



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

May 6, 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 #20-075-LE)
Legislative Service Bureau (Secretary of State Filing #21-05-05)
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 #2020-075-LE (Secretary of State Filing #21-05-05) on this date at 12:39 P.M. for the Department of Labor and Economic Opportunity entitled, "General Industry Safety and Health Standard Part 312 1,3. Butadiene".

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 ICK".

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

May 6, 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 #: 2020-75 LE

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated February 18, 2021 for the Department of Labor and Economic Opportunity “**General Industry Safety and Health Standard Part 312 1,3. Butadiene**”. 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 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 325.50091 of the Michigan Administrative Code is amended, and R 325.50092 and R 325.50093 are rescinded.

Date: 03/12/2021

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



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 February 18, 2021, in which the Department of Labor and Economic Opportunity proposes to modify a portion of the Michigan Administrative Code entitled “**General Industry Safety and Health Standard – Part 312. 1,3-Butadiene**” by:

- ◆ Amending R 325.50091.
- ◆ Rescinding R 325.50092 and R 325.50093.

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: March 12, 2021

Michigan Office of Administrative Hearings and Rules

By:

A handwritten signature in black ink that reads "Katie Wienczewski".

Katie Wienczewski,
Attorney



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 February 18, 2021, amending R 325.50091 and rescinding R 325.50092 and R 325.50093 of the Department's rules entitled "General Industry Safety and Health Standard Part 312. 1,3-Butadiene." 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: March 11, 2021

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel

Michigan Legislature

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DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD

Filed with the secretary of state on May 6, 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 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 325.50091 of the Michigan Administrative Code is amended, and R 325.50092 and R 325.50093 are rescinded, as follows:

PART 312. 1,3-BUTADIENE

R 325.50091. Scope, applicability, adoption, and availability of standards.

Rule 1. (1) These rules apply to all occupational exposures to 1,3-Butadiene (BD), chemical abstracts service registry no. 106-99-0, in all industries subject to the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094.

(2) These rules replace all references to 1,3-Butadiene contained in Table G-1-A in General Industry Safety and Health Standard Part 301. "Air Contaminants for General Industry," as referenced in this rule.

(3) All of the following provisions apply as used in these rules:

(a) A reference to 29 CFR 1910.133, "Eye and face protection," in 29 CFR 1910.1051(i), means General Industry Safety and Health Standard Part 433. "Personal Protective Equipment," and Construction Safety and Health Standard Part 6. "Personal Protective Equipment," as referenced in this rule.

(b) A reference to 29 CFR 1910.134, "Respiratory Protection," in 29 CFR 1910.1051(h) and (k), means General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection," as referenced in this rule.

(c) A reference to 29 CFR 1910.1200 and 1926.59, "Hazard Communication," in 29 CFR 1910.1051(l), means Construction Safety Standard Part 42. "Hazard Communication," General Industry Safety Standard Part 92. "Hazard Communication," and Occupational Health Standard Part 430. "Hazard Communication," as referenced in this rule.

(4) The federal Occupational Safety and Health Administration's regulations on 1,3-Butadiene promulgated by the United States Department of Labor and codified at 29 CFR 1910.1051, "1,3-Butadiene," as amended on May 14, 2019, are adopted in these rules.

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

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

(7) The standards adopted in this rule are also available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(8) Copies of the standards adopted in this rule may be obtained from the publisher or may also be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(9) The following Michigan occupational safety and health standards are referenced in this rule. 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 W. Allegan Street, 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 and Health Standard Part 6. "Personal Protective Equipment," R 408.40601 to R 408.40660.

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

(c) General Industry Safety Standard Part 92. "Hazard Communication," R 408.19201 to R 408.19204.

(d) General Industry Safety and Health Standard Part 301. "Air Contaminants for General Industry," R 325.51101 to R 325.51108.

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

(f) General Industry Safety and Health Standard Part 433. "Personal Protective Equipment," R 325.60001 to R 325.60013.

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

R 325.50092. Rescinded.

R 325.50093. Rescinded.

FILED WITH SECRETARY OF STATE

ON 5/6/21 AT 12:39 P.M.