

**SENATE . . . . . No. 137**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Ms. Jehlen**

*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 establishing regulations for the licensing of floor finishers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ms. Jehlen	Second Middlesex
Martin J. Walsh	13th Suffolk
Timothy J. Toomey, Jr.	26th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00185 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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### AN ACT ESTABLISHING REGULATIONS FOR THE LICENSING OF FLOOR FINISHERS.

*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. A state agency will establish regulations for the certification of floor finishers  
2 and sanders.

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4           a. The regulations shall require the training of workers and employers in subjects including  
5 certification requirements, permitting requirements for the use of flammable products,  
6 flammability, fire prevention, electrical safety, ventilation, wood dust, toxicity, equipment  
7 needed for safety, less flammable and less toxic product options, safe work practices, health  
8 risks, requirements to comply with federal occupational safety and health standards, and other  
9 safeguards, including practices to prevent contamination of and damage to premises where the  
10 work is performed and neighboring buildings, and contamination of air or water.

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12           b. Training length, contents, and subjects required for certification of company owners may  
13 exceed those required for certification of employees.

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15           c. Training will be required to be made available in each of the native languages spoken by floor  
16 finishers and sanders in the Commonwealth.

17  
18           d. The regulations shall also require the completion and publicly visible posting at every  
19 commercial wood floor finishing or sanding job a checklist of conditions and actions required to  
20 protect health, safety, and property before the start of a floor finishing or sanding operation. The  
21 checklist shall be made available both in English and in the languages spoken by the individuals  
22 working at the job site.

23  
24           e. The regulations shall also require the designation by the employer of a certified worker at each  
25 commercial floor finishing or sanding job who will have the responsibility to complete and post  
26 the checklist described and who will have the authority to halt or suspend work for reasons of

27 health and safety including lack of adequate equipment or materials or any other hazardous  
28 condition or event.

29  
30 If the designated employee, after completing and signing the checklist, leaves the site before the  
31 completion of floor sanding and finishing operations, a second certified worker must be  
32 designated by the employer, who will remain at the site, with the responsibility to monitor health  
33 and safety conditions and who has the authority to halt or suspend work for reasons of health and  
34 safety.

35  
36 The employer shall indicate on the checklist the names of the first and, if applicable, second  
37 designated employees, and sign upon the section that indicates these designees. All workers on  
38 the job site will sign a statement in a language that they understand that they have reviewed and  
39 understand the checklist.

40  
41 f. The regulations shall also require that before finalizing a business agreement with a consumer,  
42 any certified finisher or sander present the consumer with a standardized safety publication, to be  
43 signed by the consumer, confirming his/her receipt of the publication. The publication shall  
44 include specified information regarding the risks and hazards of floor finishing and sanding,  
45 required and recommended safety practices and equipment, less flammable and less toxic  
46 product options, certification requirements, and procedures for obtaining more information and  
47 for reporting hazards or violations of certification requirements. A copy of the signed document  
48 is to be retained by the owner.

49  
50 2. The state agency will authorize training vendors to provide the training component of the  
51 certification program and establish requirements for the contents and format of the training. At a  
52 minimum, the agency will require the training to be participatory and include hands-on  
53 components. Authorized training will provide all trainees the opportunity to ask questions and  
54 express their experiences and concerns. Authorized training will include the use of hands-on  
55 exercises to provide trainees with an opportunity to become familiar with floor sanding and  
56 finishing equipment, personal protective equipment, and safe practices, and to interact with  
57 equipment and tools in the presence of qualified trainers in ways that allow  
58 the trainers to assess whether workers have mastered the proper  
59 techniques.

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61 3. All owners and employees engaged in commercial wood floor finishing or sanding must  
62 receive certification. The only exception to this rule shall be persons who have worked in this  
63 industry for less than six months. Such persons not yet certified may perform floor finishing or  
64 sanding operations only when directly supervised by a person certified in floor finishing and  
65 sanding.

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67 b. Employers must train all employees about workplace hazards before they start work and  
68 provide safe working conditions as required in the federal Occupational Safety and Health Act  
69 and accompanying standards.

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71 c. Workers shall be required to complete qualified training programs at least once in every 24  
72 month period in order to retain valid certification. Owners of companies shall be required to  
73 complete qualified training programs at least once in every 12 month period in order to retain  
74 current certification.

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76 d. No company or its employees shall engage in commercial wood floor sanding or finishing  
77 unless all owners are certified.

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79 4. The appropriate agency may revoke, suspend, cancel or deny any certification at any time, if  
80 it believes that the terms or conditions thereof are being violated or that the holder of or applicant  
81 for the certification has violated any regulation of the Agency or any other regulation or law of  
82 the commonwealth. Any person aggrieved by a determination by the director or the department  
83 to issue, deny, revoke or suspend any certification or license may request an adjudicatory hearing  
84 under the provisions of chapter thirty A.

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86 Any person who violates the terms or conditions of any certification issued under this section or  
87 any regulation or law of the commonwealth concerning such certification shall be punished by a  
88 fine of not less than two hundred nor more than fifteen hundred dollars for each offense.

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90 The state Agency or a board of health or local code enforcement agency may issue an immediate  
91 cease-work order to any person who violates the terms or conditions of any license issued under  
92 this section or any provision of this section or any regulation or order issued if such violation  
93 will endanger or materially impair the health or well-being of any occupant of a residential,  
94 commercial, or public premises or surrounding premises, any floor finishers or sanders, or any  
95 person employed in performing renovations or rehabilitation in a manner that requires the use of  
96 dangerous floor finishing or sanding materials.

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98 The agency will develop requirements for re-certification which may include, but are not limited  
99 to, something about increasing the training requirements or something.

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101 Nothing in this section shall be construed to limit the authority of the Agency.

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103 5. The Agency will promulgate all rules and regulations described in this law in consultation  
104 with an Advisory Committee composed of but not limited to representatives from: the Office of  
105 the Fire Marshal, the Division of Occupational Safety, The Department of Public Health  
106 Occupational Health Surveillance program, The Department of Environmental Protection, the  
107 Massachusetts Attorney General, wood floor finishing industry, labor groups that represent wood  
108 floor finishing workers, non-profit organizations representing ethnic groups engaged in this  
109 industry and non-profit organizations with environmental and health and safety expertise.  
110 The committee will meet a minimum of twice per year.

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112 6. The Agency will report back in two years to the legislature on the bill's implementation, in  
113 particular the number of businesses and individuals certified, numbers of certifications revoked,  
114 obstacles encountered, and estimated level of compliance.