

Act No. 143
Public Acts of 2020
Approved by the Governor
July 31, 2020
Filed with the Secretary of State
July 31, 2020
EFFECTIVE DATE: July 31, 2020

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Yaroch, Vaupel, Rabhi and Allor

ENROLLED HOUSE BILL No. 4391

AN ACT to amend 1974 PA 154, entitled “An act to prescribe and regulate working conditions; to prescribe the duties of employers and employees as to places and conditions of employment; to create certain boards, commissions, committees, and divisions relative to occupational and construction health and safety; to prescribe their powers and duties and powers and duties of the department of labor and department of public health; to prescribe certain powers and duties of the directors of the departments of labor, public health, and agriculture; to impose an annual levy to provide revenue for the safety education and training division; to provide remedies and penalties; to repeal certain acts and parts of acts; and to repeal certain acts and parts of act on specific dates,” 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:

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- (b) The standard is rescinded by rule promulgated pursuant to this act.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standard incorporated by reference governs and the state rule or standard continued pursuant to section 24(1) shall be rescinded.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.

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

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

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

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

(ii) Decontamination of a firefighter's body and equipment following the use of firefighting foam.

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

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

(i) The calibration is otherwise required by law.

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

(2) As used in this section:

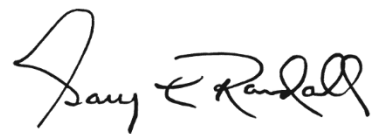
(a) "Firefighter" means either of the following:

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

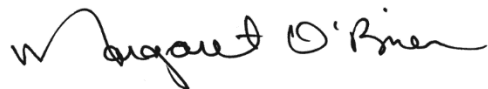
(ii) An individual employed by a person and who in that employment is knowledgeable, trained, and skilled in at least basic firefighting operations.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor