

# SENATE BILL No. 1336

September 27, 2012, Introduced by Senator COLBECK and referred to the Committee on Reforms, Restructuring and Reinventing.

A bill to amend 1974 PA 154, entitled  
"Michigan occupational safety and health act,"  
by amending sections 5, 14a, 14b, 14d, 14e, 14f, 14h, 14j, 14k, 14l,  
24, 31, 54, and 63 (MCL 408.1005, 408.1014a, 408.1014b, 408.1014d,  
408.1014e, 408.1014f, 408.1014h, 408.1014j, 408.1014k, 408.1014l,  
408.1024, 408.1031, 408.1054, and 408.1063), sections 5, 31, and 63  
as amended and sections 14a, 14b, 14d, 14e, 14h, 14j, 14k, and 14l  
as added by 1986 PA 80, section 14f as amended by 1996 PA 70, and  
section 24 as amended by 1991 PA 105; and to repeal acts and parts  
of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5. (1) "Employee" means a person permitted to work by an  
2       employer.

1           (2) "Employer" means an individual or organization, including  
2 the state or a political subdivision, which employs 1 or more  
3 persons.

4           (3) "Imminent danger" means a condition or practice in a place  
5 of employment which is such that a danger exists which could  
6 reasonably be expected to cause death or serious physical harm  
7 either immediately or before the imminence of the danger can be  
8 eliminated through the enforcement procedures otherwise provided. A  
9 container of an unknown and unlabeled chemical or a container of  
10 hazardous chemicals that is not labeled or for which a ~~material~~  
11 safety data sheet is not available as required by the standard  
12 incorporated by reference in section 14a shall be considered an  
13 imminent danger after meeting the provisions of section 31.

14           (4) "Inspection" means the examination or survey of a place of  
15 employment to detect the presence of an existing or potential  
16 occupational safety or health hazard or to determine compliance  
17 with this act, rules or standards promulgated, or orders issued  
18 pursuant to this act.

19           (5) "Investigation" means the detailed evaluation or study of  
20 working conditions, including equipment, processes, substances, air  
21 contaminants, or physical agents with respect to the actual or  
22 potential occurrence of occupational accidents, illnesses, or  
23 diseases.

24           Sec. 14a. (1) The occupational safety and health hazard  
25 communication standard that has been adopted or promulgated by the  
26 United States department of labor and has been codified at 29  
27 ~~C.F.R. CFR 1910.1200 as of the effective date of the amendatory act~~

1 ~~that adds this section~~ **MAY 25, 2012** is incorporated by reference  
2 and ~~shall have~~ **HAS** the same force and effect as a rule promulgated  
3 ~~pursuant to~~ **UNDER** this act. In addition to the standard  
4 incorporated by reference in this subsection, sections 14b to 14/  
5 ~~shall apply~~ to an employer subject to this act. The applicability  
6 of the standard incorporated by reference in this subsection and of  
7 sections 14b to 14/ is subject to subsections (4), (5), (6), and  
8 (7).

9 (2) ~~When~~ **IF** a rule or standard that is continued pursuant to  
10 section ~~24(3)~~ **24(1)** is in conflict with or covers the same or  
11 similar subject as a standard incorporated by reference pursuant to  
12 subsection (1), the federal standard so incorporated by reference  
13 ~~shall govern,~~ **GOVERNS** and the state rule or standard continued  
14 pursuant to section ~~24(3)~~ **24(1)** is rescinded.

15 (3) The department of ~~labor~~ **LICENSING AND REGULATORY AFFAIRS**  
16 shall administer and enforce the provisions of the standard  
17 incorporated by reference in subsection (1) ~~relative to~~  
18 ~~occupational safety. The department of public health shall~~  
19 ~~administer and enforce the provisions of the standard incorporated~~  
20 ~~by reference in subsection (1) relative to occupational health. The~~  
21 ~~departments of public health and labor shall administer and enforce~~  
22 ~~the provisions of the standard incorporated by reference in~~  
23 ~~subsection (1) in a manner that is consistent with the~~  
24 administration and enforcement of the standard by the federal  
25 occupational safety and health administration.

