



# ANNUAL REPORT 2023

Submitted in accordance with Massachusetts General Laws Chapter 149, §14

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## Introduction

DLS strives for a Massachusetts free of workplace hazards that cause injuries and illnesses, where wages are paid fairly and equitably, and the most vulnerable workers are protected. We work with public and private sector partners in helping make Massachusetts a great place to work and to do business.

Massachusetts pioneered labor standards in the United States, leading the way in establishing a minimum wage, child labor protections, and a prevailing wage program for all public construction projects. Today, the Massachusetts Department of Labor Standards regulates these and other labor initiatives. Additionally, the Department licenses lead-safe contractors, asbestos abatement professionals, and employment agencies. It administers the Commonwealth's On-Site Consultation Program, which helps small employers identify hazards and prevent potential workplace injuries. It administers the state's Mine Safety and Health Program and oversees the Bureau of Labor Statistics Survey of Occupational Injuries and Illnesses. In 2022, the Department was recognized by OSHA as a developmental state plan. All these activities support our mission to create a Commonwealth with a safe, well-paid, and equitable job market.

The Department of Labor Standards partners with employers, employees, unions, and public agencies to improve working conditions. It provides site visits, inspections, analysis, remediation advice, and in cases of non-compliance with the Commonwealth's Labor Standards, it issues civil citations.

DLS is committed to the consistent and responsible administration and enforcement of labor statutes and regulations.

## Program Highlights for 2023

- On August 18, 2022, the Massachusetts Department of Labor Standards' Workplace Safety and Health Program (WSHP) was recognized by federal OSHA as a State Plan for state and local government employees. As a result, DLS was awarded \$1.3million in annual financial support, access to OSHA Training Institute courses, and access to the OSHA Information System for case tracking and management. This historic day was decades in the making, and the result of work by dozens of people, some of whom retired before it could be made a reality. WSHP being recognized as "At Least As Effective As" OSHA, helps further ensure that the public sector workers of Massachusetts are being protected at least at the same level as their private sector counterparts. DLS looks forward to a safer future for state and local government employees thanks to this new designation.
- On December 8, 2022, the first class of DLS apprentices celebrated their graduation from the program. Secretary Acosta provided the keynote address.
- On January 5, 2023, Governor Maura Healey and Lieutenant Governor Kim Driscoll were inaugurated.
- Also on January 5, 2023, DLS, in partnership with the Application Development Team, launched the Lead and Asbestos Application (LAA). Users can now login to the LAA to submit their license applications. DLS staff can manage the applications, and licenses, as well as issue enforcement through the LAA. This eliminates the need for paper applications and prevents applicants from having to travel to a DLS office to submit their paperwork. Processing time went from six to eight weeks to less than five business days. Over the course of 2023 other modules were added so that the LAA became a central resource for all elements of the Lead and Asbestos Program. The following were added:
  - Ability to submit *Emergency Waiver Requests*.

- Management of Third-Party testing for Deleader Supervisors.
- Capacity for Training Providers to submit course notification and conclusion forms.
- Capability for users to pay and manage citations.
- Thanks to feedback during the annual employee gathering in October 2022, a working group was formed that helped establish a new mission statement: *“DLS strives for a Massachusetts free of workplace hazards that cause injuries and illnesses, where wages are paid fairly and equitably, and the most vulnerable workers are protected. We work with public and private sector partners in helping make Massachusetts a great place to work and to do business.”*
- Due to other feedback from that meeting, a separate working group revamped the DLS website to improve the user experience. [mass.gov/dols](https://mass.gov/dols).
- New ideas to improve DLS were provided during the 2023 annual employee gathering. DLS looks forward to implementing those during 2024.

## Asbestos and Lead Program

### Asbestos

The DLS Asbestos Program is responsible for protecting workers through the regulation of occupational asbestos exposure in the Commonwealth. The program works with employers, employees, unions and state and local agencies to create healthier and safer working conditions through site visits, licensing, and providing technical information. The program also aids in the coordination of OSHA, EPA, and multi-state regulatory authorities along with the Consortium of Northeast States (CONES) in the common goal of protecting the public from long term damage from excessive asbestos exposure.

The Massachusetts Department of Environmental Protection (MassDEP) and DLS collaborate on their shared jurisdiction over asbestos, to find common solutions and work to help the regulated public to comply.

DLS also works closely with the AGO to determine how to support each other on cases and investigations. Due to our collaborative work with the AGO, DLS has found several asbestos contractors that failed to report previous violations on their applications, and DLS was able to take the appropriate licensing action.

In January 2023 DLS rolled out a new and improved online licensing system. This new system falls in line with the Commonwealth’s initiative to go paperless and it provides customers with a convenient way of applying for asbestos licenses. In addition to customers being able to apply for licenses, contractors can provide emergency project notifications for asbestos abatement activities. Training providers can submit course notifications, modifications, and conclusions using the LAA portal. The new licensing portal link for asbestos workers, contractors, training providers, analytical laboratories, and state partners is <https://laa.dls.eol.mass.gov/LAA>.

<b>Asbestos inspections conducted for 2023:</b>	
On-site inspections	384
Violations/Hazards Identified	270
License issued	4334
Hearings Conducted	1
Amount of civil penalties	\$8,500

## **Lead**

The goal of DLS's Lead Program is to reduce the incidence and severity of lead exposures for the Commonwealth's workers and other members of the general public. DLS accomplishes this goal by administering and enforcing standards for renovation, repair and painting carried out in older homes and child-occupied facilities that may contain lead paint as well as for deleading operations.

