



# HOUSE BILL No. 5640

June 14 1994 Introduced by Rep Shugars and referred to the Committee on Public Health

A bill to amend Act No 154 of the Public Acts of 1974  
entitled as amended  
'Michigan occupational safety and health act,  
as amended, being sections 408 1001 to 408 1094 of the Michigan  
Compiled Laws, by adding sections 77, 78 78a 78b, 78c 78d,  
78e 79 79a 79b 79c 79d 79e 80 80a 80b 80c 80d 80e  
and 80f and to repeal certain parts of the act

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Act No 154 of the Public Acts of 1974, as  
2 amended being sections 408 1001 to 408 1094 of the Michigan  
3 Compiled Laws, is amended by adding sections 77 78 78a 78b  
4 78c, 78d, 78e, 79, 79a, 79b, 79c, 79d, 79e, 80 80a, 80b 80c,  
5 80d, 80e, and 80f to read as follows

6 SEC 77 AS USED IN SECTIONS 78 THROUGH 80F

1 (A) DEPARTMENT" MEANS THE DIVISION OF THE DEPARTMENT OF  
2 PUBLIC HEALTH RESPONSIBLE FOR OCCUPATIONAL HEALTH UNDER THIS  
3 ACT

4 B) LEAD ABATEMENT CONTRACTOR LEAD ABATEMENT PROJECT  
5 AND "REMOVAL MEAN THOSE TERMS AS DEFINED IN THE LEAD ABATEMENT  
6 CONTRACTORS LICENSING ACT

7 C) LEAD ABATEMENT PROJECT SITE MEANS THE AREA INVOLVED IN  
8 THE REMOVAL OR SEALING OF SURFACES CONTAINING LEAD

9 SEC 78 AN EMPLOYEE OR AGENT OF A LEAD ABATEMENT CONTRAC-  
10 TOR WHO IS RESPONSIBLE FOR OR ACTUALLY INVOLVED IN A LEAD ABATE-  
11 MENT PROJECT SHALL RECEIVE ALL TRAINING AND ACCREDITATION AS  
12 REQUIRED UNDER THE LEAD WORKERS ACCREDITATION ACT, ALONG WITH ANY  
13 OTHER TRAINING REQUIRED UNDER OTHER STATE OR FEDERAL LAW PERTAIN-  
14 ING TO THE HEALTH AND SAFETY ASPECTS OF THE REMOVAL OR SEALING OF  
15 SURFACES CONTAINING LEAD

16 SEC 78A (1) A PERSON SHALL NOT CONDUCT A COURSE FOR AN  
17 EMPLOYEE OR AGENT OF A LEAD ABATEMENT CONTRACTOR ON THE HEALTH  
18 AND SAFETY ASPECTS OF LEAD ABATEMENT FOR PURPOSES OF THIS SECTION  
19 AND SECTION 78 UNLESS THE PERSON SUBMITS A WRITTEN APPLICATION TO  
20 THE DEPARTMENT ON FORMS PROVIDED BY THE DEPARTMENT AND OBTAINS  
21 APPROVAL FROM THE DEPARTMENT PURSUANT TO THIS SECTION

22 (2) TO OBTAIN OR RETAIN DEPARTMENT APPROVAL A PERSON CON-  
23 DUCTING A COURSE FOR AN EMPLOYEE OR AGENT OF A LEAD ABATEMENT  
24 CONTRACTOR SHALL SATISFY THE FOLLOWING CRITERIA

