

SENATE No. 2190

The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court
(2015-2016)
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SENATE, Thursday, March 24, 2016

The committee on Ways and Means, to whom was referred the Senate Bill to further define standards of employee safety (Senate, No. 999),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2190).

For the committee,
Karen E. Spilka

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to further define standards of employee 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 149 of the General Laws is hereby amended by inserting, after
2 section 6½, the following section:-

3 Section 6¾. (a) This section shall not apply to places of employment subject to section
4 6½. The department, after consulting with the advisory board established by subsection (b), shall
5 adopt regulations that shall provide at least the level of protection to employees that is provided
6 under the federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et. seq., including
7 standards and provisions of the general duty clause contained in 29 U.S.C. 654. In the absence of
8 a state regulation, the department shall apply the applicable provisions of that act.

9 (b) The governor shall appoint a municipal occupational health and safety hazard
10 subcommittee to the occupational health and safety hazard advisory board established in section
11 6½. The subcommittee shall consist of: the director of the division of labor standards or a
12 designee, who shall serve as the chairperson; the president of the Massachusetts Municipal
13 Association, Inc. or a designee; the president of the Massachusetts Highway Association or a
14 designee; the president of the Massachusetts Association of School Committees, Inc. or a

15 designee; the president of the Massachusetts Association of School Superintendents, Inc. or a
16 designee; the president of the New England Water Works Association, Inc. or a designee; and
17 the president of the Massachusetts Municipal Management Association or a designee.

18 The subcommittee, in consultation with the occupational health and safety hazard
19 advisory board established in said section 6½, shall: (i) evaluate injury and illness data; (ii)
20 recommend training and implementation of safety and health measures; (iii) monitor the
21 effectiveness of safety and health programs; and (iv) determine whether additional measures are
22 necessary to protect the safety and health of employees.

23 (c) The attorney general may bring a civil action for declaratory or injunctive relief to
24 enforce this section.

25 SECTION 2. This act shall take effect on January 1, 2017.