DLS in continued partnership with EPA entered into an agreement with The Home Depot (THD) regarding multiple violations. Some of the top elements that are part of the settlement are THD will require the use of LSR contractors when appropriate, will promote lead safety in their paint departments and with paint contractors, and will enforce the LSR regs during its own inspections. This is a process which started in 2021 and continued in 2023. Proceeds from the settlement will support deleading in low-income housing.

In 2023, DLS continued to educate contractors, property owners and the regulated public about Lead-safe Renovation (LSR). DLS continues to collaborate with local building and health department officials, as well as regional contractor groups in outreach about Lead-safe Renovation in the Commonwealth.

National Lead Poisoning Awareness month occurred in October 2023. DLS joined with federal, state, and local agencies across the country in working to educate contractors and the public about the dangers of exposure to lead paint dust to families, and workers during renovation and remodeling activities. DLS issued a press release for an article targeting renovators and do-it-yourself homeowners on controlling lead paint dust during renovation activities. Lead-safe Renovation information, as well as blogs and tweets related to occupational lead exposure and our Occupational Lead Registry were distributed.

During 2023, DLS spoke at several meetings and conferences, met with local building and health officials, contractor associations, hardware, paint, and supply stores and performed compliance assistance to contractors and property owners about how working Lead-safe protects workers and families.

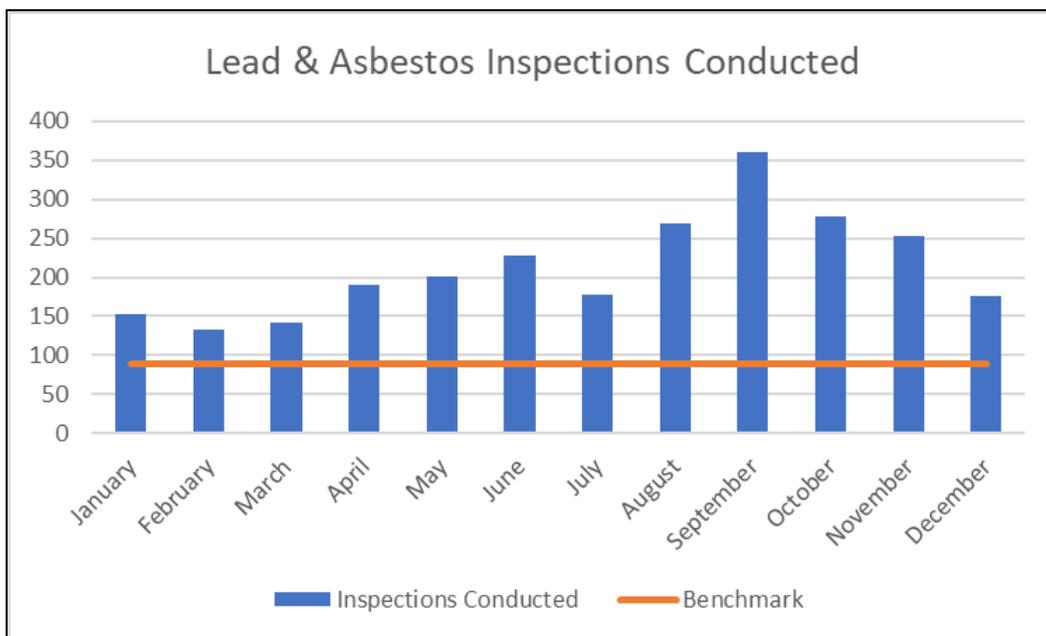
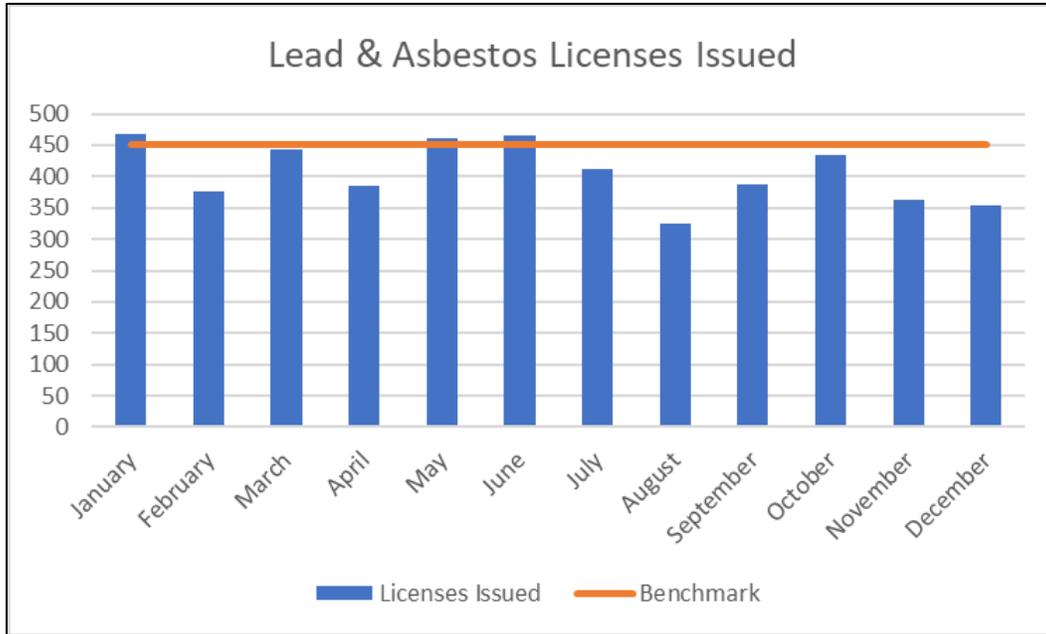
In January 2023 DLS rolled out a new and improved online licensing system. This new system falls in line with the Commonwealth's initiative to go paperless and it provides customers with a convenient way of applying for lead licenses instead of having to physically drive to several of our offices. In addition to customers being able to apply for licenses, contractors can provide project deleading notifications for deleading activities. Training providers can submit course notifications, modifications, and conclusions using the LAA portal. The new licensing portal link for deleading workers, contractors, training providers, and state partners is <https://laa.dls.eol.mass.gov/LAA>.

