

APPENDIX E – SUMMARY OF FEDERAL AND STATE LAWS AND RULES

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OVERVIEW

Laws and administrative rules give the government the authority to regulate manufacturing activities. Laws are public acts or statutes that are created by a legislative body such as Michigan's State Legislature or U.S. Congress. An "administrative rule" is a regulation written by an agency that implements or applies a law. Laws and rules are created and administered at both the state and federal level. Throughout this guidebook a number of regulations are cited. The purpose of this appendix is to help you understand what these citations mean. Additionally, this appendix should increase your understanding of how laws and rules are published and cited, as well as where they can be found.

FEDERAL LAWS

All laws enacted by the United States Congress are compiled into the United States Code (USC). The USC is divided into 50 titles by subject matter. Subjects dealing with environmental topics are listed predominantly in USC Title 42, "The Public Health and Welfare," but may be found in other titles as well. Labor issues are located in Title 29, "Labor."

Federal laws are cited by their popular name followed by a reference to the USC. The Clean Air Act is located in 42 USC 7401 et seq. Here "42 USC" refers to Title 42 of the United States Code entitled, "The Public Health and Welfare." "7401 et seq." refers to the first section within Title 42 that pertains to the Clean Air Act and the following sections. The proper citation would read:

The Clean Air Act, 42 USC 7401 et seq.

All of the federal laws cited in this guidebook are listed below:

- The Clean Air Act (CAA), 42 USC 7401 et seq.
- The Clean Water Act (CWA), 33 USC 1251 et seq.
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601 et seq.
- The Emergency Planning and Community Right-To-Know Act (EPCRA), 42 USC 11011 et seq.
- The Federal Hazardous Materials Transportation Act, 49 USC 5101 et seq.
- The National Environmental Policy Act (NEPA), 42 USC 4321 et seq.
- The Occupational Safety and Health Act (OSHA), 29 USC 651 et seq.
- The Pollution Prevention Act (PPA), 42 USC 13101 and 13102
- The Resource Conservation and Recovery Act (RCRA), 42 USC 6901 et seq.
- The Safe Drinking Water Act (SWDA), 42 USC 300f et seq.
- The Superfund Amendments and Reauthorization Act (SARA), 42 USC 9601 et seq.
- The Toxic Substances Control Act (TSCA), 15 USC 2601 et seq.

FEDERAL RULES

Federal rules are promulgated by agencies within the federal government such as the U.S. Environmental Protection Agency or the Occupational Safety and Health Administration. Federal rules are compiled into two documents: The Federal Register and the Code of Federal Regulations.

FEDERAL REGISTER

The Federal Register (FR) is a daily publication used to notify the public of official federal government actions. It is published by the Office of the Federal Register, U.S. National Archives and Records Administration (NARA), every Monday through Friday except federal holidays. The FR is the official publication for presidential documents and executive orders as well as notices, rules, and proposed rules from federal agencies and organizations.

How to Use the Federal Register

A typical first page of a Federal Register follows. See numbers to match referenced explanations.

[Federal Register: June 8, 1998 (Volume 63, Number 109)] ❶

[Proposed Rules]

[Page 31197]

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 72 and 75 ❷

[FRL-6109-1] ❸

RIN 2060-AG46

Acid Rain Program; Continuous Emission Monitoring Rule Revisions ❹

AGENCY: Environmental Protection Agency (USEPA) ❺

ACTION: Proposed rule; correction. ❻

- ❶ A regulation in the Federal Register is cited by the date of issue, volume, number, and the page on which the regulation appears.
- ❷ A reader's aid section serves as an index and lists the CFR titles and parts that have been affected for that particular month, up to the date of printing.
- ❸ It lists the page number in the register where you can find the details of the revision.
- ❹ The title of the document follows,
- ❺ The issuing agency.
- ❻ Lastly, the action of the document (i.e., proposed rule, final rule, notice, correction, etc.).

