



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

March 22, 2021

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rules #20-052-LE)
Legislative Service Bureau (Secretary of State Filing #21-03-07)
Department of Labor and Economic Opportunity

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-052-LE (Secretary of State Filing #21-03-07) on this date at 3:34 P.M. for the Department of Labor and Economic Opportunity entitled, "Construction Safety and Health Standard Part 604. Chromium (VI)".

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.

Sincerely,

Jocelyn Benson
Secretary of State

Melissa Malerman / CK

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

March 22, 2021

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2020-52 LE

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated January 25, 2021, for the Department of Labor and Economic Opportunity - "**Construction Safety and Health Standards Part. 604 Chromium (VI)**". We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
ACTING DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the director of the department of labor and economic opportunity by sections 14 and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Orders Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998.

R 325.51995 of the Michigan Administrative Code is amended, and R 325.51996 and R 325.51997 are rescinded.

Date: 2/17/2021

Adopted by:

A handwritten signature in black ink that reads "Susan R. Corbin".

Susan R. Corbin
Acting Director
Department of Labor and Economic Opportunity



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Labor and Economic Opportunity dated January 25, 2021, amending R 325.51995 and rescinding R 325.51996 and R 325.51997 of the Department's rules entitled "Construction Safety and Health Standard Part 604. Chromium (VI) in Construction." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(2) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(2), these rules are being processed without a public hearing.

Dated: January 28, 2021

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated January 25, 2021, in which the Department of Labor and Economic Opportunity proposes to modify a portion of the Michigan Administrative Code entitled “**Construction Safety and Health Standard – Part 604. Chromium (VI) in Construction**” by:


- ◆ Amending R 325.51995.
- ◆ Rescinding R 325.51996 and R 325.51997.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: January 28, 2021

Michigan Office of Administrative Hearings and Rules

By: 
Katie Wienczewski,
Attorney

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on March 22, 2021

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 labor and economic opportunity by sections 14 and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Orders Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.51995 of the Michigan Administrative Code is amended, and R 325.51996 and R 325.51997 are rescinded, as follows:

PART 604. CHROMIUM (VI) IN CONSTRUCTION

R 325.51995 Scope, adoption, and availability of standards.

Rule 1. (1) This standard applies to all occupational exposures to chromium (VI) in all forms and compounds in construction, except for any of the following:

(a) Exposures that occur in the application of pesticides regulated by the Environmental Protection Agency or another federal or state government agency, such as the treatment of wood with preservatives.

(b) Exposures to portland cement.

(c) Where the employer has objective data demonstrating that a material containing chromium or a specific process, operation, or activity involving chromium cannot release dusts, fumes, or mists of chromium (VI) in concentrations at or above $0.5 \mu\text{g}/\text{m}^3$ as an 8-hour time-weighted average (TWA) under any expected conditions of use.

(2) This standard does not apply to general industry work as defined by the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094. Exposure to chromium (VI) in general industry work is covered by Occupational Health Standard Part 315. "Chromium (VI) in General Industry," R 325.50141 to 325.50143.

(3) The federal Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1926.1126 "Chromium (VI)," amended May 14, 2019, is adopted by reference in these rules. As used in these rules:

(a) "Assistant secretary," means the director of the department of labor and economic opportunity or his or her designated representative.

(b) "1910.134" means General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection."

(c) "1910.1200," means Occupational Health Standard Part 430. "Hazard Communication."

(d) "1910.1020," means General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets."

(4) The federal regulation adopted in this rule has the same force and effect as a rule promulgated pursuant to the provisions of the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094.

(5) The OSHA standard 29 CFR 1926.1126 "Chromium (VI)," amended May 14, 2019, is 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.

(6) The standard adopted in these rules is available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(7) The standard adopted in these rules may be obtained from the publisher or may be obtained from the Department of Labor and Economic Opportunity, MIOSHA, 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.

(8) The following Michigan occupational safety and health administrative (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, 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, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety and Health Standard Part 315. "Chromium (VI) in General Industry," R 325.50141 to R 325.50143.

(b) Occupational Health Standard Part 430. "Hazard Communication," R 325.77001 to R 325.77004.

(c) General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection," R 325.60051 and R 325.60052.

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

R 325.51996 Rescinded.

R 325.51997 Rescinded.

FILED WITH SECRETARY OF STATE

ON 3/22/21 AT 3:34 P.M.