26 (4) Beginning November 25, 1985, employers who are chemical  
27 manufacturers **IN A CLASSIFICATION PROVIDED BY SECTOR 31-33 -**

1 **MANUFACTURING, OF THE NORTH AMERICAN INDUSTRY CLASSIFICATION**

2 **SYSTEM, UNITED STATES, 1997, PUBLISHED BY THE OFFICE OF MANAGEMENT**

3 **AND BUDGET OR** in a standard industrial classification of 20 through

4 39 of the standard industrial classification code published by the

5 federal department of management and budget, importers, and

6 distributors shall label containers of hazardous chemicals leaving

7 their workplaces, provide ~~material~~-safety data sheets with initial

8 shipments, and otherwise comply with any applicable provision of

9 the standard incorporated by reference pursuant to subsection (1)

10 and of sections 14b to 14/. A chemical manufacturer, importer, or

11 distributor subject to this subsection shall provide a ~~material~~

12 safety data sheet and an appropriately labeled container to each

13 employer in this state, regardless of the employer's standard

14 industrial classification in the standard industrial classification

15 code, who purchases a hazardous chemical.

16 (5) Beginning May 25, 1986, an employer **IN A CLASSIFICATION**

17 **PROVIDED BY SECTOR 31-33 - MANUFACTURING, OF THE NORTH AMERICAN**

18 **INDUSTRY CLASSIFICATION SYSTEM, UNITED STATES, 1997, PUBLISHED BY**

19 **THE OFFICE OF MANAGEMENT AND BUDGET OR** in a standard industrial

20 classification of 20 through 39 of the standard industrial

21 classification code published by the federal department of

22 management and budget shall comply with the requirements of the

23 standard incorporated by reference pursuant to subsection (1) and

24 with sections 14b to 14/ with respect to the use of hazardous

25 chemicals in the workplace.

26 (6) Beginning February 25, 1987, an employer who is subject to

27 this act but who is not otherwise specifically described in

1 subsections (4) ~~and~~ OR (5) shall comply with ~~the requirements of~~  
2 the standard incorporated by reference pursuant to subsection (1)  
3 and with sections 14b to 14/ with respect to the use of hazardous  
4 chemicals in the workplace. However, instead of complying with any  
5 conflicting provision of the standard incorporated by reference in  
6 subsection (1), an employer who is described in this subsection ~~is~~  
7 ~~required.~~ **SHALL DO BOTH OF THE FOLLOWING:**

8 (a) ~~To provide~~ **PROVIDE** information and training ~~only~~ to  
9 employees who are exposed to hazardous chemicals in the normal  
10 course of employment or who are likely to be exposed to hazardous  
11 chemicals in the event of an emergency.

12 (b) In the case where a hazardous chemical is mixed or  
13 combined with any other chemical or hazardous chemical by the  
14 employer, ~~to maintain~~ and provide a ~~material~~-safety data sheet for  
15 each constituent hazardous chemical and ~~to maintain~~ a material  
16 identification system that identifies to employees the appropriate  
17 ~~material~~-safety data sheets.

18 (7) The standard incorporated by reference in subsection (1),  
19 this section, and sections 14b to 14/ shall not be construed to  
20 require an employer **IN A CLASSIFICATION PROVIDED BY SECTOR 31-33 -**  
21 **MANUFACTURING, OF THE NORTH AMERICAN INDUSTRY CLASSIFICATION**  
22 **SYSTEM, UNITED STATES, 1997, PUBLISHED BY THE OFFICE OF MANAGEMENT**  
23 **AND BUDGET OR** in a standard industrial classification other than 20  
24 through 39 of the standard industrial classification code published  
25 by the federal department of management and budget to evaluate  
26 chemicals, to develop labels for containers of hazardous chemicals,  
27 or to develop ~~material~~-safety data sheets.

1       Sec. 14b. In nonemergency situations, a chemical manufacturer,  
2 importer, or employer claiming a trade secret, upon request, shall  
3 disclose a specific chemical identity, **PERCENTAGE COMPOSITION, OR**  
4 **BOTH**, otherwise permitted to be withheld under the standard  
5 incorporated by reference in section 14a, in addition to a health  
6 professional as specified in 29 ~~C.F.R.~~ **CFR** 1910.1200(i)(3), to an  
7 occupational health nurse providing medical or other occupational  
8 health services to exposed employees, to an authorized employee  
9 representative of an exposed employee, and to an exposed employee,  
10 if the occupational health nurse, the representative, and the  
11 employee comply with the requirements described in 29 ~~C.F.R.~~ **CFR**  
12 1910.1200(i)(3) and (4).

