



# HOUSE BILL No. 4011

January 11, 1995, Introduced by Rep. Clack and referred to the Committee on Regulatory Affairs.

A bill to amend Act No. 154 of the Public Acts of 1974,  
entitled as amended  
"Michigan occupational safety and health act,"  
as amended, being sections 408.1001 to 408.1094 of the Michigan  
Compiled Laws, by adding sections 77, 78, 78a, 78b, 78c, 78d,  
78e, 79, 79a, 79b, 79c, 79d, 79e, 80, 80a, 80b, 80c, 80d, 80e,  
and 80f; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Act No. 154 of the Public Acts of 1974, as  
2 amended, being sections 408.1001 to 408.1094 of the Michigan  
3 Compiled Laws, is amended by adding sections 77, 78, 78a, 78b,  
4 78c, 78d, 78e, 79, 79a, 79b, 79c, 79d, 79e, 80, 80a, 80b, 80c,  
5 80d, 80e, and 80f to read as follows:

6       SEC. 77. AS USED IN SECTIONS 78 THROUGH 80F:

1 (A) "DEPARTMENT" MEANS THE DIVISION OF THE DEPARTMENT OF  
2 PUBLIC HEALTH RESPONSIBLE FOR OCCUPATIONAL HEALTH UNDER THIS  
3 ACT.

4 (B) "LEAD ABATEMENT CONTRACTOR", "LEAD ABATEMENT PROJECT",  
5 AND "REMOVAL" MEAN THOSE TERMS AS DEFINED IN THE LEAD ABATEMENT  
6 CONTRACTORS LICENSING ACT.

7 (C) "LEAD ABATEMENT PROJECT SITE" MEANS THE AREA INVOLVED IN  
8 THE REMOVAL OR SEALING OF SURFACES CONTAINING LEAD.

9 SEC. 78. AN EMPLOYEE OR AGENT OF A LEAD ABATEMENT CONTRAC-  
10 TOR WHO IS RESPONSIBLE FOR OR ACTUALLY INVOLVED IN A LEAD ABATE-  
11 MENT PROJECT SHALL OBTAIN SUCH TRAINING AND ACCREDITATION AS  
12 REQUIRED UNDER THE LEAD WORKERS ACCREDITATION ACT AND ANY OTHER  
13 TRAINING REQUIRED, AS DETERMINED BY THE DEPARTMENT, UNDER OTHER  
14 STATE OR FEDERAL LAW PERTAINING TO THE HEALTH AND SAFETY ASPECTS  
15 OF THE REMOVAL OR SEALING OF SURFACES CONTAINING LEAD.

16 SEC. 78A. (1) A PERSON CONDUCTING A COURSE FOR AN EMPLOYEE  
17 OR AGENT OF A LEAD ABATEMENT CONTRACTOR ON THE HEALTH AND SAFETY  
18 ASPECTS OF LEAD ABATEMENT FOR PURPOSES OF THIS SECTION AND  
19 SECTION 78 SHALL SUBMIT A WRITTEN APPLICATION TO THE DEPARTMENT  
20 ON FORMS PROVIDED BY THE DEPARTMENT AND OBTAIN APPROVAL FROM THE  
21 DEPARTMENT PURSUANT TO THIS SECTION.

22 (2) IN ORDER TO OBTAIN OR RETAIN DEPARTMENT APPROVAL FOR A  
23 COURSE FOR AN EMPLOYEE OR AGENT OF A LEAD ABATEMENT CONTRACTOR, A  
24 PERSON SHALL SATISFY THE FOLLOWING CRITERIA:

25 (A) PROVIDE NOT LESS THAN A TOTAL OF 16 HOURS OF INSTRUCTION  
26 ON ALL OF THE FOLLOWING TOPICS:

1 (i) RECOGNITION OF LEAD, INCLUDING ITS PHYSICAL  
2 CHARACTERISTICS AND USES.

3 (ii) HEALTH HAZARDS ASSOCIATED WITH LEAD EXPOSURE.

4 (iii) HEALTH PROTECTION MEASURES TO BE TAKEN TO MINIMIZE THE  
5 EMISSION OF LEAD IN THE AIR, INCLUDING SAFETY EQUIPMENT, AIR MON-  
6 ITORING, AND PROTECTIVE CLOTHING AND PERSONAL HYGIENE.

7 (iv) APPROPRIATE PROTECTIVE PRACTICES, INCLUDING AREA PREPA-  
8 RATION, DECONTAMINATION, AND WASTE DISPOSAL.