DLS continues to display our Lead-safe Renovation materials at building and health departments, on the 17 electronic billboards across Massachusetts and at hardware, paint, and supply stores.

**Lead Safe and Deleading inspections conducted for 2023:**

On-site inspections	454
Violations/Hazards identified	2267
License issued	556
Hearings conducted	0
Amount of civil penalties	\$48,750

**Key Performance Indicators**



## **Employment, Placement, and Staffing Agencies Program and Professional Employer Organization Program**

The Employment Placement and Staffing Agencies Program (EPSAP) protects the rights of workers and assists businesses in navigating the laws we regulate under 454 CMR 24.00, which governs matters relating to the operation, licensing and registration of permanent and temporary staffing agencies, and enforcement of the Massachusetts Temporary Workers Right to Know Law. EPSAP regularly works with our constituents in answering calls and emails including complaints and general inquiries. We are consistently praised by the general public, agency owners, and workers alike for our quick response times and efficiency in solving problems, even when the inquiry is not specifically related to our program.

EPSAP performs routine inspections to ensure compliance and conducts investigations to respond to complaints or possible violations of the law. EPSAP issues enforcement, when necessary, to protect workers by ensuring compliance with the law. EPSAP works closely with the Attorney General's Fair Labor Division to refer and collaborate on cases. Agencies that have persistent or severe issues are referred to the Council for the Underground Economy for investigation by other state and federal departments.

In 2023, EPSAP made many improvements and modernizations. The EPSAP website was enhanced and redesigned to reflect a more modern flow and easier navigation for the public. Compliance Officers began to use a tablet with a specially designed app to conduct inspections. This change took several years of development, but the transition was seamless and has proven to be much more efficient for inspectors. EPSAP looks forward to 2024 when the next enhancement to the app will allow us to begin to send Written Warnings through the database. Another step towards greater efficiency and modernization.

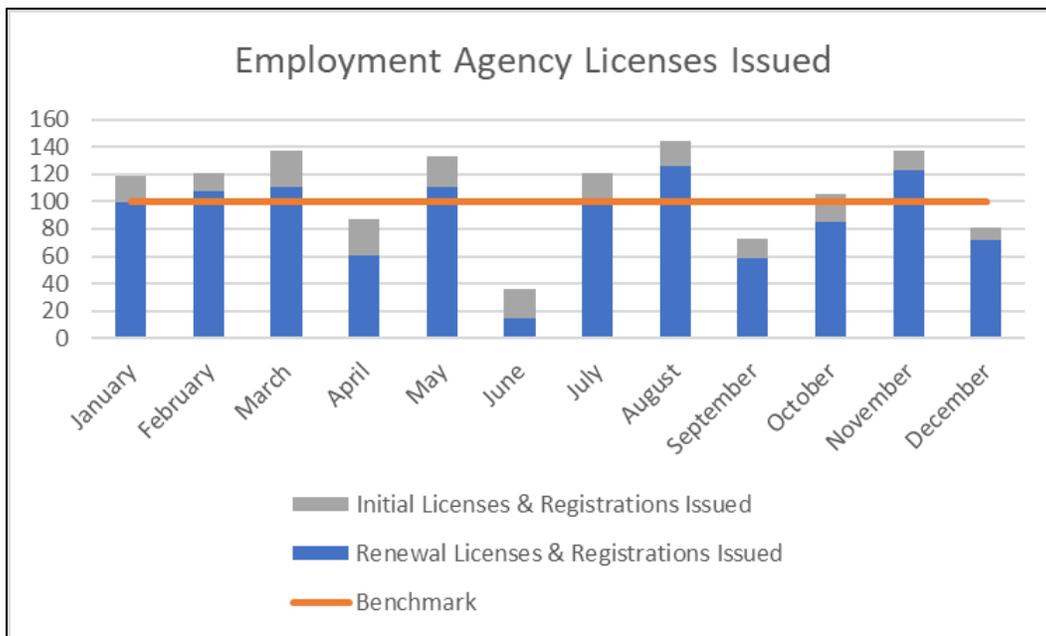
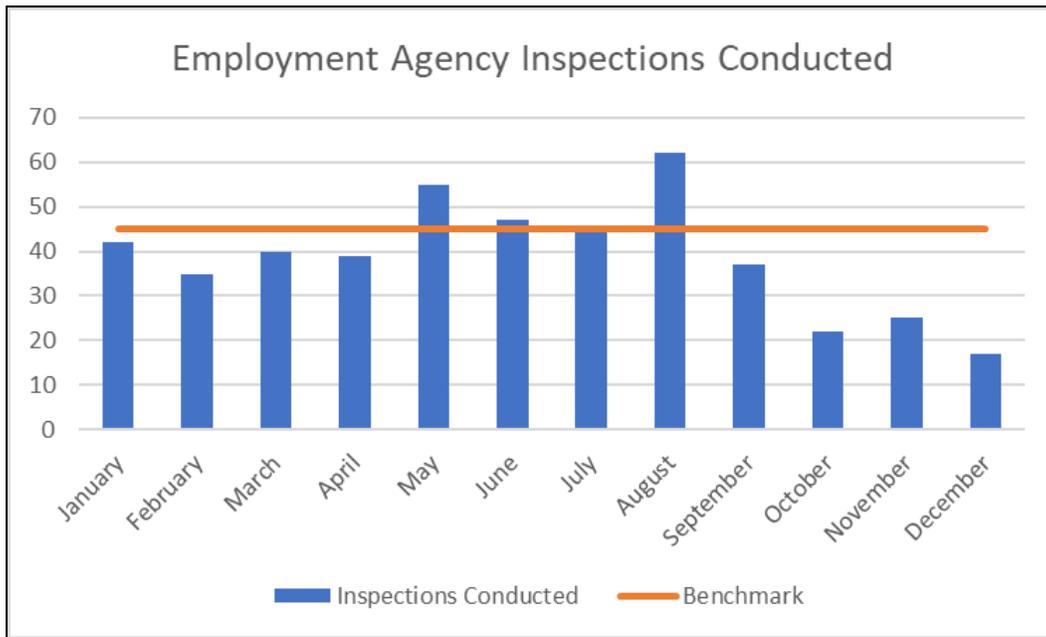
The EPSAP will continue to serve the constituents of Massachusetts and help them navigate the regulations of the Temporary Workers Right to Know Law. In 2023, after a few turbulent years during the pandemic, the EPSAP program, along with the rest of the Commonwealth, returned to normal and looks forward to a future of continuing to serve our community.