13       Sec. 14d. (1) Upon request of the director, ~~of the department~~  
14 ~~of public health~~, an employer who claims a trade secret under the  
15 standard incorporated by reference by section 14a shall support the  
16 trade secret claim. Subject to subsection (2), the director shall  
17 consider the following factors in determining whether a specific  
18 chemical identity may be withheld as a trade secret:

19       (a) The extent to which the information is known outside the  
20 employer's business.

21       (b) The extent to which it is known by employees and others  
22 involved in the employer's business.

23       (c) The extent of measures taken by the employer to guard the  
24 secrecy of the information.

25       (d) The value of the information to the employer and the  
26 employer's competitors.

27       (e) The amount of effort and money expended by the employer in

1 developing the information.

2 (f) The ease or difficulty with which the information could be  
3 properly acquired or duplicated by others.

4 (2) The determination made by the director under subsection  
5 (1) shall not uphold as a trade secret any chemical identity  
6 information that is readily discoverable through reverse  
7 engineering.

8 (3) This section shall not be construed to require the prior  
9 approval of trade secret claims by the director. ~~of the department~~  
10 ~~of public health or the director of the department of labor.~~

11 (4) An exposed employee, a health professional providing  
12 medical or other occupational health services to exposed employees,  
13 or an authorized employee representative of an exposed employee may  
14 petition the director ~~of the department of public health~~ to review  
15 a denial of a written request for disclosure of a specific chemical  
16 identity. This review shall be conducted as a contested case  
17 pursuant to the administrative procedures act of 1969, ~~Act No. 306~~  
18 ~~of the Public Acts of 1969, being sections 24.201 to 24.328 of the~~  
19 ~~Michigan Compiled Laws, 1969 PA 306, MCL 24.201 TO 24.328,~~ and  
20 shall be confidential. The director shall review the assertion of  
21 trade secrecy and make a determination in accordance with the  
22 principles provided in this section and the standard incorporated  
23 by reference in section 14a. In preparing the final order, the  
24 director shall consider and require any prudent measures necessary  
25 to protect the health of employees or the public in general while  
26 maintaining the confidentiality of any trade secrets.

27 (5) The director ~~of public health~~ may revoke any order entered

1 under subsection (4) upholding a trade secret claim after a hearing  
 2 involving the parties of interest upon showing that a party has not  
 3 complied with an order issued pursuant to subsection (4).

4 (6) Records and information obtained by any department,  
 5 commission, or public agency related to a review by the director of  
 6 ~~public health~~ under subsection (4) and to information determined by  
 7 the director to be a trade secret in that review ~~shall be~~ **IS** exempt  
 8 from disclosure under the freedom of information act, ~~Act No. 442~~  
 9 ~~of the Public Acts of 1976, being sections 15.231 to 15.246 of the~~  
 10 ~~Michigan Compiled Laws. 1976 PA 442, MCL 15.231 TO 15.246.~~

11 (7) Notwithstanding that information has been claimed as a  
 12 trade secret pursuant to 29 C.F.R. ~~CFR~~ 1910.1200(i) or has been  
 13 upheld by the director as a trade secret ~~pursuant to~~ **UNDER** this  
 14 section, a chemical manufacturer, importer, or employer shall  
 15 provide the specific chemical identity and percentage composition  
 16 of a hazardous chemical to the director ~~of public health~~ when the  
 17 director requests that information in the discharge of the  
 18 director's duties under this act.

19 Sec. 14e. In order to educate employers, employees, and the  
 20 public about the hazards of exposure to hazardous chemicals and the  
 21 requirements of the occupational safety and health hazard  
 22 communication standard incorporated by reference in section 14a and  
 23 the requirements of sections 14b to 14l, ~~the departments of public~~  
 24 ~~health and labor~~ **DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**  
 25 shall distribute periodically public service announcements to  
 26 newspapers and television and radio stations throughout this state.

