

SENATE No. 1249

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 the oversight of chemical process safety.

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

SENATE No. 1249

By Mr. Timilty, petition (accompanied by bill, Senate, No. 1249) of Timilty for legislation relative to the oversight of chemical process safety [Joint Committee on Public Safety and Homeland Security].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 993 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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
2 Official Edition is hereby amended by adding, after section 28B, the following new section:-
3 Section 28C. Section 1(a). No person shall conduct any hazardous
4 chemical process, as defined by the Board of Fire Prevention Regulations, without first securing
5 a users certificate therefore from the marshal. Such users certificate shall be in addition to any
6 permit that may be required by the head of the fire department. The marshal may, after notice
7 and an opportunity for a hearing, suspend or revoke any such certificate for cause. However, the
8 marshal may suspend said certificate immediately, if the continuation of the particular process
9 would 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
15 and any 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
18 regulations which establish standards relating to hazardous chemical processes, including any
19 use, storage, mixing, bonding, manufacturing, handling, or the on-site movement of such
20 chemicals, or combination of these activities, and such other matters, including but not limited to
21 3rd party 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
23 such issuance, provide evidence of valid liability insurance coverage in the form of a certificate
24 issued by the insurance agency to the Marshal's office. Said insurance certificate shall list the
25 name 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
31 Commonwealth to be known as the Chemical Process Safety Program Fund. Such fund shall
32 consist of all certification fees submitted by an applicant under this section, together with any

33 interest thereon, and shall, in addition to any other monies made available for such purpose, be
34 expended by the Marshal, without further appropriation, and shall be used solely to support
35 activities related to the administration of a statewide chemical process safety program. All
36 payments from the Chemical Process Safety Program Fund shall be made on the audit and
37 warrant of the State Treasurer on vouchers certified and submitted by the Marshal. Provided,
38 however, that for the purpose of accommodating timing discrepancies between the receipt of
39 retained revenues and related expenditures, the Marshal may incur expenses and the Comptroller
40 may certify for payment, amounts not to exceed the most recent revenue estimate in the state
41 accounting system.