](#)
[Consultation Education & Training \(CET\) Division](#)
[CET Training Calendar](#)
[Construction Safety & Health Division \(CSHD\)](#)
[DVD/Video Library Service](#)
[Employee Safety, Health and Discrimination Complaint Forms](#)
[General Industry Safety & Health Division \(GISHD\)](#)
[Laboratory & Equipment Services](#)
[Telephone, Mailing and Email Addresses](#)

To sign up for our MIOSHA ListServ Messages, click on the links below:

[MIOSHA Standards Updates](#)
[MIOSHA Training Institute \(MTI\) Announcements](#)

For more frequent updates on MIOSHA activities, please visit our website at

www.michigan.gov/miosha. Like us on  [Facebook](#) and  Follow us on [Twitter!](#)

For more information about LARA, please visit www.michigan.gov/lara. Follow LARA on Twitter www.twitter.com/michiganLARA, “Like” LARA on Facebook, or find LARA on YouTube www.youtube.com/michiganLARA.

To unsubscribe from the MIOSHA eNews, click [here](#) and follow the instructions to remove your email address.

LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.