27 Sec. 14f. (1) An employer engaged in agricultural operations



1 is not required to comply with the standard incorporated by  
 2 reference in section 14a or sections 14b to 14 / for a hazardous  
 3 chemical that is regulated under the federal insecticide,  
 4 fungicide, and rodenticide act, chapter 125, 86 Stat. 973, 7 ~~U.S.C.~~  
 5 **USC** 136 to 136i and 136j to 136y, or part 83 (pesticide control) of  
 6 the natural resources and environmental protection act, ~~Act No. 451~~  
 7 ~~of the Public Acts of 1994, being sections 324.8301 to 324.8336 of~~  
 8 ~~the Michigan Compiled Laws, 1994 PA 451, MCL 324.8301 TO 324.8336,~~  
 9 and any rules or regulations promulgated under those acts.

10 (2) The director of the department of agriculture **AND RURAL**  
 11 **DEVELOPMENT** at least annually shall certify to the department of  
 12 ~~public health~~ **LICENSING AND REGULATORY AFFAIRS** a list of chemicals  
 13 regulated by the acts described in subsection (1).

14 Sec. 14h. An employer engaged in construction operations may  
 15 satisfy the requirements of the standard incorporated in section  
 16 14a and sections 14b to ~~14 / 14/~~ that a ~~material~~-safety data sheet  
 17 be maintained for each hazardous chemical in the workplace by  
 18 maintaining ~~material~~-safety data sheets in 1 or more central  
 19 locations at a ~~job site~~. **JOBSITE.**

20 Sec. 14j. An employer subject to the standard incorporated by  
 21 reference in section 14a and to sections 14b to 14/ shall post signs  
 22 throughout the workplace advising employees of all of the  
 23 following:

24 (a) The location of the ~~material~~-safety data sheets for the  
 25 hazardous chemicals produced or used in the workplace and the name  
 26 of the person from whom to obtain the sheets.

27 (b) That the employer is prohibited from discharging or

1 discriminating against an employee who exercises the rights  
2 regarding information about hazardous chemicals in the workplace  
3 afforded by the standard incorporated by reference in section 14a  
4 and by sections 14b to 14l.

5 (c) That, as an alternative to requesting the employer for a  
6 ~~material-safety~~ data sheet for a hazardous chemical in the  
7 workplace, the employee may obtain a copy of the ~~material-safety~~  
8 data sheet from the department of ~~public health~~. **LICENSING AND**  
9 **REGULATORY AFFAIRS**. The sign shall include the address and  
10 telephone number of the division of the department of ~~public health~~  
11 **LICENSING AND REGULATORY AFFAIRS** that has the responsibility of  
12 responding to such requests.

13 Sec. 14k. (1) An employer who is subject to the standard  
14 incorporated by reference in section 14a and to sections 14b to 14l  
15 shall organize the ~~material-safety~~ data sheets for the hazardous  
16 chemicals in the workplace in a systematic and consistent manner  
17 and shall train employees in locating particular ~~material-safety~~  
18 data sheets.

19 (2) Not later than 5 working days after receipt of a new or a  
20 revised ~~material-safety~~ data sheet, the employer shall post for a  
21 period of 10 working days a notice of the existence of the new or  
22 revised sheet and directions for locating the new or revised sheet  
23 according to the method used by the employer for organizing  
24 ~~material-safety~~ data sheets.

25 Sec. 14l. The failure of an employer who is subject to the  
26 standard incorporated by reference in section 14a and to this  
27 section and sections 14b to 14k to provide an exposed employee with

1 access to the most current ~~material~~-safety data sheet available to  
 2 the employer shall not be considered by the department as a  
 3 violation for which a de minimis notice of violation may be issued  
 4 under section 33(5). The department may consider ~~such a~~ **THE**  
 5 violation to be a serious violation or a violation not of a serious  
 6 nature for which a citation may be issued under section 35.

