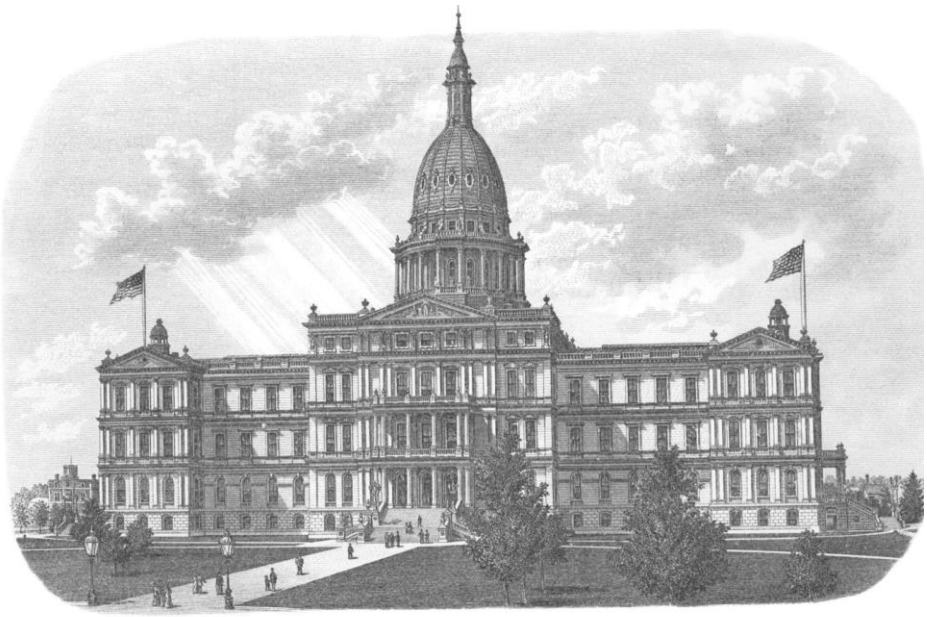
Michigan Register

Issue No. 4– 2015 (Published March 15, 2015)



GRAPHIC IMAGES IN THE

MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws

Issue No. 4— 2015
(This issue, published March 15, 2015, contains
documents filed from February 15, 2015 to March 1, 2015)

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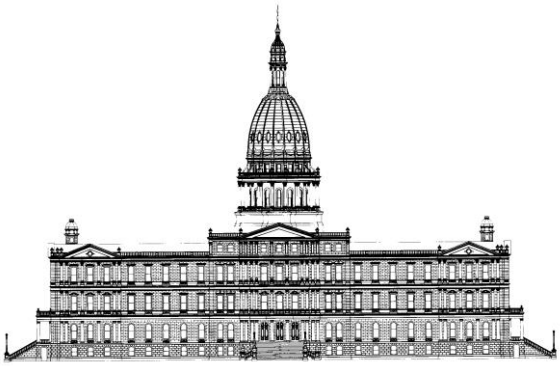
Mike Zimmer, Director, Licensing and Regulatory Affairs; **Deidre O'Berry**, Administrative Rules Specialist for Operations and Publications.

Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.

(f) Administrative rules filed with the secretary of state.

(g) Emergency rules filed with the secretary of state.

(h) Notice of proposed and adopted agency guidelines.

(i) Other official information considered necessary or appropriate by the office of regulatory reform.

(j) Attorney general opinions.

(k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

(1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).

(9) As used in this section, “Michigan register” means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of $400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Mike Zimmer, Director
Licensing and Regulatory Affairs

2015 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2015	February 1, 2015
2	February 1, 2015	February 15, 2015
3	February 15, 2015	March 1, 2015
4	March 1, 2015	March 15, 2015
5	March 15, 2015	April 1, 2015
6	April 1, 2015	April 15, 2015
7	April 15, 2015	May 1, 2015
8	May 1, 2015	May 15, 2015
9	May 15, 2015	June 1, 2015
10	June 1, 2015	June 15, 2015
11	June 15, 2015	July 1, 2015
12	July 1, 2015	July 15, 2015
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14	August 1, 2015	August 15, 2015
15	August 15, 2015	September 1, 2015
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19	October 15, 2015	November 1, 2015
20	November 1, 2015	November 15, 2015
21	November 15, 2015	December 1, 2015
22	December 1, 2015	December 15, 2015
23	December 15, 2015	January 1, 2016
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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state."

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on February 24, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 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 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.40709, R 408.40713, R 408.40721, R 408.40722, R 408.40723, R 408.40731, R 408.40751, R 408.40761, and R 408.40762 of the Michigan Administrative Code are amended, as follows:

PART 7. WELDING AND CUTTING

GENERAL PROVISIONS

R 408.40709 Adopted and referenced standards.

Rule 709. (1) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: http://global.ihs.com; at a cost as of the time of adoption of these rules, as stated in this subrule.

(a) American National Standard Institute Standard ANSI/AWS Z49.1, "Safety in Welding and Cutting and Allied Processes," 1973 edition. Cost: $96.00

(b) American National Standard Institute Standard ANSI/ASA B57.1, "Compressed Gas Cylinder Valve Outlet and Inlet Connections," 1965 edition. Cost $29.00

(2) This standard is adopted by reference in these rules, National Fire Protection Association NFPA 50 "Standards for Bulk Oxygen Systems at Consumer Sites," 1974 edition. This standard is available from National Fire Prevention Association, 1 Batterymarch Park, Quincy, Massachusetts, USA, 02169-7471, telephone number: 1-617-770-3000 or via the internet at website: www.nfpa.org; at a cost as of the time of adoption of these rules of $27.00.

(3) The Code of Federal Regulations, Title 49 Transportation, Parts 186-199, "Subchapter D-Pipeline Safety" are available from the United States Government Printing Office website: www.ecfr.gov, at no charge as of the time of adoption of these rules.

(4) The standards adopted in these rules are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(5) The standards 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, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost of the standard plus $20.00 for shipping and handling.

(6) The following Michigan occupational safety and health standards (MIOSHA) 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, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: 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 1 "General Rules," R 408.40101 to R 408.40134.

(b) Construction Safety Standard Part 6 "Personal Protective Equipment," R 408.40601 to R 408.40641.

(c) Construction Safety Standard Part 45 "Fall Protection," R 408.44501 to R 408.44502.

R 408.40713 Working in confined spaces.

Rule 713. (1) Before the start of a welding operation in a confined space, the employer shall ensure that the atmosphere shall be tested and recorded. Ventilation shall be provided and maintained in accordance with the requirements of the department of Licensing and Regulatory Affairs.

(2) The records shall be maintained by the employer at the jobsite as prescribed in Construction Safety Standard Part 1 "General Rules," as referenced in R 408.40709.

(3) When working in a confined space, the torch valves, the gas supply valve, and oxygen valve outside the confined space shall be shut off during the lunch period, overnight, or during any other prolonged period and the torch and hose shall be removed from the confined space. Open-end fuel gas and oxygen hoses shall be immediately removed from enclosed spaces when they are disconnected from the torch or other gas-consuming device.

(4) When electrodes are used in a confined space and welding is suspended during the lunch period, overnight, or during any other prolonged period, the electrode shall be removed from the holder and the machine shall be shut off. The holders shall be placed or protected so that they cannot make electrical contact with employees or conducting objects.

(5) A gas cylinder or a welding machine used for welding operations in a confined space shall be placed on the outside of the space where work is being performed.

(6) If an employee must enter a confined space through a small opening to perform welding operations, another employee trained in rescue procedures and equipped with the means necessary to effect a rescue shall be stationed outside the confined space in position to watch the welder. When a safety harness and lifeline are used, they shall be provided for as prescribed in Construction Safety Standard Part 45 "Fall Protection," as referenced in R 408.40709, and shall be attached to the welder's body so that his or her body cannot be jammed in a small exit opening.

CYLINDERS

R 408.40721 Cylinders manufacturing, labeling, periodic testing, and marking.

Rule 721. (1) A cylinder shall be manufactured, labeled, and periodically tested in accordance with the specifications of the federal department of transportation requirements published in 49 C.F.R. Part 178, Subpart C, "Specification for Cylinders," which are adopted by reference in R 408.40709.

(2) A cylinder shall be legibly marked with either the chemical or trade name. Marking shall be by stenciling, stamping, or labeling and shall not be tampered with or be readily removable. Whenever practical, the marking shall be located on the shoulder of the cylinder.

R 408.40722 Storage.

Rule 722. (1) An oxygen cylinder shall be stored not less than 20 feet from fuel gas cylinders or any highly combustible material, such as, but not limited to, oil, grease, excelsior, flammable gas, or a source of ignition, or shall be separated from the material by a noncombustible wall not less than 5 feet (1.6 meters) high which has a fire resistance rating of 30 minutes.

(2) A cylinder shall be stored away from any source of heat more than 125 degrees Fahrenheit.

(3) A cylinder, whether full or empty, in storage or during shipment, or with the regulator removed, shall have the valve closed and the cap connected in place if a cap is provided in the design, or shall be otherwise protected.

(4) Where different gases are stored, they shall be grouped by types. Groupings shall separate the fuel gases from the oxidizing gases as specified in subrule (1) of this rule.

(5) A storage area for cylinders shall be well ventilated.

(6) A cylinder shall not be stored in basements or pits.

(7) Where a liquid or gaseous oxygen system is used to supply gaseous oxygen for welding and cutting and the system has a storage capacity of more than 20,000 cubic feet (560 cubic meters), measured at 14.7 psia and 70 degrees Fahrenheit, including unconnected reserves at the site, the system shall be as prescribed in National Fire Protection Association Standard NFPA 50, “Standards for Bulk Oxygen Systems at Consumer Sites,” 1974 edition, which is adopted by reference in R 408.40709.

R 408.40723 Cylinders generally.

Rule 723. (1) A chain, bracket, or other restraining device shall be used at all times to prevent cylinders from falling.

(2) A cylinder shall stand valve end up at all times.

(3) A cylinder shall not be dropped, dragged, rolled on its side, or struck violently.

(4) When using a crane or hoisting device, a cylinder shall be lifted only by cradles or enclosed platforms. An electromagnet, hook, rope, or sling shall not be used.

(5) A frozen or ice-clogged valve shall be thawed either by warm air or warm water and shall be dried before using. Boiling water or a flame shall not be used. Force shall not be applied to a valve or cap to loosen a cylinder frozen in place.

(6) Gases shall not be mixed within a cylinder except by the supplier. Only the owner of the cylinder, if the owner is qualified, or a person trained, qualified, and authorized by the owner, shall refill a cylinder. The contents of a cylinder shall be used only for those purposes intended by the supplier.

(7) A cylinder shall not be placed where it will become a part of the electrical circuit by accidental grounding or where it may be burned by an electric welding arc. A cylinder shall not be placed so that hot slag or flame can reach it unless the cylinder is protected by a fire-resistant shield. An electrode shall not be tapped against a cylinder to strike an arc.

(8) A regulator, gauge, or hose shall not be interchangeable between fuel gas, oxidizing gas, or inert gas. Connections for compressed gas cylinders shall be as prescribed in American National Standard Institute Standard ANSI/ASA B57.1, 1965 edition, “Compressed Gas Cylinder Valve Outlet and Inlet Connections,” which is adopted by reference in R 408.40709.

(9) A cylinder valve shall be opened slightly for an instant and then closed before connecting to a regulator or manifold to clear the valve of dust and dirt. The employee opening the valve shall stand to one side of the outlet, not in front of it. The employee shall not open the valve near a source of ignition.

Pressure to a regulator shall be introduced by slowly opening the cylinder valve. An acetylene cylinder valve shall only be opened enough to allow proper working pressure, but shall not be opened more than 1 1/2 turns of the spindle.

(10) Acetylene shall not be utilized or piped, except in cylinder manifolds, at a pressure in excess of 15 psig.

(11) A cylinder to which a regulator is attached shall not be moved unless secured to a hand or powered truck designed or equipped for this purpose.

(12) A cylinder valve must be closed in any of the following situations:

(a) When moving the cylinder.

(b) When the work is finished or is left unattended during the lunch period, overnight, or any other prolonged period.

(c) When the cylinder is empty.

(d) When the regulator is removed.

(13) A cylinder without fixed handwheels shall have keys, handles, or nonadjustable wrenches on valve stems while in service. A multiple cylinder installation shall require only 1 key or handle for each manifold.

A hammer shall not be used to open a cylinder valve or loosen a cap.

(14) A cylinder, whether full or empty, shall not be used as a roller or support.

(15) A damaged or a leaking cylinder, a cylinder with a valve stuck open, or a valve in need of repair shall be taken outdoors away from sources of ignition, tagged with a warning sign, and the manufacturer or distributor notified. Complete removal of the stem from the cylinder valve shall be avoided.

(16) Nothing shall be placed on top of the cylinder.

HOSES AND REGULATORS

R 408.40731 Hoses and connections.

Rule 731. (1) Hose and hose connections used for a welding operation shall be as prescribed in paragraph 3.5.6 of the American National Standard Institute Standard ANSI/AWS Z49.1, “Safety in Welding and Cutting and Allied Processes,” 1973 edition, which is adopted by reference in R 408.40709.

(2) Parallel lengths of hose taped together shall have not more than 4 inches out of each 12 inches covered by tape.

(3) Parallel hoses shall be color coded as follows:

(a) Red-fuel gases. See subrule (4) of this rule.

(b) Green-oxygen.

(c) Black-inert gas or air.

(4) The employer shall assure that only approved hose is used for LP gas.

(5) A hose and its connections shall be inspected before each shift for burns, leaks, worn places, or other defects which could affect the safety of an employee. Suspected leaks shall be checked by use of a grease-free soap solution.

(6) A defective hose shall not be used, but shall be repaired or replaced.

(7) A hose that has been subject to a flashback or has been repaired or spliced shall be tested at twice the normal pressure, but not less than 300 psig.

(8) A box used for the storage of gas hose shall be ventilated.

PERSONAL PROTECTIVE EQUIPMENT

R 408.40751 Personal protective equipment.

Rule 751. (1) A welder shall wear face and eye protection when performing welding operations and by other employees exposed to a risk of injury from spatter or flash, or both. The protective devices shall be provided for as prescribed in Construction Safety Standard Part 6 “Personal Protective Equipment,” as referenced in R 408.40709.

(2) The employer shall provide welding gloves at no expense to the employee and the employee shall wear them to protect their hands and wrists.

(3) The employer shall provide other protective devices, such as, but not limited to, body protection, chaps, and curtains, at no expense to the employee, and the employee shall use them when ~~is~~ exposed to a risk of injury by flash burn, sparks, and foreign bodies.

GENERAL FIRE RULES

R 408.40761 Fire precautions.

Rule 761. (1) Welding operations shall not be performed within 50 feet of explosives, stored cylinders, or stored fuel. Combustible and flammable materials located within 35 feet of a welding operation shall either be removed or covered with fire-resistant material.

(2) Cracks or openings through which sparks could pass in the floor or wall that are within 35 feet of a welding operation shall be covered with a fire-resistant material.

(3) A wood floor within 10 feet of a welding operation shall be protected by either wetting down, covering with sand, or covering with a fire-resistant material.

(4) A minimum of 1 2A-10BC portable fire extinguisher shall be immediately available to the work area during welding operations.

(5) An employer shall designate a person as responsible for fire safety during a welding operation where a fire could start or where 1 of the following conditions exists:

(a) Appreciable combustible and flammable materials are more than 35 feet from a welding operation but are easily ignited.

(b) Combustible and flammable material is adjacent to the opposite side of a metal partition, wall, ceiling, or roof that is likely to ignite by conduction or radiation.

(c) If there is a possibility that a smoldering fire may have started, the person shall remain at the scene of the work for not less than 30 minutes after the welding operation has stopped. Personnel shall be instructed as to the specific anticipated fire hazards and how the firefighting equipment provided is to be used.

(6) The connection, by welding, of branches to a pipeline carrying a flammable substance shall be performed in accordance with the regulations of the department of transportation, 49 C.F.R. Part 192, “Minimum Federal Safety Standards for Gas Pipelines,” which are adopted by reference in R 408.40709.

(7) Before welding, cutting, or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

R 408.40762 Welding drums, barrels, tanks, or other containers.

Rule 762. (1) Welding operations shall not be performed on drums, barrels, tanks, or other containers until they have been cleaned of all flammable, combustible, or toxic materials or fumes.

(2) All pipelines or other connections to drums, barrels, or tanks shall be disconnected or blanked before performing welding operations.

(3) Hollow spaces or cavities shall be vented and either filled with water or purged with an inert gas before preheating, cutting, or welding.

(4) An opening shall be maintained during welding and cutting to vent gases or vapors.

(5) Welding on natural gas pipelines shall be as prescribed by the regulations of the department of transportation, 49 C.F.R. Part 192, "Minimum Federal Safety Standards for Gas Pipelines," which are adopted by reference in R 408.40709.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on February 24, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections33, 44, 45a(6), or 48 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. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025, and 445.2030.)

R 325.51152, R 325.51156, R 325.51158, R 325.51162, R 325.51163, R 325.51164, R 325.51166, R 325.51167, R 325.51169, R 325.51172, R 325.51173, R 325.51174, and R 325.51175 of the Michigan Administrative Code are amended, and R 325.51151a, R 325.51156a, and R 325.51168a are added, and R 325.51177 is rescinded, as follows:

PART 304 ETHYLENE OXIDE

R 325.51151a. Reference of standards.

Rule 1a. (1) The 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 Licensing and Regulatory Affairs, MIOSHA Regulatory Services 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, at the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 18 “Fire Prevention and Prevention,” R 408.41801 to R 408.41884.

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

(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 451 “Respiratory Protection,” R 325.60051 to R 325.60052.

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

(2) Appendices A to D to these rules are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

R 325.51152. Definitions.