The Professional Employer Organization Program operates under 454 CMR 30.00, which ensures these organizations have the adequate financial structure for payment of wages and benefits.

In 2023, DLS streamlined the process for licensing of PEOs by allowing initial and renewal applications to be submitted online. Through secure email this expedites the process as companies are no longer required to send in their extensive financial packets and other required documents. This alleviates the risk of confidential information getting lost or being exposed during the licensing process.

When companies use PEOs for their administrative and HR payroll tasks they are increasing their compliance with the laws of the State of Massachusetts. Our policies for the program help ensure that companies are complying with state and federal laws.

**Key Performance Indicators**





## Legal Department

The primary mission of DLS’ legal department is to support the various programs that DLS operates and to advance the goals of both DLS and the Executive Office of Labor and Workforce Development. To that end, the legal department works closely with all of DLS’ departments as well as other government agencies. Among other things, the legal department responds to questions from constituents regarding DLS and EOLWD programs, helps draft, amend, and promulgate DLS’ regulations, works with the Attorney General’s Office to ensure DLS’ policy choices and priorities are being correctly followed, represents DLS in court, in hearings, and in front of administrative agencies, and responds to public records requests.

- Public Records Requests = 50
- Requests with responsive documents = 36
- Percent within mandated response timeframe = 100%

## Mine Safety and Health Program

DLS receives a grant from the federal Mine Safety and Health Administration (MSHA) to conduct *Part 46 – Surface Mine Safety Refresher Training* annually. There are about 160 surface mines in Massachusetts consisting primarily of sand, gravel, surface stone, surface clay, dimensional stone, and quarrying operations. Mining is a high hazard industry and conducting annual safety training has been shown to lower the risk of injury and illness.

Federal law requires all miners receive 8 hours of annual safety refresher training. DLS provides miners with 7.5 hours, the mine operator provides the other 0.5 hours of site-specific training. DLS endeavors every year to make the training as engaging as possible, which can be a challenge considering the frequency and repetitiveness of the training. Nonetheless, attendees typically give DLS a 4.5 or greater on a scale of 1-5 for satisfaction with the course.

In 2023, both trainers attended the TRAM Conference, and the Director attended the virtual *States Grant Meeting*. DLS met all its objectives for FY 2023 Q1 by developing a pre-/post-test, 14 new presentations on different hazard topics, new interactive exercises, course promotion, and the registration form.

During FY 2023 Q2, a total of 12 training sessions were held, with 543 participants. This achieved 87% of our projected goal of 625 training participants. A positive outcome is that participation was up 74% from FY 2022, although still not at pre-pandemic levels.

The training was conducted in January, February, and March, as it has been done historically to line up with the time period when surface mines in Massachusetts would suspend operations due to weather. However, due to mild winter temperatures and a lack of snowfall secondary to climate change and an increased demand for products, Massachusetts mines are remaining open during this time. This operational change has resulted in a reduction in attendance at DLS trainings. A factor DLS will need to take into consideration in future years when developing the training schedule.

### Key Performance Indicators

	Individuals provided with annual Part 46 refresher training
Miners from mines with 5 or less employees	75
Miners from larger mines	275
Contractors	193
<b>Total Trained</b>	<b>543</b>
Projected Goal	625
Difference	82
Percent	13%

### Minimum Wage Programs

DLS oversees the Commonwealth’s Minimum Fair Wage Law and related regulations. As of January 1, 2023, Massachusetts minimum wage is \$15/hour for most non-tipped workers and \$6.75/hour for tipped workers (provided that these workers’ tips bring them up to at least \$15/hour). An employer does not have to pay a premium above the minimum wage for an employee to work on weekends, holidays, or nights, but must compensate non-exempt employees at 1.5 times their regular hourly rate for any work in excess of 40 hours in a work week. The minimum agricultural wage is \$8/hour.

