

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

408.1024 Continuation of occupational health standards; promulgation; requirements for standard; emergency standard; contents of standard; availability and costs of medical examination or test; religious objection.

Sec. 24. (1) Standards governing occupational health promulgated by the director of public health that are in effect on the effective date of the amendatory act that repealed section 23 of this act are continued under section 31 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.231.

(2) The director shall promulgate an occupational health standard pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, except for standards adopted by reference pursuant to section 14.

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

(4) The director shall promulgate an emergency standard pursuant to section 48 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.248, if the director finds that employees are exposed to substances or agents determined to be toxic or physically harmful and the emergency standard is necessary to protect employees from that danger. If the director promulgates an emergency standard on a matter addressed by a federal standard, the director shall promulgate a standard that is substantially similar to the federal standard unless he or she determines and certifies that the federal standard is clearly inconsistent with the criteria set forth in section 9 or 24.

(5) An occupational health standard shall prescribe appropriate forms of warning that are necessary to insure that employees are apprised of health hazards to which they are exposed, relevant symptoms, and the conditions and precautions for safe use or exposure, including appropriate emergency treatment. If appropriate, a standard shall prescribe suitable protective equipment, control, or technological procedures to be used and shall require an employer to monitor or measure employee exposure, to allow employees or their representatives to observe the monitoring and have access to the records of the monitoring, and to conduct the monitoring in a manner that is necessary for the protection of the employees' health. Former employees shall have access to the records indicating their exposure to toxic materials and harmful physical agents.

(6) If appropriate, the director shall prescribe by standard that medical examinations or tests are made available, at the employer's cost, to employees to determine if they are adversely affected by exposure to health hazards. If the examination is performed by a physician other than a physician who is retained for that purpose by the employer, the employer is responsible only for the reasonable costs of the examination, and only for costs related to the performance of the examination required by the standard. The results of the examinations or tests shall be furnished to the employer, the employee, and upon request of the employee, to the employee's personal physician. Upon request of the director, the employer shall furnish results of the examinations or tests to the director. However, this act does not authorize or require medical examinations, immunizations, or treatments for those who object to them on religious grounds, except if necessary for the protection of the health or safety of others.

History: 1974, Act 154, Eff. Jan. 1, 1975;—Am. 1979, Act 149, Eff. Mar. 27, 1980;—Am. 1991, Act 105, Imd. Eff. Oct. 3, 1991;—Am. 2012, Act 447, Imd. Eff. Dec. 27, 2012.

Compiler's note: For transfer of powers and duties of the occupational health standards commission in the bureau of environmental and occupational health from the department of public health to the director of the department of labor, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

Administrative rules: R 325.2401 et seq.; R 325.2491 et seq.; R 325.3451 et seq.; R 325.18301 et seq.; R 325.35001 et seq.; R 325.51501 et seq.; R 325.52501 et seq.; R 325.70101 et seq.; and R 408.12101 et seq. of the Michigan Administrative Code.