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Senate Bill 213 (as introduced 3-17-15)
Sponsor: Senator Tonya Schuitmaker
Committee: Commerce

Date Completed: 5-5-15

CONTENT

The bill would amend the Michigan Occupational Safety and Health Act to eliminate a requirement that an employer notify the Department of Licensing and Regulatory Affairs (LARA) within eight hours of a fatality or hospitalization of three or more employees resulting from the same accident or illness.

The Act requires an employer to make, keep, and preserve accurate and timely records and reports of workplace illnesses and injuries, and to report that information to the appropriate department for the purpose of developing information regarding the causes and prevention of occupational illnesses and injuries. (Reports are made to the Michigan Occupational Safety and Health Administration in the Department of Licensing and Regulatory Affairs.)

The Act also requires an employer to notify LARA within eight hours of a fatality or any hospitalization of three or more employees suffering injury from the same accident or illness from the same exposure to the same health hazard associated with their employment. The bill would eliminate that requirement.

The bill would take effect 90 days after its enactment.

MCL 408.1061

BACKGROUND

The Federal government requires states operating plans approved by the Occupational Safety and Health Administration (OSHA) to have substantially identical requirements for injury and illness recording and reporting.¹ Before September 2014, the OSHA rule pertaining to occupational injury and illness recording required an employer to notify the nearest Area Office of OSHA within eight hours of a death or in-patient hospitalization of three or more employees resulting from a work-related incident.² Michigan adopted the Federal regulation by statute and by rule.³

In September 2014, OSHA issued a final rule revising the reporting requirements.⁴ While the final rule retained the eight-hour reporting requirement for work-related fatalities, the rule expanded the regulation "to require employers to report all work-related in-patient hospitalizations, as well as amputations and losses of an eye, to OSHA within 24 hours of the event."⁵

¹ See e.g., 29 C.F.R. § 1904.37.

² See, e.g., 29 C.F.R. § 1904.39 (2014).

³ See MI Admin Code R 408.22139.

⁴ 71 Federal Register 56130, September 18, 2014. The changes will be codified as 29 C.F.R. § 1904.39 in the 2015 printing of the Code of Federal Regulations.

⁵ *Id.*

Revisions to Michigan's rules have been proposed to comply with Federal requirements. Under the proposed rules, an employer would have to report to the Michigan Occupational and Safety Administration (MIOSHA) within eight hours after the death of any employee from a work-related incident. The proposed rules also would require an employer to report to MIOSHA within 24 hours after the inpatient hospitalization of one or more employees or an employee's amputation or loss of an eye, as a result of a work-related incident.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton