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Michigan Joins States Proposing Workplace Heat Illness Prevention Standards

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Michigan is joining the parade of states that are advancing heat illness prevention laws and State OSH Plan regulations in the absence of a federal OSHA Heat Illness Prevention Standard. New Mexico, Virginia, Illinois, and now Michigan, are just a few of the states in the midst of proposing heat illness prevention rules, while California, Oregon, Washington, Colorado, Nevada, Minnesota, and Maryland already have standards in place. What the various proposed and final state laws and standards have in common, is that they are all different, and Michigan H.B. 6442, introduced by Michigan lawmakers on October 28, 2026, introduces another important variation. Namely, if enacted, H.B. 6442 directs the state to adopt a workplace heat-illness prevention standard based on the Wet Bulb Globe Temperature ("WBGT") Index. Here is what employers should know about what the bill would require and how it compares to the federal approach.

Mandatory WBGT Monitoring

One of the bill's most significant features is its reliance on the WBGT Index. The bill would require the Director to promulgate occupational health standards requiring employers to implement tiered heat-exposure requirements based on the WBGT Index. While the current proposed federal OSHA rule makes WBGT-based measurement an option, Michigan appears to be contemplating mandatory use of the WBGT. Depending on the measurement methods permitted under the final standard, employers may need to purchase a WBGT meter or otherwise calculate or estimate WBGT, potentially imposing monitoring obligations beyond those required under some other state heat-illness prevention regulations.

What Employers Would Be Required to Do

Although the bill leaves most substantive requirements to be developed through rulemaking, it would require the Director of the Department of Labor and Economic Opportunity ("Director") to promulgate occupational health standards requiring employers to:

- Follow initial and higher heat threshold requirements established by the Director. The requirements must include water and rest breaks, with the duration and frequency of those breaks correlated to specified WBGT temperature levels.

- Monitor heat conditions for both indoor and outdoor work.
- Create and implement a Heat-Illness Prevention Plan, including, but not limited to, an emergency response plan.
- Observe employees for signs and symptoms of heat-related injury or illness.
- Train employees on preventing injuries and illnesses related to heat exposure or work in hot environments.
- Collect and report data to the Director regarding employee illnesses, injuries, and deaths related to heat exposure or work in hot environments.
- Prohibit retaliation against employees who report workplace heat hazards to the Department of Labor and Economic Opportunity.

Exemptions and Timing

The Director would also be required to establish exemptions for certain employers. Based on existing state rules, those exemptions may include incidental exposures, emergency response, and/or areas where the temperature is controlled to below threshold levels. Notably, the bill does not establish a deadline for promulgation of the standard.

What's Next

We are continuing to monitor H.B. 6442 and will share updates as the bill moves through the legislative process and any rulemaking gets underway. This additional state-level activity though is another reason our Employers Heat Illness Prevention Coalition has been urging federal OSHA to revisit its proposed rule to make it more reasonable, workable, and of course effective and advance, rather than sit on, its heat illness prevention rulemaking. With a federal standard, states under federal OSHA jurisdiction would be barred from adopting their own unique heat illness related laws, and although approved State OSH Plans could still adopt something more stringent, experience has shown that most adopt fed OSHA's standards identically. A federal rule would create greater consistency across the country, streamlining and making it easier for multistate employers to understand the legal and regulatory landscape.

Although the expected rulemaking by MIOSHA and other states is outside the scope of CMC's ongoing Employers Heat Illness Prevention Coalition, which is focused exclusively on fed OSHA's heat rulemaking, we are exploring interest in a smaller coalition or direct employer/trade group effort to work on the MIOSHA and other State Plan rulemakings. If you have any questions or are interested in joining the Employers Heat Illness Prevention Coalition or a separate state-level coalition, please contact Eric J. Conn at **econn@connmaciel.com** and Beeta Lashkari at **blashkari@connmaciel.com**.