9 (v) A DETAILED DESCRIPTION OF RESPIRATORS AND THEIR USE AND  
10 CARE, INCLUDING THE DEGREE OF PROTECTION AFFORDED, FITTING AND  
11 TESTING PROCEDURES, AND MAINTENANCE AND CLEANING.

12 (vi) REQUIREMENTS, PROCEDURES, AND STANDARDS ESTABLISHED BY  
13 THE DEPARTMENT PURSUANT TO THIS ACT.

14 (B) PROVIDE EACH STUDENT WITH NOT LESS THAN 15 MINUTES OF  
15 INDIVIDUAL INSTRUCTION CONSISTING OF INDIVIDUAL RESPIRATOR FIT  
16 TESTS AND AN OPPORTUNITY TO USE RESPIRATORS.

17 (C) PROVIDE THAT INSTRUCTION IS GIVEN OR SUPERVISED BY AN  
18 INDIVIDUAL DETERMINED QUALIFIED BY THE DEPARTMENT.

19 (D) MAINTAIN NAMES OF STUDENTS TRAINED, THEIR ADDRESSES AND  
20 SOCIAL SECURITY NUMBERS, AND THE DATES ON WHICH TRAINING  
21 OCCURRED, AND MAKE THIS INFORMATION AVAILABLE TO THE DEPARTMENT  
22 UPON REQUEST.

23 (E) PROVIDE AN OPPORTUNITY FOR STUDENTS TO COMPLETE WRITTEN  
24 COURSE EVALUATIONS.

25 (F) ISSUE TO EACH STUDENT WHO COMPLETES THE COURSE AND SAT-  
26 ISFACTORILY PASSES AN EXAMINATION ON COURSE CONTENT A

1 CERTIFICATION OF ATTENDANCE CONTAINING INFORMATION REQUIRED BY  
2 THE DEPARTMENT.

3 SEC. 78B. IN ORDER TO OBTAIN OR RETAIN DEPARTMENTAL APPROV-  
4 AL, A PERSON CONDUCTING A REVIEW COURSE FOR AN EMPLOYEE OR AGENT  
5 OF A LEAD ABATEMENT CONTRACTOR SHALL PROVIDE INSTRUCTION ADDRESS-  
6 ING THE TOPICS AND MEETING THE CRITERIA PRESCRIBED BY SECTION  
7 78A(2), AS DETERMINED BY THE DEPARTMENT.

8 SEC. 78C. THE PENALTY PROVISIONS OF THIS ACT DO NOT APPLY  
9 TO VIOLATIONS UNDER SECTIONS 78, 78A, AND 78B FOR 3 MONTHS AFTER  
10 THE EFFECTIVE DATE OF THIS SECTION.

11 SEC. 78D. (1) THE DEPARTMENT SHALL ACKNOWLEDGE IN WRITING  
12 THE RECEIPT OF AN APPLICATION FOR APPROVAL OF A TRAINING COURSE  
13 FOR AN EMPLOYEE OR AGENT OF A LEAD ABATEMENT CONTRACTOR WITHIN 10  
14 WORKING DAYS AFTER RECEIVING THE APPLICATION.

15 (2) THE DEPARTMENT SHALL ACT ON AN APPLICATION WITHIN 60  
16 DAYS AFTER THE APPLICATION IS DETERMINED TO BE COMPLETE BY THE  
17 DEPARTMENT.

18 (3) THE DEPARTMENT SHALL APPROVE A TRAINING COURSE FOR AN  
19 EMPLOYEE OR AGENT OF A LEAD ABATEMENT CONTRACTOR IF THE DEPART-  
20 MENT DETERMINES THAT THE COURSE SUBSTANTIALLY SATISFIES THE CRI-  
21 TERIA PRESCRIBED BY SECTION 78A(2) OR 78B.

22 (4) THE DEPARTMENT SHALL DENY OR REVOKE APPROVAL OF A TRAIN-  
23 ING COURSE FOR AN EMPLOYEE OR AGENT OF A LEAD ABATEMENT CONTRAC-  
24 TOR IF THE DEPARTMENT DETERMINES THAT THE COURSE DOES NOT SUB-  
25 STANTIALLY SATISFY THE CRITERIA PRESCRIBED BY SECTION 78A(2) OR  
26 78B.

1 SEC. 78E. (1) EACH LEAD ABATEMENT CONTRACTOR SHALL MAINTAIN  
2 RECORDS OF ALL LEAD ABATEMENT PROJECTS THAT CONTRACTOR PERFORMS  
3 AND SHALL MAKE THESE RECORDS AVAILABLE TO THE DEPARTMENT UPON  
4 REQUEST. THE LEAD ABATEMENT CONTRACTOR SHALL RETAIN THE RECORDS  
5 FOR AT LEAST 30 YEARS.

