



**House
Legislative
Analysis
Section**

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**OCCUPATIONAL HEALTH AND
SAFETY REPORTING**

**House Bill 5861 with committee
amendment
First Analysis (9-18-96)**

**Sponsor: Rep. Mike Green
Committee: Human Resources and Labor**

THE APPARENT PROBLEM:

The Michigan Occupational Safety and Health Act (MIOSHA) provides for regulation of safety and health conditions in both public and private workplaces in the state. The act was created in 1974 to allow the state to assume responsibility for development and enforcement of occupational safety and health standards under the federal Occupational Safety and Health Act (OSHA), which requires states' standards to meet or exceed those established under OSHA. States can operate under the federal law or set up their own "plans," provided that the plan meets certain specified federal standards. Michigan reportedly is one of 23 states that opted to implement its own state occupational safety and health plan.

Currently, MIOSHA requires that employers make and keep records and reports of work illnesses and injuries and that they report the information to the "appropriate department in a form and in accordance with rules promulgated by the departments" for the purpose of developing information regarding the causes and prevention of occupational illnesses and injuries. (Formerly, MIOSHA had been jointly administered by the Department of Labor and the Department of Public Health, both of which have been merged with other departments. The Department of Public Health was merged with the Department of Mental Health to form the Department of Community Health, while the Department of Labor was merged with the Department of Commerce to form the Department of Consumer and Industry Services. In addition, however, by executive order, administration of the public health portions of MIOSHA were moved to the Department of Labor, so now the entire act is administered by the Department of Consumer and Industry Services.) In addition, the act requires that employers notify the Department of Labor (now Consumer and Industry Services) within 48 hours of a fatality or any hospitalization of five or more employees suffering injury from the same accident or illness from exposure to the same health hazard associated with their employment. Generally, this provision apparently is referred to as the reporting of fatalities and "catastrophes" (though MIOSHA doesn't contain a

definition of "catastrophe"), and is derived from federal OSHA rules. In 1994, the federal rule regarding "catastrophe" reporting was changed to require the reporting, within eight hours, of any fatalities or any hospitalization of three or more employees suffering injury from the same accident or illness from exposure to the same health hazard associated with their employment. At the request of the Department of Consumer and Industry Services, which administers the act, legislation has been introduced that would implement the federal rule change in state law.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Occupational Safety and Health Act to change the statutory requirements for reporting fatalities and accidents resulting in multiple hospitalizations from the current 48 hours and hospitalization of five or more employees to the 1991 federal standard of eight hours and the hospitalization of three or more employees injured in the same accident or ill from exposure to the same health hazard associated with their employment.

MCL 408.1061

FISCAL IMPLICATIONS:

According to the Department of Consumer and Industry Services, the bill has no fiscal implications. (9-16-96)

ARGUMENTS:

For:

The bill would bring the state occupational safety and health act into conformity with 1991 federal rule changes regarding the reporting of fatalities and multiple hospitalizations. Reportedly, all other states have already conformed to this federal rule change; Michigan would be the last to do so. (Also reportedly, states generally have six months to conform to federal rule changes. However,

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because Michigan has this particular federal rule in state statute, it has six months and two years from the April 1, 1994, federal rule change to come into conformity with the rule change.)

POSITIONS:

The Department of Consumer and Industry Services supports the bill. (9-17-96)

The Michigan AFL-CIO supports the bill. (9-17-96)

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.