

SENATE No. 1174

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Feeney

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 relative to workplace safety and disclosure of violations.

PETITION OF:

NAME:

Paul R. Feeney

DISTRICT/ADDRESS:

Bristol and Norfolk

SENATE No. 1174

By Mr. Feeney, a petition (accompanied by bill, Senate, No. 1174) of Paul R. Feeney for legislation relative to workplace safety and disclosure of violations. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1190 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to workplace safety and disclosure of violations.

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 30B of the General Laws is hereby amended by inserting after
2 section 4 the following section:-

3 Section 4A.

4 (a) For procurement contracts for supplies and services, including construction, that are
5 estimated to cost more than \$50,000, each awarding authority shall ensure that solicitations or
6 invitations for bids require that the offeror represent, to the best of the offeror's knowledge and
7 belief, whether there has been any Occupational Safety and Health Administration citation,
8 notice, decision, or civil judgment rendered against the company, as a sole proprietorship,
9 limited partnership, and/or limited liability partnership/corporation and/or any affiliated business

10 or subsidiary of which the applicant is owner, manager, officer, and/or director within the
11 preceding 4-year period for a violation of the federal Occupational Safety and Health Act of
12 1970, 29 U.S.C sections 651 to 678, including any settlement agreement and documentation
13 verifying if hazards identified have been corrected.

14 (b) An awarding authority, prior to making an award, shall, as part of responsibility
15 determination, provide an offeror with an opportunity to disclose any steps taken to correct any
16 violations of or improve compliance with said federal Occupational Safety and Health Act of
17 1970, including any settlement agreement and documentation verifying if hazards identified have
18 been corrected.

19 (c) An awarding authority shall consider the information provided pursuant to
20 subsections (a) and (b) in determining whether an offeror is a responsible source.

21 (d) For any subcontract where the estimated value of the supplies and services required
22 exceeds \$50,000, an awarding authority shall require that, at the time of execution of the
23 contract, a contractor represents to the contracting agency that the contractor will require each
24 subcontractor to disclose to the awarding authority a citation, notice, decision or civil judgment,
25 rendered against the subcontractor within the preceding 4-year period for a violation of said
26 federal Occupational Safety and Health Act of 1970, said 29 U.S.C sections 651 to 678,
27 including any settlement agreement and documentation verifying if hazards identified have been
28 corrected, and to provide to the awarding authority updated information every 6 months.

29 (e) As appropriate, an awarding authority shall refer matters related to information
30 provided pursuant to subsections (a), (b) and (d) of this section to the appropriate agency.

31 (f) During the performance of the contract, each awarding authority shall require that
32 every 6 months contractors subject to this section update the information provided pursuant to
33 subsection (a).

34 (g) If information regarding a citation, notice, decision or civil judgment, rendered
35 against the offeror within the preceding 4-year period for any violations of said federal
36 Occupational Safety and Health Act of 1970, said 29 U.S.C sections 651 to 678, including any
37 settlement agreements and documentation verifying if hazards identified have corrected, or
38 similar information is obtained through other sources, an awarding authority may request a copy
39 of a citation and evidence of abatement of a hazard, and refer the offeror to appropriate agencies
40 if a hazard has not been abated.

41 (h) An awarding authority shall require that if information regarding a citation, notice,
42 decision or civil judgment, rendered against a contractor's subcontractor within the preceding 4-
43 year period for any violations of said federal Occupational Safety and Health Act of 1970, said
44 29 U.S.C sections 651 to 678 is brought to the attention of the contractor or similar information
45 is obtained through other sources, then the contractor shall inform the awarding authority and the
46 awarding authority may request a copy of a citation and evidence of abatement of a hazard, and
47 refer the subcontractor to appropriate agencies if a hazard has not been abated.

48 (i) As appropriate, awarding authorities shall send information provided pursuant to
49 subsection (a) and subsection (d) of this section to the appropriate agency.

50 (j) Nothing in this section shall preclude the exercise or enforcement of any lawful rights
51 or remedies.

52 SECTION 2. Section 2 of chapter 82A of the General Laws, as appearing in the 2014
53 Official Edition, is hereby amended by inserting after the fourth sentence the following
54 sentence:- A person making application for a trench excavation permit shall disclose in writing:

55 (a) Any citation, notice, decision or civil judgment rendered against the company, as a
56 sole proprietorship, limited partnership, and/or limited liability partnership/corporation and/or
57 any affiliated business or subsidiary of which the applicant is owner, manager, officer, and/or
58 director within the preceding 4-year period for a violation of the federal Occupational Safety and
59 Health Act of 1970, 29 U.S.C sections 651 to 678, including any settlement agreement and
60 documentation verifying if hazards identified have been corrected; and

61 (b) (i) any prior suspension or revocation of a trench excavation permit held by applicant;
62 (ii) any assessment of fines in relation to a trench excavation permit held by applicant; (iii) any
63 prior immediate shutdown of a trench site by state or local authorities in relation to a trench
64 excavation permit held by applicant; and (iv) the date of each incident.