25 (A) PROVIDE NO LESS THAN A TOTAL OF 16 HOURS OF INSTRUCTION  
26 ON ALL OF THE FOLLOWING TOPICS

1 (1) RECOGNITION OF LEAD INCLUDING ITS PHYSICAL  
2 CHARACTERISTICS AND USES  
3 (2) HEALTH HAZARDS ASSOCIATED WITH LEAD EXPOSURE  
4 2 HEALTH PROTECTION MEASURES TO BE TAKEN TO MINIMIZE THE  
5 EMISSION OF LEAD IN THE AIR INCLUDING SAFETY EQUIPMENT, AIR MON-  
6 ITORING, AND PROTECTIVE CLOTHING AND PERSONAL HYGIENE  
7 (3) APPROPRIATE PROTECTIVE PRACTICES INCLUDING AREA PREPA-  
8 RATION, DECONTAMINATION AND WASTE DISPOSAL  
9 4) A DETAILED DESCRIPTION OF RESPIRATORS AND THEIR USE AND  
10 CARE, INCLUDING THE DEGREE OF PROTECTION AFFORDED FITTING AND  
11 TESTING PROCEDURES AND MAINTENANCE AND CLEANING  
12 (4) REQUIREMENTS, PROCEDURES, AND STANDARDS ESTABLISHED BY  
13 THE DEPARTMENT PURSUANT TO THIS ACT  
14 (B) PROVIDE EACH STUDENT WITH NO LESS THAN 15 MINUTES OF  
15 INDIVIDUAL INSTRUCTION CONSISTING OF INDIVIDUAL RESPIRATOR FIT  
16 TESTS AND AN OPPORTUNITY TO USE RESPIRATORS  
17 C, ENSURE THAT INSTRUCTION IS GIVEN OR SUPERVISED BY A  
18 KNOWLEDGEABLE INDIVIDUAL AS DETERMINED BY THE DEPARTMENT  
19 (D) MAINTAIN NAMES OF STUDENTS TRAINED THEIR ADDRESSES AND  
20 SOCIAL SECURITY NUMBERS AND THE DATES ON WHICH TRAINING  
21 OCCURRED, AND MAKE THIS INFORMATION AVAILABLE TO THE DEPARTMENT  
22 UPON REQUEST  
23 (E) PROVIDE AN OPPORTUNITY FOR STUDENTS TO COMPLETE WRITTEN  
24 COURSE EVALUATIONS  
25 (F) ISSUE TO EACH STUDENT WHO COMPLETES THE COURSE AND SAT-  
26 ISFACTORILY PASSES AN EXAMINATION ON COURSE CONTENT A

1 CERTIFICATION OF ATTENDANCE CONTAINING INFORMATION REQUIRED BY  
2 THE DEPARTMENT

3 SEC 78B TO OBTAIN OR RETAIN DEPARTMENTAL APPROVAL A  
4 PERSON CONDUCTING A REVIEW COURSE FOR AN EMPLOYEE OR AGENT OF A  
5 LEAD ABATEMENT CONTRACTOR SHALL PROVIDE INSTRUCTION ADEQUATELY  
6 ADDRESSING THE TOPICS AND MEETING THE CRITERIA PRESCRIBED BY SEC-  
7 TION 78A(2)

8 SEC 78C THE PENALTY PROVISIONS OF THIS ACT SHALL NOT  
9 APPLY TO VIOLATIONS UNDER SECTIONS 78 78A AND 78B FOR 3 MONTHS  
10 AFTER THE EFFECTIVE DATE OF THIS SECTION

11 SEC 78D (1) THE DEPARTMENT SHALL ACKNOWLEDGE RECEIPT OF  
12 AN APPLICATION FOR APPROVAL OF A TRAINING COURSE FOR AN EMPLOYEE  
13 OR AGENT OF A LEAD ABATEMENT CONTRACTOR WITHIN 10 WORKING DAYS  
14 AFTER RECEIVING THE APPLICATION

15 (2) THE DEPARTMENT SHALL ACT ON AN APPLICATION WITHIN 60  
16 DAYS AFTER THE APPLICATION IS DETERMINED TO BE COMPLETE BY THE  
17 DEPARTMENT

18 (3) THE DEPARTMENT SHALL APPROVE A TRAINING COURSE FOR AN  
19 EMPLOYEE OR AGENT OF A LEAD ABATEMENT CONTRACTOR IF THE DEPART-  
20 MENT DETERMINES THAT THE COURSE SUBSTANTIALLY SATISFIES THE CRI-  
21 TERIA PRESCRIBED BY SECTION 78A(2) OR 78B

22 (4) THE DEPARTMENT SHALL DENY OR REVOKE APPROVAL OF A TRAIN-  
23 ING COURSE FOR AN EMPLOYEE OR AGENT OF A LEAD ABATEMENT CONTRAC-  
24 TOR IF THE DEPARTMENT DETERMINES THAT THE COURSE DOES NOT SUB-  
25 STANTIALLY SATISFY THE CRITERIA PRESCRIBED BY SECTION 78A(2) OR  
26 78B

1        SEC 78E    (1) EACH LEAD ABATEMENT CONTRACTOR SHALL MAINTAIN  
2 RECORDS OF ALL LEAD ABATEMENT PROJECTS THAT CONTRACTOR PERFORMS  
3 AND SHALL MAKE THESE RECORDS AVAILABLE TO THE DEPARTMENT UPON  
4 REQUEST    THE LEAD ABATEMENT CONTRACTOR SHALL RETAIN THE RECORDS  
5 FOR AT LEAST 30 YEARS

