

HOUSE No. 3158

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

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 to further define standards of employee safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/20/2017</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/3/2017</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/30/2017</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/25/2017</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/2/2017</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/25/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/3/2017</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/1/2017</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>2/1/2017</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/27/2017</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>	<i>2/2/2017</i>
<i>Gerard Cassidy</i>	<i>9th Plymouth</i>	<i>2/2/2017</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/26/2017</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>2/2/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/1/2017</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/24/2017</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>	<i>1/31/2017</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/2/2017</i>

<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/3/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>1/26/2017</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/25/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/31/2017</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>1/26/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/27/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>2/3/2017</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>1/27/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/3/2017</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/2/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>1/25/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/26/2017</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>2/2/2017</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>2/2/2017</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/30/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/31/2017</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>2/3/2017</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/31/2017</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/30/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/24/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/27/2017</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>2/3/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/25/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/31/2017</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/2/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/1/2017</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>2/2/2017</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>	<i>1/25/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>2/3/2017</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/24/2017</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/3/2017</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>1/31/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2017</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/1/2017</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>2/3/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/30/2017</i>

<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/3/2017</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>2/3/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/26/2017</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>2/2/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/24/2017</i>
<i>Paul Tucker</i>	<i>7th Essex</i>	<i>2/3/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/30/2017</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>2/2/2017</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>2/2/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/31/2017</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/30/2017</i>

HOUSE No. 3158

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 3158) of James J. O'Day and others for legislation to further define standards of employee safety. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1756 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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 6¹/₂, the following

3 Section:- Section 6³/₄. (a) This section shall not apply to places of employment subject to
4 section 6¹/₂. The department, after consulting with the advisory board established by subsection
5 (b), shall adopt regulations that shall provide at least the level of protection to employees that is
6 provided under the federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et. seq.,
7 including standards and provisions of the general duty clause contained in 29 U.S.C. 654. In the
8 absence of 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 90 days after it's enacted.