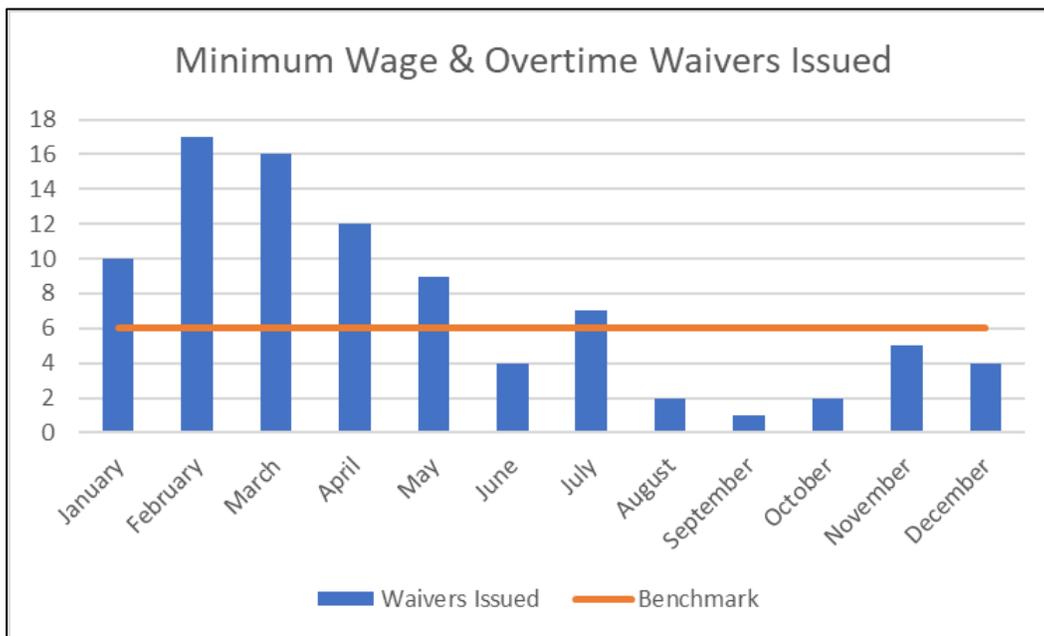
DLS’s work in administering the Commonwealth’s minimum wage laws extends far beyond simply ensuring the proper minimum wage is paid, however. Not only does DLS also regulate overtime pay (including who is eligible, when they are eligible, and the rate they must be paid), but it also interprets, among other things: the Massachusetts Tips Act, reporting pay requirements, on-duty versus on-call time, reimbursement for travel time and expenses, deductions for lodging, meals, and uniforms, deductions for customer theft or damage, and pay for attending mandatory or quasi-mandatory workplace events. DLS fields hundreds of questions regarding these topics each year from the Attorney General, various Massachusetts cities and towns, employers, and employees across the Commonwealth.

One topic that has come up with increasing prevalence over the past year is how the Commonwealth’s Minimum Fair Wage Law and related regulations apply to remote work situations. Employees are entitled

to pay for each hour worked, regardless of whether that work is in-office or remote. The increasing prevalence of remote work, however, does raise a number of questions related to how the minimum wage law should be applied, including how on-call time should be compensated if an employee is working from home, how to handle reporting pay, what to designate as an employee’s regular fixed work location for travel time purposes, and the effect of an employee working for an out-of-state employer. DLS expects to continue to address these types of questions and many others related to remote work over the next year and encourages anyone with questions to contact us for assistance.

Similarly, DLS has also fielded several questions regarding the circumstances under which volunteers or individuals in training or rehabilitation programs can perform tasks without compensation. In April 2023, DLS adopted the *Primary Beneficiary Test*, a totality of the circumstances approach, to evaluate internship programs in the Commonwealth. DLS’ guidance regarding volunteers and interns can be found at [mass.gov/info-details/volunteers-and-interns](https://mass.gov/info-details/volunteers-and-interns).

### Key Performance Indicators



### Occupational Lead Poisoning Registry

The Occupational Lead Poisoning Registry (Lead Registry) was created to support adults with occupational exposure to lead. Excessive exposure to lead can cause serious damage to the blood, kidneys, nervous and reproductive systems, and is known to cause cancer. Occupational lead poisoning is still common in Massachusetts despite the availability of effective control technologies and the existence of state and federal regulations designed to limit exposures in the workplace. The National Toxicology Program, and the American Academy of Pediatrics have concluded that there is sufficient evidence for adverse health effects in children and adults at blood lead levels (BLLs) <5 micrograms per deciliter (µg/dL). The goal in Massachusetts is zero

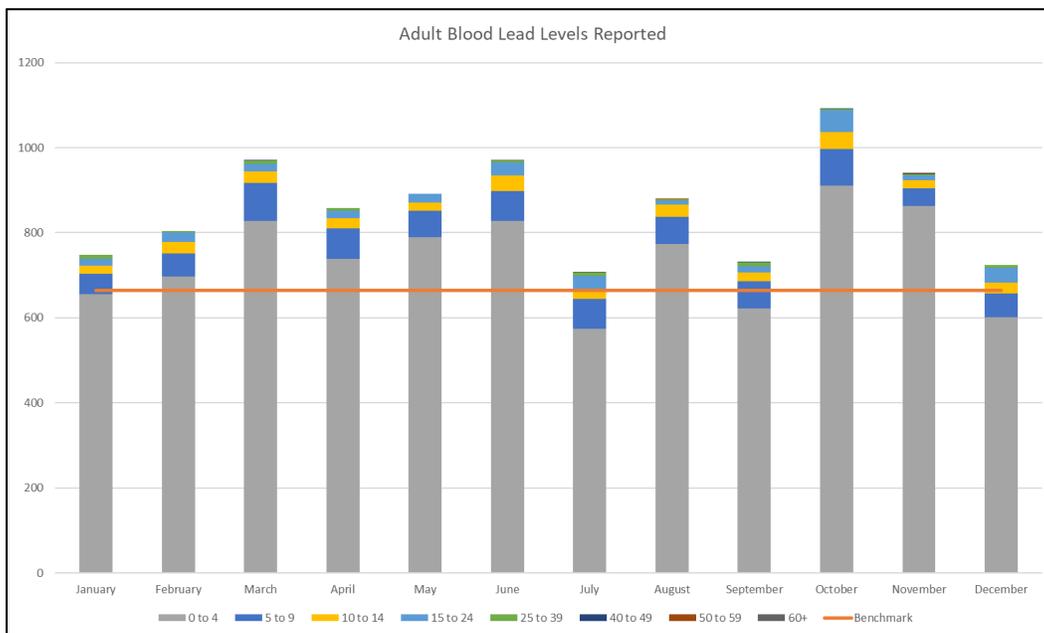
The Lead Registry’s regulations require reporting of all blood lead levels above zero for those people 15 years of age and older. The Lead Registry monitors individuals with elevated blood lead levels and

