

**HOUSE . . . . . No. 1871**

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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, its independent authorities and other 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 is hereby amended inserting a new section  
2 40 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  
5 private sector employees to employees of the Commonwealth, its independent authorities  
6 and other political subdivisions. Such standards shall include all statutory and regulatory  
7 requirements enforced by the occupational safety and health administration with respect  
8 to private sector employees, including, without limiting the generality of the foregoing,  
9 the general duty clause. Nothing herein shall affect any state standard that exceeds the  
10 standards applied by the 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  
13 of witnesses and/or the production of documents.

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

23 (f) The provisions of this act shall not apply to the fire services of the Commonwealth,  
24 its independent authorities or other political subdivisions.