

HOUSE No. 1614

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle M. DuBois

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 workplace safety.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------------|------------------------------------|------------------|
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> | <i>1/18/2019</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> | <i>1/28/2019</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> | <i>1/28/2019</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> | <i>1/28/2019</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> | <i>1/28/2019</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | <i>1/28/2019</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>1/29/2019</i> |
| <i>Adrian C. Madaro</i> | <i>1st Suffolk</i> | <i>1/29/2019</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> | <i>1/29/2019</i> |
| <i>Bruce J. Ayers</i> | <i>1st Norfolk</i> | <i>2/1/2019</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> | <i>1/31/2019</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> | <i>2/1/2019</i> |
| <i>Paul Brodeur</i> | <i>32nd Middlesex</i> | <i>2/1/2019</i> |
| <i>Peter Capano</i> | <i>11th Essex</i> | <i>2/1/2019</i> |
| <i>Sonia Chang-Diaz</i> | <i>Second Suffolk</i> | <i>1/30/2019</i> |
| <i>Edward F. Coppinger</i> | <i>10th Suffolk</i> | <i>2/1/2019</i> |
| <i>Daniel R. Cullinane</i> | <i>12th Suffolk</i> | <i>1/31/2019</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>1/31/2019</i> |

| | | |
|------------------------------------|-----------------------|------------------|
| <i>Daniel M. Donahue</i> | <i>16th Worcester</i> | <i>1/30/2019</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> | <i>1/30/2019</i> |
| <i>Denise C. Garlick</i> | <i>13th Norfolk</i> | <i>1/29/2019</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> | <i>1/30/2019</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>2/1/2019</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>1/31/2019</i> |
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> | <i>2/1/2019</i> |
| <i>Daniel J. Hunt</i> | <i>13th Suffolk</i> | <i>1/29/2019</i> |
| <i>Patrick Joseph Kearney</i> | <i>4th Plymouth</i> | <i>2/1/2019</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>1/31/2019</i> |
| <i>Christina A. Minicucci</i> | <i>14th Essex</i> | <i>2/1/2019</i> |
| <i>Liz Miranda</i> | <i>5th Suffolk</i> | <i>1/31/2019</i> |
| <i>James M. Murphy</i> | <i>4th Norfolk</i> | <i>1/30/2019</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>2/1/2019</i> |
| <i>Tram T. Nguyen</i> | <i>18th Essex</i> | <i>1/31/2019</i> |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> | <i>1/30/2019</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>1/31/2019</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>1/31/2019</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | <i>2/1/2019</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> | <i>1/30/2019</i> |
| <i>Andres X. Vargas</i> | <i>3rd Essex</i> | <i>1/31/2019</i> |
| <i>Tommy Vitolo</i> | <i>15th Norfolk</i> | <i>1/30/2019</i> |

HOUSE No. 1614

By Ms. DuBois of Brockton, a petition (accompanied by bill, House, No. 1614) of Michelle M. DuBois and others relative to workplace safety. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4219 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to workplace 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 30B of the General Laws is hereby amended by inserting after
2 section 4 the following section:-

3 Section 4A. (a) For procurement contracts for supplies and services, including
4 construction, that are estimated to cost more than \$50,000, each awarding authority shall ensure
5 that solicitations or invitations for bids require that the offeror represent, to the best of the
6 offeror's knowledge and belief, whether there has been any Occupational Safety and Health
7 Administration citation, notice, decision, or civil judgment rendered against the company, as a
8 sole proprietorship, limited partnership, and/or limited liability partnership/corporation and/or
9 any affiliated business or subsidiary of which the applicant is owner, manager, officer, and/or
10 director within the preceding 4-year period for a violation of the federal Occupational Safety and

11 Health Act of 1970, 29 U.S.C sections 651 to 678, including any settlement agreement and
12 documentation verifying if hazards identified have been corrected.

13 (b) An awarding authority, prior to making an award, shall, as part of responsibility
14 determination, provide an offeror with an opportunity to disclose any steps taken to correct any
15 violations of or improve compliance with said federal Occupational Safety and Health Act of
16 1970, including any settlement agreement and documentation verifying if hazards identified have
17 been corrected.

18 (c) An awarding authority shall consider the information provided pursuant to
19 subsections (a) and (b) in determining whether an offeror is a responsible source.

20 (d) For any subcontract where the estimated value of the supplies and services required
21 exceeds \$50,000, an awarding authority shall require that, at the time of execution of the
22 contract, a contractor represents to the contracting agency that the contractor will require each
23 subcontractor to disclose to the awarding authority a citation, notice, decision or civil judgment,
24 rendered against the subcontractor within the preceding 4-year period for a violation of said
25 federal Occupational Safety and Health Act of 1970, said 29 U.S.C sections 651 to 678,
26 including any settlement agreement and documentation verifying if hazards identified have been
27 corrected, and to provide to the awarding authority updated information every 6 months.

28

29 (e) As appropriate, an awarding authority shall refer matters related to information
30 provided pursuant to subsections (a), (b) and (d) of this section to the appropriate agency.

31 (f) During the performance of the contract, each awarding authority shall require that
32 every 6 months contractors subject to this section update the information provided pursuant to
33 subsection (a).

34 (g) If information regarding a citation, notice, decision or civil judgment, rendered
35 against the offeror within the preceding 4-year period for any violations of said federal
36 Occupational Safety and Health Act of 1970, said 29 U.S.C sections 651 to 678, including any
37 settlement agreements and documentation verifying if hazards identified have corrected, or
38 similar information is obtained through other sources, an awarding authority may request a copy
39 of a citation and evidence of abatement of a hazard, and refer the offeror to appropriate agencies
40 if a hazard has not been abated.

41 (h) An awarding authority shall require that if information regarding a citation, notice,
42 decision or civil judgment, rendered against a contractor's subcontractor within the preceding 4-
43 year period for any violations of said federal Occupational Safety and Health Act of 1970, said
44 29 U.S.C sections 651 to 678 is brought to the attention of the contractor or similar information
45 is obtained through other sources, then the contractor shall inform the awarding authority and the
46 awarding authority may request a copy of a citation and evidence of abatement of a hazard, and
47 refer the subcontractor to appropriate agencies if a hazard has not been abated.

48 (i) As appropriate, awarding authorities shall send information provided pursuant to
49 subsection (a) and subsection (d) of this section to the appropriate agency.

50 (j) Nothing in this section shall preclude the exercise or enforcement of any lawful rights
51 or remedies.

52 SECTION 2. Section 2 of chapter 82A of the General Laws, as appearing in the 2014
53 Official Edition, is hereby amended by inserting after the fourth sentence the following
54 sentence:- A person making application for a trench excavation permit shall disclose in writing:
55 (a) Any citation, notice, decision or civil judgment rendered against the company, as a sole
56 proprietorship, limited partnership, and/or limited liability partnership/corporation and/or any
57 affiliated business or subsidiary of which the applicant is owner, manager, officer, and/or
58 director within the preceding 4-year period for a violation of the federal Occupational Safety and
59 Health Act of 1970, 29 U.S.C sections 651 to 678, including any settlement agreement and
60 documentation verifying if hazards identified have been corrected; and
61 (b) (i) any prior suspension or revocation of a trench excavation permit held by
62 applicant; (ii) any assessment of fines in relation to a trench excavation permit held by applicant;
63 (iii) any prior immediate shutdown of a trench site by state or local authorities in relation to a
64 trench excavation permit held by applicant; and (iv) the date of each incident.