



SENATE BILL No. 111

January 17, 1995, Introduced by Senator SHUGARS
and referred to the Committee on Health Policy
and Senior Citizens.

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. 110
15 of the 88th Legislature is enacted into law.