Rule 2. (1) As used in these rules:

(a) "Act" means Michigan occupational safety and health act of 1974 PA 154, MCL 408.1001 to MCL 408.1094.

(b) "Action level" means a concentration of EtO of 0.5 parts EtO per million parts of air (0.5 ppm) calculated as an 8-hour, time-weighted average.

(c) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring procedures under R 325.51176, or any other person authorized by the act.

(d) "Director" means the director of the Michigan department of licensing and regulatory affairs or his or her designee.

(e) "Emergency" means any occurrence which is likely to or does result in an unexpected release of ethylene oxide, such as equipment failure, rupture of containers, or failure of control equipment.

(f) "Employee exposure" means exposure to airborne EtO that would occur if the employee were not using respiratory protective equipment.

(g) "Ethylene oxide" or "EtO" means a 3-membered ring organic compound, chemical formula C_2H_4O.

R 325.51156. Exposure monitoring; frequency.

Rule 6. (1) If the monitoring required by R 325.51155 reveals employee exposure to be at or above the action level, but below the 8-hour TWA, an employer shall repeat such monitoring for each such employee at least every 6 months.

(2) If monitoring required by R 325.51155 reveals that employee exposure is above the 8-hour TWA, an employer shall repeat such monitoring for each affected employee at least every 3 months.

(3) The employer may alter the monitoring schedule from quarterly to semiannually for any employee for whom 2 consecutive measurements, taken not less than 7 days apart, indicate that the employee's exposure has decreased to or below the 8-hour TWA.

(4) If there has been a production, process, control equipment, personnel, or work practice change that might result in new or additional employee exposure to EtO, or if an employer has any other reason to suspect a change that might result in new or additional exposures to EtO, the employer shall institute additional monitoring pursuant to this standard.

R 325.51156a. Termination of monitoring, ‘action level,’ excursion limit.

Rule 6a. (1) If the initial monitoring required by R 325.51155 reveals employee exposure to be below the action level, the employer may discontinue TWA monitoring for those employees whose exposures are represented by the initial monitoring.

(2) If the periodic monitoring required by R 325.51156 reveals that employee exposures, as indicated by at least 2 consecutive measurements taken at least 7 days apart, are below the action level, the employer may discontinue TWA monitoring for those employees whose exposures are represented by such monitoring.

(3) If the initial monitoring required by R 325.51155 reveals employee exposure to be at or below the excursion limit, the employer may discontinue excursion limit monitoring for those employees whose exposures are represented by the initial monitoring.

(4) If the periodic monitoring required by R 325.51156 reveals that employee exposures, as indicated by at least 2 consecutive measurements taken at least 7 days apart, are at or below the excursion limit,

the employer may discontinue excursion limit monitoring for those employees whose exposures are represented by such monitoring.

R 325.51158. Employee notification of monitoring results.
Rule 8. (1) The employer must, within 15 working days after the receipt of the results of any monitoring results, notify each affected employee of the results, either individually in writing, or by posting the results in an appropriate location that is accessible to affected employees.
(2) If the monitoring results indicate that employee exposure, without regard to respirators, exceeds 1 or both of the permissible employee exposure limits, an employer shall include, in the written notice required by subrule (1) of this rule, a statement that the permissible employee exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible employee exposure limit.

R 325.51162. Respirators; selection; respiratory protection program.
Rule 12 (1) For employees who use respirators required by these rules, the employer shall select and provide each employee an appropriate respirator that complies with the requirements of these rules. Respirators must be used during all of the following:
(a) Periods necessary to install or implement feasible engineering and work practice controls.
(b) Work operations, such as maintenance and repair activities and vessel cleaning for which engineering and work practice controls are not feasible.
(c) Work operations for which feasible engineering and work practice controls are not yet sufficient to reduce an employee's exposure to or below the TWA.
(d) Emergencies.
(2) For respirator selection, an employer must do all of the following:
(a) Select, and provide to employees, the appropriate respirators in accordance with Occupational Health Standard Part 451 “Respiratory Protection,” as referenced in R 325.51151a, however, an employer must not select or use half masks of any type because EtO may cause eye irritation or injury.
(b) Equip each air-purifying, full facepiece respirator with a front-or back-mounted canister approved for protection against ethylene oxide.
(c) For escape, provide employees with any respirator permitted for use under subdivisions (a) and (b) of this subrule.
(3) The employer must implement a respiratory protection program in accordance with Occupational Health Standard Part 451 “Respiratory Protection,” as referenced in R 325.51151a, which covers each employee required by this rule to use a respirator.

R 325.51163. Protective clothing and equipment.
Rule 13. If it is possible that employees could have eye or skin contact with EtO or EtO solutions, then the employer must select and provide, at no cost to the employee, appropriate protective clothing or other equipment in accordance with General Industry Safety Standard Part 33 “Personal Protective Equipment,” and Occupational Health Standard Part 433 “Personal Protective Equipment,” and as referenced in R 325.51151a, to protect any area of the employee’s body that may come in contact with the EtO or EtO solution, and must ensure that the employee wears the protective clothing and equipment provided.

R 325.51164. Emergency situations; written plans; alerting employees.

Rule 14. (1) The employer shall develop a written plan for emergency situations for each workplace where EtO is used. The employer shall implement appropriate portions of the plan in the event of an emergency.

(2) The plan shall specifically provide that an employee who is engaged in correcting emergency conditions shall be equipped with respiratory protection as required in R 325.51162 until the emergency has abated.

(3) The plan shall include the elements prescribed in the provisions of Construction Safety Standard Part 18 Fire Protection and Prevention and General Industry Safety Standard Part 6 Fire Exits, as referenced in R 325.51151a.

(4) Where there is the possibility of employee exposure to EtO due to an emergency, the employer shall develop and use means to promptly alert potentially affected employees of such occurrences.

(5) Affected employees who are not engaged in correcting the emergency shall be immediately evacuated from the area and shall not be permitted to return until the emergency has abated.

R 325.51166. Medical examinations and consultation; frequency and content.

Rule 16. (1) An employer shall make medical examinations and consultations available to each employee covered in R 325.51165 as follows:

(a) Before assignment to a work area where exposure may be at or above the action level or short-term exposure limit for at least 30 days a year.

(b) At least annually each employee exposed at or above the action level for at least 30 days in the past year.

(c) At termination of employment or reassignment to an area where exposure to EtO is not at or above the action level or short-term exposure limit for at least 30 days a year.

(d) As medically appropriate for any employee exposed in an emergency.

(e) As soon as possible after notification by an employee that the employee has developed signs or symptoms indicating possible overexposure to EtO or that the employee desires medical advice concerning the effects of current or past exposure to EtO on the employee's ability to produce a healthy child.

(f) An employer shall provide additional medical examinations to affected employees at the frequency recommended by the examining physician.

(2) Medical examinations made available pursuant to subrule (1) of this rule shall include all of the following:

(a) A medical and work history, with emphasis given to eyes, skin, and pulmonary, hematologic, neurologic, and reproductive systems.

(b) A physical examination with emphasis given to eyes, skin, and pulmonary, hematologic, neurologic, and reproductive systems.

(c) A complete blood count, including at least a white cell count with differential, red cell count, hematocrit, and hemoglobin.

(d) Additional tests which, in the opinion of the examining physician, are appropriate.

(e) Pregnancy testing or laboratory evaluation of fertility shall be provided if requested by the employee and deemed appropriate by the physician.

R 325.51167. Medical surveillance program; information provided to the physician by employer.

Rule 17. An employer shall provide all of the following information to the examining physician:

(a) A copy of these rules and related appendices which may be obtained from the department of licensing and regulatory affairs.

(b) A description of an affected employee's duties as they relate to the employee's exposure.

(c) The employee's representative or anticipated exposure level.
(d) A description of any personal protective equipment used or to be used.
(e) Information from previous medical examinations of the affected employee that is not otherwise available to the examining physician.

R 325.51168a. Hazard communication.
Rule 18a. (1) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Occupational Health Standard Part 430 "Hazard Communication," as referenced in R 325.51151a, for EtO.
(2) In classifying the hazards of EtO, at least all of the following hazards shall be addressed:
(a) Cancer.
(b) Reproductive effects.
(c) Mutagenicity.
(d) Central nervous system.
(e) Skin sensitization.
(f) Skin.
(g) Eye and respiratory tract irritation.
(h) Acute toxicity effects.
(i) Flammability.
(3) An employer shall include EtO in the hazard communication program established to comply with the Occupational Health Standard Part 430 "Hazard Communication." An employer shall ensure that each employee has access to labels on containers of EtO and to safety data sheets, and is trained in accordance with the requirements R 325.51170 and Occupational Health Standard Part 430 "Hazard Communication," as referenced in R 325.51151a.

R 325.51169. Signs and labels.
Rule 19. (1) An employer shall post and maintain legible signs demarcating regulated areas and entrances or access ways to regulated areas that bear the following legend:

DANGER ETHYLENE OXIDE MAY CAUSE CANCER MAY DAMAGE FERTILITY OR THE UNBORN CHILD RESPIRATORY PROTECTION AND PROTECTIVE CLOTHING MAY BE REQUIRED IN THIS AREA AUTHORIZED PERSONNEL ONLY

(2) Prior to June 1, 2016, an employer may use the following legend in lieu of that specified in subrule (1) of this rule:

DANGER ETHYLENE OXIDE CANCER HAZARD AND REPRODUCTIVE HAZARD AUTHORIZED PERSONNEL ONLY RESPIRATORS AND PROTECTIVE CLOTHING MAY BE REQUIRED TO BE WORN IN THIS AREA

(3) The employer shall ensure that labels are affixed to all containers of EtO whose contents are capable of causing employee exposure at or above the action level or whose contents may reasonably be foreseen to cause employee exposure above the excursion limit, and shall ensure that the labels remain affixed when the containers of EtO leave the workplace. For the purposes of this subrule; reaction vessels, storage tanks, and pipes or piping systems are not considered to be containers.

(4) Prior to June 1, 2015, an employer may include the following information on containers of EtO in lieu of the labeling requirements in subrule (1) of this rule:

(a)

DANGER CONTAINS ETHYLENE OXIDE CANCER HAZARD AND REPRODUCTIVE HAZARD

(b) A warning statement against breathing airborne concentrations of EtO.

(5) The labeling requirements of this rule do not apply where EtO is used as a pesticide, as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136 et seq., when it is labeled pursuant to that act and regulations issued under the act by the environmental protection agency.

R 325.51172. Monitoring of exposure; records; maintenance.

Rule 22. (1) An employer shall establish and maintain an accurate record of all monitoring required by R 325.51154 to R 325.51156. The exposure monitoring record shall include all of the following information:

(a) The dates, number, duration, and results of each of the samples taken, including a description of the sampling plan used to determine representative employee exposure.

(b) The operation involving exposure to EtO that is being monitored.

(c) A description of the sampling and analytical methods used and the data relied upon to establish that the methods used meet the accuracy and precision requirements of R 325.51157.

(d) Type of protective devices worn, if any.

(e) Name, social security number, and job classification of the employee being monitored and of all other employees whose exposure the measurement is intended to represent.

(2) An employer shall maintain the record specified in subrule (1) of this rule for not less than 30 years in accordance with the provisions of Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,” as referenced in R 325.51151a.

R 325.51173. Medical surveillance records; maintenance.

Rule 23. (1) An employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by R 325.51165. The medical surveillance record shall include all of the following information:

(a) The name and social security number of the employee.

(b) A copy of the physician's written opinions.

(c) Any employee medical complaints related to exposure to EtO.

(d) A copy of the information provided to the physician as required by R 325.51167.

(2) An employer shall ensure the record is maintained for the duration of employment plus 30 years in accordance with the provisions of Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,” as referenced in R 325.51151a.

R 325.51174. Availability of records

Rule 24. (1) Upon written request, an employer shall make all records that are required to be maintained by these rules available to the director for examination and copying.

(2) Upon request, an employer shall make records that are required to be maintained by R 325.51171, R 325.51172, and R 325.51173 available to affected employees, former employees, and designated representatives for examination and copying in accordance with the provisions of Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced in R 325.51151a.

(3) An employer shall make records that are required to be maintained by R 325.51173 available for examination and copying to anyone who has the specific written consent of the affected employee or former employee.

R 325.51175. Transfer of records.

Rule 25. The employer shall comply with the requirements concerning transfer of records set forth in Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced R 325.51151a.

R 325.51177. Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on February 24, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 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)

R 325.51501, R 325.51502, R 325.51505, R 325.51507, R 325.51508, R 325.51509, R 325.51510, R 325.51511, R 325.51513, R 325.51516, R 325.51517, R 325.51519, R 325.51520, R 325.51521, R 325.51522, R 325.51523, R 325.51524, R 325.51525, and R 325.51526 of the Michigan Administrative Code are amended, R 325.51501a and R 325.51519a are added, R 325.51504 and R 325.51527 are rescinded, as follows:

PART 307. ACRYLONITRILE

R 325.51501. Scope and application.

Rule 501. (1) The rules in this part apply to all occupational exposures to acrylonitrile (AN), chemical abstracts service registry no. 000107131, except as provided in subrules (2) and (3) of this rule.

(2) The rules in this part do not apply to exposures that result solely from the processing, use, and handling of the following materials:

(a) Acrylonitrile-butadiene-styrene (ABS) resins, Styreneacrylonitrile (SAN) resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers in the form of finished polymers, including products fabricated from such finished polymers.

(b) Materials made from or containing AN, or both, for which objective data is reasonably relied upon to demonstrate that the material is not capable of releasing AN in airborne concentrations of more than 1 part per million (ppm) as an 8-hour, time-weighted average under the expected conditions of processing, use, and handling which cause the greatest possible release.

(c) Solid materials made from or containing AN, or both, which will not be heated above 170 degrees Fahrenheit during handling, use, or processing.

(3) An employer who relies on the exemption in subrule (2)(b) of this rule shall maintain records of the objective data supporting that exemption and of the basis of the employer’s reliance on the data, as provided in R 325.51521.

R 325.51501a. Referenced standards.

Rule 1a. (1) The 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 Licensing and Regulatory Affairs, MIOSHA Regulatory Services 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, at the time of adoption of these rules, is 4 cents per page.

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

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

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

(d) Occupational Health Standard Part 451 "Respiratory Protection," R 325.60051 to R 325.60052.

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

(f) Occupational Health Standard Part 474 "Sanitation," R 325.47401 to R 325.47427.

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

R 325.51502. Definitions.

Rule 502. As used in these rules:

(1) "Acrylonitrile" or "AN" means acrylonitrile monomer, chemical formula CH2=CHCN.

(2) "Act" means 1974 PA 154, MCL 408.1001 to MCL 408.1094.

(3) "Action level" means a concentration of AN of 1 ppm as an 8-hour, time-weighted average.

(4) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring procedures under R 325.51526.

(5) "Decontamination" means the treating of materials and surfaces by water washdown, ventilation, or other means to assure that the materials will not expose an employee to airborne concentrations of AN of more than 1 ppm.

(6) "Director" means the director of the Michigan department of licensing and regulatory affairs or his or her designee.

(7) "Emergency" means any occurrence, such as, equipment failure, rupture of containers, or failure of control equipment, which results in an unexpected massive release of AN.

(8) "Liquid AN" means AN monomer in liquid form and liquid or semiliquid polymer intermediates, including slurries, suspensions, emulsions, and solutions which are produced during the polymerization of AN.

R 325.51504. Rescinded.

R 325.51505. Employee exposure; determination of airborne exposure levels; employer monitoring of airborne concentrations; monitoring exposure below action level; monitoring exposure at or above action level; monitoring exposure of more than permissible limits; additional monitoring; written notice to employee of exposure level; measurement accuracy.

Rule 505. (1) For the purposes of these rules, employee exposure is that exposure which would occur if the employee were not using a respirator.

(2) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to AN over an 8-hour period.

(3) An employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which an employee may be exposed.

(4) If the monitoring required by these rules reveals that employee exposure is below the action level, an employer may discontinue monitoring for that employee.

(5) If the monitoring required by these rules reveals that employee exposure is at or above the action level but below the permissible exposure limits, an employer shall repeat such monitoring for each affected employee at least once every 6 months. An employer shall continue these measurements every 6 months until not less than 2 consecutive measurements, taken not less than 7 days apart, are below the action level, and thereafter the employer may discontinue monitoring for that employee.

(6) If the monitoring required by these rules reveals that employee exposure is in excess of the permissible exposure limits, an employer shall repeat these determinations for each such employee at least quarterly. An employer shall continue these quarterly measurements until not less than 2 consecutive measurements, taken not less than 7 days apart, are below the permissible exposure limits, and thereafter an employer shall monitor at least once every 6 months.

(7) If there is a production, process, control, or personnel change which may result in new or additional exposures to AN, additional monitoring that complies with these rules shall be conducted.

(8) Within 15 working days after the receipt of the results of monitoring required by these rules, an employer shall notify each employee in writing of the results of these rules which represent that employee's exposure.

(9) If the results indicate that the representative employee exposure exceeds the permissible exposure limits, an employer shall include in the written notice a statement that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(10) The method of measurement of employee exposure shall be accurate to a confidence level of 95% to within plus or minus 35% for concentrations of AN at or above the permissible exposure limits, and plus or minus 50% for concentrations of AN below the permissible exposure limits.

R 325.51507. Engineering and work practice controls to control employee exposure.

Rule 507. (1) An employer shall institute engineering and work practice controls to reduce and maintain employee exposures to AN at or below the permissible exposure limits, except to the extent that an employer establishes that such controls are not feasible.

(2) If the engineering and work practice controls that can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limits, an employer shall nonetheless use them to reduce exposures to the lowest levels achievable by these controls and shall supplement the controls by the use of respiratory protection that complies with the requirements of R 325.51509.

