

# **HOUSE . . . . . No. 3974**

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## **The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, October 25, 2017.

The committee on Ways and Means, to whom was referred the Senate Bill to further define standards of employee safety (printed as House, No. 3952), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 3974.

For the committee,

JEFFREY SÁNCHEZ.

**The Commonwealth of Massachusetts**

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

By striking out all after the enacting clause and inserting in place thereof the following:—

1           SECTION 1. Section 6 of chapter 149 of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by striking out , in line 24, the words “authority hereof” and  
3 inserting in place thereof the following:- this section or section 6 ½.

4           SECTION 2. Said chapter 149 is hereby further amended by striking out section 6 ½, as  
5 so appearing, and inserting in place thereof the following section:-

6           Section 6 ½. (a) For the purposes of this section, the following words shall, unless the  
7 context clearly requires otherwise, have the following meanings:

8           “Public employees”, individuals employed by a public employer.

9           “Public employers”, places of employment subject to section 28 of chapter 7, any agency,  
10 executive office, department, board, commission, bureau, division or authority of the  
11 commonwealth or of any political subdivision of the commonwealth, any quasi-public  
12 independent entity and any authority or body politic and corporate established by the general  
13 court to serve a public purpose.

14 (b) Public employers shall provide public employees at least the level of protection  
15 provided under the federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et. seq.,  
16 including standards and provisions of the general duty clause contained in 29 U.S.C. 654.

17 (c) The governor shall appoint an occupational health and safety hazard advisory board  
18 which shall consist of 21 members; 1 of whom shall be the secretary of labor and workforce  
19 development or a designee, who shall serve as the co-chairperson; 1 of whom shall be the  
20 personnel administrator or a designee, who shall serve as co-chairperson; 1 of whom shall be the  
21 director of the division of labor standards or a designee; 1 of whom shall be the secretary of  
22 administration and finance or a designee; 1 of whom shall be the director of the office of  
23 employee relations or a designee; 1 of whom shall be the commissioner of public health or a  
24 designee; 1 of whom shall be the director of industrial accidents or a designee; 5 of whom shall  
25 be representatives from labor unions representing public employees, 1 of whom shall be a  
26 representative of municipal public employees; 1 of whom shall be the president of the Municipal  
27 Electric Association of Massachusetts, Inc. or a designee; 1 of whom shall be a representative  
28 from a community-based health and safety advocacy organization; 1 of whom shall be the  
29 president of the Massachusetts Municipal Association, Inc. or a designee; 1 of whom shall be the  
30 president of the Massachusetts Highway Association or a designee; 1 of whom shall be the  
31 president of the Massachusetts Association of School Committees, Inc. or a designee; 1 of  
32 whom shall be the president of the Massachusetts Association of School Superintendents, Inc. or  
33 a designee; 1 of whom shall be the president of the Massachusetts Water Works Association Inc.  
34 or a designee; 1 of whom shall be the president of the Massachusetts Municipal Management  
35 Association at the Massachusetts Municipal Association, Inc. or a designee; and 1 member of the  
36 faculty of the department of work environment at the University of Massachusetts Lowell.

37           The advisory board shall evaluate injury and illness data, recommend training and  
38 implementation of safety and health measures, monitor the effectiveness of safety and health  
39 programs and determine where additional resources are needed to protect the safety and health of  
40 public employees.

41           (d) The department shall promulgate regulations to enforce this section. The department  
42 shall consult with the advisory board established in subsection (c) prior to: (i) adopting or  
43 amending the regulations; or (ii) the submission of a state plan for occupational safety and health  
44 standards and their enforcement to the United States Secretary of Labor pursuant to 29 U.S.C.  
45 667. The department may, after consulting with the advisory board, adopt specific regulations for  
46 individual quasi-public independent entities and authorities.

47           (e) The attorney general may bring a civil action for declaratory or injunctive relief to  
48 enforce this section.

49           SECTION 3. This act shall take effect on October 1, 2018.