6 (2) FOR EACH LEAD ABATEMENT PROJECT, A LEAD ABATEMENT CON-  
7 TRACTOR SHALL RECORD ALL OF THE FOLLOWING INFORMATION:

8 (A) THE LOCATION AND DESCRIPTION OF THE PROJECT AND THE  
9 ESTIMATED AMOUNT OF LEAD SURFACES REMOVED OR SEALED AT EACH  
10 PROJECT.

11 (B) THE NAME OF EVERY PERSON WHO COMES ONTO A LEAD ABATEMENT  
12 PROJECT SITE.

13 (C) THE STARTING DATE AND THE COMPLETION DATE OF THE LEAD  
14 ABATEMENT PROJECT.

15 (D) A SUMMARY OF THE PROCEDURES USED TO COMPLY WITH APPLICA-  
16 BLE REQUIREMENTS REGARDING LEAD ABATEMENT AS IMPOSED BY THE LEAD  
17 ABATEMENT CONTRACTORS ACT.

18 (E) THE NAME AND ADDRESS OF THE WASTE DISPOSAL SITE WHERE  
19 REMOVED LEAD SURFACES WERE DEPOSITED.

20 SEC. 79. AN EMPLOYER SHALL PROVIDE ANY EMPLOYEE WHO IS  
21 RESPONSIBLE FOR OR ACTUALLY INVOLVED IN A LEAD ABATEMENT PROJECT  
22 INVOLVING 25 OR MORE LINEAR FEET OR 50 OR MORE SQUARE FEET OF  
23 SURFACES CONTAINING LEAD WITH ALL OF THE FOLLOWING TRAINING:

24 (A) AN INITIAL COURSE ON THE HEALTH AND SAFETY ASPECTS OF  
25 LEAD REMOVAL OR SEALING, DEPENDING ON THE ABATEMENT METHOD USED,  
26 TO BE COMPLETED BEFORE ENGAGING IN ANY LEAD ABATEMENT PROJECT.  
27 THIS SUBDIVISION DOES NOT APPLY IF THE EMPLOYEE HAS COMPLETED A

1 COURSE PRIOR TO THE EFFECTIVE DATE OF THIS SECTION SUBSTANTIALLY  
2 ADDRESSING THE TOPICS AND MEETING THE CRITERIA PRESCRIBED BY SEC-  
3 TION 79A(2) AS DETERMINED BY THE DEPARTMENT.

4 (B) AN ANNUAL REVIEW COURSE OF INSTRUCTION ON CHANGES IN THE  
5 HEALTH AND SAFETY ASPECTS OF LEAD REMOVAL OR SEALING PRACTICES,  
6 RULES, OR GOVERNMENTAL REGULATIONS. UPON REQUEST, THE DEPARTMENT  
7 MAY WAIVE THE REQUIREMENT OF AN ANNUAL REVIEW COURSE AND REQUIRE  
8 INSTEAD A BIENNIAL REVIEW COURSE.

9 (C) ANY OTHER TRAINING REQUIRED UNDER OTHER STATE OR FEDERAL  
10 LAW PERTAINING TO THE HEALTH AND SAFETY ASPECTS OF THE REMOVAL OR  
11 SEALING OF SURFACES CONTAINING LEAD.

12 SEC. 79A. (1) A COURSE ON THE HEALTH AND SAFETY ASPECTS OF  
13 LEAD REMOVAL OR SEALING CONDUCTED PURSUANT TO SECTION 79 SHALL  
14 PROVIDE INSTRUCTION ON ALL OF THE FOLLOWING TOPICS:

15 (A) HEALTH HAZARDS ASSOCIATED WITH LEAD EXPOSURE.

16 (B) HEALTH PROTECTION MEASURES TO BE TAKEN TO MINIMIZE EXPO-  
17 SURE TO LEAD.

18 (C) THE NATURE OF OPERATIONS THAT COULD RESULT IN EXPOSURE  
19 TO LEAD.

20 (D) APPROPRIATE PROTECTIVE PRACTICES.

21 (E) A DESCRIPTION OF RESPIRATORS AND THEIR PURPOSE, USE, AND  
22 CARE.