R 325.51508. Employee exposure; written program to reduce exposure by means of engineering and work practice controls required; content; completion of program; availability; revision and update.

Rule 508. (1) An employer shall establish and implement a written program to reduce employee exposures to or below the permissible exposure limits solely by means of engineering and work practice controls, as required by R 325.51507.

(2) A written program shall include, at a minimum, all of the following:

(a) A description of each operation or process resulting in employee exposure to AN above the permissible exposure limits.

(b) An outline of the nature of the engineering controls and work practices to be applied to the operation or process in question.
(c) A report of the technology considered for meeting the permissible exposure limit.
(d) Other relevant information.
(3) An employer shall complete the steps set forth in the written program by the dates in the schedule.
(4) A written program shall be submitted to the director upon request and shall be available at the worksite for examination and copying by the director or any affected employee or representative.
(5) The written program required by this rule shall be revised and updated at least annually to reflect the current status of the program.

R 325.51509. Respiratory protection.
Rule 509. (1) For employees who use respirators required by these rules, the employer shall select and provide each employee an appropriate respirator that complies with the requirements of these rules. An employer shall ensure that employees use respirators during all of the following:
(a) Periods necessary to install or implement feasible engineering and work practice controls.
(b) Work operations, such as maintenance and repair activities or reactor cleaning, for which the employer establishes that engineering and work practice controls are not feasible.
(c) Work situations for which feasible engineering and work practice controls are not yet sufficient to reduce an employee's exposure to or below the permissible exposure limits.
(d) Emergencies.
(2) For escape, the employer shall provide employees with any organic vapor respirator or any self-contained breathing apparatus permitted for use by these rules.
(3) The employer shall implement a respiratory protection program in accordance with Occupational Health Standard Part 451 "Respiratory Protection," as referenced in R 325.51501a, which covers each employee required by these rules to use a respirator.
(4) If air-purifying respirators (chemical-cartridge or chemical canister types) are used, then both of the following apply:
(a) The air-purifying canister or cartridge must be replaced prior to the expiration of its service life or at the completion of each shift, whichever occurs first.
(b) A label must be attached to the cartridge or canister to indicate the date and time at which it is first installed on the respirator.

R 325.51510. Emergency situations; written plans; alarms.
Rule 510. (1) An employer shall develop written plan for emergency situations for each workplace where liquid AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency.
(2) The plan shall specifically provide that an employee who is engaged in correcting an emergency condition shall be equipped as required in R 325.51509 until the emergency has abated.
(3) An employee who is not engaged in correcting the emergency shall be evacuated from the area and shall not be permitted to return until the emergency has abated.
(4) If the possibility of employee exposure to AN in excess of the ceiling limit exists, the employer shall install a general alarm and use it to promptly alert employees of such occurrences.

R 325.51511. Protective clothing and equipment; provision and use.
Rule 511. Where eye or skin contact with liquid AN might occur, an employer shall provide, at no cost to the employee, and shall assure that employees wear, impermeable protective clothing or other equipment to protect any area of the body that may come in contact with liquid AN. The employer shall

comply with General Industry Safety Standard Part 33 "Personal Protective Equipment," as referenced in R 325.51501a.

R 325.51513. Hygiene facilities and practices; change rooms; showers.
Rule 513. (1) All surfaces shall be maintained of visible accumulations of liquid AN.
(2) An employer shall institute a program for detecting leaks and spills of liquid AN, including regular visual inspections, for operations involving liquid AN.
(3) If a spill of liquid AN is detected, an employer shall assure that surfaces contacted by the liquid AN are decontaminated. An employee who is not engaged in decontamination activities shall leave the area of the spill and shall not be permitted in the area until decontamination is completed.
(4) AN waste, scrap, debris, bags, containers, or equipment shall be decontaminated before being incorporated in the general waste disposal system.
(5) If an employee is exposed to an airborne concentration of AN above the permissible exposure limit, or if an employee is required to wear protective clothing or equipment pursuant to R 325.51511, the facilities required by Occupational Health Standard Part 474 "Sanitation," as referenced in R 325.51501a, including clean change rooms and shower facilities, shall be provided by an employer for use by such employees, and the employer shall assure that the employees use the facilities provided.
(6) An employer shall assure that an employee who wears protective clothing or equipment for protection from skin contact with liquid AN showers at the end of the work shift.
(7) An employer shall assure that, in the event of skin or eye exposure to liquid AN, an affected employee showers immediately to minimize the danger of skin absorption.
(8) An employer shall assure that an employee working in the regulated area washes his or her hands and face before eating.

R 325.51516. Medical surveillance program; periodic and additional examinations.
Rule 516. (1) An employer shall provide the examinations specified in R 325.51515 at least annually for all employees specified in R 325.51514.
(2) If an employee has not had the examination specified in R 325.51515 within 6 months preceding termination of employment, an employer shall make such examination available to the employee before termination.
(3) If for any reason an employee develops signs or symptoms which may be associated with exposure to AN, an employer shall provide an appropriate examination and emergency medical treatment.

R 325.51517. Medical surveillance program; information provided to physician by employer.
Rule 517. An employer shall provide all of the following information to the examining physician:
(a) A copy of these rules and related appendices which may be obtained from the department of licensing and regulatory affairs.
(b) A description of an affected employee's duties as they relate to the employee's exposure.
(c) The employee's representative exposure level.
(d) The employee's anticipated or estimated exposure level for preplacement examinations or for cases of exposure due to an emergency.
(e) A description of any personal protective equipment used or to be used.
(f) Information from previous medical examinations of the affected employee which is not otherwise available to the examining physician.

R 325.51519. Employee information and training program; applicability; provision of information to employees; availability of rules and other materials to employees and director.

Rule 519. (1) An employer shall institute a training and information program and ensure the participation of all employees in the program, as follows:

(a) Each employee exposed to AN above the action level.

(b) Each employee whose exposures are maintained below the action level by engineering and work practice controls.

(c) Each employee subject to potential skin or eye contact with liquid AN.

All training shall be in accordance with the requirements of these rules.

(2) Training shall be provided at the time of initial assignment or upon institution of the training program and at least once annually thereafter.

(3) The employer shall assure that each employee is informed of all of the following:

(a) The information contained in appendices A and B of these rules. Appendices A and B are available from the department of licensing and regulatory affairs.

(b) The quantity, location, manner of use, release, or storage of AN, and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps.

(c) The purpose, proper use, and limitations of respirators and protective clothing.

(d) The purpose and a description of the medical surveillance program required by these rules.

(e) The emergency procedures developed, as required by R 325.51510.

(f) Engineering and work practice controls, their function, and an employee's relationship to these controls.

(g) A review of these rules.

(4) An employer shall make a copy of these rules and appendices readily available to all affected employees.

(5) Upon request, an employer shall provide all materials relating to the employee information and training program to the director.

R 325.51519a. Hazard communication--general.

Rule 519a. (1) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Occupational Health Standard Part 430 "Hazard Communication," as referenced in R 325.51501a, for AN and AN-based materials not exempted under R 325.51501(1).

(2) In classifying the hazards of AN and AN-based materials at least all of the following hazards must be addressed:

(a) Cancer.

(b) Central nervous system effects.

(c) Liver effects.

(d) Skin sensitization.

(e) Skin, respiratory, and eye irritation.

(f) Acute toxicity effects.

(g) Flammability.

(3) An employer shall include AN and AN-based materials in the hazard communication program established to comply with the Occupational Health Standard Part 430 "Hazard Communication." An employer shall ensure that each employee has access to labels on containers of AN and AN-based materials and to safety data sheets. An employer shall ensure that each employee is trained in accordance with the requirements of R 325.51519 and Occupational Health Standard Part 430 "Hazard Communication," as referenced in R 325.51501a.

(4) The employer shall ensure that no statement appears on or near any sign or label required by these rules that contradicts or detracts from the required sign or label.

R 325.51520. Signs and labels.

Rule 520. (1) An employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

DANGER ACRYLONITRILE (AN) MAY CAUSE CANCER RESPIRATORY PROTECTION MAY BE REQURED IN THIS AREA AUTHORIZED PERSONNEL ONLY

(2) Prior to June 1, 2016, an employer may use the following legend in lieu of that specified in subrule (1) of this rule.

DANGER ACRYLONITRILE (AN) CANCER HAZARD AUTHORIZED PERSONNEL ONLY RESPIRATORS MAY BE REQUIRED

(3) An employer shall ensure that signs required by this rule are illuminated and cleaned as necessary so that the legend is readily visible.

(4) An employer shall ensure that precautionary labels are in compliance with R 325.51519a(1) and are affixed to all containers of liquid AN and AN-based materials which are not exempted under R 325.51501. The employer shall ensure that the labels remain affixed when the materials are sold, distributed, or otherwise leave the employer's workplace.

(5) Prior to June 1, 2015, an employer may include the following information on precautionary labels required by subrule (4) of this rule in lieu of the labeling requirements in R 325.51519a:

DANGER CONTAINS ACRYLONITRILE (AN) CANCER HAZARD

(6) An employer shall ensure that the precautionary labels required by these rules are readily visible and legible.

(7) An employer shall ensure that statements do not appear on or near any sign or label required by this rule which contradict or detract from the required sign or label.

(8) An employer may use labels or signs required by other statutes, rules, or ordinances in addition to, or in combination with, signs and labels required by this rule.

R 325.51521. Operations exempted under R 325.51501; records of objective data required; maintenance.

Rule 521. (1) If the processing, use, and handling of materials made from or containing AN are exempted pursuant to R 325.51501, an employer shall establish and maintain an accurate record of the objective data reasonably relied upon in support of the exemption which shall include, at a minimum, all of the following information:

(a) The material qualifying for exemption.
(b) The source of the objective data.
(c) The testing protocol and the results of the testing or an analysis of the material, or both, for the release of AN.
(d) A description of the operation exempted and how the data supports the exemption.
(e) Other data relevant to the operations, materials, and processing covered by the exemption.
(2) An employer shall maintain the record for the duration of the employer's reliance upon such objective data.

R 325.51522. Monitoring of exposure; records; maintenance.
Rule 522. (1) An employer shall establish and maintain an accurate record of all monitoring required by R 325.51505. The exposure monitoring record shall include all of the following:
(a) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure.
(b) A description of the sampling and analytical methods used and the data relied upon to establish that the methods used meet the accuracy and precision requirements of R 325.51505(10).
(c) Type of respiratory protective devices worn, if any.
(d) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.
(2) An employer shall maintain the record for not less than 40 years or for the duration of employment plus 20 years, whichever is longer.

R 325.51523. Medical surveillance records; maintenance.
Rule 523. (1) An employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by R 325.51514 to R 325.51516. The medical surveillance record shall include all of the following:
(a) A copy of the physician's written opinion.
(b) Any employee medical complaints related to exposure to AN.
(c) A copy of the information provided to the physician as required by R 325.51517.
(d) A copy of the employee's medical and work history.
(2) An employer shall assure that the record is maintained for not less than 40 years or the duration of employment plus 20 years, whichever is longer.

R 325.51524. Availability of records.
Rule 524. (1) Upon request, an employer shall make all records that are required to be maintained by these rules available to the director for examination and copying.
(2) Upon request, an employer shall make records that are required to be maintained by R 325.51521 to R 325.51523 available to affected employees, former employees, or their designated representatives for examination and copying in accordance with the provisions of Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced in R 325.51501a.
(3) Records that are required pursuant to the provisions of R 325.51521 shall be provided in the same manner as exposure monitoring records.

R 325.51525. Retention and disposal of records; successor employer; transmittal and notice to director.
Rule 525. (1) If an employer ceases to do business, then the successor employer shall receive and retain all records that are required to be maintained by these rules for the prescribed period.

(2) The transfer of records and notification to employees shall be accomplished in accordance with the provisions of Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced in R 325.51501a.

R 325.51526. Exposure monitoring; employee observation.

Rule 526. (1) An employer shall provide affected employees or their designated representatives with an opportunity to observe any monitoring of employee exposure to AN which is conducted pursuant to R 325.51505.

(2) If the observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or personal protective clothing and equipment required to be worn by employees working in the area, the employer shall assure the use of such clothing and equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(3) If the monitoring is not interfered with, observers shall be entitled to all of the following:

(a) To receive an explanation of the measurement procedures.

(b) To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure.

(c) To record the results obtained.

R 325.51527. Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on February 24, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 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)

R 325.51902, R 325.51903, R 325.51904, R 325.51905, R 325.51906, R 325.51907, R 325.51908, R 325.51909, R 325.51910, R 325.51912, R 325.51913, R 325.51914, R 325.51915, R 325.51916a, R 325.51916b, R 325.51917, R 325.51918, R 325.51922, R 325.51923, R 325.51924, R 325.51925, R 325.51926, R 325.51928, R 325.51929, R 325.51930, R 325.51931, R 325.51931a, R 325.51932, R 325.51933, R 325.51934, R 325.51935, R 325.51936, R 325.51937, R 325.51938, R 325.51938a, R 325.51939, R 325.51940, R 325.51941, R 325.51943, R 325.51944, R 325.51945, R 325.51946, R 325.51947, R 325.51948, R 325.51949, R 325.51950, R 325.51950a, R 325.51950b, R 325.51951, R 325.51952, R 325.51953, R 325.51955, R 325.51956, and R 325.51957 of the Michigan Administrative Code are amended, and R 325.51902a and R 325.51924a are added, and R 325.51921 and R 325.51958 are rescinded, of the Michigan Administrative Code as follows:

PART 310. LEAD IN GENERAL INDUSTRY

R 325.51902. Definitions.

Rule 2. (1) As used in these rules:

(a) “Act” means 1974 PA 154, MCL 408.1001 to 408.1094.

(b) “Action level” means employee exposure, without regard to the use of respirators, to an airborne concentration of lead of 30 micrograms per cubic meter (30 ug/m3) of air averaged over an 8-hour period.

(c) “Chelate” means a compound that will inactivate a metallic ion by forming an inner ring structure in the molecule whereby the metal ion becomes a member of the ring and the original ion is effectively out of action.

(d) “Department” means the department of licensing and regulatory affairs.

(e) “Director” means the director of the department or his or her designee.

(f) “Lead” means metallic lead, all inorganic lead compounds, and organic lead soaps. Lead does not include any other organic lead compounds.

(g) “Zinc protoporphyrin” or “ZPP” means the metabolite formed when a zinc molecule instead of an iron molecule combines with the protoporphyrin molecule. ZPP gives an indication of the biological

effect of lead absorption on heme synthesis. Heme is the basic component of both hemoglobin, which functions in the transportation of oxygen from the lungs to the body cells, and the cytochromes, which function in the respiration of the individual cells.

(2) The terms defined in the act have the same meanings when used in these rules.

R 325.51902a. MIOSHA standards by reference, appendices.

Rule 2a. (1) The following Michigan occupational safety and health administration (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, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: 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) General Industry Safety Standard Part 33 "Personal Protective Equipment," R 408.13301 to R 408.13398.

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

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

(d) Occupational Health Standard Part 451 "Respiratory Protection," R 325.60051 to R 325.60052.

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

(2) The information contained in appendices A, B, and C to C.F.R. §1910.1025 "Lead," are not intended by themselves, to create any additional obligations not otherwise imposed by these rules nor detract from any existing obligation.

PERMISSIBLE EXPOSURE LIMIT (PEL).

R 325.51903. Airborne concentrations.

Rule 3. (1) An employer shall assure that an employee will not be exposed to lead at a concentration of more than 50 micrograms per cubic meter (50 ug/m^3) of air, averaged over an 8-hour period.

(2) If an employee is exposed to lead for more than 8 hours in any workday, then the permissible employee exposure limit as a time-weighted average for that day shall be reduced in accordance with formula A.

(3) Formula A reads as follows:

Maximum permissible employee exposure limit (in ug/m^3) = 400 hours ÷ hours worked in the day.

R 325.51904. Use of respirators.

Rule 4. If respirators are used to supplement engineering and work practice controls to comply with the permissible employee exposure limit, and if all of the requirements of R325.51917 have been met, then employee exposure, for the purpose of determining if an employer has complied with the permissible employee exposure limit, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods the respirator is worn may be averaged with exposure levels during periods when respirators are not worn to determine an employee's daily time-weighted average exposure to lead.

EXPOSURE MONITORING

R 325.51905. Exposure monitoring generally.
Rule 5. (1) For purposes of this rule and R 325.51906 to R 325.51913, employee exposure to lead shall be the exposure that might occur if an employee did not use a respirator.
(2) Except for exposure monitoring under R 325.51907, an employer shall collect personal samples that are representative of the full shift exposure for each worker for each shift in each work area in accordance with recognized industrial hygiene practices. As used in this subrule, "full shift" means not less than 7 continuous hours.
(3) Personal samples shall be representative of a monitored employee's regular daily exposure to lead.

R 325.51906. Initial determination.
Rule 6. An employer who has a workplace or work operation subject to these rules shall determine if an employee might be exposed to lead at or above the action level.

R 325.51907. Basis of initial determination.
Rule 7. (1) An employer shall monitor employee exposures and shall base initial determinations on employee exposure monitoring results and on any of the following considerations:
(a) Information, observations, or calculations that would indicate employee exposure to lead.
(b) Previous measurements of airborne lead.
(c) Employee complaints of symptoms that may be attributable to exposure to lead.
(2) Monitoring for the initial determination may be limited to a representative sample of those exposed employees who an employer reasonably believes are exposed to the greatest airborne lead concentrations of lead in the workplace.
(3) Measurements of airborne lead concentrations made in the preceding 12 months may be used to satisfy the requirement to monitor pursuant to subrule (1) of this rule, if the sampling and analytical methods used meet the accuracy and confidence levels required by R 325.51913.

