

HOUSE No. 3974

[Pin Slip]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Section 6 of chapter 149 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out , in line 24, the words “authority hereof” and
3 inserting in place thereof the following:- this section or section 6 ½.

4 SECTION 2. Said chapter 149 is hereby further amended by striking out section 6 ½, as
5 so appearing, and inserting in place thereof the following section:-

6 Section 6 ½. (a) For the purposes of this section, the following words shall, unless the
7 context clearly requires otherwise, have the following meanings:

8 “Public employees”, individuals employed by a public employer.

9 “Public employers”, places of employment subject to section 28 of chapter 7, any agency,
10 executive office, department, board, commission, bureau, division or authority of the
11 commonwealth or of any political subdivision of the commonwealth, any quasi-public
12 independent entity and any authority or body politic and corporate established by the general
13 court to serve a public purpose.

14 (b) Public employers shall provide public employees at least the level of protection
15 provided under the federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et. seq.,
16 including standards and provisions of the general duty clause contained in 29 U.S.C. 654.

17 (c) The governor shall appoint an occupational health and safety hazard advisory board
18 which shall consist of 21 members; 1 of whom shall be the secretary of labor and workforce
19 development or a designee, who shall serve as the co-chairperson; 1 of whom shall be the
20 personnel administrator or a designee, who shall serve as co-chairperson; 1 of whom shall be the
21 director of the division of labor standards or a designee; 1 of whom shall be the secretary of
22 administration and finance or a designee; 1 of whom shall be the director of the office of
23 employee relations or a designee; 1 of whom shall be the commissioner of public health or a
24 designee; 1 of whom shall be the director of industrial accidents or a designee; 5 of whom shall
25 be representatives from labor unions representing public employees, 1 of whom shall be a
26 representative of municipal public employees; 1 of whom shall be the president of the Municipal
27 Electric Association of Massachusetts, Inc. or a designee; 1 of whom shall be a representative
28 from a community-based health and safety advocacy organization; 1 of whom shall be the
29 president of the Massachusetts Municipal Association, Inc. or a designee; 1 of whom shall be the
30 president of the Massachusetts Highway Association or a designee; 1 of whom shall be the
31 president of the Massachusetts Association of School Committees, Inc. or a designee; 1 of
32 whom shall be the president of the Massachusetts Association of School Superintendents, Inc. or
33 a designee; 1 of whom shall be the president of the Massachusetts Water Works Association Inc.
34 or a designee; 1 of whom shall be the president of the Massachusetts Municipal Management
35 Association at the Massachusetts Municipal Association, Inc. or a designee; and 1 member of the
36 faculty of the department of work environment at the University of Massachusetts Lowell.

37 The advisory board shall evaluate injury and illness data, recommend training and
38 implementation of safety and health measures, monitor the effectiveness of safety and health
39 programs and determine where additional resources are needed to protect the safety and health of
40 public employees.

41 (d) The department shall promulgate regulations to enforce this section. The department
42 shall consult with the advisory board established in subsection (c) prior to: (i) adopting or
43 amending the regulations; or (ii) the submission of a state plan for occupational safety and health
44 standards and their enforcement to the United States Secretary of Labor pursuant to 29 U.S.C.
45 667. The department may, after consulting with the advisory board, adopt specific regulations for
46 individual quasi-public independent entities and authorities.

47 (e) The attorney general may bring a civil action for declaratory or injunctive relief to
48 enforce this section.

49 SECTION 3. This act shall take effect on October 1, 2018.