

# SENATE BILL No. 1335

September 27, 2012, Introduced by Senators SCHUITMAKER and 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 section 14 (MCL 408.1014), as amended by 1991 PA 105.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 14. (1) Except as otherwise provided in subsection (3),  
2       the occupational safety and health standards that have been adopted  
3       or promulgated by the United States department of labor under the  
4       occupational safety and health act of 1970, Public Law 91-596, 84  
5       Stat. 1590, and that are in effect on January 1, 1975 are  
6       incorporated by reference and have the same force and effect as a  
7       rule promulgated pursuant to this act. A standard that is  
8       incorporated by reference pursuant to this subsection remains in  
9       effect until either of the following conditions occurs:

10       (a) A standard is promulgated pursuant to this act that covers

1 the same or a similar subject.

2 (b) The standard is rescinded by rule promulgated pursuant to  
3 this act.

4 (2) ~~When~~ **IF** a rule or standard that is continued pursuant to  
5 section ~~24(3)~~ **24(1)** conflicts with or covers the same or similar  
6 subject as a standard incorporated by reference pursuant to  
7 subsection (1), the federal standard incorporated by reference  
8 governs and the state rule or standard continued pursuant to  
9 section ~~24(3)~~ **24(1)** shall be rescinded.

10 (3) ~~When~~ **IF** a rule or standard that is continued in effect  
11 under this act pursuant to section 21(1) covers the same subject as  
12 a federal standard, subsection (1) does not apply.

13 ~~— (4) The department of labor and the department of public~~  
14 ~~health shall determine which of them is responsible for~~  
15 ~~administering and enforcing each of the standards incorporated by~~  
16 ~~reference pursuant to subsection (1).~~

17 (4) ~~(5)~~ The department of **LICENSING AND REGULATORY AFFAIRS**  
18 ~~labor or the department of public health, whichever is responsible~~  
19 ~~for administering and enforcing a standard incorporated by~~  
20 ~~reference pursuant to subsection (1), shall make copies of the~~  
21 ~~standard~~ **STANDARDS INCORPORATED BY REFERENCE PURSUANT TO SUBSECTION**  
22 **(1)** available to the public at cost.

23 (5) ~~(6)~~ Beginning April 1, 1992, not later than 10 working  
24 days after the date that the United States department of labor  
25 adopts or promulgates an occupational safety and health standard  
26 under the occupational safety and health act of 1970, Public Law  
27 91-596, 84 Stat. 1590, the director ~~of labor or the director of~~

~~public health, or both,~~ shall initiate the processing of an administrative rule that is substantially similar to the federal occupational safety and health standard. The proposed administrative rule shall be presented to the joint committee on administrative rules unless ~~1 of the following occurs:~~

~~— (a) The general industry safety standards commission determines and certifies that the federal standard is clearly inconsistent with the criteria set forth in sections 9 and 16.~~

~~— (b) The construction safety standards commission determines and certifies that the federal standard is clearly inconsistent with the criteria set forth in sections 9 and 19.~~

~~— (c) The occupational health standards commission determines and certifies~~ **THE DIRECTOR DETERMINES** that the federal standard is clearly inconsistent with the criteria set forth in ~~sections 9 and~~ **SECTION 9, 16, 19, OR 24.**

**(6)** ~~(7)~~ Beginning April 1, 1992, a proposed administrative rule that would address a matter not addressed by 1 or more federal standards shall not be processed and presented to the joint committee on administrative rules unless the ~~appropriate standards commission determines and certifies~~ **DIRECTOR DETERMINES** that there is a clear and convincing need for the standard to meet the criteria set forth, as appropriate, in sections 9, 16, 19, and 24. **THE DIRECTOR SHALL INCLUDE A STATEMENT OF THE SPECIFIC FACTS THAT ESTABLISH THE CLEAR AND CONVINCING NEED WHEN PROCESSING AND PRESENTING THE ADMINISTRATIVE RULE.**

**(7)** ~~(8)~~ The administrative rules described in subsections **(5)** **AND (6)** ~~and (7)~~ shall be promulgated pursuant to the administrative

1 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~  
2 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws.1969~~  
3 **PA 306, MCL 24.201 TO 24.328.**

4 Enacting section 1. This amendatory act does not take effect  
5 unless all of the following bills of the 96th Legislature are  
6 enacted into law:

7 (a) House Bill No. 5922.

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9 (b) House Bill No. 5917.

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11 (c) Senate Bill No. 1336.

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