

SENATE No. 1033

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to further define standards of employee safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>1/23/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/23/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/25/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>1/25/2017</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>1/25/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>1/26/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/27/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/30/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/30/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/31/2017</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/1/2017</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/1/2017</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/1/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>

<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/2/2017</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	<i>2/2/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/2/2017</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>2/3/2017</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>	<i>2/3/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/3/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>2/3/2017</i>

SENATE No. 1033

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1033) of Marc R. Pacheco, Diana DiZoglio, Steven Ultrino, Jay R. Kaufman and other members of the General Court for legislation to further define standards of employee safety. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2190 OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act to further define standards of employee safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 149 of the General Laws is hereby amended by inserting, after
2 section 6¹/₂, the following section:-

3 Section 6³/₄. (a) This section shall not apply to places of employment subject to section
4 6¹/₂. The department, after consulting with the advisory board established by subsection (b), shall
5 adopt regulations that shall provide at least the level of protection to employees that is provided
6 under the federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et. seq., including
7 standards and provisions of the general duty clause contained in 29 U.S.C. 654. In the absence of
8 a state regulation, the department shall apply the applicable provisions of that act.

9 (b) The governor shall appoint a municipal occupational health and safety hazard
10 subcommittee to the occupational health and safety hazard advisory board established in section
11 6½. The subcommittee shall consist of: the director of the division of labor standards or a
12 designee, who shall serve as the chairperson; the president of the Massachusetts Municipal
13 Association, Inc. or a designee; the president of the Massachusetts Highway Association or a
14 designee; the president of the Massachusetts Association of School Committees, Inc. or a
15 designee; the president of the Massachusetts Association of School Superintendents, Inc. or a
16 designee; the president of the New England Water Works Association, Inc. or a designee; and
17 the president of the Massachusetts Municipal Management Association or a designee.

18 The subcommittee, in consultation with the occupational health and safety hazard
19 advisory board established in said section 6½, shall: (i) evaluate injury and illness data; (ii)
20 recommend training and implementation of safety and health measures; (iii) monitor the
21 effectiveness of safety and health programs; and (iv) determine whether additional measures are
22 necessary to protect the safety and health of employees.

23 (c) The attorney general may bring a civil action for declaratory or injunctive relief to
24 enforce this section.

25 SECTION 2. This act shall take effect on January 1, 2018.