6        (2) FOR EACH LEAD ABATEMENT PROJECT, A LEAD ABATEMENT CON-  
7 TRACTOR SHALL RECORD ALL OF THE FOLLOWING INFORMATION

8        (A) THE NAME OF EVERY PERSON WHO COMES ONTO A LEAD ABATEMENT  
9 PROJECT SITE

10       (B) THE LOCATION AND DESCRIPTION OF THE PROJECT AND THE  
11 ESTIMATED AMOUNT OF LEAD SURFACES REMOVED OR SEALED AT EACH  
12 PROJECT

13       (C) THE STARTING DATE AND THE COMPLETION DATE

14       (D) A SUMMARY OF THE PROCEDURES USED TO COMPLY WITH APPLICA-  
15 BLE REQUIREMENTS

16       (E) THE NAME AND ADDRESS OF THE WASTE DISPOSAL SITE WHERE  
17 REMOVED LEAD SURFACES WERE DEPOSITED

18       SEC 79    AN EMPLOYER SHALL PROVIDE ANY EMPLOYEE WHO IS  
19 RESPONSIBLE FOR OR ACTUALLY INVOLVED IN A LEAD ABATEMENT PROJECT  
20 INVOLVING 25 OR MORE LINEAR FEET OR 50 OR MORE SQUARE FEET OF  
21 SURFACES CONTAINING LEAD WITH ALL OF THE FOLLOWING TRAINING

22       (A) AN INITIAL COURSE ON THE HEALTH AND SAFETY ASPECTS OF  
23 LEAD REMOVAL OR SEALING, DEPENDING ON THE ABATEMENT METHOD USED  
24 TO BE COMPLETED BEFORE ENGAGING IN ANY LEAD ABATEMENT PROJECT  
25 THIS SUBDIVISION DOES NOT APPLY IF THE EMPLOYEE HAS COMPLETED A  
26 COURSE PRIOR TO THE EFFECTIVE DATE OF THIS SECTION SUBSTANTIALLY

1 ADDRESSING THE TOPICS AND MEETING THE CRITERIA PRESCRIBED BY  
2 SECTION 79A(2) AS DETERMINED BY THE DEPARTMENT

3 (B) AN ANNUAL REVIEW COURSE OF INSTRUCTION ON CHANGES IN THE  
4 HEALTH AND SAFETY ASPECTS OF LEAD REMOVAL OR SEALING PRACTICES  
5 RULES, OR GOVERNMENTAL REGULATIONS UPON REQUEST, THE DEPARTMENT  
6 MAY WAIVE THE REQUIREMENT OF AN ANNUAL REVIEW COURSE AND REQUIRE  
7 INSTEAD A BIENNIAL REVIEW COURSE

8 (C) ANY OTHER TRAINING REQUIRED UNDER OTHER STATE OR FEDERAL  
9 LAW PERTAINING TO THE HEALTH AND SAFETY ASPECTS OF THE REMOVAL OR  
10 SEALING OF SURFACES CONTAINING LEAD

11 SEC 79A (1) A COURSE ON THE HEALTH AND SAFETY ASPECTS OF  
12 LEAD REMOVAL OR SEALING CONDUCTED PURSUANT TO SECTION 79 SHALL BE  
13 PRESENTED IN A MANNER TO ENSURE UNDERSTANDING AND SHALL PROVIDE  
14 INSTRUCTION ON ALL OF THE FOLLOWING TOPICS

15 (A) HEALTH HAZARDS ASSOCIATED WITH LEAD EXPOSURE

16 (B) HEALTH PROTECTION MEASURES TO BE TAKEN TO MINIMIZE EXPO-  
17 SURE TO LEAD

18 (C) THE NATURE OF OPERATIONS THAT COULD RESULT IN EXPOSURE  
19 TO LEAD

20 (D) APPROPRIATE PROTECTIVE PRACTICES

21 (E) A DESCRIPTION OF RESPIRATORS AND THEIR PURPOSE, USE, AND  
22 CARE

23 (2) UNLESS THE DEPARTMENT HAS GIVEN PRIOR APPROVAL TO THE  
24 COURSE, AN INITIAL COURSE ON THE HEALTH AND SAFETY ASPECTS OF  
25 LEAD REMOVAL OR SEALING CONDUCTED PURSUANT TO SECTION 79(A) SHALL  
26 PROVIDE NO LESS THAN A TOTAL OF 5 HOURS' INSTRUCTION ON THE  
27 TOPICS LISTED IN SUBSECTION (1) THE DEPARTMENT SHALL ACT ON A

