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# MIOSHA

Michigan Occupational Safety and Health Administration  
Department of Licensing and Regulatory Affairs (LARA)

# AGENCY INSTRUCTION

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DOCUMENT IDENTIFIER:

MIOSHA-STD-04-1R2

DATE:

January 4, 2016

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**SUBJECT: Hazard Communication Standards – Inspection Procedures**

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- I. Purpose. This instruction establishes policies and procedures for uniform enforcement of the hazard communication standard.
- II. Scope. This instruction applies to the Construction Safety and Health Division (CSHD), General Industry Safety and Health Division (GISHD), and the Consultation Education and Training (CET) Division.
- III. References.
  - A. 29 CFR 1910.1200, [Hazard Communication](#); February 8, 2013, [Federal Register](#) Volume 78, No. 27, p. 9311.
  - B. 29 CFR 1926.59, [Hazard Communication](#); June 20, 1996, [Federal Register](#) Volume 61, No. 61, p. 31427.
  - C. Construction Safety Standard Part 42. /R408.44201 et seq., [Hazard Communication](#).
  - D. Department of Energy, Labor and Economic Growth, Bureau of Fire Services, Fire Marshal Bulletin – 9, Fire Department Hazardous Material Emergency Planning Responsibilities dated 09/09.
  - E. General Industry Safety Standard Part 92. /R408.19201 et seq., [Hazard Communication](#).
  - F. Michigan Occupational Safety and Health Act, R408.1001 et seq., P.A. 154 of 1974, as amended.
  - G. MIOSHA [Field Operations Manual](#) (FOM), as amended.
  - H. Occupational Health Standard Part 301. /R 325.51101 et seq., [Air Contaminants for General Industry](#).
  - I. Occupational Health Standard Part 430. /R 325.77001 et seq., [Hazard Communication](#).
  - J. Occupational Health Standard Part 601. /R 325.60151 et seq., [Air Contaminants for Construction](#).
  - K. Occupational Safety and Health Administration Instruction [CPL 02-00-159](#), October 1, 2015, Field Operations Manual (FOM).
  - L. Occupational Safety and Health Administration Instruction [CPL 02-02-079](#), July 9, 2015, Inspection Procedures for the Hazard Communication Standard (HCS 2012).

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Hazard Communication Standards – Inspection Procedures

- IV. Distribution. MIOSHA Staff; OSHA Lansing Area Office; General; S-drive Accessible; MIOSHA Weekly; and Internet Accessible.
- V. Cancellations. All previous versions of this agency instruction.
- VI. History. History of previous versions includes:
  - MIOSHA-STD-04-1R1, March 12, 2010.
  - MIOSHA-STD-04-1, September 8, 2004.
- VII. Contact. [Adrian Rocskay](#), Director GISHD; [Lawrence Hidalgo](#), Director CSHD; and [Nella Davis-Ray](#), Director CET.
- VIII. Originator: Barton G. Pickelman, Deputy Director.
- IX. Background. MIOSHA Construction Safety Standard, Part 42, [Hazard Communication](#), adopted both the federal [Hazard Communication](#) standard, 29 CFR 1910.1200, as amended and 29 CFR 1926.59, [Hazard Communication](#), as amended, by reference. MIOSHA General Industry Safety Standard, Part 92, [Hazard Communication](#), adopted the federal [Hazard Communication](#) standard, 29 CFR 1910.1200, as amended, by reference. MIOSHA Occupational Health Standard, Part 430, [Hazard Communication](#), adopted both the federal [Hazard Communication](#) standard, 29 CFR 1910.1200, as amended and 29 CFR 1926.59, [Hazard Communication](#), as amended, by reference. The requirements applicable to construction work under 29 CFR 1926.59 are identical to those set forth at 29 CFR 1910.1200.

On July 9, 2015, federal OSHA issued an updated instruction, [CPL-02-02-079](#), Inspection Procedures for the Hazard Communication Standard (HCS 2012), which provides guidelines for enforcing this standard. The updated OSHA instruction includes policies and procedures that address changes made in the federal Hazard Communication standard to align it with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS Revision 3, 2009).
- X. Action. MIOSHA is adopting the 2015 OSHA Instruction, Inspection Procedures for the Hazard Communication Standard (HCS 2012) except for the modifications listed below:
  - A. General Exceptions.
    - 1. Whenever the OSHA instruction references an OSHA occupational safety or health standard, the equivalent MIOSHA standard must be consulted instead. For example, permissible exposure limits (PELs) listed in MIOSHA Occupational Health Standard, [Part 301](#), Air Contaminants, or [Part 601](#), Air Contaminants for Construction must be utilized in lieu of the PELs listed in the equivalent OSHA standard.
    - 2. Whenever another OSHA instruction is referenced, the equivalent MIOSHA instruction must be consulted. If MIOSHA does not have an equivalent instruction, procedures written in the MIOSHA

[FOM](#) must be followed (e.g., procedures for identifying and handling cases proposed for citation using additional penalty factors are in the MIOSHA [FOM](#), not in a MIOSHA instruction).

