



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

February 24, 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 #20-056-LE)
Legislative Service Bureau (Secretary of State Filing #21-02-04)
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 #2020-056-LE (Secretary of State Filing #21-02-04) on this date at 10:59 A.M. for the Department of Labor and Economic Opportunity entitled, "Construction Safety and Health Standards Part. 605 Methylenedianiline (MDA)."

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

A handwritten signature in cursive script that reads "Melissa Malerman /C/C".

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

Enclosure



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, 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, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998

R 325.60501 of the Michigan Administrative Code are amended.

Date: 1/11/2021

Adopted by:

A handwritten signature in cursive script 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 December 21, 2020, amending R 325.60501 of the Department's rules entitled "Construction Safety and Health Standard Part 605. Methylenedianiline (MDA) 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 6, 2020

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on February 24, 2021

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(By authority conferred on the director of the department of 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, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.60501 of the Michigan Administrative Code is amended, as follows:

CONSTRUCTION SAFETY AND HEALTH STANDARD
PART 605. METHYLENEDIANILINE (MDA) IN CONSTRUCTION

R 325.60501 Scope, application, adoption, and availability of standards.

Rule 501. (1) These rules apply to all construction operations as defined in the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094, in which there is exposure to methylenedianiline (MDA), including but not limited to all of the following:

(a) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain MDA.

(b) Installation or the finishing of surfaces with products containing MDA.

(c) MDA spill or emergency cleanup, or both, at construction sites.

(d) Transportation, disposal, storage, or containment of MDA or products containing MDA on the site or location at which construction activities are performed.

(2) Except as provided in subrule (7) of this rule and 29 CFR 1926.60(f)(5), these rules do not apply to the processing, use, and handling of products containing MDA if initial monitoring indicates that the product is not capable of releasing MDA in excess of the action level under the expected conditions of processing, use, and handling that will cause the greatest possible release, and if no "dermal exposure to MDA" can occur.

(3) Except as provided in subrule (7) of this rule, these rules do not apply to the processing, use, and handling of products containing MDA if objective data are reasonably relied upon that demonstrate the product is not capable of releasing MDA under the expected conditions of processing, use, and handling that will cause the greatest possible release, and if no "dermal exposure to MDA" can occur.

(4) Except as provided in subrule (7) of this rule, these rules do not apply to the storage, transportation, distribution or sale of MDA in intact containers sealed in such a manner as to contain the MDA dusts, vapors, or liquids, except for the provisions of Construction Safety Standard Part 42. "Hazard Communication," R 408.44201 to R 408.44204, and 29 CFR 1926.60(e).

(5) Except as provided in subrule (7) of this rule, these rules do not apply to materials in any form that contain less than 0.1% MDA by weight or volume.

(6) Except as provided in subrule (7) of this rule, these rules do not apply to "finished articles containing MDA."

(7) If products containing MDA are exempted under subrules (2) to (6) of this rule, the employer shall maintain records of the initial monitoring results or objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in the recordkeeping provision of 29 CFR 1926.60(o).

(8) These rules do not apply to general industry. Exposure to MDA in general industry is covered by General Industry Safety and Health Standard Part 303. "Methylenedianiline (MDA) in General Industry," R 325.50051 to R 325.50076.

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

(a) 29 CFR 1926.60 "Methylenedianiline," as amended May 14, 2019.

(b) 29 CFR 1926.60, appendix A "Substance Data Sheet, for 4,4'-Methylenedianiline," as amended June 20, 1996.

(c) 29 CFR 1926.60, appendix B "Substance Technical Guidelines, MDA," as amended June 20, 1996.

(d) 29 CFR 1926.60, appendix C "Medical Surveillance Guidelines for MDA," as amended June 20, 1996.

(e) 29 CFR 1926.60, appendix D "Sampling and Analytical Methods for MDA Monitoring and Measurement Procedures," as amended June 20, 1996.

(10) A reference to 29 CFR 1910.133 means Construction Safety and Health Standard Part 6. "Personal Protective Equipment," R 408.40601 to R 408.40660.

(11) A reference to 29 CFR 1910.38 means Construction Safety Standard Part 18. "Fire Protection and Prevention," R 408.41801 to R 408.41884.

(12) A reference to 29 CFR 1910.1200 means Construction Safety Standard Part 42. "Hazard Communication," R 408.44201 to R 408.44204.

(13) A reference to 29 CFR 1910.141 means General Industry Safety and Health Standard Part 474. "Sanitation," R 325.47401 to R 325.47425

(14) A reference to 29 CFR 1910.1020 and 1926.33 means General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets," R325.3451 to R 325.3476.

(15) A reference to 29 CFR 1910.134 means General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection," R 325.60051 to R 325.60052.

(16) 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.

(17) 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.

(18) The regulations adopted in these rules are 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.

(19) The regulations adopted in these rules may be obtained from the publisher or 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.

(20) 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 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) Construction Safety and Health Standard Part 6. "Personal Protective Equipment," R 408.40601 to R 408.40660.

(b) Construction Safety Standard Part 18. "Fire Protection and Prevention," R 408.41801 to R 408.41884.

(c) Construction Safety Standard Part 42. "Hazard Communication," R 408.44201 to R 408.44204.

(d) General Industry Safety and Health Standard Part 303. "Methylenedianiline (MDA) in General Industry," R 325.50051 to R 325.50076.

(e) General Industry Safety and Health Standard Part 474. "Sanitation," R 325.47401 to R 325.47425.

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

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

FILED WITH SECRETARY OF STATE

ON 2/24/21 AT 10:59AM.