



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 #20-105-LE)
Legislative Service Bureau (Secretary of State Filing #21-03-19)
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 #2020-105-LE (Secretary of State Filing #21-03-19) on this date at 2:32 P.M. for the Department of Labor and Economic Opportunity entitled, "General Industry Part 340. Beryllium in GI".

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 /CMK

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 – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2020-105 LE

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated January 21, 2021, for the Department of Labor and Economic Opportunity - **“General Industry Part 340. Beryllium in GI”**. 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. 1996-1, 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 325.34001 of the Michigan Administrative Code is amended, and R 325.34005 and R 325.34010 are rescinded.

Date: 02/17/2021

Adopted by: *Susan R. Corbin*

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 21, 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 340. Beryllium**” by:


- ◆ Amending R 325.34001.
- ◆ Rescinding R 325.34005 and R 325.34010.

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



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 21, 2021, amending R 325.34001 and rescinding R 325.34005 and R 325.34010 of the Department's rules entitled "General Industry Safety and Health Standard Part 340. Beryllium." 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 27, 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 Orders 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 325.34001 of the Michigan Administrative Code is amended, and R 325.34005 and R 325.34010 are rescinded, as follows:

PART 340. BERYLLIUM

R 325.34001 Scope, application, adoption, and availability of standards.

Rule 4001. (1) This standard applies to occupational exposure to beryllium in all forms, compounds, and mixtures in general industry, except those articles and materials exempted by subrules (2) and (3) of this rule.

(2) This standard does not apply to articles, as defined in General Industry Standard Part 92. "Hazard Communication," that contain beryllium and that the employer does not process.

(3) This standard does not apply to materials containing less than 0.1% beryllium by weight where the employer has objective data demonstrating that employee exposure to beryllium will remain below the action level as an 8 hour TWA under any foreseeable conditions.

(4) The federal Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1910.1024, "Beryllium," as amended September 14, 2020, is adopted by reference in these rules.

(5) The adopted federal regulations 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) 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."

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

(8) A reference to 29 CFR part 1910, subpart I, "Personal Protective Equipment," means General Industry Safety and Health Standard Part 33. "Personal Protective Equipment" or General Industry Safety and Health Standard Part 433. "Personal Protective Equipment."

(9) A reference to 29 CFR 1910.1200, "Hazard communication," means Occupational Health Standard Part 430. "Hazard Communication."

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

(11) The OSHA regulation adopted in these rules 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.

(12) 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.

(13) The regulations 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, 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 (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 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 33. "Personal Protective Equipment," R 408.13301 to R 408.13398.

(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 to 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.

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

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

R 325.34005 Rescinded.

R 325.34010 Rescinded.

FILED WITH SECRETARY OF STATE

ON 3/24/21 AT 2:32 P.M.