1 REQUEST FOR PRIOR APPROVAL TO A COURSE UNDER THIS SUBSECTION  
2 WITHIN 50 DAYS AFTER THE REQUEST FOR APPROVAL TO THE COURSE IS  
3 DETERMINED TO BE COMPLETE BY THE DEPARTMENT

4 (2) INSTRUCTION GIVEN PURSUANT TO THIS SECTION SHALL BE  
5 GIVEN OR SUPERVISED BY AN INDIVIDUAL APPROVED BY THE DEPARTMENT

6 SEC 79B THE PENALTY PROVISIONS OF THIS ACT DO NOT APPLY  
7 TO VIOLATIONS UNDER SECTIONS 79 AND 79A FOR 5 MONTHS AFTER THE  
8 EFFECTIVE DATE OF THIS SECTION

9 SEC 79C (1) UPON REQUEST AN EMPLOYER WHO IS SUBJECT TO  
10 SECTION 79 SHALL PROVIDE TO THE DEPARTMENT ALL WRITTEN MATERIALS  
11 RELATING TO THE EMPLOYEE TRAINING PROGRAM CONDUCTED PURSUANT TO  
12 SECTION 79

13 (2) UPON REQUEST, THE DEPARTMENT SHALL PROVIDE TO AFFECTED  
14 EMPLOYEES AND AGENTS OF AN EMPLOYER DESCRIBED IN SUBSECTION (1)  
15 ALL WRITTEN MATERIALS RELATING TO THAT EMPLOYEE'S TRAINING  
16 PROGRAM

17 SEC 79D AN EMPLOYER WHO IS SUBJECT TO SECTION 79 SHALL  
18 MAINTAIN THE NAMES OF EMPLOYEES TRAINED, THEIR ADDRESSES AND  
19 SOCIAL SECURITY NUMBERS AND THE DATES ON WHICH TRAINING OCCURRED  
20 AND MAKE THIS INFORMATION AVAILABLE TO THE DEPARTMENT UPON  
21 REQUEST

22 SEC 79E EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 78 79  
23 AND 79A EACH EMPLOYEE WHO IS INVOLVED IN JANITORIAL, MAINTENANCE,  
24 OR REPAIR OF EQUIPMENT OR BUILDINGS AND WHO IS LIKELY TO  
25 BE INVOLVED WITH REMOVING, ALTERING, OR OTHERWISE DISTURBING LEAD  
26 SHALL RECEIVE 2 HOURS OF AWARENESS TRAINING ON THE HEALTH AND  
27 SAFETY ASPECTS OF LEAD

1        SEC 80     EMPLOYERS ENGAGED IN A LEAD ABATEMENT PROJECT  
2 INVOLVING 25 OR MORE LINEAR FEET OR 50 OR MORE SQUARE FEET OF  
3 SURFACES CONTAINING LEAD AND LEAD ABATEMENT CONTRACTORS SHALL DO  
4 ALL OF THE FOLLOWING AT THE EMPLOYER S OR CONTRACTOR S COST

5        (A) PROVIDE EACH INDIVIDUAL ON A LEAD ABATEMENT PROJECT SITE  
6 WITH APPROPRIATE PROTECTIONS, INCLUDING BUT NOT LIMITED TO THE  
7 FOLLOWING

8        (1) APPROPRIATE PERSONAL PROTECTIVE CLOTHING AND EQUIPMENT  
9 AND TEMPORARY FACILITIES TO CONTAIN LEAD WITHIN THE BOUNDARIES OF  
10 THE LEAD ABATEMENT PROJECT SITE

11        (2) RESPIRATORS THAT ARE CAPABLE OF BEING QUALITATIVELY FIT  
12 TESTED BY A METHOD THAT MEETS NATIONAL INSTITUTE OF OCCUPATIONAL  
13 SAFETY AND HEALTH APPROVAL

14        (B) VACUUM WITH A VACUUM CLEANER EQUIPPED WITH A HIGH EFFI-  
15 CIENCY PARTICULATE ABSOLUTE FILTER OR WET SWEEP ALL SURFACES  
16 WITHIN THE LEAD ABATEMENT PROJECT SITE THAT ARE EXPOSED TO AIR-  
17 BORNE MATERIALS THAT MAY CONTAIN LEAD

18        (C) PROHIBIT DRY SWEEPING AS A POST-ABATEMENT CLEANUP  
19 METHOD

20        (D) DISPOSE OF LEAD IN SEALED IMPERMEABLE CONTAINERS

21        (E) PROVIDE ANY OTHER DEVICES, CLOTHING, EQUIPMENT, AND  
22 PRACTICES REQUIRED BY OTHER STATE OR FEDERAL LAW PERTAINING TO  
23 THE HEALTH AND SAFETY ASPECTS OF LEAD DEMOLITION, RENOVATION, AND  
24 ENCAPSULATION