provides educational counseling, guidance, as well as informative reference materials. Through its medical consultant, the Lead Registry is able to offer peer advice to physicians on the medical management of lead poisoning.

The Lead Registry disseminated educational materials in English, Greek, Portuguese, and Spanish to patients and healthcare providers. These materials were created to provide a resource to patients to help understand the significance of their test result and make them aware of how to protect themselves in the future. The materials developed for healthcare providers include guidelines for the proper management of adults with lead poisoning and recommendations on how to reduce and prevent future poisoning.

DLS works in collaboration with the Massachusetts Department of Public Health (DPH) to reach out to those that have blood lead values greater than or equal to 40 mcg/dl. DPH conducts interviews in the patient’s native language to learn more about the cause of the lead poisoning and to offer resources for the patient to manage their lead poisoning and prevent future poisoning.

### Key Performance Indicators



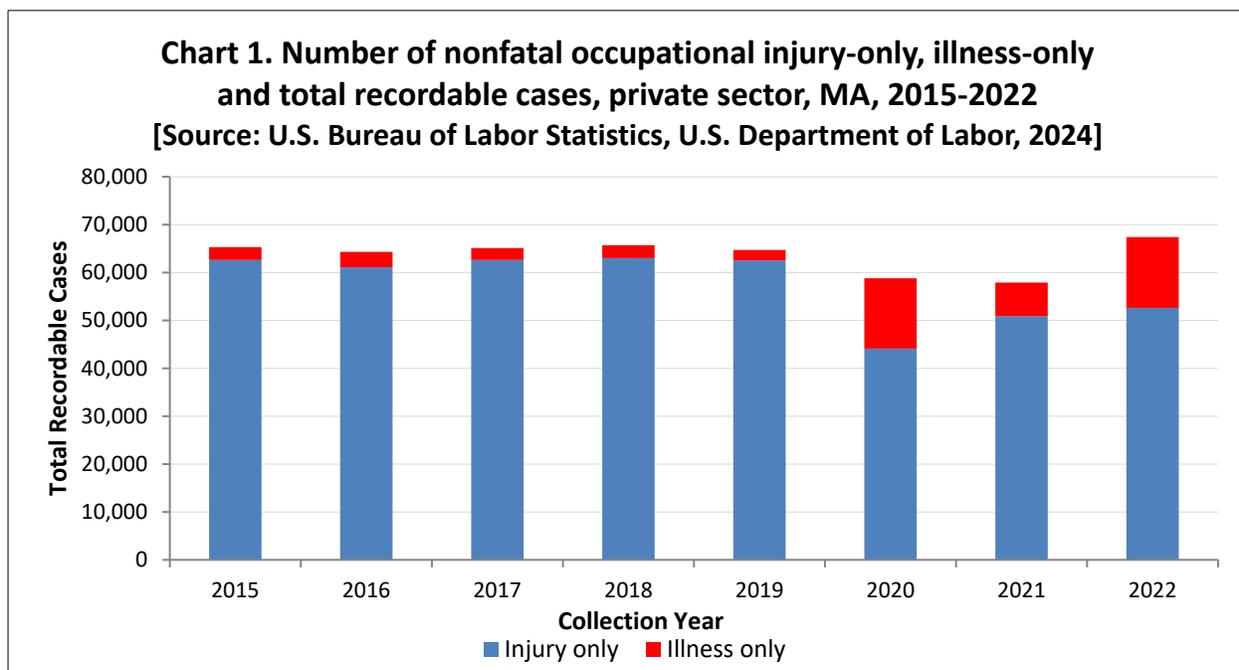
Blood Lead Levels (mcg/dl)	Number of cases
0 to 4	8879
5 to 9	779
10 to 14	308
15 to 24	277
25 to 39	66
40 to 49	6
50 to 59	2
60+	2

## Occupational Safety and Health Statistics Program

The Occupational Safety and Health Statistics Program administers the *Survey of Occupational Injuries and Illnesses (SOII)* in cooperation with the federal Bureau of Labor Standards (BLS). *SOII* is an establishment-based survey used to estimate frequency (incidence rates) and counts of workplace injuries and illnesses for private industry and state and local government. These estimates of incidence rates and number of workplace injuries and illnesses are based on a sample of establishments using the recordkeeping logs kept by most employers during the year as required by the Occupational Safety and Health Administration (OSHA). *SOII* also provides detailed case and demographic data for cases that involve one or more days away from work (DAFW) and for days of job transfer and restriction (DJTR) for select industries.

