

SENATE No. 01249

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 passage of the accompanying bill:

An Act relative to the oversight of chemical process safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>

SENATE No. 01249

By Mr. Timilty, petition (accompanied by bill, Senate, No. 1249) of Timilty for legislation relative to the oversight of chemical process safety [Joint Committee on Public Safety and Homeland Security].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 993 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the oversight of chemical process 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 148 of the General Laws as appearing in the 2006 Official
2 Edition is hereby amended by adding, after section 28B, the following new section:-

3 Section 28C. Section 1(a). No person shall conduct any hazardous chemical
4 process, as defined by the Board of Fire Prevention Regulations, without first securing a users
5 certificate therefore from the marshal. Such users certificate shall be in addition to any permit
6 that may be required by the head of the fire department. The marshal may, after notice and an
7 opportunity for a hearing, suspend or revoke any such certificate for cause. However, the
8 marshal may suspend said certificate immediately, if the continuation of the particular process
9 would reasonably constitute an immediate threat to public safety. In the event of such immediate

10 suspension, the marshal shall cause such reasonable written notice of such suspension to be
11 delivered to the facility at the address of record as indicated on said certificate. Such notice shall
12 grant the holder the right to a hearing, within fourteen days of said suspension, before the
13 marshal or a designee of the marshal relative to the administrative action taken.

14 (b). The marshal shall charge a fee for the initial issuance of said certificate and any
15 renewal thereof. The amount of said fee shall be determined annually by the Secretary of
16 administration under the provision of section three B of chapter seven.

17 (c). The Board of Fire Prevention Regulations shall promulgate rules and regulations
18 which establish standards relating to hazardous chemical processes, including any use, storage,
19 mixing, bonding, manufacturing, handling, or the on-site movement of such chemicals, or
20 combination of these activities, and such other matters, including but not limited to 3rd party
21 inspections and facility reviews necessary to carry out the Board's requirements.

22 (d). Every applicant for a certificate under this section shall, as a condition to such
23 issuance, provide evidence of valid liability insurance coverage in the form of a certificate issued
24 by the insurance agency to the Marshal's office. Said insurance certificate shall list the name
25 and claims representative providing general liability coverage in the minimum amount of
26 \$1,000,000 per occurrence and \$1,000,000 aggregate coverage. A 30-day cancellation notice to
27 the Marshal shall be a condition to the policy. Any insurance coverage issued pursuant to this
28 section shall be from a company licensed in the Commonwealth of Massachusetts by the
29 Commissioner of Insurance.

30 SECTION 2. There shall be a separate fund on the books of the Commonwealth to be
31 known as the Chemical Process Safety Program Fund. Such fund shall consist of all certification

32 fees submitted by an applicant under this section, together with any interest thereon, and shall, in
33 addition to any other monies made available for such purpose, be expended by the Marshal,
34 without further appropriation, and shall be used solely to support activities related to the
35 administration of a statewide chemical process safety program. All payments from the Chemical
36 Process Safety Program Fund shall be made on the audit and warrant of the State Treasurer on
37 vouchers certified and submitted by the Marshal. Provided, however, that for the purpose of
38 accommodating timing discrepancies between the receipt of retained revenues and related
39 expenditures, the Marshal may incur expenses and the Comptroller may certify for payment,
40 amounts not to exceed the most recent revenue estimate in the state accounting system.