

MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT (EXCERPT)
Act 154 of 1974

408.1014 Federal standards incorporated by reference; force and effect; conflicts; copies of standard; processing proposed rule substantially similar to federal standard; clear and convincing need for standard; compliance with administrative procedures act of 1969; inapplicability to MCL 408.1014r.

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

(a) A standard is promulgated pursuant to this act that covers the same or a similar subject.

(b) The standard is rescinded by rule promulgated pursuant to this act.

(2) If a rule or standard that is continued pursuant to section 24(1) conflicts with or covers the same or similar subject as a standard incorporated by reference pursuant to subsection (1), the federal standard incorporated by reference governs and the state rule or standard continued pursuant to section 24(1) shall be rescinded.

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

(4) The department of licensing and regulatory affairs shall make copies of the standards incorporated by reference pursuant to subsection (1) available to the public at cost.

(5) Beginning April 1, 1992, not later than 10 working days after the date that the United States Department of Labor adopts or promulgates an occupational safety and health standard under the occupational safety and health act of 1970, Public Law 91-596, 84 Stat 1590, the director 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 the director determines that the federal standard is clearly inconsistent with the criteria set forth in section 9, 16, 19, or 24.

(6) 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 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. The statement shall either explain the unique characteristics of industry in this state that necessitate the standard or demonstrate that the standard was requested by a broad consensus of union and nonunion employers and employees in the specific industry affected by the standard.

(7) The administrative rules described in subsections (5) and (6) shall be promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(8) This section does not apply to section 14r.

History: 1974, Act 154, Eff. Jan. 1, 1975;—Am. 1991, Act 105, Imd. Eff. Oct. 3, 1991;—Am. 2012, Act 415, Eff. Dec. 27, 2012;—Am. 2020, Act 143, Imd. Eff. July 31, 2020.

Administrative rules: R 325.2401 et seq.; R 325.18301 et seq.; R 325.35001 et seq.; R 325.52501 et seq.; and R 325.70101 et seq. of the Michigan Administrative Code.