7 Sec. 24. ~~(1) Before a proposed standard, except an emergency~~  
 8 ~~standard, is promulgated, the commission shall appoint and consult~~  
 9 ~~with an advisory committee which shall be representative of the~~  
 10 ~~major interests affected by the proposed standard. The members of~~  
 11 ~~the advisory committee shall be selected on the basis of their~~  
 12 ~~experience and competence in the subject of the proposed standard.~~  
 13 ~~At least 1 member of each advisory committee shall be a person who~~  
 14 ~~devotes a major portion of time to occupational health functions.~~

15 ~~—— (2) The per diem compensation and the schedule for~~  
 16 ~~reimbursement of expenses for members of the occupational health~~  
 17 ~~standards advisory committees shall be established annually by the~~  
 18 ~~legislature.~~

19 (1) ~~(3)~~ Standards governing occupational health promulgated by  
 20 the director of public health that are in effect on ~~January 1, 1975~~  
 21 **THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT REPEALED SECTION 23**  
 22 **OF THIS ACT** are continued under section 31 of the administrative  
 23 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, as~~  
 24 ~~amended, being section 24.231 of the Michigan Compiled Laws 1969 PA~~  
 25 **306, MCL 24.231.**

26 (2) ~~(4)~~ The ~~occupational health standards commission~~ **DIRECTOR**  
 27 shall promulgate an occupational health standard pursuant to ~~Act~~

1 ~~No. 306 of the Public Acts of 1969, as amended, being sections~~  
2 ~~24.201 to 24.328 of the Michigan Compiled Laws, THE ADMINISTRATIVE~~  
3 ~~PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, except~~  
4 ~~for standards adopted by reference pursuant to section 14. Until~~  
5 ~~April 1, 1992, adoption of a standard shall be by a majority of the~~  
6 ~~members present if a quorum is present. Beginning April 1, 1992,~~  
7 ~~any action taken by the occupational health standards commission~~  
8 ~~requires an affirmative vote of not less than 4 members of the~~  
9 ~~commission, including at least 1 representative of labor and 1~~  
10 ~~representative of management.~~

11 (3) ~~(5)~~ When promulgating occupational health standards, the  
12 ~~occupational health standards commission~~ DIRECTOR shall promulgate  
13 a standard that most adequately assures, to the extent feasible and  
14 on the basis of the best available evidence, that an employee will  
15 not suffer material impairment of health or functional capacity,  
16 even if the employee has regular exposure to a hazard dealt with by  
17 the standard for the period of his or her working life.

18 (4) ~~(6)~~ The director of public health shall promulgate an  
19 emergency standard pursuant to section 48 of ~~Act No. 306 of the~~  
20 ~~Public Acts of 1969, as amended, being section 24.248 of the~~  
21 ~~Michigan Compiled Laws, when THE ADMINISTRATIVE PROCEDURES ACT OF~~  
22 ~~1969, 1969 PA 306, MCL 24.248, IF~~ the director finds that employees  
23 are exposed to substances or agents determined to be toxic or  
24 physically harmful and the emergency standard is necessary to  
25 protect employees from that danger. If the director of public  
26 ~~health is promulgating~~ PROMULGATES an emergency standard on a  
27 matter addressed by a federal standard, the director of public

1 ~~health~~ shall promulgate a standard that is substantially similar to  
2 the federal standard unless he or she determines and certifies that  
3 the federal standard is clearly inconsistent with the criteria set  
4 forth in section 9 or 24. ~~, or both.~~

5 (5) ~~(7) A~~ **AN OCCUPATIONAL HEALTH** standard shall prescribe  
6 appropriate forms of warning that are necessary to insure that  
7 employees are apprised of health hazards to which they are exposed,  
8 relevant symptoms, and the conditions and precautions for safe use  
9 or exposure, including appropriate emergency treatment. If  
10 appropriate, a standard shall prescribe suitable protective  
11 equipment, control, or technological procedures to be used and  
12 shall require an employer to monitor or measure employee exposure,  
13 to allow employees or their representatives to observe the  
14 monitoring and have access to the records of the monitoring, and to  
15 conduct the monitoring in a manner that is necessary for the  
16 protection of the employees' health. Former employees shall have  
17 access to the records indicating their exposure to toxic materials  
18 and harmful physical agents.

