

**HOUSE . . . . . No. 3797**

By Mr. Jones of North Reading, petition of Mary S. Rogeness and others to provide a safe workplace for employees of the Commonwealth and its political sub-divisions. Labor and Workforce Development.

**The Commonwealth of Massachusetts**

PETITION OF:

Mary S. Rogeness	Robert S. Hargraves
George N. Peterson, Jr.	Richard J. Ross
John A. Lepper	Susan Williams Gifford
Viriato Manuel deMacedo	Paul J. P. Loscocco
Bradley H. Jones, Jr.	Donald F. Humason, Jr.
Paul K. Frost	Todd M. Smola
Elizabeth A. Poirier	

In the Year Two Thousand and Seven.

TO PROVIDE A SAFE WORKPLACE FOR EMPLOYEES OF THE COMMONWEALTH AND ITS POLITICAL SUBDIVISIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1 Chapter 149 of the General Laws, as appearing in the 2004 Offi-
- 2 cial Edition, is hereby amended by inserting, after Section 40, a new
- 3 Section 40A as follows:—
- 4 (a) Notwithstanding any general or special law to the contrary, the
- 5 division of occupational safety shall apply federal occupational and
- 6 health standards applicable to private sector employees to employees
- 7 of the Commonwealth and its political subdivisions. Such standards
- 8 shall include all statutory and regulatory requirements enforced by
- 9 the Occupational Safety and Health Administration with respect to
- 10 private sector employees, including, without limiting the generality
- 11 of the foregoing, the general duty clause.
- 12 Nothing herein shall affect any state standard that exceeds the
- 13 standards applied by the Occupational Health and Safety Adminis-
- 14 tration.
- 15 (b) The division shall have authority to conduct investigations.
- 16 The commissioner shall have authority to issue subpoenas and

17 subpoenas duces tecum to compel the attendance of witnesses and  
18 the production of documents.

19 (c) The commissioner of the division may promulgate regulations  
20 and may issue corrective orders when a violation of this section or  
21 regulations promulgated hereunder is found. Proceedings concerning  
22 the issuance of regulations or corrective orders to public officials  
23 shall be adjudicatory proceedings pursuant to Chapter 30A and shall  
24 be subject to judicial review accordingly.

25 (d) With respect to the exercise of its responsibilities under this  
26 section, the division shall be within the department of labor but not  
27 subject to its direction and control.

28 (e) The effective date of this section with respect to cities and  
29 towns shall be subject to the provisions of Section 27C of Chapter  
30 29 of the General Laws.