R 325.51908. Positive initial determination and initial monitoring.
Rule 8. (1) If a determination conducted under R 325.51906 and R 325.51907 shows the possibility of employee exposure to lead at or above the action level, then an employer shall conduct monitoring that is representative of the exposure for each employee in the workplace who is exposed to lead.
(2) Measurements of airborne lead concentrations made in the preceding 12 months may be used to satisfy the requirement to monitor under subrule (1) of this rule if the sampling and analytical methods used meet the accuracy and confidence levels required by R 325.51913.

R 325.51909. Negative initial determination.
Rule 9. If a determination is made, pursuant to R 325.51906 and R 325.51907, that employees are not exposed to airborne concentrations of lead at or above the action level, an employer shall make a written record of that determination. The record shall include the information required pursuant to R 325.51907 and shall also include all of the following:
(a) The date of the determination.
(b) The job descriptions and location within the worksite.
(c) The name and social security number of each employee monitored.

R 325.51910. Frequency.

Rule 10. (1) If initial monitoring reveals employee exposure to be below the action level, the measurements need not be repeated, except as provided pursuant to R 325.51911.

(2) If an initial determination or subsequent monitoring reveals employee exposure to be at or above the action level, but below the permissible employee exposure limit, an employer shall repeat monitoring in accordance with this rule, R 325.51905 to R 325.51909, and R 325.51911 to R 325.51913 at least once every 6 months. The employer shall continue monitoring at the required frequency until not less than two consecutive measurements, taken not less than 7 days apart, are below the action level, at which time the employer may discontinue monitoring for that employee, except as provided pursuant to R 325.51911.

(3) If initial monitoring reveals that employee exposure is above the permissible employee exposure limit, an employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until not less than two consecutive measurements, taken not less than 7 days apart, are below the permissible employee exposure limit, but at or above the action level. At that time, the employer shall repeat monitoring for that employee at the frequency prescribed by subrule (2) of this rule, except as otherwise provided pursuant to R 325.51911.

R 325.51912. Employee notification.

Rule 12. (1) The employer must, within 15 working days after the receipt of the results of any monitoring performed under these rules, notify each affected employee of these results either individually in writing or by posting the results in an appropriate location that is accessible to affected employees.

(2) If the monitoring results indicate that employee exposure, without regard to respirators, exceeds the permissible employee exposure limit, an employer shall include in the written notice required by subrule (1) of this rule a statement that the permissible employee exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to at or below the permissible employee exposure limit.

R 325.51913. Accuracy of measurement.

Rule 13. An employer shall use a method of monitoring and analysis which has an accuracy, to a confidence level of 95%, of not less than plus or minus 20% for airborne concentrations of lead equal to or greater than 30 micrograms per cubic meter (30 ug/m^3) of air.

METHODS OF COMPLIANCE

R 325.51914. Engineering and work practice controls.

Rule 14. (1) If an employee is exposed to lead above the permissible exposure limit for more than 30 days each year, then the employer shall implement engineering and work practice controls, including administrative controls, to reduce and maintain employee exposure to at or below 50 ug/m^3; except employers in the brass and bronze ingot manufacture industry and small non-ferrous foundries, who must reduce and maintain employee exposure to at or below 75 ug/m^3 in accordance with Table 1 of this rule, except to the extent that the employer can demonstrate that the controls are not feasible. If the engineering and work practice controls that can be instituted are not sufficient to reduce employee exposure to at or below the permissible exposure limit, then the employer shall use the controls to reduce exposures to the lowest feasible level and shall supplement the controls by using respiratory protection that is in compliance with the requirements of R 325.51917.

(2) If an employee is exposed to lead above the permissible exposure limit for 30 days or less each year, then the employer shall implement engineering controls to reduce exposures to at or below 200

ug/m^3, but thereafter may implement any combination of engineering, work practice, including administrative controls, and respiratory controls to reduce and maintain employee exposure to lead to at or below 50 ug/m^3.

(3) Table 1 reads as follows:

TABLE 1 - IMPLEMENTATION SCHEDULE

INDUSTRY	COMPLIANCE DATES		
	50 ug/m	75 ug/m	200 ug/m
Large Non-Ferrous Foundries	7/19/96[1]	N/A	N/A
Small Non-Ferrous Foundries	N/A	7/19/96[1]	N/A
Brass and Bronze Ingot Manufacture	N/A	6 years[2]	3/1/79

[1] Large non-ferrous foundries that have 20 or more employees shall achieve 50 ug/m^3 by means of engineering and work practice controls. Small non-ferrous foundries that have fewer than 20 employees, however, are only required to achieve 75 ug/m^3 by means of engineering and work practice controls.

[2] Expressed as the number of years from the date on which the Court lifts the stay on the implementation of paragraph 1910.1025(e)(1) of the Code of Federal Regulations for this industry for employers to achieve a lead-in-air concentration of 75 ug/m^3. Compliance with paragraph 1910.1025(e)(1) in this industry is determined by a compliance directive that incorporates the elements from the settlement agreement between OSHA and industry representatives.

(4) If engineering and work practice controls do not reduce employee exposure to at or below the 50 micrograms per cubic meter (50 ug/m^3) of air permissible employee exposure limit, then an employer shall supplement the controls with respirators in accordance with the provisions of R 325.51917.

R 325.51915. Compliance program.

Rule 15. (1) An employer shall establish and implement a written compliance program to reduce exposures to at or below the permissible employee exposure limit prescribed by R 325.51903, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule prescribed in R 325.51914.

(2) The written compliance program shall include at least all of the following:

(a) A description of each workplace operation in which lead is emitted, including, but not limited to, all of the following:

(i) Machinery used.

(ii) Material processed.

(iii) Controls in place.

(iv) Crew size.

(v) Employee job responsibilities.

(vi) Operating procedures.

(vii) Maintenance practices.

(b) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead.
(c) A report of the technology considered in meeting the permissible employee exposure limit.
(d) Air monitoring data which documents the source of lead emissions.
(e) A detailed schedule for implementation of the compliance program, including documentation of purchase orders for equipment, construction contracts, and other means of implementation.
(f) A work practice program which includes items required pursuant to R 325.51922 to R 325.51931a.
(g) An administrative control schedule required by R 325.51916b.
(h) Other relevant information.
(3) Written compliance programs shall be submitted, upon request, to the director and shall be available at the workplace for examination and copying by the director, an affected employee, or authorized employee representative.
(4) Written programs shall be revised and updated at least annually to reflect the current status of the program.

R 325.51916a. Mechanical ventilation.
Rule 16a. (1) If ventilation is used to control employee exposure, measurements which demonstrate the effectiveness of the ventilation system in controlling exposure, such as capture velocity, duct velocity, or static pressure, shall be made at least once every three months. Measurements of the ventilation system's effectiveness in controlling employee exposure shall be made within five days of any change in production, process or control which might result in a change in employee exposure to lead.
(2) If air from exhaust ventilation is recirculated into the workplace, the employer shall assure all of the following:
(a) The ventilation system has a high efficiency filter with a reliable back-up filter.
(b) Controls are installed, operating, and maintained to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails.

R 325.51916b. Administrative controls.
Rule 16b. If administrative controls are used as a means to reduce an employee's time-weighted average exposure to lead, an employer shall establish and implement a job rotation schedule which shall include all of the following information:
(a) The name or identification number of each affected employee.
(b) The duration and exposure levels at each job or work station where each affected employee is located.
(c) Other information which may be useful in assessing the reliability of administrative controls to reduce employee exposure to lead.

RESPIRATORY PROTECTION

R 325.51917. Respiratory protection; respirator program.
Rule 17. (1) For employees who use respirators required by these rules, the employer must provide each employee an appropriate respirator that complies with the requirements of these rules. Respirators must be used during all of the following:
(a) Periods necessary to install or implement engineering or work practice controls.
(b) Work operations for which engineering and work practice controls are not sufficient to reduce employee exposures to or below the permissible employee exposure limit.
(c) Periods when an employee requests a respirator.

(2) An employer shall implement a respiratory protection program in accordance with Occupational Health Standard Part 451 "Respiratory Protection," subrules (b) to (d) and (f) to (m), except for (d)(1)(iii), as referenced in R 325.51902a, which covers each employee required by these rules to use a respirator.

(3) If an employee has breathing difficulty during fit testing or respirator use, then the employer shall provide the employee with a medical examination in accordance with R 325.51937(c) to determine whether or not the employee can use a respirator while performing the required duty.

R 325.51918. Respirator selection.

Rule 18. (1) Employers must do all of the following:

(a) Select, and provide to employees, the appropriate respirators specified in Occupational Health Standard Part 451 "Respiratory Protection," as referenced in R 325.51902a.

(b) Provide employees with full facepiece respirators instead of half mask respirators for protection against lead aerosols that cause eye or skin irritation at the use concentrations.

(c) Provide HEPA filters for powered and non-powered air-purifying respirators.

(2) Employers must provide employees with a powered air-purifying respirator (PAPR) instead of a negative pressure respirator selected according to subrule (1) of this rule, when an employee chooses to use a PAPR and it provides adequate protection to the employee as specified by subrule (1) of this rule.

R 325.51921. Rescinded.

PROTECTIVE WORK CLOTHING AND EQUIPMENT

R 325.51922. Provision and use.

Rule 22. If an employee is exposed to lead above the permissible employee exposure limit prescribed by R 325.51903, without regard to the use of respirators, or if the possibility of skin or eye irritation exists, an employer shall provide, at no cost to the employee, and shall assure that the employee uses, appropriate protective work clothing and equipment, including all of the following:

(a) Coveralls or similar full-body work clothing.

(b) Gloves, hats, and shoes or disposable shoe coverings.

(c) Face shields, vented goggles or other appropriate protective equipment which complies with General Industry Safety Standard Part 33 "Personal Protective Equipment," and Occupational Health Standard Part 433 "Personal Protective Equipment," as referenced in R 325.51902a.

R 325.51923. Cleaning and replacement.

Rule 23. (1) An employer shall provide employees with the protective clothing required pursuant to R 325.51922 in a clean and dry condition at least once each week. For employees who are exposed to airborne concentrations of lead, without regard to the use of a respirator, greater than 200 micrograms per cubit meter (200 ug/m^3) of air as an 8-hour, time-weighted average, protective clothing in a clean and dry condition shall be provided at least once each day.

(2) An employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required pursuant to R 325.51922.

(3) An employer shall repair or replace required protective clothing and equipment as often as needed to maintain the effectiveness of the clothing and equipment.

(4) An employer shall assure both of the following:

(a) That an employee removes all protective clothing at the completion of a work shift and only in a change room of the type described in R 325.51929.

(b) That contaminated protective clothing which is to be cleaned, laundered, or disposed of is placed in a closed container which prevents the dispersion of lead outside of the container.

R 325.51924. Cleaning.
Rule 24. (1) An employer shall inform a person who cleans or launders protective clothing or equipment, in writing, of the potentially harmful effects of exposure to lead.
(2) An employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or other methods which may disperse lead into the air.

R 325.51924a. Labeling of contaminated protective clothing and equipment.
Rule 24a (1) The employer shall ensure that labels of bags or containers of contaminated protective clothing and equipment include the following information:

DANGER: CLOTHING AND EQUIPMENT CONTAMINATED WITH LEAD. MAY DAMAGE FERTILITY OR THE UNBORN CHILD. CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM. DO NOT EAT, DRINK OR SMOKE WHEN HANDLING. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(2) Prior to June 1, 2015, employers may include the following information on bags or containers of contaminated protective clothing and equipment in lieu of the labeling requirements in subrule (1) of this rule:

CAUTION: CLOTHING OR EQUIPMENT CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER. IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS.

HOUSEKEEPING

R 325.51925. Workplace surfaces.
Rule 25. Surfaces in a workplace shall be maintained as free as practicable from accumulations of lead.

R 325.51926. Floor cleaning; vacuuming.
Rule 26. (1) Floors and other surfaces where lead may accumulate in a workplace shall not be cleaned with the use of compressed air.

(2) Shoveling, dry or wet sweeping, and brushing may be used for cleaning a workplace only if vacuuming or other equally effective methods have been tried and found not to be effective in removing lead accumulations.

(3) If vacuuming methods are selected for cleaning a workplace, a vacuum shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

HYGIENE FACILITIES AND PRACTICES

R 325.51928. Prohibition of personal items in lead work areas.

Rule 28. An employer shall assure that food or beverages are not present or consumed, tobacco products are not present or used, and cosmetics are not applied in areas where employees are exposed to lead concentrations greater than the permissible employee exposure limit prescribed by R 325.51903. These prohibitions do not apply in change rooms, lunchrooms or showers.

R 325.51929. Change rooms.

Rule 29. (1) An employer shall provide clean change rooms for employees who work in areas where airborne exposures to lead are greater than the permissible employee exposure limit prescribed by R 325.51903, without regard to the use of respirators.

(2) An employer shall equip change rooms with separate storage or locker facilities for protective work clothing and equipment under R 325.51922 and for street clothes that prevent cross-contamination.

R 325.51930. Showers.

Rule 30. (1) An employer shall ensure that employees who work in areas where airborne exposures to lead are greater than the permissible employee exposure limit prescribed by R 325.51903, without regard to the use of respirators, shower at the end of each work shift.

(2) An employer shall provide shower facilities in accordance with the Occupational Health Standard Part 474 “Sanitation,” as referenced in R 325.51902a.

(3) An employer shall ensure that an employee who is required to shower under subrule (1) of this rule does not leave the workplace wearing any of the protective work clothing or equipment required under R 325.51922 or other significantly contaminated clothing.

R 325.51931. Lunchrooms.

Rule 31. (1) Lunchroom facilities shall be provided by an employer for employees who work in areas where airborne exposures to lead are greater than the permissible employee exposure limit prescribed by R 325.51903, without regard to the use of respirators.

(2) The employer shall assure that lunchroom facilities have a temperature-controlled, positive-pressure, filtered air supply, unless the lunchroom facilities are remote from the lead work area such that lead contamination is not possible, and shall assure that the facilities are readily accessible to employees.

(3) Employees whose work causes significant hand or face lead contamination shall be required to wash the contaminated skin areas prior to applying cosmetics, eating, drinking, or smoking.

(4) Employees shall not enter lunchroom facilities with protective work clothing or equipment until surface lead dust has been removed by vacuuming, downdraft booth, or other appropriate cleaning method.

R 325.51931a. Lavatories.
Rule 31a. An employer shall provide an adequate number of lavatory facilities that are in compliance with Occupational Health Standard Part 474 “Sanitation,” as referenced in R 325.51902a.

MEDICAL SURVEILLANCE

R 325.51932. Medical surveillance generally.
Rule 32. (1) An employer shall institute a medical surveillance program for each employee who is or may be exposed to concentrations of lead at or above the action level for more than 30 days a year.
(2) A licensed physician or someone under the supervision of a licensed physician shall establish procedures for, and shall perform, medical examinations.
(3) An employer shall provide the required medical surveillance, including multiple physician review under R 325.51938a, at a convenient time and place, without cost to employees.
(4) An employer shall give priority for biological monitoring and medical examinations shall be provided to employees who the employer believes are at the greatest risk from continued exposure to lead.

R 325.51933. Biological monitoring.
Rule 33. An employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee who or may be exposed to concentrations of lead greater than the action level for more than 30 days a year in accordance with the following schedule:
(a) At least once every 6 months for each employee.
(b) At least once every 2 months for each employee whose blood sample and analysis indicated a blood lead level at or above 40 micrograms per 100 grams (40 ug/100 g) of whole blood. The 2-month frequency shall continue until 2 consecutive blood samples and analyses indicate a blood level below 40 micrograms per 100 grams (40 ug/100 g) of whole blood.
(c) At least monthly during the period of time an employee is removed from exposure to lead due to an elevated blood lead level.

R 325.51934. Follow-up blood sampling tests.
Rule 34. If the results of a blood lead level test indicate that an employee‘s blood lead level is at or above the numerical criterion for medical removal under R 325.51943, then an employer shall provide a second, follow-up, blood sampling test within 2 weeks after the employer receives the results of the first blood sampling test.

R 325.51935. Accuracy of blood lead level sampling and analysis.
Rule 35. Blood lead level sampling and analysis provided pursuant to R 325.51933 and R 325.51934 shall have an accuracy to a confidence level of 95% within plus or minus 15% or 6 micrograms per 100 milliliters (6 ug/100 ml), whichever is greater. Sample analyses shall be conducted by a laboratory licensed or approved by the center for disease control, United States department of health and human services or which has received a satisfactory grade in blood lead proficiency testing from the center for disease control in the prior 12 months.

R 325.51936. Employee notifications.

Rule 36. Within 5 working days after the receipt of biological monitoring results, an employer shall notify each employee, in writing, whose blood lead level is at or above 40 micrograms per 100 grams (40 ug/100 g) of whole blood of both of the following:
(a) The employee's blood lead level.
(b) That these rules require temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level is at or above the numerical criterion for medical removal pursuant to R 325.51943.

R 325.51937. Medical examinations and consultations.
Rule 37. An employer shall make available medical examinations and consultations to each employee who is or may be exposed to concentrations of lead greater than the action level for more than 30 days a year according to the following schedule:
(a) At least annually for each employee for whom a blood sampling test conducted at any time during the previous 12 months indicated a blood lead level at or above 40 micrograms per 100 grams (40 ug/100 g) of whole blood.
(b) Prior to an employee's being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level.
(c) As soon as possible after notification by an employee that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing either during a respirator fitting test or during use of a respirator.
(d) As medical appropriate for an employee who is either removed from exposure to lead due to a risk of sustaining material impairment to health or who is otherwise limited pursuant to a final medical determination.

