

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS COMMISSION

METHYLENE CHLORIDE

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 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) ~~consumer and industry services by section 24 of Act No. 24 of Act No. 154 of the Public Acts of 1974, as amended, and Executive Reorganization Order Nos. 1996-1 and 1996-2, being 408.1024, 330.3101, and 445.2001 of the Michigan Compiled Laws)~~

R 325.51651 and R 325.51652 of the Michigan Administrative Code are amended, and R 325.51653 is added to the Code, as follows:

PART 313. METHYLENE CHLORIDE

R 325.51651 Scope and application.

Rule 1. (1) These rules apply to all occupational exposures to methylene chloride (MC), chemical abstracts service registry no. 75-09-2, in all industries covered by **1974 PA 154, known as Act No. 154 of the Public Acts of 1974, as amended, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.** ~~being 408.1001 et seq. of the Michigan Compiled Laws.~~

(2) These rules replace all references to methylene chloride contained in table G-2 in **Occupational Health Part 301 "Air Contaminants for General Industry," as referenced in R 325.51653.** ~~R 325.51108 and table 4 of exhibit 1 of the O.H. rule 6201 (1). R 325.51652 Adoption by reference of federal regulations.~~

R 325.51652. Adoption **of standards** ~~by reference. of federal regulations.~~

Rule 2. (1) **The following federal occupational safety and health administration (OSHA) regulations are adopted by reference in these rules.**

(a) **29 C.F.R. §1910.1052 "Methylene chloride," effective March 26, 2012.**

(b) **29 C.F.R. §1926.1152 "Methylene chloride," effective January 10, 1997.**

~~The federal occupational safety and health administration regulations on methylene chloride that have been promulgated by the United States department of labor, codified at 29 C.F.R. SS1910.1052 and 1926.1152, and published in the Federal Register on January 10, 1997, and amendments appearing in the Federal Register on August 8, 1997, pp. 42666 and 42667; August 14, 1997, p. 43581; September 15, 1997, pp. 48175 and 48176; January 8, 1998, p. 1295; and September 22, 1998, pp. 50729 to 50732, are adopted by reference in these rules.~~

(2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of these rules:

(a) A reference to 29 C.F.R. **§1910.120, "Hazardous waste and emergency response," means Occupational Health Standard Part 432 "Hazardous Waste Operations and Emergency Response," as referenced in R 325.51653.**

~~1910.120, hazardous waste and emergency response, in 29 C.F.R. part 1910, subpart H, means occupational health rules for hazardous waste operations and emergency response, being R 325.52101 et seq., of the Michigan Administrative Code.~~

(b) A reference to 29 C.F.R. **§1910.133, "Eye and face protection," means Occupational Health Standard Part 433 "Personal Protective Equipment;" General Industry Safety Standard Part 33 "Personal Protective Equipment;" and Construction Safety Standard Part 6 "Personal Protective Equipment;" as referenced in R 325.51653.**

~~1910.133, eye and face protection, in 29 C.F.R. part 1910, subpart I, means occupational health rules for 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, being R 408.40601 et seq., of the Michigan Administrative Code.~~

(c) A reference to 29 C.F.R. **§1910.1200 and 29 C.F.R. §1926.59 "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 325.51653.** ~~SS1910.1200 and 1926.59, hazard communication, in 29 C.F.R. part 1910, subpart Z, means occupational~~

health rules for hazard communication, being R 325.77001 et seq. of the Michigan Administrative Code; general industry safety standard Part 92. Hazard Communication, being R 408.19201 et seq. of the Michigan Administrative Code; and construction safety standard Part 42. Hazard Communication, being R 408.44201 et seq. of the Michigan Administrative Code.

(d) A reference to 29 C.F.R. §1910.1020 “Access to employee exposure records and medical records,” means Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,” as referenced in R 325.51653. 1910.1020, access to employee exposure records and medical records, in 29 C.F.R. part 1910, subpart Z, means occupational health rules for employee medical records and trade secrets, being R 325.3451 et seq. of the Michigan Administrative Code.

(e) A reference to 29 C.F.R. 1910.1000, air contaminants, in 29 C.F.R. part 1910, subpart Z, means occupational health rules for air contaminants, being R 325.51101 et seq. of the Michigan Administrative Code.

(3) The provisions of 29 C.F.R. §1910.1052 and 29 C.F.R. §1926.1152 SS1910.1052 and 1926.1152 have the same force and effect as rules promulgated under 1974 PA 154, known as Act No. 154 of the Public Acts of 1974, as amended, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094. being 408.1001 et seq. of the Michigan Compiled Laws.

(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. The provisions of 29 C.F.R. SS1910.1052 and 1926.1152 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, 7150 Harris Drive, P. O. Box 30643, Lansing, Michigan 48909.

(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.

(7) Appendices A, B, and C, to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.

R 325.51653 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 6 “Personal Protective Equipment,” R 408.40601 to R 408.40641.

(b) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13399.

(c) Occupational Health Standard Part 433 “Personal Protective Equipment,” R 325.60001 to R 325.60013.

(d) Construction Safety Standard Part 42 “Hazard Communication,” R 408.44201 to R 408.44203.

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

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

(g) Occupational Health Standard Part 301 “Air Contaminants for General Industry,” R 325.51101 to R 325.51108.

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

(i) Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.