



DOW CHEMICAL U.S.A.

PLAINTIFF'S EXHIBIT

DOW-609

MICHIGAN DIVISION
MIDLAND, MICHIGAN 48640

January 31, 1990

David S. Zurvalec
Michigan Manufacturers Association
124 East Kalamazoo Street
Lansing, MI 48933

ST0072210

David

I have discussed the position paper with Dick Olson and we consider the first paragraph of the paper to be too inflammatory, i.e. "kangaroo court." It is suggested that the paragraph be rewritten to indicate that the Commission vote was based on the makeup of the Commission i.e. four labor to three management and not based on relevant information presented by industry and trade associations. Other than that, we can support the position paper.

Due to other commitments neither of us will be able to attend the meeting on February 1.

A handwritten signature in cursive script, appearing to read "Fred Sabel".

Fred Sabel
Industrial Hygiene Services
Michigan Division
Dow Chemical

378100





MICHIGAN
DEPARTMENT
OF PUBLIC
HEALTH

MEMORANDUM

DATE: February 1, 1990
TO: Occupational Health Standards Commission
FROM: Lynn O'Donnell
Chief, Office of Special Programs *LOD*
SUBJECT: Asbestos Rules

Attached is a copy of Senate Bill No. 769 which, if passed by the Senate and House, would amend Act 154, the Michigan Occupational Safety & Health Act. This bill would require the MIOSHA asbestos standard to be no stricter than the federal OSHA standards. Senate Bill No. 769 is tie-barred to House Bill No. 4222 which is the Michigan Department of Public Health's asbestos project site fee bill.

There will be a hearing on Senate Bill No. 769 next Tuesday, February 6, at 1:30 p.m. in Room 405 of the Capital Building.

Please call me if you have questions at (517) 335-8185.

LOD/ms
Attached

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Lines: 109

<< NEEDS TO BE PROOFREAD >>

[[DOUBLE BRACKETS INDICATE DELETION OF WORD(S)]]

Pages: 3

SENATE BILL NO. 769

A bill to amend section 60f of Act No. 154 of the Public Acts of 1974, entitled as amended
"Michigan occupational safety and health act,"
as added by Act No. 147 of the Public Acts of 1986, being section
408.1060f of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 60f of Act No. 154 of the Public Acts
of
2 1974, as added by Act No. 147 of the Public Acts of 1986, being
3 section 408.1060f of the Michigan Compiled Laws, is amended to
4 read as follows:
5 Sec. 60f. (1) Within 182 days after the adoption or
promul-
6 gation date of a construction industry asbestos standard adopted
7 or promulgated by the United States department of [[Labor]]
LABOR
8 under 29 U.S.C. 651 to 678, the department of public health
shall
9 transmit rules establishing a state asbestos standard as

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required

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1 by section 45 of the administrative procedures Act of 1969, Act
2 No. 306 of the Public Acts of 1969, being section 24.245 of the
3 Michigan Compiled Laws. If either of the following occurs, the
4 department of public health shall resubmit rules establishing
a
5 state asbestos standard within 61 days after either subdivision
6 (a) or (b) occurs and repeatedly every 61 days after either
7 subdivision (a) or (b) occurs until rules establishing a state
8 asbestos standard are approved:

9 (a) The joint committee on administrative rules disapproves
10 the rules and the legislature does not approve the rules as pro-
11 vided in section 45(9) of [[the administrative procedures act
of]]

12 ACT NO. 306 OF THE PUBLIC ACTS OF 1969.

13 (b) The joint committee on administrative rules neither
14 approves nor disapproves the rules nor certifies an impasse and
15 the legislature does not approve the rules as provided in
section

16 45(10) of [[the administrative procedures act of]] ACT NO. 306
OF

17 THE PUBLIC ACTS OF 1969.

18 (2) THE RULES PROMULGATED BY THE DEPARTMENT OF PUBLIC
HEALTH

19 SHALL NOT CONTAIN STANDARDS THAT EXCEED THOSE STANDARDS PROMUL-

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20 GATED OR ADOPTED BY THE UNITED STATES DEPARTMENT OF LABOR CON-
21 TAINED IN 29 C.F.R. 1928.58 OR THOSE CONTAINED IN 29
22 C.F.R. 1910.1001.

23 Section 2. This amendatory act shall not take effect
unless

24 all of the following bills of the 85th Legislature are enacted
25 into law:

26 (a) House Bill No. 4222.

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1 (b) House Bill No. 4223.

2 (c) House Bill No. 4224.

3 (d) House Bill No. 4225.

4 (e) House Bill No. 4226.

Final page.

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