R 325.51938. Content.
Rule 38. (1) A medical examination made available pursuant to R 325.51937(a) and (b) shall include all of the following elements:
(a) A detailed work history and a medical history, with particular attention to past occupational and non-occupational lead exposure in all of the following:
(i) Personal habits (smoking, hygiene).
(ii) Past gastrointestinal.
(iii) Personal hematological.
(iv) Renal.
(v) Cardiovascular.
(vi) Reproductive.
(vii) Neurological problems.
(b) A thorough physical examination, with particular attention to all of the following:
(i) Teeth.
(ii) Gums.
(iii) Hematological status.
(iv) Gastrointestinal status.
(v) Renal status.
(vi) Cardiovascular status.
(vii) Neurological status.
Pulmonary status shall be evaluated if respiratory protection is to be used.

(c) A blood pressure measurement.
(d) A blood sample and an analysis which determines all of the following:
(i) Blood lead level.
(ii) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral and smear morphology.
(iii) Blood urea nitrogen.
(iv) Serum creatinine.
(v) Zinc protoporphyrin.
(e) A routine urinalysis with microscopic examination.
(f) A laboratory or other test which an examining physician deems necessary by sound medical practice.
(2) The contents of a medical examination made available pursuant to R 325.51937(c) and (d) shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility, as the case may be.

R 325.51938a. Multiple physician review.
Rule 38a. (1) If an employer selects the initial physician to conduct a medical examination or consultation provided to an employee pursuant to R 325.51937 and R 325.51938, an employee may designate a second physician to do both of the following:
(a) Review the findings, determinations or recommendations of the initial physician.
(b) Conduct examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate his or her review of the findings, determinations, or recommendations of the initial physician.
(2) An employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that a physician selected by the employer conducts a medical examination of consultation pursuant to R 325.51937 and R 325.51938.
(3) An employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing both of the following within 15 days after receipt of the employer's notification, as required in subrule (2) of this rule, or receipt of the initial physician's written opinion, whichever is later:
(a) The employee informs the employer that he or she intends to seek a second medical opinion.
(b) The employee initiates steps to make an appointment with a second physician.
(4) If the findings, determinations, or recommendations of a second physician differ from those of an initial physician, the employee and the employer shall assure that efforts are made for the 2 physicians to resolve the disagreement. If the 2 physicians are unable to quickly resolve the disagreement the employer and employee, through their respective physicians, shall designate a third physician to do both of the following:
(a) Review the findings, determinations, or recommendations of the prior physicians.
(b) Conduct examinations, consultations, laboratory tests, and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement between the prior physicians.
(5) The employer shall act consistent with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least 1 of the 3 physicians.

R 325.51939. Information provided to examining and consulting physicians.
Rule 39. (1) An employer shall provide a physician conducting a medical examination or consultation pursuant to R 325.51937 and R 325.51938 with all of the following information:

(a) A copy of these rules and their appendices.
(b) A description of an affected employee's duties as they relate to the employee's exposure to lead.
(c) An employee's lead exposure level or anticipated lead exposure level and an employee's actual or anticipated exposure level to any other toxic substance, if applicable.
(d) A description of personal protective equipment used or to be used.
(e) An employee's prior blood lead determination.
(f) All prior written medical opinions in the employer's possession or control concerning an employee.
(2) Upon request by the other physician or by an employee, the employer shall provide the information required by subrule (1) of this rule to another physician conducting a medical examination pursuant to these rules.

R 325.51940. Written medical opinions.
Rule 40. (1) An employer shall obtain, and provide an employee with a copy of, a written medical opinion from each examining or consulting physician which shall contain all of the following information:
(a) The physician's opinion as to whether the employee has a detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to lead.
(b) Any recommended special protective measures to be provided to the employee or limitations to be placed upon the employee's exposure to lead.
(c) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator.
(d) The results of the blood lead determinations.
(2) An employer shall instruct each examining and consulting physician to do each of the following:
(a) Not reveal, in the written opinion or in other means of communication with the employer, findings, laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead.
(b) Advise the employee of any occupational or non-occupational medical condition which dictates further medical examination or treatment.

R 325.51941. Alternate physician determination.
Rule 41. An employer and an employee or authorized employee representative, with the written approval of the employee in question, may agree upon the use of an expeditious alternate physician determination, instead of the multiple physician review mechanism provided in R 325.51938a, if the alternate physician determination otherwise satisfies the requirements of these rules.

MEDICAL REMOVAL PROTECTION

R 325.51943. Temporary medical removal due to elevated blood lead levels.
Rule 43. (1) An employer shall remove an employee from work who has an exposure to lead at or above the action level on each occasion that a periodic blood sampling test and a follow-up blood sampling test conducted under these rules indicate that the employee's blood lead level is at or above 60 micrograms per 100 grams (60 ug/l00 g) of whole blood.
(2) An employer shall remove an employee from work if the employee has an exposure to lead at or above the action level on each occasion that the average of the last 3 blood sampling tests conducted under these rules, or the average of all blood sampling tests conducted over the previous 6 months, whichever is longer, indicates that the employee's blood lead level is at or above 50 micrograms per 100

grams (50 ug/l00 g) of whole blood. However, an employee shall not be removed if the last blood sampling test indicates a blood lead level below 40 micrograms per 100 grams (40 ug/l00 g) of whole blood.

R 325.51944. Temporary medical removal due to final medical determination.

Rule 44. (1) For purposes of this rule, "final medical determination" means the outcome of a multiple physician review made pursuant to R 325.51938a.

(2) An employer shall remove from work an employee who has an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination or opinion that the employee has a detected medical condition which places the employee at an increased risk of material impairment to health from exposure to lead.

(3) If a final medical determination results in any recommended special protective measures for an employee or limitation on an employee's exposure to lead, an employer shall implement and act consistently with the recommended protective measures.

R 325.51945. Return of an employee to former job status.

Rule 45. (1) An employer shall return an employee to his or her former job status under any of the following circumstances:

(a) For an employee removed due to a blood lead level at or above 60 micrograms per 100 grams (60 ug/ 100 g) of whole blood or due to an average blood lead level at or above 50 micrograms per 100 grams (50 ug/100 g) of blood, when 2 consecutive blood sampling tests indicate that the employee's blood lead level is below 40 micrograms per 100 grams (40 ug/100 g) of whole blood.

(b) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination or opinion that the employee no longer has a detected medical condition which places the employee at an increased risk of material impairment to health from exposure to lead.

(2) For purposes of this rule, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

R 325.51946. Removal of other employee protective measures or limitations.

Rule 46. An employer shall remove any limitations placed on an employee or shall terminate any special protective measures provided to an employee pursuant to a determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

R 325.51947. Employer options pending final medical determinations.

Rule 47. If a multiple physician review used pursuant to R 325.51938a has not resulted in a final medical determination with respect to an employee, an employer may do either of the following:

(a) Remove the employee from exposure to lead, provide special protective measures to the employee or place limitations upon the employee consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(b) Return the employee to his or her former job status, end any special protective measures provided to the employee and remove any limitations placed upon the employee consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, except as follows:

(i) If the initial removal, special protection or limitation of the employee resulted from a medical determination which differed from the findings, determinations, or recommendations of the initial physician, the employer shall await a final medical determination.

(ii) If the employee has been on removal status for the preceding 18 months due to an elevated blood lead level, the employer shall await a final medical determination.

R 325.51948. Benefits.

Rule 48. (1) For purposes of these rules, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority, and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or had not been otherwise limited. Medical removal benefits shall not replace employee earnings and shall not be related to the cost of medical treatment for which the employee remains responsible, that is not lead related.

(2) An employer shall provide to an employee up to 18 months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or is otherwise limited pursuant to this rule.

(3) During the time that an employee is removed from normal exposure to lead or is otherwise limited an employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this rule.

(4) If a removed employee files a claim for workers' compensation payments for a lead-related disability, the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by that amount. The employer shall not receive credit for workers' compensation payments received by the employee for treatment-related expenses.

(5) An employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that an employee receives compensation for earnings lost during the period of removal from either a publicly or employer-funded compensation program or from employment with another employer made possible by virtue of the employee's removal.

(6) An employer shall take both of the following measures with respect to an employee removed from exposure to lead due to an elevated blood lead level has not declined within the past 18 months of removal so that the employee has been returned to his or her former job status:

(a) Make available to the employee a medical examination pursuant to these rules to obtain a final medical determination with respect to the employee.

(b) Assure that the final medical determination has not yet been obtained or, if obtained, indicates the employee may be returned to his or her former job status and, if not, the steps which are to be taken to protect the employee's health.

(7) If a final medical determination has not yet been obtained or, if obtained, indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to his or her former job status or until a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(8) If an employer acts pursuant to a final medical determination which permits the return of an employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later determinations concerning removal of the employee shall be decided by a final medical determination. An employer shall not be required to automatically remove that employee pursuant to the blood lead level removal criteria provided by these rules until a final medical determination is made.

(9) If an employer, whether or not required by this rule, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employees' medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by subrule (2) of this rule.

EMPLOYEE INFORMATION AND TRAINING

R 325.51949. Training program.

Rule 49. (1) An employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the contents of Appendices A and B to 29 C.F.R. §1910.1025 'Lead.'

(2) The employer shall train each employee who is subject to exposure to lead at or above the action level, or for whom the possibility of skin or eye irritation exists, in accordance with the requirements of these rules. The employer shall institute a training program and ensure employee participation in the program.

(3) An employer shall provide initial training in accordance with both of the following provisions:

(a) Within 180 days from the effective date of these rules for employees subject to subrule (2) of this rule.

(b) For new employees who subsequently become subject to subrule (2) of this rule, before the time of initial job assignment.

(4) The training program shall be repeated at least annually for each employee.

(5) An employer shall assure that each employee is informed of all of the following information:

(a) The contents of these rules and appendices.

(b) The specific nature of the operations that could result in exposure to lead above the action level.

(c) The purpose, proper selection, fitting, use, and limitations of respirators.

(d) The purpose and a description of the medical surveillance program and the medical removal protection program, including information regarding adverse health effects associated with excessive exposures to lead, with particular attention to the adverse reproductive effects on both males and females.

(e) The engineering controls and work practices associated with the employee's job assignment.

(f) The contents of any compliance plan in effect.

(g) Instructions to employees that chelating agents shall not routinely be used to remove lead from their bodies and shall not be used at all except under the direction of a licensed physician.

R 325.51950. Access to information and training materials.

Rule 50. (1) An employer shall make a copy of these rules and their appendices readily available to all affected employees.

(2) Upon request, an employer shall provide to the director all materials relating to the employee information and training program.

(3) In addition to the information required by R 325.51949(5), an employer shall include as part of the training program, and shall distribute to employees, all materials pertaining to the act and the rules promulgated thereunder which are provided to the employer by the department.

HAZARD COMMUNICATION

R 325.51950a. Communication of hazards.

Rule 50a. (1) Chemical manufacturers, importers, distributors, and employers shall comply with all requirements of the Occupational Health Standard Part 430 "Hazard Communication," as referenced in in R 325.51902a, for lead.

(2) In classifying the hazards of lead, at least all of the following hazards are to be addressed:

(a) Reproductive and developmental toxicity.

(b) Central nervous system effects.

(c) Kidney effects.

(d) Blood effects.

(e) Acute toxicity effects.

(3) Employers shall include lead in the hazard communication program established to comply with the Occupational Health Standard Part 430 "Hazard Communication." Employers shall ensure that each employee has access to labels on containers of lead and to safety data sheets, and is trained in accordance with R 325.51949 and Occupational Health Standard Part 430 "Hazard Communication," as referenced in in R 325.51902a.

R 325.51950b. Signs.

Rule 50b. (1) An employer shall post the following warning signs in each work area where the permissible employee exposure limit is exceeded:

DANGER
LEAD
MAY DAMAGE FERTILITY OR THE UNBORN CHILD
CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM
DO NOT EAT, DRINK, OR SMOKE IN THIS AREA

(2) An employer shall assure that no statement appears on or near any sign required these rules which contradicts or detracts from the meaning of the required sign.

(3) An employer may use signs required by other statutes, rules, regulations or ordinances in addition to, or in combination with, signs required by these rules.

(4) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subrule (1) of this rule:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(5) An employer shall assure that signs required by these rules are illuminated and cleaned as necessary so that the legend is readily visible.

RECORDKEEPING

R 325.51951. Exposure monitoring.

Rule 51. (1) An employer shall establish and maintain an accurate record of all monitoring required pursuant to R 325.51905 to R 325.51913.

(2) The monitoring records shall include all of the following:

(a) The date or dates, number, duration, locations and results in each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure, where applicable.

(b) A description of the sampling and analytical methods used and evidence of their accuracy.

(c) The type of respiratory protective devices worn, if any.

(d) The name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(e) The environmental variables that could affect the measurement of employee exposure.

(3) An employer shall maintain monitoring records for not less than 40 years or for the duration of employment plus 20 years, whichever is longer.

R 325.51952. Medical surveillance.

Rule 52. (1) An employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by R 325.51932 to R 325.51942.

(2) The medical surveillance record shall include all of the following:

(a) The name, social security number, and description of the duties of the employee.

(b) A copy of the physicians' written opinions.

(c) Results of any airborne exposure monitoring carried out for that employee and the representative exposure levels supplied to the employee's physician or physicians.

(d) Employee medical complaints related to exposure to lead.

(3) An employer shall maintain, or assure that the examining physician maintains, all of the following medical records:

(a) A copy of the medical examination results including medical and work history required pursuant to R 325.51932 to R 325.51942.

(b) A description of the laboratory procedures and a copy of standards or guidelines used to interpret test results or references to that information.

(c) A copy of the results of biological monitoring.

(4) An employer shall maintain, or assure that the physician maintains, medical records for not less than 40 years or for the duration of employment plus 20 years, whichever is longer.

R 325.51953. Medical removals.

Rule 53. (1) An employer shall establish and maintain an accurate record for each employee removed from exposure to lead pursuant to R 325.51943 to R 325.51948.

(2) Each medical removal record shall include all of the following:

(a) The name and social security number of the employee.

(b) The date on each occasion that the employee was removed from current exposure to lead and the corresponding date on which the employee was returned to his or her former job status.

(c) A brief explanation of how each removal was or is being accomplished.

(d) With respect to each removal, a statement indicating whether the reason for the removal was an elevated blood lead level.

(3) The employer shall maintain a medical removal record for at least the duration of an employee's employment.

R 325.51955. Transfer of records.

Rule 55. (1) If an employer ceases to do business and there is a successor employer, the successor employer shall receive and retain all records required to be maintained pursuant to R 325.51951 to R 325.51953.

(2) The employer shall comply with any additional requirements involving transfer of records set forth in Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as reference in R 325.51902a.

OBSERVATION OF MONITORING

R 325.51956. Employee observation.

Rule 56. An employer shall provide affected employees or their designated representatives an opportunity to observe monitoring of employee exposure to lead conducted pursuant to R 325.51905 to R 325.51913.

R 325.51957. Procedures.

Rule 57. (1) If observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing, or equipment is required an employer shall provide the observer with, and assure the use of, respirators, protective clothing, and equipment and shall require the observer to comply with all other applicable safety and health procedures.

(2) Without interfering with the monitoring, an observer shall be entitled to all of the following:

(a) Receipt of an explanation of the measurement procedures.

(b) Observation of all steps related to the monitoring of lead performed at the place of exposure.

(c) To record the results obtained or to receive copies of the results when returned by the laboratory.

R 325.51958. Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on February 24, 2015

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

R 325.47401, R 325.47403, R 325.47405, R 325.47407, R 325.47408, R 325.47409, R 325.47410, R 325.47411, R 325.47414, R 325.47415, R 325.47416, R 325.47417, R 325.47418, R 325.47419, R 325.47420, R 325.47424, and R 325.47425 are added to the Michigan Administrative Code and Occupational Health Rules 4201 and 4202 are rescinded, as follows:

PART 474. SANITATION

R 325.47401. Scope.
Rule 47401. (1) The rules in this part apply to permanent places of employment.

R 325.47403. Adopted and referenced rules.
Rule 47403. (1) The United States (U.S.) Environmental Protection Agency's National Primary Drinking Water Regulations 40 C.F.R. Part 141 are adopted in these rules. The regulations are available from the U.S. Government Printing Office Website at: www.gpo.gov, at no cost as of the date of adoption of these rules.
(2) The standards adopted in this rule are available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.
(3) Copies of the standard adopted in this rule may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, 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 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, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at web-site: 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 301 ‘Air Contaminants for General Industry,’ R 325.51101 to R 325.51108.
(b) Occupational Health Standard OH Part 305 ‘Asbestos in General Industry,’ R 325.51311 to R 325.51312.

R 325.47405. Definitions.
Rule 47405. (1) "Nonwater carriage toilet facility" means a toilet facility not connected to a sewer.
(2) "Number of employees" means, unless otherwise specified, the maximum number of employees present at any 1 time on a regular shift.
(3) "Personal service room" means a room used for activities not directly connected with the production or service function performed by the establishment. Such activities include, but are not limited to, first aid, medical services, dressing, showering, toilet use, washing, and eating.
(4) "Potable water" means water that meets the standards for drinking purposes by the state or local authority having jurisdiction, or water that meets the quality standards prescribed by the U.S. Environmental Protection Agency's National Primary Drinking Water Regulations 40 C.F.R. 141, as referenced in R 325.47403.
(5) "Toilet facility" means a fixture maintained within a toilet room for the purpose of defecation or urination, or both.
(6) "Toilet room" means a room maintained within or on the premises of any place of employment, containing toilet facilities for use by employees.
(7) "Toxic material" means a material in concentration or amount which exceeds the applicable limit established by a standard, such as Occupational Health Standard Part 301 ‘Air Contaminants for General Industry,’ and Occupational Health Standard Part 305 ‘Asbestos in General Industry,’ as referenced in R 325.47403, or, in the absence of an applicable standard, that is of such toxicity so as to constitute a recognized hazard that is causing or is likely to cause death or serious physical harm.
(8) "Urinal" means a toilet facility maintained within a toilet room for the sole purpose of urination.
(9) "Water closet" means a toilet facility maintained within a toilet room for the purpose of both defecation and urination and which is flushed with water.
(10) "Wet process" means any process or operation in a workroom which normally results in surfaces upon which employees may walk or stand becoming wet.

