

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4391

A bill to amend 1974 PA 154, entitled
"Michigan occupational safety and health act,"
by amending section 14 (MCL 408.1014), as amended by 2012 PA 415,
and by adding section 14r.

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~~ **Department**
4 **of Labor** under the occupational safety and health act of 1970,
5 Public Law 91-596, 84 ~~Stat.~~ **Stat** 1590, and that are in effect on
6 January 1, 1975 are incorporated by reference and have the same
7 force and effect as a rule promulgated pursuant to this act. A
8 standard that is incorporated by reference pursuant to this



1 subsection remains in effect until either of the following
2 conditions occurs:

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

5 (b) The standard is rescinded by rule promulgated pursuant to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

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12 rescinded.

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

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

19 (5) Beginning April 1, 1992, not later than 10 working days
20 after the date that the United States ~~department of labor~~
21 **Department of Labor** adopts or promulgates an occupational safety
22 and health standard under the occupational safety and health act of
23 1970, Public Law 91-596, 84 ~~Stat.~~ **Stat** 1590, the director shall
24 initiate the processing of an administrative rule that is
25 substantially similar to the federal occupational safety and health
26 standard. The proposed administrative rule shall be presented to
27 the joint committee on administrative rules unless the director
28 determines that the federal standard is clearly inconsistent with
29 the criteria set forth in section 9, 16, 19, or 24.



1 (6) Beginning April 1, 1992, a proposed administrative rule
2 that would address a matter not addressed by 1 or more federal
3 standards shall not be processed and presented to the joint
4 committee on administrative rules unless the director determines
5 that there is a clear and convincing need for the standard to meet
6 the criteria set forth, as appropriate, in sections 9, 16, 19, and
7 24. The director shall include a statement of the specific facts
8 that establish the clear and convincing need when processing and
9 presenting the administrative rule. The statement shall either
10 explain the unique characteristics of industry in this state that
11 necessitate the standard or demonstrate that the standard was
12 requested by a broad consensus of union and nonunion employers and
13 employees in the specific industry affected by the standard.

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

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

18 **Sec. 14r. (1) The director shall promulgate rules regarding a**
19 **firefighter's use of firefighting foam concentrate. The rules may**
20 **only include the following:**

21 (a) **The best practices regarding proper use, handling, and**
22 **storage of firefighting foam concentrate.**

23 (b) **The best health practices including, but not limited to,**
24 **all of the following:**

25 (i) **Containment and handling of PFAS-contaminated materials,**
26 **including a firefighter's equipment, until they are disposed of**
27 **pursuant to the natural resources and environmental protection act,**
28 **1994 PA 451, MCL 324.101 to 324.90106.**

29 (ii) **Decontamination of a firefighter's body and equipment**



1 following the use of firefighting foam.

2 (c) A prohibition on the use of firefighting foam concentrate
3 containing intentionally added PFAS by a firefighter for training
4 purposes.

5 (d) A prohibition on the use of firefighting foam concentrate
6 containing intentionally added PFAS by a firefighter for equipment
7 calibration purposes after January 1, 2020, unless 1 or more of the
8 following apply:

9 (i) The calibration is otherwise required by law.

10 (ii) The facility where the calibration will take place has
11 implemented measures that comply with the rules promulgated under
12 this section.

13 (2) As used in this section:

14 (a) "Firefighter" means either of the following:

15 (i) That term as defined in section 2 of the firefighters
16 training council act, 1966 PA 291, MCL 29.362.

17 (ii) An individual employed by a person and who in that
18 employment is knowledgeable, trained, and skilled in at least basic
19 firefighting operations.

20 (b) "PFAS" means a perfluoroalkyl or polyfluoroalkyl
21 substance.

