

# HOUSE BILL NO. 4391

March 19, 2019, Introduced by Reps. Yaroach, Vaupel, Rabhi and Allor and referred to the Committee on Natural Resources and Outdoor Recreation.

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,



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1 Public Law 91-596, 84 ~~Stat.~~ **Stat** 1590, and that are in effect on  
2 January 1, 1975 are incorporated by reference and have the same  
3 force and effect as a rule promulgated pursuant to this act. A  
4 standard that is incorporated by reference pursuant to this  
5 subsection remains in effect until either of the following  
6 conditions occurs:

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

9 (b) The standard is rescinded by rule promulgated pursuant to  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

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16 rescinded.

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

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

23 (5) Beginning April 1, 1992, not later than 10 working days  
24 after the date that the United States ~~department of labor~~  
25 **Department of Labor** adopts or promulgates an occupational safety  
26 and health standard under the occupational safety and health act of  
27 1970, Public Law 91-596, 84 ~~Stat.~~ **Stat** 1590, the director shall  
28 initiate the processing of an administrative rule that is  
29 substantially similar to the federal occupational safety and health



1 standard. The proposed administrative rule shall be presented to  
2 the joint committee on administrative rules unless the director  
3 determines that the federal standard is clearly inconsistent with  
4 the criteria set forth in section 9, 16, 19, or 24.

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

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

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

22 **Sec. 14r. (1) The director shall promulgate rules regarding a**  
23 **firefighter's use of firefighting foam concentrate containing PFAS**  
24 **chemicals. The rules must include all of the following:**

25 (a) **The best practices regarding proper use, handling, and**  
26 **storage of firefighting foam concentrate containing PFAS chemicals.**

27 (b) **The best health practices including, but not limited to,**  
28 **containment and disposal of the PFAS chemicals and decontamination**  
29 **of the firefighter's equipment and body following the use of**



1 firefighting foam concentrate or water containing PFAS chemicals.

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

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

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

9 (ii) The authority with jurisdiction and the facility where the  
10 calibration will take place have implemented measures that comply  
11 with the rules promulgated under this section.

12 (2) As used in this section:

13 (a) "Authority with jurisdiction" means the person or public  
14 agency or department responsible for regulating firefighting  
15 operations for the area in which a facility is located.

16 (b) "Firefighter" means either of the following:

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

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

22 (c) "PFAS chemicals" means a class of fluorinated organic  
23 chemicals containing at least 1 fully fluorinated carbon atom and  
24 designed to be fully functional in firefighting foam concentrate.

