



STATE OF MICHIGAN
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GRETCHEN WHITMER
GOVERNOR

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LT. GOVERNOR

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Michigan House of Representatives
State Capitol Building
Lansing, MI 48909-7514

Representatives,

Today, I am returning Enrolled House Bill 4031 without my approval.

Every Michigander has the right to a safe workplace under both state and federal law. Among other requirements, federal law requires our state to maintain workplace standards at least as effective as those set forth in the federal Occupational Health and Safety Act (OSHA).

It is a terrible tragedy whenever a person dies as a result of an on-the-job injury. Federal law requires employers to report the death of any employee from a work-related incident within 8 hours, ensuring that OSHA inspectors can identify and help mitigate whatever hazard caused the death before further tragedies ensue. The Michigan Occupational Health and Safety Administration (MIOSHA) is required to enforce at least the minimum standards for workplace safety required by federal law. Accordingly, MIOSHA Rule 408.22129 mirrors the federal reporting requirement.

HB 4031 would require MIOSHA to automatically reduce the penalty for late reporting of a workplace death on certain family farms by the maximum amount allowable, even when the employer makes no effort to timely cooperate with an investigation. MIOSHA policies already allow for the agency to reduce fines on family farms by up to 90% for employers that cooperate with MIOSHA investigations. The law, however, should not require the agency to waive fines for employers that do not cooperate in good faith.

Moreover, HB 4031 imports a definition of "family farm" from the federal tax code that would be inconsistent with how federal OSHA regulates small farms. That definition would create confusion and could result in MIOSHA falling out of compliance with federal standards.

For the foregoing reasons, I am vetoing HB 4031 of 2021.

Respectfully,

Gretchen Whitmer
Governor