23 (2) UNLESS THE DEPARTMENT HAS GIVEN PRIOR APPROVAL TO THE  
24 COURSE, AN INITIAL COURSE ON THE HEALTH AND SAFETY ASPECTS OF  
25 LEAD REMOVAL OR SEALING CONDUCTED PURSUANT TO SECTION 79(A) SHALL  
26 PROVIDE NOT LESS THAN A TOTAL OF 5 HOURS' INSTRUCTION ON THE  
27 TOPICS LISTED IN SUBSECTION (1). THE DEPARTMENT SHALL ACT ON A

1 REQUEST FOR PRIOR APPROVAL TO A COURSE UNDER THIS SUBSECTION  
2 WITHIN 60 DAYS AFTER THE APPLICATION FOR REQUEST FOR APPROVAL OF  
3 THE COURSE IS DETERMINED TO BE COMPLETE BY THE DEPARTMENT.

4 (3) INSTRUCTION GIVEN PURSUANT TO THIS SECTION SHALL BE  
5 GIVEN OR SUPERVISED BY AN INDIVIDUAL APPROVED BY THE DEPARTMENT.

6 SEC. 79B. THE PENALTY PROVISIONS OF THIS ACT DO NOT APPLY  
7 TO VIOLATIONS UNDER SECTIONS 79 AND 79A FOR 6 MONTHS AFTER THE  
8 EFFECTIVE DATE OF THIS SECTION.

9 SEC. 79C. (1) UPON REQUEST, AN EMPLOYER WHO IS SUBJECT TO  
10 SECTION 79 SHALL PROVIDE TO THE DEPARTMENT ALL WRITTEN MATERIALS  
11 RELATING TO THE EMPLOYEE TRAINING PROGRAM CONDUCTED PURSUANT TO  
12 SECTION 79.

13 (2) UPON REQUEST, THE DEPARTMENT SHALL PROVIDE TO AFFECTED  
14 EMPLOYEES AND AGENTS OF AN EMPLOYER DESCRIBED IN SUBSECTION (1)  
15 ALL WRITTEN MATERIALS RELATING TO THAT EMPLOYEE'S TRAINING  
16 PROGRAM.

17 SEC. 79D. AN EMPLOYER WHO IS SUBJECT TO SECTION 79 SHALL  
18 PROVIDE THE NAMES OF EMPLOYEES TRAINED, THEIR ADDRESSES AND  
19 SOCIAL SECURITY NUMBERS, AND THE DATES ON WHICH TRAINING OCCURRED  
20 AND MAKE THIS INFORMATION AVAILABLE TO THE DEPARTMENT UPON  
21 REQUEST.

22 SEC. 79E. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 78, 79,  
23 AND 79A, EACH EMPLOYEE WHO IS INVOLVED IN JANITORIAL, MAINTENANCE,  
24 OR REPAIR OF EQUIPMENT OR BUILDINGS AND WHO IS LIKELY TO  
25 BE INVOLVED WITH REMOVING, ALTERING, OR OTHERWISE DISTURBING LEAD  
26 SHALL RECEIVE 2 HOURS OF AWARENESS TRAINING ON THE HEALTH AND

1 SAFETY ASPECTS OF LEAD BY MEANS OF A COURSE DETERMINED  
2 APPROPRIATE BY THE DEPARTMENT.

3 SEC. 80. EMPLOYERS ENGAGED IN A LEAD ABATEMENT PROJECT  
4 INVOLVING 25 OR MORE LINEAR FEET OR 50 OR MORE SQUARE FEET OF  
5 SURFACES CONTAINING LEAD AND LEAD ABATEMENT CONTRACTORS SHALL DO  
6 ALL OF THE FOLLOWING AT THE EMPLOYER'S OR CONTRACTOR'S COST:

7 (A) PROVIDE EACH INDIVIDUAL ON A LEAD ABATEMENT PROJECT SITE  
8 WITH APPROPRIATE PROTECTIONS, INCLUDING BUT NOT LIMITED TO THE  
9 FOLLOWING:

10 (i) APPROPRIATE PERSONAL PROTECTIVE CLOTHING AND EQUIPMENT  
11 AND TEMPORARY FACILITIES TO CONTAIN LEAD WITHIN THE BOUNDARIES OF  
12 THE LEAD ABATEMENT PROJECT SITE.

13 (ii) RESPIRATORS THAT ARE CAPABLE OF BEING QUALITATIVELY FIT  
14 TESTED BY A METHOD THAT MEETS NATIONAL INSTITUTE OF OCCUPATIONAL  
15 SAFETY AND HEALTH APPROVAL.

16 (B) VACUUM WITH A VACUUM CLEANER EQUIPPED WITH A HIGH EFFI-  
17 CIENCY PARTICULATE ABSOLUTE FILTER OR WET SWEEP ALL SURFACES  
18 WITHIN THE LEAD ABATEMENT PROJECT SITE THAT ARE EXPOSED TO AIR-  
19 BORNE MATERIALS THAT MAY CONTAIN LEAD.