*SOII* is the largest occupational injury and illness surveillance system in the country that provides data on the types of injuries and illnesses taking place in the workplace, including where, how, and to whom these injuries and illness are occurring. *SOII* supports continuous improvement of workplace environments by compiling and presenting data to employers, employees, researchers, industry professionals, advocacy groups, and policymakers, who can then develop strategies to reduce occupational injuries and illnesses. It is important to remember that these data represent thousands of workers who have experienced preventable injuries and illnesses while merely trying to perform their jobs.

Below is a brief overview of the *Massachusetts 2022 occupational injury and illness data* that is available for use by stakeholders. *Chart 1* compares the number of nonfatal occupational injury and illness in private sector in Massachusetts from 2015-2022. *Table 1* displays the number and rate of nonfatal occupational injuries and illnesses by industry sector during 2022 in Massachusetts. *Table 2* shows the industries with the highest incidence rates of nonfatal occupational injuries and illnesses during 2022 in Massachusetts.



**Table 1. Number and rate of nonfatal occupational injuries and illnesses, private and public sector, Massachusetts, 2022**

[Source: U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2024]

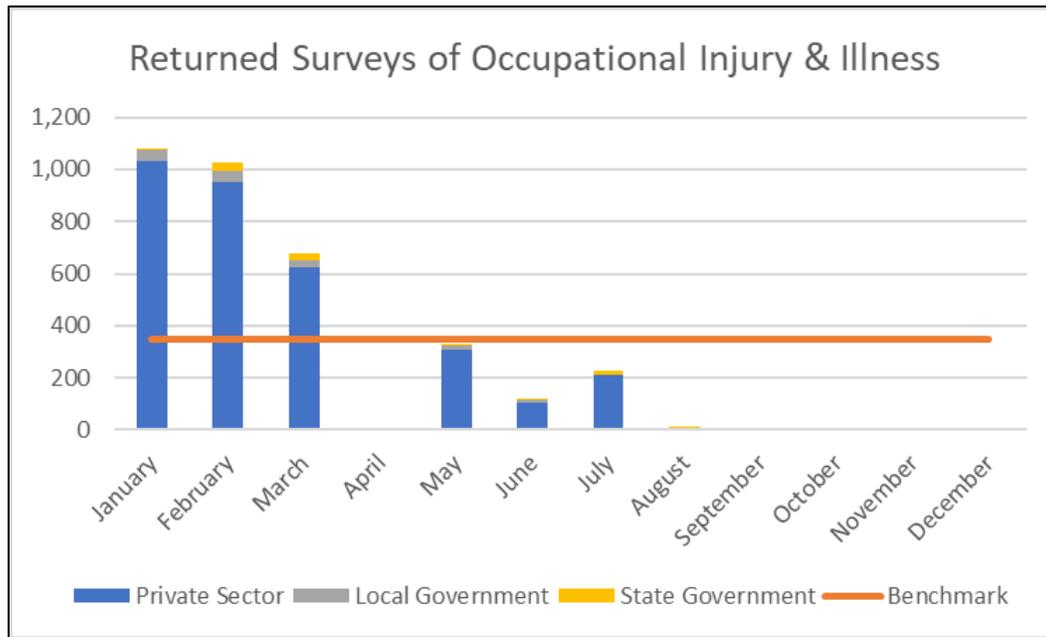
	Number (nonfatal injuries and illnesses)	Incidence Rate (per 100 FTE workers)
<b>Private Sector Workforce</b>	<b>67,400</b>	<b>2.7</b>
<b>Public Sector Workforce</b>	<b>14,300</b>	<b>4.5</b>
Local Government	11,700	5.3
State Government	2,600	2.7
<b>Total (Private and Public Sector)</b>	<b>81,700</b>	<b>2.9</b>

**Table 2. Industries with the highest incidence rates of nonfatal occupational injuries and illnesses, private and public sector Massachusetts, 2022**

[Source: U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2024]

Industry	Incidence rate (per 10,000 FTE)
<b>Private Industry – nursing and residential care facilities</b>	14.5
<b>Private Industry – wood product manufacturing</b>	11
<b>Private Industry – air transportation</b>	9.1
Local Government – justice, public order, safety activities	9.1
<b>Private Industry – couriers and messengers</b>	7.7
Local Government – administration of housing programs, urban planning, community development	7.5
<b>Private Industry – primary metal manufacturing</b>	7.0
State Government – Heavy, civil engineering construction	6.7
<b>Private Industry – Performing arts, spectator sports</b>	6.4