3. Whenever procedures/policies in the federal instruction reference the OSHA Field Operations Manual ([CPL 02-00-159](#)), equivalent policies and procedures from the MIOSHA [FOM](#) must be followed.
- B. Specific Exceptions.
1. Citation Guidelines for Paragraphs (d), (f), (g), (h), and (i). A serious citation will be issued only when the deficiency meets the criteria for a serious violation in the MIOSHA [FOM](#). Otherwise, violations of paragraphs (d), (f), (g), (h), and (i) will be cited as other-than-serious.
  2. Written hazard communication program, Paragraph (e). All citations related to an employer's written hazard communication program should be cited in accordance with the enforcement policy for evaluating possible violations of written requirements in the MIOSHA [FOM](#).
- C. Michigan Occupational Safety and Health Act, Act 154 of 1974 Requirements. Refer to Sections 14a through 14m of MIOSHA Act 154 for the Michigan specific hazard communication requirements. Below are enforcement guidance for some of the Michigan specific requirements.
1. Section 14c Piping Systems Identification. Pipes and piping systems in a workplace that contain a hazardous chemical shall be identified by a label or a sign, placard, process sheet, batch ticket, written operating instruction, or a substance identification system. Pipes have to be identified, but do not necessarily have to be labeled.
    - a) Inspection Guidelines. When labels are used, the location of the labels should be based on where employee exposure may most likely occur. Placement of labels should be at likely points of entry where exposure would occur or where any employee working in the vicinity may be exposed. Examples would be at access points, such as any type of valve, union, flange, etc. The Act does not give any recommendation as to what size labels should be or the distance between each label. Labels and other alternative methods should be highly visible and employees must be able to recognize what identification system the employer uses.
    - b) Pipe and Stationary Process Container Entry. The employer must establish entry procedures into pipes and

stationary process containers. The procedures should be part of the employer's written program and presented during the employee training. Prior to entry, the employer shall assure that entry instructions are conveyed to employees before entry.

- c) The term "entry procedure" means a procedure to break into or open up the pipe or container, not for employees to enter the pipe or container. For entry into such areas, the permit-required confined space standard may apply.
2. Section 14i Plan for Executing Responsibilities of Organized Fire Department (known as Firefighter Right-to-Know). The specific requirements for complying with Firefighter Right-to-Know are detailed in Fire Marshal Bulletin 9.
  3. Section 14j-k Signs and Safety Data Sheets (SDS). The SO/IH shall check the workplace for the two MIOSHA SDS posters or an equivalent. The posters should be placed in locations highly visible to employees. If the posters become illegible for some reason, the employer must replace them immediately. Employees should be informed of the existence and function of the posters during the employee training.
    - a) "SDS Location" Poster. The poster is required by Section 14j whenever the workplace is covered by the standard and the employer has compiled a collection of SDSs for hazardous materials used.
    - b) Each department or area in the workplace that maintains copies of the SDSs must post the location where they are kept in that area. The information on the poster shall include the location of the SDSs and the name of the person responsible for the SDSs in that area.
    - c) Michigan employers can use the two SDS posters provided by MIOSHA or they can develop and use their own. If they choose to develop their own posters, the information on the posters shall include:
      - (1) the location of the SDS,
      - (2) the name of the person from whom to obtain the sheets,
      - (3) that the employer is prohibited from discharging or discriminating against an employee who exercises his rights regarding information about hazardous chemicals in the workplace,

- (4) that as an alternative to requesting an SDS from the employer, the employee can seek assistance from GISHD at (517) 284-7750, or the CSHD at (517) 284-7680, to obtain the desired SDS, and
  - (5) the address of the Michigan Occupational Safety and Health Administration in the Department of Licensing and Regulatory Affairs.
- d) "New or Revised SDS" Poster. When the employer receives a new or revised SDS for the chemical distributor or manufacturer this poster shall be posted next to the "SDS Location" poster. Within five (5) working days after receipt of a new or revised SDS, the employer has to post this poster for ten (10) working days.

XI. Significant Changes.

- A. MIOSHA previously had a Michigan specific instruction covering this topic and is now adopting the federal OSHA CPL 02-02-079.
- B. [CPL 02-02-079](#), Inspection Procedures for the Hazard Communication Standard (HCS 2012), outlines the changes in enforcement due to the release of the revised hazard communication standard (HCS) published in the Federal Register on March 26, 2012. The revised HCS changes “hazard determination” to the specific requirements for hazard classification of chemicals, standardizes label elements for containers of hazardous chemicals, and specifies the format and required content for SDSs. [CPL 02-02-079](#) also covers how the revised HCS is enforced during its transition period and after the revised HCS is fully implemented.

Chemicals must be evaluated in accordance with specific guidance outlined in Appendices A and B of the revised HCS. The hazard classification will result in the specification of pictograms, signal word, hazard statements, and precautionary statements which must be included on the labels. Specifications for these label elements are provided in Appendix C of the revised HCS. The SDSs will have a standardized 16-section format (see Appendix D of the revised HCS) and includes the information from the hazard classification (e.g., hazard class, pictogram).