20 (C) PROHIBIT DRY SWEEPING AS A POST-ABATEMENT CLEANUP  
21 METHOD.

22 (D) DISPOSE OF LEAD IN SEALED IMPERMEABLE CONTAINERS.

23 (E) PROVIDE ANY OTHER DEVICES, CLOTHING, EQUIPMENT, AND  
24 PRACTICES REQUIRED BY OTHER STATE OR FEDERAL LAW PERTAINING TO  
25 THE HEALTH AND SAFETY ASPECTS OF LEAD DEMOLITION, RENOVATION, AND  
26 ENCAPSULATION.



1 SEC. 80A. A PERSON SHALL NOT SMOKE, EAT, OR DRINK IN A LEAD  
2 ABATEMENT PROJECT WORK AREA.

3 SEC. 80B. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A  
4 LEAD ABATEMENT CONTRACTOR SHALL CAUSE TO HAVE TAKEN BY A NEUTRAL  
5 THIRD PARTY A POST-ABATEMENT AIR MONITORING CHECK ON THE LEAD  
6 ABATEMENT PROJECT SITE. IF THE LEAD ABATEMENT CONTRACTOR AND HIS  
7 OR HER CUSTOMER AGREE, THE CUSTOMER MAY CAUSE TO HAVE TAKEN THE  
8 POST-ABATEMENT AIR MONITORING CHECK REQUIRED BY THIS SECTION.

9 SEC. 80C. (1) AN EMPLOYER WHO ENGAGES IN A LEAD ABATEMENT  
10 PROJECT INVOLVING 25 OR MORE LINEAR FEET OR 50 OR MORE SQUARE  
11 FEET OF SURFACES CONTAINING LEAD SHALL CAUSE TO HAVE TAKEN A  
12 POST-ABATEMENT AIR MONITORING CHECK ON THE LEAD ABATEMENT PROJECT  
13 SITE USING AN AIR SAMPLE FROM THAT SITE.

14 (2) AN EMPLOYEE OF AN EMPLOYER OR A MEMBER OF THE PUBLIC IF  
15 A PUBLIC FACILITY IS INVOLVED MAY CONDUCT AT HIS OR HER EXPENSE  
16 AN INDEPENDENT POST-ABATEMENT AIR MONITORING ANALYSIS ON THE SAME  
17 AIR SAMPLE TAKEN PURSUANT TO SUBSECTION (1) OR ON AN AIR SAMPLE  
18 TAKEN CONCURRENTLY AT THE SAME SITE. AN INDEPENDENT  
19 POST-ABATEMENT AIR MONITORING ANALYSIS MAY BE CONDUCTED ONLY  
20 AFTER THE EMPLOYER RECEIVES WRITTEN NOTIFICATION ON A FORM PRO-  
21 VIDED BY THE EMPLOYER THAT SPECIFIES A PERSON'S DESIRE TO CONDUCT  
22 AN INDEPENDENT POST-ABATEMENT AIR MONITORING ANALYSIS. AN INDE-  
23 PENDENT POST-ABATEMENT AIR MONITORING CHECK CONDUCTED PURSUANT TO  
24 THIS SUBSECTION SHALL BE ANALYZED BY A LABORATORY, FACILITY, OR  
25 PERSON APPROVED BY THE DEPARTMENT.

26 SEC. 80D. UPON REQUEST BY THE DEPARTMENT, A POST-ABATEMENT  
27 AIR MONITORING CHECK TAKEN PURSUANT TO SECTION 80B OR 80C SHALL

1 BE REPORTED TO THE DEPARTMENT AND, AFTER COMPLETION OF THE LEAD  
2 ABATEMENT PROJECT, THE LEVEL OF LEAD PER CUBIC CENTIMETER OF SUR-  
3 FACE AREA AT THE LEAD ABATEMENT PROJECT SITE SHALL NOT EXCEED AN  
4 AMOUNT APPROVED BY THE DEPARTMENT.

5 SEC. 80E. SECTIONS 77 TO 80D ARE REPEALED ON THE EFFECTIVE  
6 DATE OF RULES ESTABLISHING A STATE LEAD STANDARD THAT ARE PROMUL-  
7 GATED PURSUANT TO SECTION 80F.

8 SEC. 80F. THE DEPARTMENT OF PUBLIC HEALTH SHALL PROMULGATE  
9 RULES TO IMPLEMENT SECTIONS 77 TO 80E PURSUANT TO THE ADMINISTRA-  
10 TIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF  
11 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED  
12 LAWS.

13 Section 2. This amendatory act shall not take effect unless  
14 Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
15 no. 00869'95) of the 88th Legislature is enacted into law.