Code of Federal Regulations

The Code of Federal Regulations (CFR) is an annual codification of the general and permanent rules established in the Federal Register by the executive departments and agencies of the federal government. The CFR, like the USC, is divided into 50 titles that represent broad areas subject to Federal Regulation. Environmental regulations are contained primarily in Title 40 entitled, "Protection of Environment." Regulations pertaining to occupational safety and health are located in Title 29 entitled, "Labor." Each title of the CFR is published in separate volumes that are revised once each calendar year to add amendments published in the Federal Register. Title 40 and Title 29 are issued every July 1.

Each title of the CFR is divided into subtitles and chapters that usually bear the name of the issuing agency (e.g., the Environmental Protection Agency or the Occupational Health and Safety Administration). Chapters may be divided further into subchapters that cover specific regulatory areas and organize parts by topic area. Chapters and subchapters are divided into parts (large parts are sometimes divided into subparts). All parts are organized into sections; most references in the CFR will be to the section level. Below is the CFR hierarchy for the U.S. Environmental Protection Agency (USEPA) and Occupational Health and Safety Administration (OSHA).

USEPA

Title 40 – Protection of the Environment
Chapter I – Environmental Protection Agency
Subchapter A – R
Parts – 1-799
Subparts – further divide parts
Sections – numbered and cover specific areas such as applicability, definitions, standards, etc.

OSHA

Title 29 – Labor
Subtitle B – Regulations relating to labor
Chapter XVII – Occupational Safety and Health Administration
Parts – 1900-1999
Subparts – further divide parts
Sections – numbered and cover specific areas such as applicability, definitions, standards, etc.

To locate a specific regulation, the most important divisions of the CFR are the title, part/subpart, and section. To find a particular regulation in the CFR, you have to first understand how it is cited. Usually, a reference to the CFR is cited to a particular section or subpart. "40 CFR 261.10" refers to a specific section. Here, "40 CFR" refers to Title 40 of the CFR and "261.10" denotes the section. The number to the left of the decimal, "261," refers to the part. The number to the right of the decimal, "10," identifies the particular section within that part. To reference a broader portion of the CFR, you would reference an entire subpart. Consider "40 CFR 162(C)". Here "162(C)" refers to Part 162, Subpart C.

A typical first page from the CFR is illustrated as follows:

Code of Federal Regulations]
[Title 40, Volume 5, Parts 61 to 71]
[Revised as of July 1, 1996]
From the U.S. Government Printing Office via GPO Access
[CITE: 40 CFR 63]
[Page 667-674]
TITLE 40—PROTECTION OF ENVIRONMENT
CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY
PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR
SOURCE CATEGORIES—Table of Contents
Subpart M—National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Source: 58 FR 49376, Sept. 22, 1993, unless otherwise noted.

HOW TO ACCESS FEDERAL LAWS AND RULES

By following the steps outlined in this section you will be able to locate any federal law or administrative rule online. Federal laws can be located through the USEPA and OSHA Web sites. These Web sites give you direct access to all the popular federal statutes administered by these agencies as well as many other page links that can assist you in gaining information. In addition, by using these Web sites you can search Federal Register and CFR documents for federal rules.

LOCATING FEDERAL LAWS

By accessing the USEPA Web site, you can locate a number of federal statutes pertaining to the environment. If you are searching for federal statutes regarding labor issues like the Occupational Safety and Health Act, you should access the Occupational Safety and Health Administration's (OSHA) Web site.

Environmental Laws

Enter the following Web site: www.epa.gov/laws-regulations. This page allows you to access all the major federal laws that address the environment.

Occupational Safety and Health Administration Laws

Enter the following Web site: www.osha.gov/law-regs.html. From this site you may access the Occupational Safety and Health Act (OSH Act) or find links to other relevant pages including the Department of Labor (DOL) Web site which contains additional statutes.