25        SEC 80A    A PERSON SHALL NOT SMOKE    EAT    OR DRINK IN A LEAD  
26 ABATEMENT PROJECT WORK AREA



1 SEC 80B EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION A  
2 LEAD ABATEMENT CONTRACTOR SHALL CAUSE TO HAVE TAKEN BY A NEUTRAL  
3 THIRD PARTY A POST-ABATEMENT AIR MONITORING CHECK ON THE LEAD  
4 ABATEMENT PROJECT SITE IF THE LEAD ABATEMENT CONTRACTOR AND HIS  
5 OR HER CUSTOMER AGREE THE CUSTOMER MAY CAUSE TO HAVE TAKEN THE  
6 POST-ABATEMENT AIR MONITORING CHECK REQUIRED BY THIS SECTION

7 SEC 80C (1) AN EMPLOYER WHO ENGAGES IN A LEAD ABATEMENT  
8 PROJECT INVOLVING 25 OR MORE LINEAR FEET OR 50 OR MORE SQUARE  
9 FEET OF SURFACES CONTAINING LEAD SHALL CAUSE TO HAVE TAKEN A  
10 POST-ABATEMENT AIR MONITORING CHECK ON THE LEAD ABATEMENT PROJECT  
11 SITE USING AN AIR SAMPLE FROM THAT SITE

12 (2) AN EMPLOYEE OF AN EMPLOYER OR A MEMBER OF THE PUBLIC IF  
13 A PUBLIC FACILITY IS INVOLVED MAY CONDUCT AT HIS OR HER EXPENSE  
14 AN INDEPENDENT POST-ABATEMENT AIR MONITORING ANALYSIS ON THE SAME  
15 AIR SAMPLE TAKEN PURSUANT TO SUBSECTION (1) OR ON AN AIR SAMPLE  
16 TAKEN CONCURRENTLY AT THE SAME SITE AN INDEPENDENT  
17 POST-ABATEMENT AIR MONITORING ANALYSIS MAY BE CONDUCTED ONLY  
18 AFTER THE EMPLOYER RECEIVES WRITTEN NOTIFICATION ON A FORM PRO-  
19 VIDED BY THE EMPLOYER THAT SPECIFIES A PERSON'S DESIRE TO CONDUCT  
20 AN INDEPENDENT POST-ABATEMENT AIR MONITORING ANALYSIS AN INDE-  
21 PENDENT POST-ABATEMENT AIR MONITORING CHECK CONDUCTED PURSUANT TO  
22 THIS SUBSECTION SHALL BE ANALYZED BY A LABORATORY FACILITY OR  
23 PERSON APPROVED BY THE DEPARTMENT

24 SEC 80D UPON REQUEST BY THE DEPARTMENT, A POST-ABATEMENT  
25 AIR MONITORING CHECK TAKEN PURSUANT TO SECTION 80B OR 80C SHALL  
26 BE REPORTED TO THE DEPARTMENT AND, AFTER COMPLETION OF THE LEAD  
27 ABATEMENT PROJECT, THE LEVEL OF LEAD PER CUBIC CENTIMETER OF

1 SURFACE AREA AT THE LEAD ABATEMENT PROJECT SITE SHALL NOT EXCEED  
2 AN AMOUNT APPROVED BY THE DEPARTMENT

3 SEC 80E SECTIONS 77 TO 80D ARE REPEALED ON THE EFFECTIVE  
4 DATE OF RULES ESTABLISHING A STATE LEAD STANDARD THAT ARE PROMUL-  
5 GATED PURSUANT TO SECTION 80F

6 SEC 80F THE DEPARTMENT OF PUBLIC HEALTH SHALL PROMULGATE  
7 RULES TO IMPLEMENT SECTIONS 77 TO 80E PURSUANT TO THE ADMINISTRA-  
8 TIVE PROCEDURES ACT OF 1969 ACT NO 306 OF THE PUBLIC ACTS OF  
9 1969 BEING SECTIONS 24 201 TO 24 328 OF THE MICHIGAN COMPILED  
10 LAWS

11 Section 2 This amendatory act shall not take effect unless  
12 Senate Bill No \_\_\_\_\_ or House Bill No 5639 (request  
13 no 03417'93 b) of the 87th Legislature is enacted into law