R 325.47407. Housekeeping.
Rule 47407. (1) All places of employment shall be kept clean to the extent that the nature of the work allows.
(2) The floor of every workroom shall be maintained, so far as practicable, in a dry condition. Where wet processes are used, drainage shall be maintained and false floors, platforms, mats, or other dry standing places shall be provided, where practicable, or appropriate waterproof footgear shall be provided.
(3) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, loose boards, and unnecessary holes and openings.

R 325.47408. Waste disposal.
Rule 47408. (1) Any receptacle used for putrescible solid or liquid waste or refuse shall be so constructed that it does not leak and may be thoroughly cleaned and maintained in a sanitary condition. Such a receptacle shall be equipped with a solid tight-fitting cover, unless it can be maintained in a sanitary condition without a cover. The requirement in this subrule does not prohibit the use of

receptacles which are designed to permit the maintenance of a sanitary condition without regard to the aforementioned requirements.

(2) All sweepings, solid or liquid wastes, refuse, and garbage shall be removed in such a manner as to avoid creating a menace to health and as often as necessary or appropriate to maintain the place of employment in a sanitary condition.

R 325.47409. Vermin control.

Rule 47409. Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected.

R 325.47410. Water supply.

Rule 47410. (1) The employer shall ensure that potable water is provided in all places of employment, for drinking, washing of the person, cooking, washing of foods, washing of cooking or eating utensils, washing of food preparation or processing premises, and personal service rooms.

(2) Portable drinking water dispensers shall be designed, constructed, and serviced so that sanitary conditions are maintained, are be capable of being closed, and are equipped with a tap.

(3) Open containers such as barrels, pails, or tanks for drinking water from which the water must be dipped or poured, whether or not they are fitted with a cover, are prohibited.

(4) A common drinking cup and other common utensils are prohibited.

R 325.47411. Nonpotable water.

Rule 47411. (1) The employer shall ensure that outlets for nonpotable water, such as water for industrial or firefighting purposes, are posted or otherwise marked in a manner that will indicate clearly that the water is unsafe and is not to be used for drinking, washing of the person, cooking, washing of food, washing of cooking or eating utensils, washing of food preparation or processing premises, or personal service rooms, or for washing clothes.

(2) Construction of nonpotable water systems or systems carrying any other nonpotable substance shall be such as to prevent backflow or backsiphonage into a potable water system.

(3) Nonpotable water shall not be used for washing any portion of the person, cooking or eating utensils, or clothing. Nonpotable water may be used for cleaning work premises, other than food processing and preparation premises and personal service rooms, provided that this nonpotable water does not contain concentrations of chemicals, fecal coliform, or other substances which could create unsanitary conditions or be harmful to employees.

R 325.47414. Toilet facilities.

Rule 47414. (1) Except as otherwise indicated in this rule, toilet facilities, in toilet rooms separate for each sex, shall be provided in all places of employment in accordance with Table 1 of this rule. The number of facilities to be provided for each sex shall be based on the number of employees of that sex for whom the facilities are furnished. Where toilet rooms will be occupied by no more than 1 person at a time, can be locked from the inside, and contain at least 1 water closet, separate toilet rooms for each sex need not be provided. Where such single-occupancy rooms have more than 1 toilet facility, only 1 such facility in each toilet room shall be counted for the purpose of Table 1.

TABLE 1 TOILET FACILITIES

Number of employees	Minimum number of water closets[1]
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6
Over 150	[2]
Footnote[1]: Where toilet facilities will not be used by women, urinals may be provided instead of water closets, except that the number of water closets in such cases shall not be reduced to less than 2/3 of the minimum specified.	
Footnote[2]: 1 additional fixture for each additional 40 employees	

(2) The requirements of subrule (1) of this rule do not apply to mobile crews or to normally unattended work locations so long as employees working at these locations have transportation immediately available to nearby toilet facilities which meet the requirements of subrules (1) and (3) of this rule.
(3) The sewage disposal method shall not endanger the health of employees.

R 325.47415. Construction of toilet rooms.
Rule 47415. Each water closet shall occupy a separate compartment with a door and walls or partitions between fixtures sufficiently high to assure privacy.

R 325.47416. Washing facilities.
Rule 47416. The employer shall ensure that washing facilities are maintained in a sanitary condition.

R 325.47417. Lavatories.
Rule 47417. (1) The employer shall ensure that lavatories are available in all places of employment.
(2) The requirements of this rule do not apply to mobile crews or to normally unattended work locations if employees working at these locations have transportation readily available to nearby washing facilities which meet the requirements of subrules (1), (3), (4), and (5) of this rule.
(3) Each lavatory shall be provided with hot and cold running water, or tepid running water.
(4) Hand soap or similar cleansing agents shall be provided.
(5) Individual hand towels or sections thereof, of cloth or paper, air blowers, or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

R 325.47418. Showers.
Rule 47418. (1) Whenever showers are required by a particular standard, the employer shall ensure that the showers are in accordance with these rules.
(2) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(3) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in R 325.47417.
(4) Showers shall be provided with hot and cold water feeding a common discharge line.
(5) Employees who use showers shall be provided with individual clean towels.

R 325.47419. Change rooms.
Rule 47419. Whenever employees are required by a particular standard to wear protective clothing because of the possibility of contamination with toxic materials, the employer shall ensure that change rooms equipped with storage facilities for street clothes and separate storage facilities for the protective clothing are provided.

R 325.47420. Clothes drying facilities.
Rule 47420. Where working clothes are provided by the employer and become wet or are washed between shifts, provision shall be made to ensure that such clothing is dry before reuse.

R 325.47424. Consumption of food and beverages on the premises.
Rule 47424. (1) This rule applies only where employees are permitted to consume food or beverages, or both, on the premises.
(2) Eating and drinking areas. No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.
(3) Waste disposal containers. Receptacles constructed of smooth, corrosion resistant, easily cleanable, or disposable materials, shall be provided and used for the disposal of waste food. The number, size, and location of such receptacles shall encourage their use and not result in overfilling. They shall be emptied not less frequently than once each working day, unless unused, and shall be maintained in a clean and sanitary condition. Receptacles shall be provided with a solid tight-fitting cover unless sanitary conditions can be maintained without use of a cover.
(4) Food or beverages shall not be stored in toilet rooms or in an area exposed to a toxic material.

R 325.47425. Food handling.
Rule 47425. All employee food service facilities and operations shall be carried out in accordance with sound hygienic principles. In all places of employment where all or part of the food service is provided, the food dispensed shall be wholesome, free from spoilage, and shall be processed, prepared, handled, and stored in such a manner as to be protected against contamination.

Rule 4201 Rescinded.

Rule 4202 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on February 24, 2015

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 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.40115, R 408.40120, R 408.40121, R 408.40122, R 408.40123, R 408.40128, R 408.40130, R 408.40131, R 408.40132, and R 408.40133 of the Michigan Administrative Code are amended and R 408.40105 of the Code is added, as follows:

PART 1. GENERAL RULES

R 408.40105. Adopted and referenced standards.

Rule 105. (1) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: www.global.ihs.com; at a cost as of the time of adoption of these rules, as stated in this subrule.

(a) American National Standards Institute Standard ANSI A11.1 “Industrial lighting,” 1965 edition. Cost: $156.00.

(b) American Society of Mechanical Engineers Standard ASME “Boiler and pressure vessel code,” Section viii on “Unfired pressure vessels,” 1989 edition. Cost: $514.00.

(2) The standards adopted in these rules are 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 these rules may be obtained from the publisher or may be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, 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 standards (MIOSHA) 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, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: 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 16 “Power Transmission and Distribution,” R 408.41601 to R 408.41658.
(b) Construction Safety Standard Part 17 “Electrical Installations,” R 408.41701 to R 408.41734.
(c) Construction Safety Standard Part 30 “Telecommunications,” R 408.43001 to R 408.43006.
(d) Construction Safety Standard Part 45 “Fall Protection,” R 408.44501 to R 408.44502.
(e) General Industry Safety Standard Part 7 “Guards for Power Transmission,” R 408.10701 to R 408.10765.

R 408.40115 Employer responsibilities generally.
Rule 115. (1) An employer shall identify as unsafe a machine, powered tool, or piece of equipment that is damaged or defective. The machine, tool, or equipment shall be locked out, made inoperable, or be physically removed from the jobsite.
(2) An employer shall not permit any of the following:
(a) The use of damaged or defective machinery, tools, materials, or equipment that could create a hazard.
(b) The operation of machinery, equipment, and special tools, except by a qualified employee.
(c) An employee other than the operator to ride any piece of moving equipment not covered by a specific standard, unless there is a seat or other safety feature provided for use by the employee. Acceptable safety features may include a guardrail, enclosure, or a seat belt.
(3) An employer shall not knowingly permit an employee to work while under the influence of intoxicating beverages or substances which could impair the employee's ability to perform a task in a safe manner.
(4) Employees not specifically covered by Construction Safety Standard Part 16 “Power Transmission and Distribution,” Construction Safety Standard Part 17 “Electrical Installations,” or Construction Safety Standard Part 30 “Telecommunications,” as referenced in R 408.40105, shall not be allowed by the employer to work or be closer to energized electrical line, gear, or equipment exposed to contact than the minimum clearance prescribed in table 1.
(5) Table 1 reads as follows:

TABLE 1	
VOLTAGE	MINIMUM EMPLOYEE CLEARANCE
To 50 kv	10 ft.
Over 50	10 ft. + .4 inch per kv

(6) An employer shall comply with all the rules of this part.

R 408.40120 Work in hazardous spaces.
Rule 120. When an employee enters a hazardous space, such as a bin, silo, hopper, or tank, that contains bulk or loose material which could engulf the employee, the employee shall wear a safety belt or a safety harness and a lanyard affixed by a rope grab to a lifeline, all components of which shall be in compliance with Construction Safety Standard Part 45 “Fall Protection,” as referenced in R 408.40105. The uppermost elevation of the stored material shall not be higher than the shoulder height of the employee.

R 408.40121. Confined spaces; testing; neutralizing hazard.

Rule 121. (1) Before an employee enters a manhole, well, shaft, tunnel, or other confined space where the atmosphere might be hazardous due to a condition such as a deficiency of oxygen, or might be toxic in excess of the maximum allowable limits prescribed by the department of licensing and regulatory affairs, the atmosphere shall be tested and the results recorded by the employer. The records shall be maintained at the job site. If the atmosphere is hazardous, either sufficient ventilation to eliminate the hazard shall be provided or respiratory equipment prescribed by the department of licensing and regulatory affairs shall be worn.

(2) If an atmosphere is found to be explosive, sparks, flame, and other sources of ignition shall be prohibited, and ventilation shall be provided until the hazard has been reduced and maintained at or below the maximum allowable limits prescribed by the department of licensing and regulatory affairs.

R 408.40122. Boilers and pressure vessels.

Rule 122. (1) The installation, inspection, testing, marking, and certification of a pressure vessel shall be as prescribed in ASME "Boiler and pressure vessel code," Section viii on "Unfired pressure vessels," 1989 edition, as adopted in R 408.40105.

(2) An employer shall not use a boiler to perform construction operations unless the employer has a valid certification issued by the boiler division of the Michigan department of licensing and regulatory affairs.

R 408.40123 Guarding, belts, gears, pulleys, sprockets, and moving parts.

Rule 123. Means of power transmission, such as, but not limited to, belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or moving parts of equipment, shall be guarded as prescribed in General Industry Safety Standard Part 7 "Guards for Power Transmission," as referenced in R 408.40105, if the part is exposed to contact by an employee or otherwise constitutes a hazard.

R 408.40128. Sanitation.

Rule 128. (1) All of the following provisions apply to potable water:

(a) A supply of potable water shall be available to employees in all places of employment.

(b) A container used to distribute drinking water shall be constructed of impervious nontoxic materials, shall be clearly marked as to its contents, and shall not be used for any other purpose. Containers shall be serviced so that sanitary conditions are maintained.

(c) A portable container used to dispense drinking water shall be closed and equipped with a tap.

(d) Dipping water from a container or drinking from a common cup is prohibited.

(e) Where single-service cups, cups to be used once, are supplied, a sanitary container for the unused cups shall be provided. A receptacle for disposing of used cups shall be provided and emptied as often as is necessary.

(2) Both of the following provisions apply to nonpotable water:

(a) An outlet for nonpotable water, such as water for industrial or fire fighting purposes only, shall be identified by signs that are in compliance with the requirements of Construction Safety Standard Part 22 "Signals, Signs, Tags, and Barricades," as referenced in R 408.40105, to indicate clearly that the water is not to be used for drinking, washing, or cooking purposes.

(b) There shall be no connection between a system furnishing potable water and a system furnishing nonpotable water.

R 408.40130. General sanitation.

Rule 130. (1) The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where contaminants may be harmful to the employees. Such facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.

(2) Washing facilities shall be maintained in a sanitary condition.

(3) All of the following apply to lavatories.

(a) Lavatories shall be made available in all places of employment. The requirements of this subdivision do not apply to mobile crews or to normally unattended work locations if employees working at these locations have transportation readily available to nearby washing facilities that meet the other requirements of this paragraph.

(b) Each lavatory shall be provided with hot and cold running water, or tepid running water.

(c) Hand soap or similar cleansing agents shall be provided.

(d) Individual hand towels or sections thereof, of cloth or paper, air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

(4) All of the following apply to showers.

(a) Whenever showers are required by a particular standard, the showers shall be provided in accordance with subdivisions (b) to (d) of this subrule.

(b) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(c) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in subrule (3)(c) of this rule.

(d) Showers shall be provided with hot and cold water feeding a common discharge line.

(e) Employees who use showers shall be provided with individual clean towels.

(5) Eating and drinking areas. An employee shall not be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.

(6) Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. An employer shall institute a continuing and effective extermination program where their presence is detected.

(7) Whenever employees are required by a particular standard to wear protective clothing because of the possibility of contamination with toxic materials, the employer shall provide change rooms equipped with storage facilities for street clothes and separate storage facilities for the protective clothing.

R 408.40131. Food handling.

Rule 131. All employee food service facilities and operations shall be carried out in accordance with sound hygienic principles. In all places of employment where the employer provides all or part of the food service is provided, the food dispensed shall be wholesome, free from spoilage, and shall be processed, prepared, handled, and stored in such a manner as to be protected against contamination.

R 408.40132. Medical services and first aid.

Rule 132. (1) An employer shall ensure the availability of medical personnel for advice and consultation on matters of occupational health.

(2) Before beginning a project, provision shall be made for prompt medical attention in case of serious injury.

(3) A person who has a valid certificate in first aid training shall be present at the worksite to render first aid. A certificate is valid if the requirements necessary to obtain the certificate for first aid training meet or exceed the requirements of the United States bureau of mines, the American red cross, the guidelines for basic first aid training programs, or equivalent training.

(4) Where a remote location or a single employee worksite exists, an employer shall provide a written plan that includes alternate methods of assuring available treatment for employees at a remote location or single-employee worksite. The plan shall be communicated to all affected employees.

(5) An employer shall assure that there are first aid supplies at each jobsite and that the supplies are readily accessible.

(6) The contents of a first aid kit shall be sealed in individual packages, stored in a weatherproof container, and checked by an employer or designated person before being sent out on each job and at least weekly on each job to ensure that expended items are replaced.

(7) An employer shall provide proper equipment for the prompt transportation of an injured person to a physician or hospital and a communication system for contacting the necessary emergency service. In areas where 911 is not available, the telephone numbers of a physician, hospital, or emergency service shall be conspicuously posted at the jobsite.

(8) Where the eyes or body of any person may be exposed to injurious corrosive materials, the employer shall provide suitable facilities for quick drenching or flushing of the eyes and body within the work area for immediate emergency use.

R 408.40133. Illumination.

Rule 133. (1) The employer shall provide a minimum illumination intensity of 10 footcandles on a jobsite where construction work is being performed.

(2) The employer shall provide a minimum illumination intensity of 5 footcandles to areas on a jobsite where work is not being immediately performed but where workers may pass through.

(3) The employer shall provide a minimum illumination intensity of 50 footcandles for first aid stations and infirmaries.

(4) For areas or operations not covered by subrules (1) to (3) of this rule, refer to ANSI A11.1 “Industrial lighting,” 1965 edition, as adopted in R 408.40105.

PROPOSED ADMINISTRATIVE RULES, NOTICES OF PUBLIC HEARINGS

MCL 24.242(3) states in part:

"… the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform."

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules."

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 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 and 408.1021,** and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, **445.2011,** ~~445,2011~~, 445.2025, and 445.2030)

R 408.17310, R 408.17312, R 408.17314, R 408.17315, R 408.17316, R 408.17317, R 408.17318, and R 408.17320, of the Michigan Administrative Code are amended and R 408.17302 of the Code is added, as follows:

PART 73. FIRE BRIGADES

R 408.17302. Adopted and referenced standards,

Rule 7302. (1) The National Fire Protection Association Standard NFPA 1971 "Standard on protective ensemble for structural fire fighting and proximity fire fighting," 1997 edition is adopted by reference in these rules and is available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: www.global.ihs.com; at a cost as of the time of adoption of these rules, of $27.00.

