

**SENATE . . . . . No. 993**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Nine**  
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An Act relative to the oversight of chemical process safety..

*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 148 of the General Laws as appearing in the 2006 Official Edition  
2 is hereby amended by adding, after section 28B, the following new section:-

3 Section 28C. Section 1(a). No person shall conduct any hazardous chemical process,  
4 as defined by the Board of Fire Prevention Regulations, without first securing a users certificate  
5 therefore from the marshal. Such users certificate shall be in addition to any permit that may be  
6 required by the head of the fire department. The marshal may, after notice and an opportunity  
7 for a hearing, suspend or revoke any such certificate for cause. However, the marshal may  
8 suspend said certificate immediately, if the continuation of the particular process would  
9 reasonably constitute an immediate threat to public safety. In the event of such immediate  
10 suspension, the marshal shall cause such reasonable written notice of such suspension to be  
11 delivered to the facility at the address of record as indicated on said certificate. Such notice shall  
12 grant the holder the right to a hearing, within fourteen days of said suspension, before the  
13 marshal or a designee of the marshal relative to the administrative action taken.

14 (b). The marshal shall charge a fee for the initial issuance of said certificate and any  
15 renewal thereof. The amount of said fee shall be determined annually by the Secretary of  
16 administration under the provision of section three B of chapter seven.

17 (c). The Board of Fire Prevention Regulations shall promulgate rules and regulations  
18 which establish standards relating to hazardous chemical processes, including any use, storage,  
19 mixing, bonding, manufacturing, handling, or the on-site movement of such chemicals, or  
20 combination of these activities, and such other matters, including but not limited to 3rd party  
21 inspections and facility reviews necessary to carry out the Board's requirements.

22 (d). Every applicant for a certificate under this section shall, as a condition to such  
23 issuance, provide evidence of valid liability insurance coverage in the form of a certificate issued  
24 by the insurance agency to the Marshal's office. Said insurance certificate shall list the name  
25 and claims representative providing general liability coverage in the minimum amount of  
26 \$1,000,000 per occurrence and \$1,000,000 aggregate coverage. A 30-day cancellation notice to  
27 the Marshal shall be a condition to the policy. Any insurance coverage issued pursuant to this  
28 section shall be from a company licensed in the Commonwealth of Massachusetts by the  
29 Commissioner of Insurance.

30 SECTION 2. There shall be a separate fund on the books of the Commonwealth to be  
31 known as the Chemical Process Safety Program Fund. Such fund shall consist of all certification  
32 fees submitted by an applicant under this section, together with any interest thereon, and shall, in  
33 addition to any other monies made available for such purpose, be expended by the Marshal,  
34 without further appropriation, and shall be used solely to support activities related to the  
35 administration of a statewide chemical process safety program. All payments from the Chemical

36 Process Safety Program Fund shall be made on the audit and warrant of the State Treasurer on  
37 vouchers certified and submitted by the Marshal. Provided, however, that for the purpose of  
38 accommodating timing discrepancies between the receipt of retained revenues and related  
39 expenditures, the Marshal may incur expenses and the Comptroller may certify for payment,  
40 amounts not to exceed the most recent revenue estimate in the state accounting system.