LOCATING FEDERAL RULES

You can find federal rules using the Federal Register, which is published daily or by reviewing the Code of Federal Regulations (CFR), which is updated regularly. The Environmental Protection Agency Web site and the Occupational Safety and Health Administration Web site give you direct access to these documents.

Environmental Rules

From the USEPA Laws and Regulations Web site, www.epa.gov/laws-regulations, you can access the Federal Register documents issued by the USEPA. You can also access the CFR. Both the official CFR, which is typically not updated until July of the current calendar year and the e-CFR, which is an up-to-date, unofficial version of the CFR, can be accessed here.

Occupational Safety and Health Administrative Rules

Access the OSHA Laws and Regulations Web site at: www.osha.gov/law-regs.html. From this site you may find Federal Register documents pertaining to OSHA as well as links to relevant CFR documents and standards.

Other Federal Rules

Enter the following Web site: www.ecfr.gov. Using the dropdown list select the CFR title you want to search under. For example, Environmental Regulations are found in Title 40, OSHA regulations are found in Title 29, and USDOT regulations are found in Title 49.

Note: The best way to view or print an entire subpart and nothing but the subpart is to use the Search feature of the e-CFR. Select "Boolean search" from the side bar on the e-CFR page. Enter the number of the CFR title. In the first long rectangular box, give the part number, and select "Part Number" from the drop-down menu. In the second search box, enter the letters of the Subpart heading and select "Subpart ID" from the drop-down menu. (If your subpart has no ID number [like "A", "B", or "GGG"], use most or all of the subpart heading and select within "Subpart heading.") Click on "Submit Search."

Boolean Search: Use the pulldown to select a text region to retrieve. Enter terms which must appear in the selected region.

Order results by: Relevance

Enter a Title Number 40
To Limit Search to One Current CFR Title
[If left empty, all CFR Titles will be searched]

Retrieve: 63 within Part Number

and HH within Subpart ID

and within Section

Submit search

Display Results: 1 to 1 of 1 Total Results
Ordered By: Relevance

Title 40: Protection of Environment

[PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES \(CONTINUED\)](#)

[1] [Subpart HH—National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities](#) [Context]

Michigan Laws

After the Governor signs a bill into law, it is assigned a public act number and then added to the Michigan Compiled Laws (MCL). The MCL is a collection of all state laws currently in force through a particular publication date. It not only includes public acts enacted by the Legislature, but also The Michigan Constitution of 1963, as amended; and Executive Reorganization Orders issued by the Governor. The MCL is organized into three levels: chapters, acts, and sections.

The MCL is comprised of 830 chapters that address various subjects. Within each chapter is one or more public acts. The Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended is found in Chapter 324; and the Michigan Occupational Safety and Health Act (MIOSHA), Public Act 154 of 1974, as amended is found in Chapter 408. Public Acts may be divided into parts or articles that are divided further into sections. Each section within the MCL is assigned a “compilation number.” This number serves as a reference to assist in locating any section of law. If you know the section compilation number, you can easily locate the law in the MCL. The following example illustrates the components of a section within the MCL. This particular section is taken from Michigan’s Occupational Safety and Health Act (MIOSHA):

408.1012 ❶ Duties of employee ❷.

Sec. 12. ❸ An employee shall:

(a) Comply with rules and standards promulgated, and with orders issued pursuant to this act.

(b) Not remove, displace, damage, destroy, or carry off a safeguard furnished or provided for use in a place of employment, or interfere in any way with the use thereof by any other person.