19 (6) ~~(8) If appropriate, the occupational health standards~~  
20 ~~commission~~ **DIRECTOR** shall prescribe by standard that medical  
21 examinations or tests are made available, at the employer's cost,  
22 to employees to determine if they are adversely affected by  
23 exposure to health hazards. If the examination is performed by a  
24 physician other than a physician who is retained for that purpose  
25 by the employer, the employer is responsible only for the  
26 reasonable costs of the examination, and only for costs related to  
27 the performance of the examination required by the standard. The

1 results of the examinations or tests shall be furnished to the  
2 employer, the employee, and upon request of the employee, to the  
3 employee's personal physician. ~~and upon~~ **UPON** request of the  
4 director, ~~of public health,~~ **THE EMPLOYER SHALL FURNISH RESULTS OF**  
5 **THE EXAMINATIONS OR TESTS** to the director. ~~of public health by the~~  
6 ~~employer.~~ However, this act does not authorize or require medical  
7 examinations, immunizations, or treatments for those who object to  
8 them on religious grounds, except ~~where~~ **IF** necessary for the  
9 protection of the health or safety of others.

10       Sec. 31. (1) When and as soon as a department representative  
11 determines that an imminent danger exists in a place of employment,  
12 the department representative shall inform the employer and the  
13 affected employees of a determination of the imminent danger. The  
14 department representative immediately shall recommend to the  
15 ~~appropriate department~~ director that an order be issued to require  
16 that steps be taken as may be necessary to avoid, correct, or  
17 remove the imminent danger. After receiving authorization for the  
18 issuance of an order from the ~~appropriate department~~ director, the  
19 department representative shall apply a tag to the equipment or  
20 process ~~which~~ **THAT** is the source of the imminent danger identifying  
21 that an imminent danger exists. The tag shall be removed only by  
22 the department representative. At request of the employer, an area  
23 supervisor shall, within 24 hours after a request, make an on site  
24 review of any tagging and recommend continuance or removal. The  
25 order shall prohibit the employment or presence of an individual in  
26 locations or under conditions where imminent danger exists, except  
27 individuals whose presence is necessary to avoid, correct, or

1 remove the imminent danger in a safe and orderly manner. In tagging  
2 the equipment or process ~~which~~**THAT** is the source of imminent  
3 danger and in issuing the order, consideration shall be given to  
4 any necessity to maintain the capacity of a continuous process  
5 operation and to the reestablishment of normal operations without a  
6 complete cessation of operations.

7 (2) An employer shall not permit an employee, other than an  
8 employee whose presence is necessary to avoid, correct, or remove  
9 the imminent danger, to operate equipment or engage in a process  
10 ~~which~~**THAT** has been tagged by the department and ~~which~~**THAT** is the  
11 subject of an order issued by the department identifying that an  
12 imminent danger exists. An employee who suffers a loss of wages or  
13 fringe benefits or is in any manner discriminated against for  
14 refusing to operate equipment or engage in a process ~~which~~**THAT** has  
15 been tagged by the department and ~~which~~**THAT** is the subject of an  
16 order issued by the department, as provided in this section, may  
17 file a discrimination complaint, and the department of ~~labor~~  
18 **LICENSING AND REGULATORY AFFAIRS** may order appropriate relief as  
19 provided in section 65. This section does not prohibit an employer  
20 from assigning an employee to an operation not affected by the  
21 imminent danger situation, subject to any collective bargaining  
22 agreement.

23 (3) Upon failure of the employer to promptly comply with a  
24 department order, as described in subsection (1), the ~~appropriate~~  
25 department shall petition the circuit court having jurisdiction to  
26 restrain a condition or practice in a place of employment ~~which~~  
27 **THAT** the department ~~determines causes~~**HAS DETERMINED TO CAUSE** the

1 imminent danger.

2 (4) If the department arbitrarily or capriciously fails to  
3 seek relief under this section, an employee who may be injured by  
4 reason of the failure, or the representative of those employees,  
5 may bring action against the department in the circuit court having  
6 jurisdiction for a writ of mandamus to compel the department to  
7 seek an order and for further relief, as may be appropriate.

8 (5) The department of ~~public health or the department of labor~~  
9 **LICENSING AND REGULATORY AFFAIRS** shall respond within 24 hours  
10 after receipt of an imminent danger complaint concerning an unknown  
11 and unlabeled container of chemicals or an imminent danger  
12 complaint concerning a container of hazardous chemicals that is not  
13 labeled or for which a ~~material~~-safety data sheet is not available  
14 as required by the standard incorporated by reference in section  
15 14a and by sections 14b to ~~14-1.14/~~.

