

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES LICENSING AND REGULATORY AFFAIRS

BUREAU OF SAFETY AND REGULATIONS DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS COMMISSION

FILED WITH THE SECRETARY OF STATE ON SEPTEMBER 19, 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 16 and 21 of 1974 PA 154, MCL 408.1016 to 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030) —general industry safety standards commission by sections 16 and 21 of Act No. 154 of the Public Acts of 1974, as amended, being SS408.1016 and 408.1021 of the Michigan Compiled Laws)

R 408.19101 and R 408.19102 of the Michigan Administrative Code are amended, and R 408.19103 is added to the Code, as follows:

PART 91. PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS

R 408.19101 Scope.

Rule 9101. (1) This part applies to the manufacturing, keeping, having, storing, selling, transporting, and using of explosives, blasting agents, and pyrotechnics. These rules do not apply to the sale and use (public display) of pyrotechnics, commonly known as fireworks, or to the use of explosives in the form prescribed in the official United States pharmacopeia.

(2) The manufacture of explosives, as defined in the provisions of 29 C.F.R. §1910.109(a)(3), explosives, **General Industry Safety Standard Part 55 "Explosives and Blasting Agents,"** as referenced in R 408.19102, shall also be in compliance with the requirements contained in the provisions of **these rules.** 29 C.F.R. §1910.119.

(3) The manufacture of pyrotechnics as defined in the provisions of 29 C.F.R. §1910.109(a)(10) **General Industry Safety Standard Part 55 "Explosives and Blasting Agents,"** as referenced in R 408.19102, shall also be in compliance with the provisions of these rules.

R 408.19102 Adoption of standards by reference.

Rule 9102. (1) **The following federal occupational safety and health administration (OSHA) regulations are adopted by reference in these rules:**

(a) **29 C.F.R. §1910.119 "Process safety management of highly hazardous chemicals,"** effective February 8, 2013.

(b) **29 C.F.R. §1910.119 Appendix A "List of highly hazardous chemicals, toxics and reactives (mandatory),"** effective December 27, 2011.

The federal occupational safety and health administration's regulations on process safety management of highly hazardous chemicals that have been promulgated by the United States department of labor and have been codified at 29 C.F.R. §1910.119, including appendix A, with an effective date of May 26, 1992, and which were amended March 7, 1996, appearing in the Federal Register on pp. 9238, are adopted by reference in these rules as of the effective date of these rules. The definitions referred to in R 408.19101(2) and (3) and codified at 29 C.F.R. §1910.109(a)(3) and (10) are adopted in these rules by reference. The adopted regulations may be obtained from the Michigan Department of Consumer and Industry Services, Standards Division, P.O. Box 30643, Lansing, Michigan 48909, at no charge as of the time of adoption of these rules, or from the United States Department of Labor, Occupational Safety and Health Administration, 801 S. Waverly Rd., Room 306, Lansing, MI 48917, at no charge as of the time of adoption of these rules.

(2) **All of the following provisions apply with respect to the regulations adopted in subrule (1) of this rule:**

(a) A reference to 29 C.F.R. §1910.1200 "Hazard communication," means Occupational Health Standard Part 430 "Hazard Communication;" General Industry Safety Standard Part 92 "Hazard Communication;" and Construction Safety Standard Part 42 "Hazard Communication;" as referenced in R 408.19103.

(b) A reference to 29 C.F.R. §1910.38, "Emergency action plans," means General Industry Safety Standard Part 6 "Fire Exits," as referenced in R 408.19103.

(c) A reference to 29 C.F.R. §1910.109, "Explosives and blasting agents," means General Industry Safety Standard Part 55 "Explosives and Blasting Agents," as referenced in R 408.19103.

(d) A reference to 29 C.F.R. §1910.252, "Welding, cutting, and brazing," means Occupational Health Standard Part 529 "Welding, Cutting, and Brazing," as referenced in R 408.19103.

(e) A reference to 29 C.F.R. §1910.120 “Hazardous waste operations and emergency response,” means Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,” as referenced in R 408.19103.

(3) The provisions of 29 C.F.R. §1910.119 and 29 C.F.R. §1910.119 Appendix A have the same force and effect as rules promulgated under 1974 PA 154, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.

(4) The standards adopted in subrule (1) of this rule are 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.

(5) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(6) The standards adopted in subrule (1) of this rule 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.

R 408.19103 MIOSHA referenced standards.

Rule 3. The following Michigan occupational safety and health (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, 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) Construction Safety Standard Part 42 “Hazard Communication,” R 408.44201 to R 408.44203.

(b) General Industry Safety Standard Part 92 “Hazard Communication,” R 408.19201 to R 408.19203.

(c) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.

(d) General Industry Safety Standard Part 6 “Fire Exits,” R 408.10601 to R 408.10697.

(e) General Industry Safety Standard Part 55 “Explosives and Blasting Agents,” R 408.15501.

(f) Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,” R 325.52101 to R 325.52137.

(g) Occupational Health Standard Part 529 “Welding, Cutting, and Brazing,” R 325.52901 to R 325.52908.