History: 1974, Act 154, Eff. Jan. 1, 1975. ❹

- ❶ “408.1012” is the section compilation number, which describes where this piece of law is located in the MCL. The numbers to the left of decimal, “408,” refer to a chapter of the MCL. Here, “408” refers to Chapter 408 of the MCL entitled “Labor.” The numbers to the right of the decimal, “1012,” represent the specific section and serve to further organize the section within the chapter.
- ❷ To the right of the section number is the “catchline,” a brief description of the section’s content.
- ❸ “Sec. 12” is the internal section number within the Act itself and immediately precedes the text of the section.
- ❹ Following the text of the section are editorial notes. There are seven types of editorial notes that may follow a section: history notes, compilers notes, constitutionality notes, transfer of power notes, former law notes, cited in other section notes, and cross-reference notes. The history note in this example lets the reader know that this section comes from Act No. 154 of 1974 and became effective January 1, 1975.

Citing Michigan Laws

A law may be cited to a public act in its entirety or a particular division. Following are examples of how a state law may be cited. In this guidebook most references to state laws will be to an entire public act or part of an act.

An act referenced in its entirety will reference the act's popular name, number, and year of enactment as in the following: The Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended (Act 451). Any further reference to the same citation might be abbreviated to just the act number, for example, Act 451.

When a specific part of an act is referenced, it is cited to the public act by the part number and title as in the following: Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended (Act 451). Any further reference to that same citation might be abbreviated to include just the part number, for example, Part 115 of Act 451.

MICHIGAN ADMINISTRATIVE RULES

Once a law is enacted, state administrative agencies such as EGLE are charged with the duty of making sure the law is implemented. Statutes, like the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, give agencies the authority to promulgate administrative rules. Although they are not technically laws, when rules are properly processed and enacted, they have the same force and effect as law. The Administrative Procedures Act, Public Act 306 of 1969, as amended, was enacted to address the procedures that govern the creation, processing, and publication of rules. This act outlines the entire rule making process, from the initial request to finalization.

Understanding EGLE's Administrative Rules

Michigan's Department of Environment, Great Lakes, and Energy (EGLE) has the authority to promulgate rules under Act 451. Each division within EGLE administers its own set of rules. For example, the Air Quality Division administers a set of rules known as the "Air Pollution Control Rules." An agency will typically organize its administrative rules into parts. The Air Pollution Control Rules are divided into parts concerning issues such as emission limitations and prohibitions, monitoring, and permitting. Like all administrative rules, EGLE's rules are compiled in the Michigan Administrative Code.

UNDERSTANDING MIOSHA STANDARDS

Section 18(c) of the Occupational Safety and Health Act allows states to assume responsibility for the development and enforcement of occupational safety and health standards. There are 21 states, including Michigan, that are known as "State Plan States." Michigan's Occupational Safety and Health Act (MIOSHA), Public Act 154 of 1974, as amended, gives the Department of Labor and Economic Opportunity (LEO) the authority to create its own and/or adopt federal standards.

MIOSHA rules are organized into four broad standards: General Industry Health, General Industry Safety, Construction Health, and Construction Safety. The MIOSHA General Industry and Construction Safety Standards are divided into parts. Within each of these standards are rules that address various subjects. For example, Part 90 of the General Industry Safety Standards contains a number of rules regarding “Confined Space Entry.”

It is important for anyone who is involved in general industry or construction activities to be aware of all the standards that may affect them. You should not only consider the standards that may apply to your operation in general, but also specific situations as well. For instance, a manufacturing plant must comply with all applicable General Industry Standards; however, if at some point employees of that plant engage in construction activities within the plant, then the Construction Standards become applicable as well.

MICHIGAN ADMINISTRATIVE CODE

The Michigan Administrative Code (MAC) is the collection of all permanent administrative rules. The Office of Regulatory Reinvention (ORR) keeps the MAC up to date daily at its Web site Michigan.gov/orr.

Rules are organized into the MAC by their “R” number. To help us better understand its usage, consider the example below, which is an excerpt from Michigan’s Air Pollution Control Rules:

R 336.1901 ❶ Air contaminant or water vapor; when prohibited. ❷

Rule 901. ❸ Notwithstanding the provisions of any other commission rule, a person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, either of the following:

(a) Injurious effects to human health or safety, animal life, plant life of significant economic value, or property.