(2) The standards adopted in these rules are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(3) Copies of the standards 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, 7150 Harris Drive, 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 standards (MIOSHA) 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, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/miohastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Standard Part 8 "Portable Fire Extinguishers," R 408.10801 to R 408.10839.

(b) General Industry Safety Standard Part 33 "Personal Protective Equipment," R 408.13301 to R 40898.
(c) Occupational Health Standard Part 451 "Respiratory Protection," R 325.60051 to R 325.60052.

R 408.17310 Employer responsibilities.
Rule 7310. (1) The employer having a fire brigade shall prepare and maintain a statement or written policy **that** ~~which~~ establishes the existence of a fire brigade; and the basic organizational structure; the type, amount, and frequency of training to be provided to fire brigade members; the expected number of members in the fire brigade; and the functions that the fire brigade is to perform at the workplace. The organizational statement shall be available for inspection by the director of the department of licensing and regulatory affairs and by employees or their designated representatives.
(2) The employer shall assure that employees who are expected to do structural fire fighting are physically capable of performing duties **that** ~~which~~ may be assigned to them during emergencies. The employer shall not permit employees with known heart disease, epilepsy, or emphysema to participate in fire brigade emergency activities unless a physician's certificate of the employees' fitness to participate in such activities is provided. For employees assigned to fire brigades before **September 15, 1980,** ~~the effective date of this part,~~, this rule is effective on September 15, 1985. For employees assigned to fire brigades after **September 15, 1980,** ~~the effective date of this part,~~ this rule applies.
(3) The employer shall provide training and education for all fire brigade members commensurate with those duties and functions that fire brigade members are expected to perform. Such training and education shall be provided to fire brigade members before they perform fire brigade emergency activities. Fire brigade leaders and training instructors shall be provided with training and education which is more comprehensive than that provided to the general membership of the fire brigade.
(4) The quality of training and education programs for fire brigade members shall be similar to the training and programs conducted by such fire training schools as any of the following:
(a) Maryland fire and rescue institute.
(b) Iowa fire service extension.
(c) West Virginia fire service extension.
(d) Georgia fire academy.
(e) New York state department, fire prevention and control.
(f) Louisiana state university firemen training program.
(g) Michigan's Macomb community college, fire and emergency services training center.
(h) Washington state's fire service training commission for vocational education.
(5) The training and education program for oil refinery industry fire brigade members shall be similar in quality to the training and education program conducted by any of the following:
(a) Macomb community college of Michigan, fire and emergency services training center.
(b) Texas A & M university.
(c) Lamar university.
(d) Reno fire school.
(e) Delaware state fire school.
(6) Training for incipient fires shall be similar to the training provided by the fire training schools listed in subrule (4) of this rule or to the fire training for incipient fires offered by the school of labor and industrial relations at Michigan state university.
(7) An employer shall assure that training and education is conducted frequently enough to ensure that each member of the fire brigade is able to perform the member's assigned duties and functions satisfactorily and in a safe manner so as not to endanger fire brigade members or other employees. All

fire brigade members shall be provided with training at least annually. In addition, fire brigade members who are expected to perform interior structural fire fighting shall be provided with an education session or training at least quarterly.

(8) An employer shall inform fire brigade members about special hazards, such as the storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water reactive substances, to which they may be exposed during a fire and other emergencies. The fire brigade members shall also be advised of any changes that occur in relation to the special hazards.

(9) An employer shall develop written procedures that describe the actions to be taken in situations involving special hazards and shall include these written procedures in the training and education program. An employer shall make the procedures available for inspection by fire brigade members.

R 408.17312 Fire fighting equipment.

Rule 7312. **(1)** The employer shall maintain and inspect, at least annually, fire fighting equipment to assure the safe operational condition of the equipment. ~~Portable fire extinguishers shall be inspected in accordance to R 408.10835 of Part 8. Portable Fire Extinguishers, and respirators shall be inspected at least monthly. Fire fighting equipment that is in damaged or unserviceable condition shall be removed from service and replaced.~~

(2) The employer shall ensure that portable fire extinguishers are inspected, at least monthly, in accordance with General Industry Safety Standard Part 8 "Portable Fire Extinguishers," as referenced in R 408.17302.

(3) The employer shall ensure that fire fighting equipment that is in damaged or unserviceable condition is removed from service and replaced.

R 408.17314 Personal protective equipment generally.

Rule 7314. (1) The ~~following~~ requirements **in these rules** apply to those employees who perform interior structural fire fighting. The requirements do not apply to employees who use fire extinguishers or standpipe systems to control or extinguish fires only in the incipient stage.

(2) An employer shall provide, and ensure the use of protective clothing that is in compliance with the requirements of this part. An employer shall provide the clothing without cost to an employee. An employer shall assure that protective clothing ordered or purchased after **March 1, 1984,** ~~the effective date of this part~~ meets the requirements contained in this part. As new equipment is provided, an employer shall assure that all fire brigade members wear the equipment when performing interior structural fire fighting. An employer shall provide foot and leg protection. An employer shall ensure that protective shoes or boots that are worn in combination with protective trousers meet the requirements of R 408.17316.

(3) The employer shall assure that protective clothing protects the head, body, and extremities, and consists of at least the following components:

(a) Foot and leg **protection.** ~~protection;~~

(b) Hand **protection.** ~~protection;~~

(c) Body **protection.** ~~protection;~~

(d) Face, eye, and head protection.

R 408.17315 Foot and leg protection.

Rule 7315. (1) Foot and leg protection shall be provided and may be achieved by either of the following methods:

(a) Fully extended boots which provide protection for the legs.

(b) Protective shoes or boots worn in combination with protective trousers that meet the requirements of R 408.17316.

(2) An employer shall ensure that protective footwear meets the requirements of NFPA 1971 ~~-97,~~ **"Standard on** protective ensemble for structural fire fighting **and proximity fire fighting," 1997 edition, as adopted in R 408.17302.** ~~NFPA 1971-97 is adopted by reference in these rules and may be purchased from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909, or from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101, (1-800-344-3555), website: www.nfpa.org, at a cost as of the time of adoption of these rules of $50.50.~~

R 408.17316. Body protection.

Rule 7316. (1) Body protection shall be coordinated with foot and leg protection to ensure full body protection for the wearer, which shall be achieved by 1 of the following methods:

(a) Wearing of a fire-resistive coat meeting the requirements of subrule (2) of this rule in combination with fully extended boots meeting the requirements of R 408.17315.

(b) Wearing of fire-resistive coat in combination with protective trousers both of which meet the requirements of subrule (2) of this **rule** ~~section~~.

(2) The performance, construction, and testing of fire-resistive coats and protective trousers shall be at least equivalent to the requirements of ~~the national fire protection association standard~~ NFPA 1971 ~~-97~~, **"Standard on** protective ensemble for structural fire fighting **and proximity fire fighting," 1997 edition, as adopted in R 408.17302.** ~~NFPA 1971-97 is adopted by reference in R 408.17315(2).~~

R 408.17317 Hand protection.

Rule 7317. Hand protection shall consist of protective gloves or a glove system that will provide protection against cuts, punctures, and heat penetration. Gloves or a glove system shall meet the requirements of NFPA 1971 ~~-97,~~ **"Standard on** protective ensemble for structural fire fighting **and proximity fire fighting," 1997 edition, as adopted in R 408.17302.** ~~NFPA 1971-97 is adopted by reference in R 408.17315(2).~~

R 408.17318 Head, eye, and face protection.

Rule 7318. (1) Head protection shall consist of a protective head device that has ear flaps and a chin strap **that** ~~which~~ meet the performance, construction, and testing requirements of NFPA 1971 ~~-97,~~ **"Standard on** protective ensemble for structural fire fighting **and proximity fire fighting," 1997 edition, as adopted in R 408.17302.** ~~NFPA 1971-97 is adopted by reference in R 408.17315 (2).~~

(2) Protective eye and face devices that comply with ~~R 408.13301 et seq.~~ **General Industry Safety Standard Part 33 "Personal Protective Equipment," as referenced in R 408.17302,** shall be used by fire brigade members when performing operations where the hazards of flying or falling materials are present and might cause eye and face injuries. ~~Protective eye and face devices provided as accessories to protective head devices (face shields) are permitted if the devices meet the requirements of R 408.13301 et seq. The provisions of R 408.13301 et seq. are available from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909.~~

(3) Full facepieces, helmets, or hoods of breathing apparatus that meet the requirements of **General Industry Safety Standard Part 33 "Personal Protective Equipment," as referenced in R 408.17302,** ~~R 408.13301 et. seq.~~ are acceptable as meeting the eye and face protection requirements of this part.

(4) Protective eye and face devices provided as accessories to protective head devices, face shields are permitted if the devices meet the requirements of General Industry Safety Standard Part 33 "Personal Protective Equipment," as referenced in R 408.17302.

R 408.17320 Respiratory protection devices.

Rule 7320. (1) ~~An approved self-contained breathing apparatus that has a full facepiece shall be provided to and worn by fire service personnel while working in atmospheres where toxic products of combustion or an oxygen deficiency may be present. The apparatus shall also be worn during emergency situations involving toxic substances.~~ An employer shall ensure that respirators are provided to, and used by, **each** fire brigade **member,** ~~members~~ and that the respirators meet the requirements of **Occupational Health Standard Part 451 "Respiratory Protection," as referenced in R 408.17302, for each employee required to use a respirator.** ~~29 C.F.R. 1910.134 and this rule.~~

~~(2) Self-contained breathing apparatus shall have a minimum service life rating of 30 minutes in accordance with the methods and requirements of the national institute for occupational safety and health (NIOSH) except for escape self-contained breathing apparatus (ESCBAs) used only for emergency purposes.~~

~~(3) All compressed air cylinders used with self-contained breathing apparatus shall meet department of transportation (DOT) requirements which are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or the criteria of the national institute for occupational safety and health (NIOSH), Cincinnati Technical Center, 435 Elm Street, Suite 500, Cincinnati, Ohio 45202.~~

(2)~~(4)~~ Self-contained breathing apparatus shall be provided with an indicator that automatically sounds an audible alarm when the remaining service life of the apparatus is reduced to within a range of 20% to 25% of its rated service time.

(3)~~(5)~~ An employer shall ensure that self-contained breathing apparatus **ordered or purchased after July 1, 1981, for use by fire brigade members performing interior structural fire fighting operations, are of the pressure-demand or other positive-pressure type. Effective July 1, 1983, only pressure-demand or other positive-pressure self-contained breathing apparatus shall be worn by fire brigade members performing interior structural fire fighting.** ~~for use by fire service personnel is of the positive-pressure type. All breathing apparatus that is purchased after the effective date of these amendatory rules shall be in compliance with the national fire protection association standard NFPA 1981-87, open-circuit self-contained breathing apparatus NFPA 1981-87 is adopted by reference in . these rules and is available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, (1-800-344-3555), website: www.nfpa.org, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, P.O. Box 30643, Lansing, Michigan 48909, at a cost as of the time of adoption of these amendatory rules of $27.00.~~

(4)~~(6)~~ Subrule **(3)**~~(5)~~ of this rule does not prohibit the use of a self-contained breathing apparatus if the apparatus can be switched from a demand mode to a positive-pressure mode. **However, such apparatus shall be in the positive-pressure mode when fire brigade members are performing interior structural fire fighting operations.** ~~when fire service personnel are performing emergency operations. However, the apparatus shall be in the positive-pressure mode.~~

EXECUTIVE ORDERS
AND
EXECUTIVE REORGANIZATION ORDERS

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders."

EXECUTIVE ORDERS

EXECUTIVE ORDER
No. 2015 – 8

AMENDMENT OF EXECUTIVE ORDER No. 2015-7

ASIAN PACIFIC AMERICAN AFFAIRS COMMISSION
HISPANIC/LATINO COMMISSION

DEPARTMENT OF CIVIL RIGHTS

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that he considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the constitution; and

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, programs, agencies, and commissions should be placed among the principal departments on a consistent, logical basis in order to ensure the most efficient use of taxpayer dollars and to allow the state to offer more streamlined services; and

WHEREAS, this amended order is a replacement of Executive Order 2015-7; and

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. ASIAN PACIFIC AMERICAN AFFAIRS COMMISSION

In addition to the members appointed to the Asian Pacific American Affairs Commission under Section II.B. of Executive Reorganization Order 2009-21, the Director of the Office for New Americans or his or her designee, shall serve as a non-voting ex officio member of the Commission.

II. HISPANIC/LATINO COMMISSION

In addition to the members appointed to the Hispanic/Latino Commission under MCL 18.302(1), 1975 PA 164, as amended, the Director of the Office for New Americans or his or her designee, shall serve as a non-voting ex officio member of the Commission.

This Order shall be effective immediately upon the filing of this Order.

Given under my hand and the Great Seal of the state of Michigan this _____ day of February, in the Year of our Lord Two Thousand Fifteen.

_____
RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

_____
SECRETARY OF STATE

MICHIGAN ADMINISTRATIVE CODE TABLE
(2015 SESSION)

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform."

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2015 RULE FILINGS)

38.22	R	1	38.1673	R	1	225.10	R	1
38.23	R	1	38.1674	R	1	247.351	R	1
38.24	R	1	38.1675	R	1	247.403	R	1
38.25	R	1	38.1676	R	1	247.404	R	1
38.28	R	1	38.1677	R	1	247.405	R	1
38.71	R	1	38.1678	R	1	247.406	R	1
38.72	R	1	38.1679	R	1	247.741	R	1
38.73	R	1	38.1680	R	1	247.742	R	1
38.74	R	1	38.1681	R	1	247.748	R	1
38.75	R	1	38.1682	R	1	281.811	*	5
38.76	R	1	38.1683	R	1	285.900.1	R	3
38.77	R	1	38.1684	R	1	299.4101	*	5
38.78	R	1	38.1685	R	1	299.4102	*	5
38.79	R	1	38.1686	R	1	299.4103	*	5
38.80	R	1	38.2171	R	1	299.4104	*	5
38.81	R	1	38.2172	R	1	299.4105	*	5
38.82	R	1	38.2173	R	1	299.4106a	*	5
38.83	R	1	38.2174	R	1	299.4110	*	5
38.84	R	1	38.2175	R	1	299.4111	*	5
38.85	R	1	38.2176	R	1	299.4117	*	5
38.86	R	1	38.2177	R	1	299.4121	*	5
38.1371	R	1	38.2178	R	1	299.4128	*	5
38.1372	R	1	38.2179	R	1	299.4201	*	5
38.1373	R	1	38.2180	R	1	299.4203	*	5
38.1374	R	1	38.2181	R	1	299.4302	*	5
38.1375	R	1	38.2182	R	1	299.4307	*	5
38.1376	R	1	38.2183	R	1	299.4318	*	5
38.1377	R	1	38.2184	R	1	299.4420	*	5
38.1378	R	1	38.2185	R	1	299.4428	*	5
38.1379	R	1	38.2186	R	1	299.4430	*	5
38.1380	R	1	225.1	R	1	299.4440	*	5
38.1381	R	1	225.2	R	1	299.4701	*	5
38.1382	R	1	225.3	R	1	299.4702	*	5
38.1383	R	1	225.4	R	1	299.4703	*	5
38.1384	R	1	225.5	R	1	299.4706	*	5
38.1385	R	1	225.6	R	1	299.4707	*	5
38.1386	R	1	225.7	R	1	299.4708	*	5
38.1671	R	1	225.8	R	1	299.4709	*	5
38.1672	R	1	225.9	R	1	299.4710	*	5

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
299.4711	*	5	324.130	*	5	324.1405	A	5
299.4712	*	5	324.201	*	5	324.1406	A	5
299.4806	*	5	324.202	*	5	325.9571	R	1
299.4118a	A	5	324.203	*	5	325.9572	R	1
324.1	R	1	324.206	*	5	325.9573	R	1
324.2	R	1	324.210	*	5	325.9574	R	1
324.3	R	1	324.301	*	5	325.9575	R	1
324.21	R	1	324.302	*	5	325.9576	R	1
324.23	R	1	324.303	*	5	325.9577	R	1
324.24	R	1	324.407	*	5	325.9578	R	1
324.31	R	1	324.411	*	5	325.9579	R	1
324.32	R	1	324.102	*	5	325.9580	R	1
324.33	R	1	324.130	*	5	325.9581	R	1
324.41	R	1	324.201	*	5	325.9582	R	1
324.42	R	1	324.202	*	5	325.22346	R	1
324.43	R	1	324.203	*	5	325.22347	R	1
324.51	R	1	324.206	*	5	325.22348	R	1
324.52	R	1	324.210	*	5	325.22349	R	1
324.53	R	1	324.301	*	5	325.22350	R	1
324.54	R	1	324.302	*	5	325.22351	R	1
324.55	R	1	324.303	*	5	325.22352	R	1
324.56	R	1	324.407	*	5	325.22353	R	1
324.57	R	1	324.411	*	5	325.22354	R	1
324.58	R	1	324.413	*	5	325.22355	R	1
324.59	R	1	324.418	*	5	325.22356	R	1
324.59a	R	1	324.503	*	5	325.22357	R	1
324.59b	R	1	324.511	*	5	325.22358	R	1
324.59c	R	1	324.613	*	5	325.22359	R	1
324.59d	R	1	324.705	*	5	325.22360	R	1
324.59e	R	1	324.801	*	5	325.22361	R	1
324.61	R	1	324.1015	*	5	325.22362	R	1
324.62	R	1	324.1103	*	5	325.47401	A	4
324.63	R	1	324.1202	*	5	325.47403	A	4
324.64	R	1	324.1204	*	5	325.47405	A	4
324.65	R	1	324.1206	*	5	325.47407	A	4
324.71	R	1	324.1401	A	5	325.47408	A	4
324.72	R	1	324.1402	A	5	325.47409	A	4
324.75	R	1	324.1403	A	5	325.47410	A	4
324.102	*	5	324.1404	A	5	325.47411	A	4

