

NOVEMBER 4, 2025 | STATE OSH PLANS

Michigan Lawmakers Consider Raising MIOSHA Penalties to Match Federal Levels

BY VALERIE BUTERA, ANTHONY M. CASALETTA & DARIUS ROHANI-SHUKLA

By [Tony Casaletta](#), [Valerie Butera](#), and [Darius Rohani-Shukla](#)

On October 23, 2025, the Michigan Senate Labor Committee heard testimony on Senate Bills [49](#) and [50](#) (SB 49–50) — legislation aimed at raising Michigan Occupational Safety and Health Administration’s (MIOSHA) civil penalty authority to match federal OSHA penalty levels. Supporters of the bills, including lawmakers and safety officials, emphasized that updating Michigan’s penalty structure is crucial to keeping the state in compliance with federal requirements and preserving Michigan’s authority to effectively regulate workplace safety. Without these adjustments, Michigan risks losing its approved State OSH Plan status, which allows the state to manage its own occupational safety and health program rather than defaulting to federal OSHA jurisdiction over Michigan workplaces.

Both bills would also shift MIOSHA administration and enforcement responsibilities from the Department of Licensing and Regulatory Affairs (LARA) and Department of Health and Human Services (DHHS) to the Department of Labor and Economic Opportunity (LEO). This centralization is intended to streamline oversight and align MIOSHA with broader labor and employment policy initiatives.

Why the Change Is Needed

Michigan is one of only six states that have not yet adopted the updated federal OSHA maximum civil penalties established in 2016 (and rising with inflation every year since). According to MIOSHA Director Bart Pickelman, this gap between state and federal standards has already led to federal audit findings and warnings that Michigan could lose its authority to oversee workplace safety if it fails to act soon.

“Failure to update our statute to match federal amounts may result in U.S. OSHA taking over jurisdiction in Michigan,” Pickelman told lawmakers.

If federal OSHA were to assume control, an estimated 600,000 public employees in Michigan would lose the workplace safety oversight currently guaranteed under MIOSHA, since federal OSHA does not cover public-sector workers. In addition, the state would forfeit local control, Lansing-based program administration, and stakeholder involvement in shaping safety and health policy — key elements that have long distinguished Michigan’s approach to occupational safety.

Here is a table that outlines MIOSHA’s current and proposed new civil penalty authority, along with other notes, such as available penalty reductions:

<u>Citation Characterization</u>	<u>Current MIOSHA Max Civil Penalty</u>	<u>Proposed New Penalties</u>	<u>Notes / Affected Sections</u>
Maximum penalty — Serious citation	\$7,000	\$16,550	SB 49 proposes multiple MIOSHA Act amendments (MCL 408.1004, 408.1013, 408.1014, etc.) to enable alignment with federal amounts.
Maximum penalty — Willful / Repeat citation	\$70,000	\$165,514	Substantive increase intended to match federal OSHA.
Average assessed penalty — all employers (serious)	\$1,333	n/a	Average assessed penalties remain modest due to MIOSHA reductions.

Average assessed penalty — employers ≤25 employees (serious)	\$637	n/a	Small employers receive substantial reductions.
Penalty reductions available	– Up to 80% reduction (size) – 30% for good-faith cooperation – 10% for no citations in 3 years	Same framework	SB 49 amendments codify penalty provisions but do not change reductions.
Administration & enforcement	Enforced/administered by LARA and DHHS	Proposed transfer to Department of Labor & Economic Opportunity (LEO)	Streamlined administrative oversight under new legislation.
Public employee coverage	MIOSHA covers public employees	n/a	Loss of state-plan status would remove protections for approximately 600,000 public employees.

Penalty Reductions & Employer Considerations

MIOSHA applies statutory and discretionary reductions that lower assessed penalties:

- Employer-size reductions (up to **80%** for very small employers).
- Up to **30%** reduction for good-faith cooperation.
- **10%** reduction for employers with no citations in the prior 3 years.

Other Notable Legislation

- [House Bill 4017](#) — proposes reducing criminal penalties for failing to report an accidental death on a family farm within eight hours, converting them to civil fines, and allowing an 80% reduction. Sponsor: Rep. Jerry Neyer (R-Shepherd).

Next Steps

The Senate Labor Committee took testimony only on SB 49 and SB 50 and did not vote. Lawmakers are expected to continue discussions before the legislation moves forward.

If enacted, the bills would bring Michigan's workplace safety penalties into compliance with federal standards — preserving the state's control over its occupational safety program and ensuring continued protections for hundreds of thousands of Michigan workers.