

SENATE No. 137

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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.

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

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

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

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

19 e. The regulations shall also require the designation by the employer of a certified worker
20 at each commercial floor finishing or sanding job who will have the responsibility to complete
21 and post the checklist described and who will have the authority to halt or suspend work for
22 reasons of health and safety including lack of adequate equipment or materials or any other
23 hazardous condition or event.

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

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

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34 f. The regulations shall also require that before finalizing a business agreement with a
35 consumer, any certified finisher or sander present the consumer with a standardized safety

36 publication, to be signed by the consumer, confirming his/her receipt of the publication. The
37 publication shall include specified information regarding the risks and hazards of floor finishing
38 and sanding, required and recommended safety practices and equipment, less flammable and less
39 toxic product options, certification requirements, and procedures for obtaining more information
40 and for reporting hazards or violations of certification requirements. A copy of the signed
41 document is to be retained by the owner.

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

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

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

59 c. Workers shall be required to complete qualified training programs at least once in
60 every 24 month period in order to retain valid certification. Owners of companies shall be
61 required to complete qualified training programs at least once in every 12 month period in order
62 to retain current certification.

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

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

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

75 The state Agency or a board of health or local code enforcement agency may issue an
76 immediate cease-work order to any person who violates the terms or conditions of any license
77 issued under this section or any provision of this section or any regulation or order issued if such

78 violation will endanger or materially impair the health or well-being of a
79 residential, commercial, or public premises or surrounding premises, any floor finishers or
80 sanders, or any person employed in performing renovations or rehabilitation in a manner that
81 requires the use of dangerous floor finishing or sanding materials.

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

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

85 5. The Agency will promulgate all rules and regulations described in this law in
86 consultation with an Advisory Committee composed of but not limited to representatives from:
87 the Office of the Fire Marshal, the Division of Occupational Safety, The Department of Public
88 Health Occupational Health Surveillance program, The Department of Environmental Protection,
89 the Massachusetts Attorney General, wood floor finishing industry, labor groups that represent
90 wood floor finishing workers, non-profit organizations representing ethnic groups engaged in
91 this industry and non-profit organizations with environmental and health and safety expertise.

92 The committee will meet a minimum of twice per year.

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