

# HOUSE . . . . . No. 4449

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, September 4, 2025.

The committee on Labor and Workforce Development, to whom was referred the petition (accompanied by bill, House, No. 2096) of Michelle M. DuBois relative to workplace safety, reports recommending that the accompanying bill (House, No. 4449) ought to pass.

For the committee,

PAUL MCMURTRY.

**HOUSE . . . . . No. 4449**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act relative to workplace safety and disclosure of violations.

*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, as appearing in the 2020 Official  
2 Edition, is hereby amended by inserting after 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 \$100,000, 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 2-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 \$100,000, 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 any serious, willful, or repeat citation, notice,  
24 decision or civil judgment, rendered against the subcontractor within the preceding 2-year period  
25 for a violation of said federal Occupational Safety and Health Act of 1970, said 29 U.S.C  
26 sections 651 to 678, including any settlement agreement and documentation verifying if hazards  
27 identified, have been corrected, and to provide to the awarding authority updated information  
28 every 6 months.

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 serious, willful or repeat citation, notice, decision, or civil  
35 judgment, rendered against the offeror within the preceding 2-year period for any violations of  
36 said federal Occupational Safety and Health Act of 1970, said 29 U.S.C sections 651 to 678,  
37 including any settlement agreements and documentation verifying if hazards identified have  
38 corrected, or similar information is obtained through other sources, an awarding authority may  
39 request a copy of a citation and evidence of abatement of a hazard, and refer the offeror to  
40 appropriate agencies if a hazard has not been abated.

41 (h) An awarding authority shall require that if information regarding a serious, willful or  
42 repeat citation, notice, decision or civil judgment, rendered against a contractor's subcontractor  
43 within the preceding 2-year period for any violations of said federal Occupational Safety and  
44 Health Act of 1970, said 29 U.S.C sections 651 to 678 is brought to the attention of the  
45 contractor or similar information is obtained through other sources, then the contractor shall  
46 inform the awarding authority and the awarding authority may request a copy of a citation and  
47 evidence of abatement of a hazard, and refer the subcontractor to appropriate agencies if a hazard  
48 has not been abated.

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

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

53 SECTION 2. Section 2 of chapter 82A of the General Laws, as appearing in the 2020  
54 Official Edition, is hereby amended by inserting after the fourth sentence on line 13 the  
55 following sentence:- A person making application for a trench excavation permit shall disclose in

56 writing: (a) Any serious, willful, or repeat citation, notice, decision or civil judgment rendered  
57 against the company, as a sole proprietorship, limited partnership, and/or limited liability  
58 partnership/corporation and/or any affiliated business or subsidiary of which the applicant is  
59 owner, manager, officer, and/or director within the preceding 2-year period for a violation of the  
60 federal Occupational Safety and Health Act of 1970, 29 U.S.C sections 651 to 678, including any  
61 settlement agreement and documentation verifying if hazards identified have been corrected; and

62 (b) (i) any prior suspension or revocation of a trench excavation permit held by the  
63 applicant; (ii) any assessment of fines in relation to a trench excavation permit held by applicant;  
64 (iii) any prior immediate shutdown of a trench site by state or local authorities in relation to a  
65 trench excavation permit held by applicant; and (iv) the date of each incident.