

DEPARTMENT OF ~~LICENSING AND REGULATORY AFFAIRS~~ **LABOR AND
ECONOMIC OPPORTUNITY**

DIRECTOR'S OFFICE

GENERAL INDUSTRY AND CONSTRUCTION SAFETY AND HEALTH
STANDARD

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. 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~~ **labor and economic opportunity** by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, ~~and~~ 2011-4, **and 2019-3**, MCL 330.3101, 445.2001, 445.2011, 445.2025, ~~and~~ 445.2030, **and 125.1998**)

R 325.51151 of the Michigan Administrative Code ~~are~~ **is** amended, as follows:

PART 304. ETHYLENE OXIDE

R 325.51151 Scope, application, adoption, and availability of standards.

Rule 1. (1) These rules apply to all occupational exposures to ethylene oxide (EtO), chemical abstracts service registry no. 75-21-8, except as provided in subrule (2) of this rule.

(2) These rules do not apply to the processing, use, and handling of products that contain EtO if objective data are reasonably relied upon that demonstrate that the product is not capable of releasing EtO in airborne concentrations at or above the action level under the expected conditions of processing, use, or handling that will cause the greatest possible release.

(3) If products containing EtO are exempted under subrule (2) of this rule, the employer shall maintain records of the objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in 29 CFR 1910.1047(k)(1), which is adopted by reference in subrule (4) of this rule.

(4) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR 1910.1047 "Ethylene oxide," as amended ~~March 26, 2012~~ **May 14, 2019**.

(b) 29 CFR 1910.1047, appendix A "Substance safety data sheet for ethylene oxide (non-mandatory)," as amended January 8, 1998.

(c) 29 CFR 1910.1047, appendix B “Substance technical guidelines for ethylene oxide (non-mandatory),” as in effect as of the effective date of these rules.

(d) 29 CFR 1910.1047, appendix C “Medical surveillance guidelines for ethylene oxide (non-mandatory),” as in effect as of the effective date of these rules.

(e) 29 CFR 1910.1047, appendix D “Sampling and analytical methods for ethylene oxide (non-mandatory),” as amended February 13, 1996.

(5) A reference to 29 CFR 1910.38 and 1910.39 means General Industry Safety and Health Standard Part 6. “Fire Exits.”

(6) A reference to 29 CFR 1910.132 and 1910.133 means General Industry Safety and Health Standard Part 33. “Personal Protective Equipment.”

(7) A reference to 29 CFR 1910.1200 means Occupational Health Standard Part 430. “Hazard Communication.”

(8) A reference to 29 CFR 1910.134 means ~~Occupational Health~~**General Industry and Construction Safety and Health** Standard Part 451. “Respiratory Protection.”

(9) A reference to 29 CFR 1910.1020 means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets.”

(10) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(11) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(12) The regulations adopted in these rules are available for inspection at the Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, ~~Regulatory Services~~**Standards and FOIA** Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(13) The regulations adopted in these rules may be obtained from the publisher or the Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, ~~Regulatory Services~~**Standards and FOIA** Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(14) The following Michigan ~~Occupational Safety and Health Administration~~**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 Department of ~~Licensing and Regulatory Affairs~~**Labor and Economic Opportunity**, MIOSHA, ~~Regulatory Services~~**Standards and FOIA** Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following 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) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(b) ~~Occupational Health~~**General Industry and Construction Safety and Health** Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

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

(d) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(e) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.