16 (6) Before a department representative seeks authorization to  
17 issue an order pursuant to the procedures prescribed in subsection  
18 (1), an employer shall be given a reasonable opportunity to  
19 identify, label, or provide the ~~material~~-safety data sheet for the  
20 container ~~which~~-**THAT** is the subject of the imminent danger  
21 determination.

22 Sec. 54. (1) A safety education and training division is  
23 created within the department of ~~labor~~-**LICENSING AND REGULATORY**  
24 **AFFAIRS**.

25 (2) The functions of the safety education and training  
26 division shall include:

27 (a) The development and application of a statewide safety



1 education and training program to familiarize employers,  
2 supervisors, employees, and union leaders with techniques of  
3 accident investigation and prevention.

4 (b) The development and utilization of consultative  
5 educational techniques to achieve long-range solutions to  
6 occupational safety problems.

7 (c) The development of training programs for the department of  
8 ~~labor~~ safety compliance staff.

9 (d) The acquisition, development, and distribution of  
10 occupational safety pamphlets, booklets, brochures, and other  
11 appropriate safety media as may be useful to accomplish the  
12 objectives of ~~this~~ **THE SAFETY EDUCATION AND TRAINING** division.

13 (e) The conduct of other activities as necessary for the  
14 implementation of an effective safety education and training  
15 program.

16 (f) The development and administration of a program for  
17 employers, with special emphasis on small business employers,  
18 providing technical and educational assistance.

19 (g) The development and implementation of a training and  
20 education program for department staff engaged in the  
21 administration and enforcement of this act.

22 (3) The department shall publish a newsletter at least  
23 quarterly.

24 (4) When ~~a commission or the board, or the director of labor~~  
25 ~~or the director of public health~~ promulgates a standard or a rule  
26 or issues an order, a brief statement shall be included indicating  
27 the reasons for the action, which shall be published in the

1 newsletter published under subsection (3).

2       Sec. 63. (1) Information reported to or otherwise obtained by  
3 the department of ~~labor or the department of public health,~~  
4 **LICENSING AND REGULATORY AFFAIRS** in connection with an inspection,  
5 investigation, or proceeding under this act that contains or that  
6 might reveal a trade secret, including information required to be  
7 made available under sections 14a through 14l and section ~~24(9) and~~  
8 ~~(10),~~ **24(5) AND (6)** shall be considered confidential. In a  
9 proceeding under this act, the ~~department of public health~~ **DIRECTOR**  
10 shall promulgate rules for the purpose of protecting trade secrets  
11 regarding information required to be made available under sections  
12 14a through 14l and section ~~24(9) and (10),~~ **24(5) AND (6)**, and the  
13 ~~appropriate~~ department, the board, or the court shall issue orders  
14 as may be appropriate to protect the confidentiality of trade  
15 secrets and to carry out the objectives of this act.

16       (2) Except as otherwise provided by this subsection and  
17 subsection (1), information reported to or otherwise obtained by a  
18 department from an employee in connection with an inspection,  
19 investigation, or proceeding under this act shall be made available  
20 to the public pursuant to the freedom of information act, ~~Act No.~~  
21 ~~442 of the Public Acts of 1976, as amended, being sections 15.231~~  
22 ~~to 15.246 of the Michigan Compiled Laws. 1976 PA 442, MCL 15.231 TO~~  
23 **15.246.** The identity of an employee or any information that may  
24 lead to the identification of an employee who provides information  
25 pertaining to a possible violation or violations of this act ~~shall~~  
26 ~~be~~ **IS** exempt from disclosure.

27       Enacting section 1. Section 23 of the Michigan occupational

1 safety and health act, 1974 PA 154, MCL 408.1023, is repealed.

2 Enacting section 2. This amendatory act does not take effect  
3 unless all of the following bills of the 96th Legislature are  
4 enacted into law:

5 (a) House Bill No. 5922.

6

7 (b) House Bill No. 5917.

8

9 (c) Senate Bill No. 1335.

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