

**HOUSE . . . . . No. 1812**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act to provide a safe workplace for employees of the Commonwealth and its political subdivisions..

*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, as appearing in the 2006 Official Edition,  
2 is hereby amended by inserting, after section 40, a new section 40A as follows:

3 (a) Notwithstanding any general or special law to the contrary, the division of  
4 occupational safety shall apply federal occupational and health standards applicable to private  
5 sector employees to employees of the commonwealth and its political subdivisions. Such  
6 standards shall include all statutory and regulatory requirements enforced by the Occupational  
7 Safety and Health Administration with respect to private sector employees, including, without  
8 limiting the generality of the foregoing, the general duty clause.

9 Nothing herein shall affect any state standard that exceeds the standards applied by the  
10 Occupational Health and Safety Administration.

11 (b) The division shall have authority to conduct investigations. The commissioner shall  
12 have authority to issue subpoenas and subpoenas duces tecum to compel the attendance of  
13 witnesses and the production of documents.

14 (c) The commissioner of the division may promulgate regulations and may issue  
15 corrective orders when a violation of this section or regulations promulgated hereunder is found.  
16 Proceedings concerning the issuance of regulations or corrective orders to public officials shall  
17 be adjudicatory proceedings pursuant to chapter 30A and shall be subject to judicial review  
18 accordingly.

19 (d) With respect to the exercise of its responsibilities under this section, the division shall  
20 be within the department of labor but not subject to its direction and control.

21 (e) The effective date of this section with respect to cities and towns shall be subject to  
22 the provisions of section 27C of chapter 29 of the General Laws.