

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

408.1014a Occupational safety and health hazard communication standard; incorporation by reference; applicability of standard; conflicting provisions; administration and enforcement of standards; duties of employers.

Sec. 14a. (1) The occupational safety and health hazard communication standard that has been adopted or promulgated by the United States department of labor and has been codified at 29 CFR 1910.1200 as of May 25, 2012 is incorporated by reference and has the same force and effect as a rule promulgated under this act. In addition to the standard incorporated by reference in this subsection, sections 14b to 14l apply to an employer subject to this act. The applicability of the standard incorporated by reference in this subsection and of sections 14b to 14l is subject to subsections (4), (5), (6), and (7).

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standard so incorporated by reference governs and the state rule or standard continued pursuant to section 24(1) is rescinded.

(3) The department of licensing and regulatory affairs shall administer and enforce the provisions of the standard incorporated by reference in subsection (1) in a manner that is consistent with the administration and enforcement of the standard by the federal occupational safety and health administration.

(4) Beginning November 25, 1985, employers who are chemical manufacturers in a classification provided by sector 31-33 — manufacturing, of the North American industry classification system, United States, 1997, published by the office of management and budget or in a standard industrial classification of 20 through 39 of the standard industrial classification code published by the federal department of management and budget, importers, and distributors shall label containers of hazardous chemicals leaving their workplaces, provide safety data sheets with initial shipments, and otherwise comply with any applicable provision of the standard incorporated by reference pursuant to subsection (1) and of sections 14b to 14l. A chemical manufacturer, importer, or distributor subject to this subsection shall provide a safety data sheet and an appropriately labeled container to each employer in this state, regardless of the employer's standard industrial classification in the standard industrial classification code, who purchases a hazardous chemical.

(5) Beginning May 25, 1986, an employer in a classification provided by sector 31-33 — manufacturing, of the North American industry classification system, United States, 1997, published by the office of management and budget or in a standard industrial classification of 20 through 39 of the standard industrial classification code published by the federal department of management and budget shall comply with the requirements of the standard incorporated by reference pursuant to subsection (1) and with sections 14b to 14l with respect to the use of hazardous chemicals in the workplace.

(6) Beginning February 25, 1987, an employer who is subject to this act but who is not otherwise specifically described in subsections (4) or (5) shall comply with the standard incorporated by reference pursuant to subsection (1) and with sections 14b to 14l with respect to the use of hazardous chemicals in the workplace. However, instead of complying with any conflicting provision of the standard incorporated by reference in subsection (1), an employer who is described in this subsection shall do both of the following:

(a) Provide information and training to employees who are exposed to hazardous chemicals in the normal course of employment or who are likely to be exposed to hazardous chemicals in the event of an emergency.

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

(7) The standard incorporated by reference in subsection (1), this section, and sections 14b to 14l shall not be construed to require an employer in a classification provided by sector 31-33 — manufacturing, of the North American industry classification system, United States, 1997, published by the office of management and budget or in a standard industrial classification other than 20 through 39 of the standard industrial classification code published by the federal department of management and budget to evaluate chemicals, to develop labels for containers of hazardous chemicals, or to develop safety data sheets.

History: Add. 1986, Act 80, Imd. Eff. Apr. 7, 1986;—Am. 2012, Act 447, Imd. Eff. Dec. 27, 2012.