(b) Unreasonable interference with the comfortable enjoyment of life and property. ❹

History: 1979 ACS 1, Eff. Jan. 19, 1980. ❺

- ❶ “R 336.1901” is referred to as the “R” number. This number describes where the rule may be found in the MAC. Most R numbers consist of two numbers separated by a decimal point. The MAC is organized numerically in ascending order, first by the left side of the R number and then by the right. The number to the left of the decimal point generally refers to the chapter of the MCL containing the statutory authority to which an agency promulgated the rule. In this example, “336” refers to Chapter 336 of the Michigan Compiled laws entitled “Air Pollution.” The numbers to the right of the decimal point correspond to the digit or digits in the rule number.
- ❷ To the right of the R number is what is referred to as the “catchline,” which is a short statement explaining the topic of the rule.

- ③ Preceding the text is the actual rule number, “Rule 901,” which is usually some variation of the right side of the R number, depending on how the agency has organized its rules.
- ④ This is the text of the rule. If the rule is rather large, it may be divided into a series of independent statements that pertain to the preceding material.
- ⑤ At the end of each rule is a history note that contains the rule’s effective date, its origin, and any amendments. The history note in this example informs readers that the rule originated in 1979 Administrative Code Supplement Number 1 and became effective on January 19, 1980. Any amendment effective dates follow this date.

HOW TO ACCESS STATE LAWS AND RULES

You can obtain a state law by going directly to the Michigan Compiled Laws (MCL). State rules are obtained from the Michigan Administrative Code (MAC). You may search the entire MCL through the “Michigan Legislative Information Web Server” at MichiganLegislature.org and MAC through the Office of Regulatory Reinvention (ORR) Web site Michigan.gov/orr.

LOCATING MICHIGAN ENVIRONMENTAL LAWS AND RULES

The EGLE web site, Michigan.gov/EGLELaws, lists all of EGLE’s environmental regulations by division, as well as many statutes and links to federal environmental sites.

LOCATING MICHIGAN HEALTH AND SAFETY LAWS AND RULES

If you are interested in finding specific administrative rules and standards promulgated under Michigan’s Occupational Safety and Health Act (MIOSHA), go to the Michigan Occupational Safety and Health Administration (MIOSHA) Web site: Michigan.gov/MIOSHA. Scroll down to select “Standards and Legislation” from the left navigation menu.

LOCATING OTHER STATE LAWS

There are two ways you can search the MCL for a law. The first is by referencing the compiled law number (compilation number). Second, you can also search by public act number and year. By far the easiest and most up-to-date method is by using the Internet. Accessing the MCL Web site is much easier to use than the multiple volumes of the MCL and can be done at your home or office. Following is an explanation of how to find a particular law on the MCL web site: MichiganLegislature.org.

Depending upon what information you are given, you may choose to search for a reference to a law by the MCL number or the Public Act itself:

- If you know the compilation number (e.g., 408.1012), enter the MCL number (408.1012) into the box titled “MCL Section.”
- If you know the Public Act (e.g., Public Act 154 of 1974), select “Public Act MCL” from the left side bar under “Laws” and enter the “Public Act Number” (e.g., “154”) and "Public Act Year" (e.g., "1974"). From the search results, you can locate a specific part, section or other division of the Act.

LOCATING OTHER STATE RULES

If you know the “R” number of the rule, for example R 336.1901, you can launch a [search of the Michigan Administrative Code](#) on the ORR Web site, Michigan.gov/orr, and select “MI Administrative Code (Rules).” From here you may search for a rule by state department or number.

Copies of all MIOSHA standards are available from MIOSHA. The standards are updated frequently, so it is recommended that you get on their mailing list to receive notification that revised standards are available.

Contact the MIOSHA Standards Section at 517-284-7740 to be placed on the mailing list for notification of new or amended standards and public hearing announcements.