



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

March 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 #20-076-LE)  
Legislative Service Bureau (Secretary of State Filing #21-03-16)  
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 #2020-076-LE (Secretary of State Filing #21-03-16) on this date at 12:45 P.M. for the Department of Labor and Economic Opportunity entitled, "General Industry Safety and Health Standard Part 313. Methylene Chloride".

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 24, 2021

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

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules  
Administrative Rules #: 2020-76 LE

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated January 28, 2021, for the Department of Labor and Economic Opportunity - "**General Industry Safety and Health Standard Part 313. Methylene Chloride**". 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. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998.

R 325.51651 of the Michigan Administrative Code is amended, and R 325.51652 and R 325.51653 are rescinded.

Date: 2/17/2021

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 January 28, 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 313. Methylene Chloride**” by:


- ◆ Amending R 325.51651.
- ◆ Rescinding R 325.51652 and R 325.51653.

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: February 9, 2021

Michigan Office of Administrative Hearings and Rules

By:   
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 January 28, 2021, amending R 325.51651 and rescinding R 325.51652 and R 325.51653 of the Department's rules entitled "General Industry Safety and Health Standard Part 313. Methylene Chloride." 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: February 9, 2021

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,  
Legal Counsel

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD

Filed with the secretary of state on March 24, 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. 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.51651 of the Michigan Administrative Code is amended, and R 325.51652 and R 325.51653 are rescinded, as follows:

PART 313. METHYLENE CHLORIDE

R 325.51651 Scope, applicability, adoption, and standards by reference standards.

Rule 1. (1) These rules apply to all occupational exposures to methylene chloride (MC), chemical abstracts service registry no. 75-09-2, in all industries covered by the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(2) These rules replace all references to methylene chloride contained in table G-2 in General Industry Safety and Health Standard Part 301. "Air Contaminants for General Industry.

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

(a) 29 CFR 1910.1052 "Methylene Chloride," effective May 14, 2019.

(b) 29 CFR 1926.1152 "Methylene Chloride," effective January 10, 1997.

(4) All of the following provisions apply with respect to the regulations adopted in subrule (1) of these rules:

(a) A reference to 29 CFR 1910.120, "Hazardous waste operations and emergency response," means General Industry and Construction Safety Standard Part 432.

"Hazardous Waste Operations and Emergency Response."

(b) A reference to 29 CFR 1910.133, "Eye and face protection," means General Industry Safety and Health Standard Part 433. "Personal Protective Equipment," General Industry Safety and Health Standard Part 33. "Personal Protective Equipment," and Construction Safety and Health Standard Part 6. "Personal Protective Equipment." as referenced in R 325.51653.

(c) A reference to 29 CFR 1910.1200 and 29 CFR 1926.59 “Hazard Communication,” means Occupational Health Standard Part 430. “Hazard Communication,” General Industry Safety Standard Part 92. “Hazard Communication,” and Construction Safety Standard Part 42. “Hazard Communication.”

(d) A reference to 29 CFR 1910.1020 “Access to employee exposure and medical records,” means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets.”

(5) The provisions of 29 CFR 1910.1052 and 29 CFR 1926.1152 have the same force and effect as rules promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(6) The standards adopted in subrule (1) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: [www.osha.gov](http://www.osha.gov), at no charge as of the time of adoption of these rules.

(7) The standards adopted in subrule (1) of 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) The standards adopted in subrule (1) of 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) Appendices A, B, and C, to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.

(10) The following Michigan occupational safety and health (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 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://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) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(c) General Industry Safety and Health Standard Part 433. “Personal Protective Equipment,” R 325.60001 to R 325.60013.

(d) Construction Safety Standard Part 42. “Hazard Communication,” R 408.44201 to R 408.44204.

(e) General Industry Safety Standard Part 92. “Hazard Communication,” R 408.19201 to R 408.19204.

(f) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(g) General Industry Safety and Health Standard Part 301. “Air Contaminants for General Industry,” R 325.51101 to R 325.51108.

(h) General Industry and Construction Safety Standard Part 432. “Hazardous Waste Operations and Emergency Response,” R 325.52101 to R 325.52137.

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

R 325.51652 Rescinded.

R 325.51653 Rescinded.



FILED WITH SECRETARY OF STATE

ON 3/24/21 AT 12:45 P.M.