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
325.47414	A	4	325.51519	*	4	325.51932	*	4
325.47415	A	4	325.51520	*	4	325.51933	*	4
325.47416	A	4	325.51521	*	4	325.51934	*	4
325.47417	A	4	325.51522	*	4	325.51935	*	4
325.47418	A	4	325.51523	*	4	325.51936	*	4
325.47419	A	4	325.51524	*	4	325.51937	*	4
325.47420	A	4	325.51525	*	4	325.51938	*	4
325.47424	A	4	325.51526	*	4	325.51938a	*	4
325.47425	A	4	325.51501a	A	4	325.51939	*	4
OHR 4201	R	4	325.51519a	A	4	325.51940	*	4
OHR 4202	R	4	325.51504	R	4	325.51941	*	4
325.51152	*	4	325.51527	R	4	325.51943	*	4
325.51156	*	4	325.51902	*	4	325.51944	*	4
325.51158	*	4	325.51903	*	4	325.51945	*	4
325.51162	*	4	325.51904	*	4	325.51946	*	4
325.51163	*	4	325.51905	*	4	325.51947	*	4
325.51164	*	4	325.51906	*	4	325.51948	*	4
325.51166	*	4	325.51907	*	4	325.51949	*	4
325.51167	*	4	325.51908	*	4	325.51950	*	4
325.51169	*	4	325.51909	*	4	325.51950a	*	4
325.51172	*	4	325.51910	*	4	325.51950b	*	4
325.51173	*	4	325.51912	*	4	325.51951	*	4
325.51174	*	4	325.51913	*	4	325.51952	*	4
325.51175	*	4	325.51914	*	4	325.51953	*	4
325.51151a	A	4	325.51915	*	4	325.51955	*	4
325.51156a	A	4	325.51916a	*	4	325.51956	*	4
325.51168a	A	4	325.51916b	*	4	325.51957	*	4
325.51177	R	4	325.51917	*	4	325.51902a	A	4
325.51501	*	4	325.51918	*	4	325.51924a	A	4
325.51502	*	4	325.51922	*	4	325.51921	R	4
325.51505	*	4	325.51923	*	4	325.51958	R	4
325.51507	*	4	325.51924	*	4	333.101	*	1
325.51508	*	4	325.51925	*	4	333.103	*	1
325.51509	*	4	325.51926	*	4	333.105	*	1
325.51510	*	4	325.51928	*	4	333.109	*	1
325.51511	*	4	325.51929	*	4	333.111	*	1
325.51513	*	4	325.51930	*	4	333.113	*	1
325.51516	*	4	325.51931	*	4	333.117	*	1
325.51517	*	4	325.51931a	*	4	333.119	*	1

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
333.123	*	1	338.30310	R	5	390.1251	R	1
333.125	*	1	339.1701	R	1	400.901	R	1
333.131	*	1	339.1705	R	1	400.902	R	1
333.133	*	1	339.1709	R	1	400.903	R	1
333.126	A	1	339.1713	R	1	400.905	R	1
333.107	R	1	339.1721	R	1	400.906	R	1
333.121	R	1	339.1741	R	1	400.907	R	1
333.127	R	1	339.1743	R	1	400.908	R	1
338.1601	R	1	339.1745	R	1	400.909	R	1
338.1602	R	1	339.1747	R	1	400.910	R	1
338.1610	R	1	339.1751	R	1	400.911	R	1
338.1611	R	1	339.1755	R	1	400.912	R	1
338.1614	R	1	339.1757	R	1	400.913	R	1
338.1616	R	1	339.1759	R	1	400.914	R	1
338.1617	R	1	339.1761	R	1	400.915	R	1
338.1618	R	1	339.1763	R	1	400.916	R	1
338.1619	R	1	339.1765	R	1	400.917	R	1
338.1620	R	1	339.1767	R	1	400.918	R	1
338.1621	R	1	339.1771	R	1	400.919	R	1
338.1622	R	1	339.23102	*	5	400.920	R	1
338.1623	R	1	339.23403	*	5	400.921	R	1
338.1624	R	1	340.1883	R	1	400.922	R	1
338.1625	R	1	340.1884	R	1	400.941	R	1
338.1626	R	1	340.1885	R	1	400.3401	R	1
338.1627	R	1	380.126	R	1	400.3403	R	1
338.1628	R	1	380.127	R	1	400.3409	R	1
338.1629	R	1	380.128	R	1	400.3410	R	1
338.1633	R	1	380.129	R	1	400.3411	R	1
338.1634	R	1	380.132	R	1	400.3412	R	1
338.1635	R	1	380.133	R	1	400.3413	R	1
338.1636	R	1	380.134	R	1	400.3414	R	1
338.1637	R	1	390.1202	R	1	400.3415	R	1
338.3001	R	5	390.1206	R	1	400.3416	R	1
338.3002	R	5	390.1207	R	1	400.3417	R	1
338.3003	R	5	390.1209	R	1	400.3418	R	1
338.3004	R	5	390.1210	R	1	400.3419	R	1
338.3005	R	5	390.1212	R	1	400.3420	R	1
338.3006	R	5	390.1213	R	1	400.3421	R	1
338.3007	R	5	390.1214	R	1	400.3422	R	1

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
400.3423	R	1	408.40709	*	4	421.1205	R	1
408.6203	R	5	408.40713	*	4	421.1206	R	1
408.6204	R	5	408.40721	*	4	421.1207	R	1
408.6206	R	5	408.40722	*	4	421.1208	R	1
408.6208	R	5	408.40723	*	4	421.1209	R	1
408.6209	R	5	408.40731	*	4	421.1210	R	1
408.6301	R	5	408.40751	*	4	421.1211	R	1
408.22951	R	1	408.40761	*	4	421.1212	R	1
408.22952	R	1	408.40762	*	4	421.1213	R	1
408.22953	R	1	418.1	R	1	421.1214	R	1
408.22954	R	1	418.2	R	1	421.1301	R	1
408.22955	R	1	418.3	R	1	421.1302	R	1
408.22956	R	1	418.4	R	1	421.1304	R	1
408.22957	R	1	418.5	R	1	421.1305	R	1
408.22958	R	1	418.6	R	1	421.1306	R	1
408.22959	R	1	418.7	R	1	421.1307	R	1
408.22960	R	1	418.8	R	1	421.1308	R	1
408.22961	R	1	418.51	R	1	421.1309	R	1
408.22962	R	1	418.52	R	1	421.1310	R	1
408.22963	R	1	418.53	R	1	421.1311	R	1
408.22964	R	1	418.54	R	1	421.1313	R	1
408.22965	R	1	418.55	R	1	421.1314	R	1
408.22966	R	1	418.56	R	1	421.1315	R	1
408.22967	R	1	418.57	R	1	421.1316	R	1
408.22968	R	1	418.58	R	1	421.1317	R	1
408.22969	R	1	421.1101	R	1	460.17101	R	1
408.22970	R	1	421.1102	R	1	460.17103	R	1
408.22971	R	1	421.1103	R	1	460.17105	R	1
408.40115	*	4	421.1104	R	1	460.17107	R	1
408.40120	*	4	421.1105	R	1	460.17109	R	1
408.40121	*	4	421.1106	R	1	460.17111	R	1
408.40122	*	4	421.1107	R	1	460.17113	R	1
408.40123	*	4	421.1108	R	1	460.17115	R	1
408.40128	*	4	421.1109	R	1	460.17201	R	1
408.40130	*	4	421.1110	R	1	460.17203	R	1
408.40131	*	4	421.1201	R	1	460.17205	R	1
408.40132	*	4	421.1202	R	1	460.17207	R	1
408.40133	*	4	421.1203	R	1	460.17209	R	1
408.40105	A	4	421.1204	R	1	460.17301	R	1

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
460.17303	R	1	500.2111	R	1	792.10111	A	1
460.17305	R	1	500.2112	R	1	792.10112	A	1
460.17307	R	1	500.2113	R	1	792.10113	A	1
460.17309	R	1	500.2114	R	1	792.10114	A	1
460.17311	R	1	500.2115	R	1	792.10115	A	1
460.17313	R	1	500.2116	R	1	792.10116	A	1
460.17315	R	1	500.2117	R	1	792.10117	A	1
460.17317	R	1	500.2118	R	1	792.10118	A	1
460.17319	R	1	500.2119	R	1	792.10119	A	1
460.17321	R	1	500.2120	R	1	792.10120	A	1
460.17323	R	1	500.2121	R	1	792.10121	A	1
460.17325	R	1	500.2122	R	1	792.10122	A	1
460.17327	R	1	500.2123	R	1	792.10123	A	1
460.17329	R	1	500.2124	R	1	792.10124	A	1
460.17331	R	1	500.2125	R	1	792.10125	A	1
460.17333	R	1	500.2126	R	1	792.10126	A	1
460.17335	R	1	500.2127	R	1	792.10128	A	1
460.17337	R	1	500.2128	R	1	792.10129	A	1
460.17339	R	1	500.2129	R	1	792.10130	A	1
460.17341	R	1	500.2130	R	1	792.10131	A	1
460.17401	R	1	500.2131	R	1	792.10132	A	1
460.17403	R	1	500.2134	R	1	792.10133	A	1
460.17405	R	1	500.2136	R	1	792.10134	A	1
460.17501	R	1	500.2137	R	1	792.10135	A	1
460.17503	R	1	500.2138	R	1	792.10136	A	1
460.17505	R	1	791.3301	R	1	792.10137	A	1
460.17507	R	1	791.3305	R	1	792.10201	*	1
460.17509	R	1	791.3310	R	1	792.10203	*	1
460.17511	R	1	791.3315	R	1	792.10205	*	1
460.17513	R	1	792.10101	A	1	792.10207	*	1
460.17515	R	1	792.10102	A	1	792.10209	*	1
460.17601	R	1	792.10103	A	1	792.10211	*	1
460.17701	R	1	792.10104	A	1	792.10213	*	1
500.2101	R	1	792.10105	A	1	792.10215	*	1
500.2105	R	1	792.10106	A	1	792.10219	*	1
500.2106	R	1	792.10107	A	1	792.10221	*	1
500.2107	R	1	792.10108	A	1	792.10223	*	1
500.2109	R	1	792.10109	A	1	792.10225	*	1
500.2110	R	1	792.10110	A	1	792.10227	*	1

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
792.10229	*	1	792.10409	A	1	792.10448	A	1
792.10231	*	1	792.10410	A	1	792.10501	A	1
792.10233	*	1	792.10411	A	1	792.10502	A	1
792.10237	*	1	792.10412	A	1	792.10503	A	1
792.10239	*	1	792.10413	A	1	792.10504	A	1
792.10241	*	1	792.10414	A	1	792.10505	A	1
792.10243	*	1	792.10415	A	1	792.10506	A	1
792.10247	*	1	792.10416	A	1	792.10507	A	1
792.10251	*	1	792.10417	A	1	792.10508	A	1
792.10253	*	1	792.10418	A	1	792.10509	A	1
792.10255	*	1	792.10419	A	1	792.10510	A	1
792.10257	*	1	792.10420	A	1	792.10511	A	1
792.10259	*	1	792.10421	A	1	792.10512	A	1
792.10261	*	1	792.10422	A	1	792.10601	A	1
792.10263	*	1	792.10423	A	1	792.10602	A	1
792.10265	*	1	792.10424	A	1	792.10603	A	1
792.10269	*	1	792.10425	A	1	792.10604	A	1
792.10271	*	1	792.10426	A	1	792.10605	A	1
792.10273	*	1	792.10427	A	1	792.10606	A	1
792.10275	*	1	792.10428	A	1	792.10607	A	1
792.10277	*	1	792.10429	A	1	792.10608	A	1
792.10279	*	1	792.10430	A	1	792.10609	A	1
792.10283	*	1	792.10431	A	1	792.10701	A	1
792.10287	*	1	792.10432	A	1	792.10702	A	1
792.10289	*	1	792.10433	A	1	792.10703	A	1
792.10301	A	1	792.10434	A	1	792.10704	A	1
792.10302	A	1	792.10435	A	1	792.10705	A	1
792.10303	A	1	792.10436	A	1	792.10706	A	1
792.10304	A	1	792.10437	A	1	792.10707	A	1
792.10305	A	1	792.10438	A	1	792.10708	A	1
792.10306	A	1	792.10439	A	1	792.10709	A	1
792.10401	A	1	792.10440	A	1	792.10710	A	1
792.10402	A	1	792.10441	A	1	792.10711	A	1
792.10403	A	1	792.10442	A	1	792.10712	A	1
792.10404	A	1	792.10443	A	1	792.10713	A	1
792.10405	A	1	792.10444	A	1	792.10714	A	1
792.10406	A	1	792.10445	A	1	792.10715	A	1
792.10407	A	1	792.10446	A	1	792.10801	A	1
792.10408	A	1	792.10447	A	1	792.10802	A	1

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
792.10803	A	1	792.11021	A	1	792.11307	A	1
792.10804	A	1	792.11022	A	1	792.11309	A	1
792.10805	A	1	792.11023	A	1	792.11310	A	1
792.10806	A	1	792.11024	A	1	792.11311	A	1
792.10807	A	1	792.11025	A	1	792.11312	A	1
792.10808	A	1	792.11026	A	1	792.11313	A	1
792.10809	A	1	792.11027	A	1	792.11314	A	1
792.10901	A	1	792.11101	A	1	792.11315	A	1
792.10902	A	1	792.11102	A	1	792.11316	A	1
792.10903	A	1	792.11103	A	1	792.11317	A	1
792.10904	A	1	792.11104	A	1	792.11318	A	1
792.10905	A	1	792.11105	A	1	792.11319	A	1
792.10906	A	1	792.11106	A	1	792.11320	A	1
792.10907	A	1	792.11107	A	1	792.11321	A	1
792.10908	A	1	792.11108	A	1	792.11401	A	1
792.10909	A	1	792.11109	A	1	792.11402	A	1
792.10910	A	1	792.11110	A	1	792.11403	A	1
792.10911	A	1	792.11111	A	1	792.11404	A	1
792.10912	A	1	792.11112	A	1	792.11405	A	1
792.11001	A	1	792.11113	A	1	792.11406	A	1
792.11002	A	1	792.11114	A	1	792.11407	A	1
792.11003	A	1	792.11115	A	1	792.11408	A	1
792.11004	A	1	792.11116	A	1	792.11409	A	1
792.11005	A	1	792.11117	A	1	792.11410	A	1
792.11006	A	1	792.11118	A	1	792.11411	A	1
792.11007	A	1	792.11201	A	1	792.11412	A	1
792.11008	A	1	792.11202	A	1	792.11413	A	1
792.11009	A	1	792.11203	A	1	792.11414	A	1
792.11010	A	1	792.11204	A	1	792.11415	A	1
792.11011	A	1	792.11205	A	1	792.11416	A	1
792.11012	A	1	792.11206	A	1	792.11417	A	1
792.11013	A	1	792.11207	A	1	792.11418	A	1
792.11014	A	1	792.11208	A	1	792.11419	A	1
792.11015	A	1	792.11301	A	1	792.11420	A	1
792.11016	A	1	792.11302	A	1	792.11421	A	1
792.11017	A	1	792.11303	A	1	792.11422	A	1
792.11018	A	1	792.11304	A	1	792.11423	A	1
792.11019	A	1	792.11305	A	1	792.11424	A	1
792.11020	A	1	792.11306	A	1	792.11425	A	1

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
792.11426	A	1	792.11704	A	1
792.11427	A	1	792.11705	A	1
792.11428	A	1	792.11706	A	1
792.11429	A	1	792.11707	A	1
792.11430	A	1	792.11708	A	1
792.11431	A	1	792.11709	A	1
792.11432	A	1	792.11801	A	1
792.11433	A	1	792.11802	A	1
792.11501	A	1	792.11803	A	1
792.11502	A	1	792.11901	A	1
792.11503	A	1	792.11902	A	1
792.11504	A	1	792.11903	A	1
792.11505	A	1			
792.11506	A	1			
792.11507	A	1			
792.11508	A	1			
792.11509	A	1			
792.11510	A	1			
792.11511	A	1			
792.11512	A	1			
792.11513	A	1			
792.11514	A	1			
792.11515	A	1			
792.11516	A	1			
792.11517	A	1			
792.11601	A	1			
792.11602	A	1			
792.11603	A	1			
792.11604	A	1			
792.11605	A	1			
792.11606	A	1			
792.11607	A	1			
792.11608	A	1			
792.11609	A	1			
792.11610	A	1			
792.11611	A	1			
792.11701	A	1			
792.11702	A	1			
792.11703	A	1			

(***** Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2014 SESSION)

Mich. Const. Art. IV, §33 provides: "Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated."

Mich. Const. Art. IV, §27, further provides: "No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house."

MCL 24.208 states in part:

"Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year."

2015 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

March 9, 2015

Through PA 4 of 2015

PA No.	ENROLLED HB	ENROLLED SB	I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
1		0044	Yes	2/19	2/20	5/21/15 #	***Elections**; primary*; presidential primary election date; revise. ***(Sen. D. Robertson)***
2		0045	Yes	2/19	2/20	5/21/15 #	***Elections**; primary*; presidential primary election date; revise. ***(Sen. D. Robertson)***
3		0034	Yes	3/4	3/4	3/4/15	***Weapons**; licensing*; concealed pistol licensing boards; eliminate, and transfer duties to the department of state police and county clerks. ***(Sen. M. Green)***
4		0035	Yes	3/4	3/4	10/1/15 #	***Criminal procedure**; sentencing guidelines*; reference in sentencing guidelines; update. ***(Sen. M. Green)***

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
\+ - Line item veto.
++ - Pocket veto.
\# - Tie bar.

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