## Key Performance Indicators



## OSHA On-Site Consultation Program

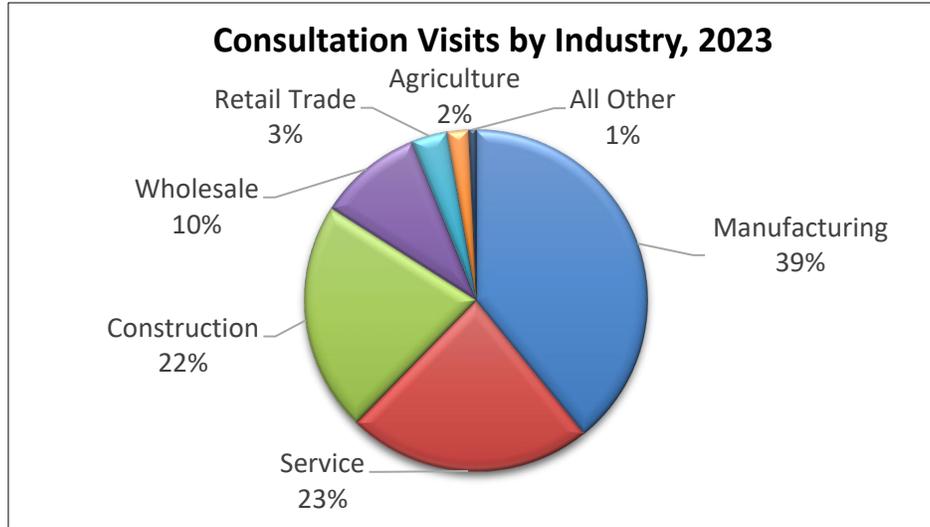
The primary goal of the On-Site Consultation Program is to assist small- to medium-sized, high-hazard, private employers in the Commonwealth identify and control potential safety and health hazards at their worksites and improve their safety and health programs. Providing a safe and healthy workplace can reduce workers' compensation rates, increase employee morale, increase productivity, and improve the company's bottom line. There is no cost to companies for using the On-Site Consultation Program's services, which include work site safety and health hazard evaluations, technical assistance, and air sampling and monitoring. The On-Site Consultation Program services are confidential and voluntary, which allows the company to have control of the scope of the services they would like to use. In addition, the Program is a technical resource for Massachusetts companies fielding multiple calls each week answering unique safety and health questions.

<b>On-Site Consultation Program Accomplishments 2023</b>	
<b>On-Site Safety and Health Visits</b>	<b>294</b>
Safety Visits	171
Health Visits	123
<b>Total Hazards Identified During On-Site Visits</b>	
Serious	2,452
Other than Serious	84
Regulatory	33
Imminent	4
<b>Number of Workers Removed from Risk</b>	<b>100,128</b>
<b>Industrial Hygiene Sampling During Visits</b>	
Air Sampling	19 (15% of all health visits)
Monitoring	26 (21% of all health visits)
<b>Compliance Assistance Activities</b>	<b>183</b>

The On-Site Consultation Program completed 294 site visits in 2023 and on average consultants identified 8.8 hazards per site visit. Consultants successfully worked with companies to abate all identified hazards. As a result, no companies were referred to OSHA Enforcement for failure to abate a hazard. Consultants completed 183 Compliance Assistance Activities, which consisted of removing workers from potentially life-threatening hazards at construction sites, presenting at various events, providing technical assistance via phone/meetings, and providing workplace hazard training seminars.

The On-Site Consultation Program's goal is to assist small- and medium-size employers (fewer than 250 employees at the site and fewer than 500 nationwide), which might not have the resources to hire a safety and health professional. When time allows, the Program will assist high hazard larger employers. Out of the 294 workplaces visited, 150 had 25 or fewer employees (51%), 104 had 26 to 100 employees (35%), 30 had 101-250 employees (10%), and ten had more than 250 employees (4%).

The On-Site Consultation Program supports businesses in Massachusetts across a variety of industries, with a focus on high hazards industries. See the chart below for the breakdown of visits performed by private industry sector for 2023.



### Educational Opportunities

The On-Site Consultation Program offers both in-person and virtual educational opportunities throughout the year for Massachusetts companies on a variety of safety and health topics. The educational opportunities we offer are free for all attendees. In addition, we routinely provide presentations about the On-Site Consultation Program.

On-Site Consultation Program Educational Opportunities 2023	
In-Person Educational Opportunities	Virtual Educational Opportunities
OSHA 10-Hour Construction course	General Industry Workplace Hazard Recognition
OSHA 10-Hour General Industry course	OSHA Recordkeeping Requirements
Fall Protection for the Residential Construction	

### Collaborations with OSHA

The On-Site Consultation Program is party to multiple Region 1 OSHA Alliances. These Alliances enable both OSHA and DLS to develop voluntary, collaborative working relationships with organizations that are committed to workplace safety and health. In 2023, the On-Site Consultation Program was part of eight Alliances. These eight Alliances were:

- YouthBuild Boston
- Home Builders and Remodelers of Cape Cod Massachusetts Association of Vocational Administrators
- Western Massachusetts Safety Alliance (Ambassador Alliance)
- Construction Safety Roundtable of Eastern Massachusetts Associated Subcontractors of Massachusetts (Ambassador Alliance)
- Massachusetts Brewers Guild
- America Foundation for Suicide Prevention Eastern Division

New in 2023, the On-Site Consultation Program became part of an OSHA Partnership for the first time. This Partnership provides the opportunity for OSHA, DLS, and a general contractor to partner to improve workplace safety and health on a specific construction project. Partnerships are designed to encourage, assist, and recognize partner efforts to eliminate serious hazards and enhance workplace safety and health practices. As part of this Partnership, the On-Site Consultation Program is providing routine on-site safety and health evaluations at a public housing construction project in Somerville, MA. In addition, this Partnership has enabled the On-Site Consultation Program to interact with numerous subcontractors that we would not have had the chance to work with if we were not part of this Partnership.

### Safety and Health Achievement Recognition Program (SHARP)

The SHARP Program recognizes small- to -medium-size private employers who operate an exemplary injury and illness prevention program. The On-Site Consultation Program currently has six approved SHARP sites in Massachusetts. The On-Site Consultation Program and the SHARP companies develop a working relationship where we work with these companies to ensure continuous improvement of the workplaces. Acceptance of an employer into SHARP is a sign of achievement that singles out that company from its peers as a model for worksite safety and health.

### On-Site Consultation Program Testimonials

Throughout the year the On-Site Consultation Program receives comments from companies about their experience working with us; here are a few of those comments from 2023.

#### On-Site Consultation Program Testimonials 2023

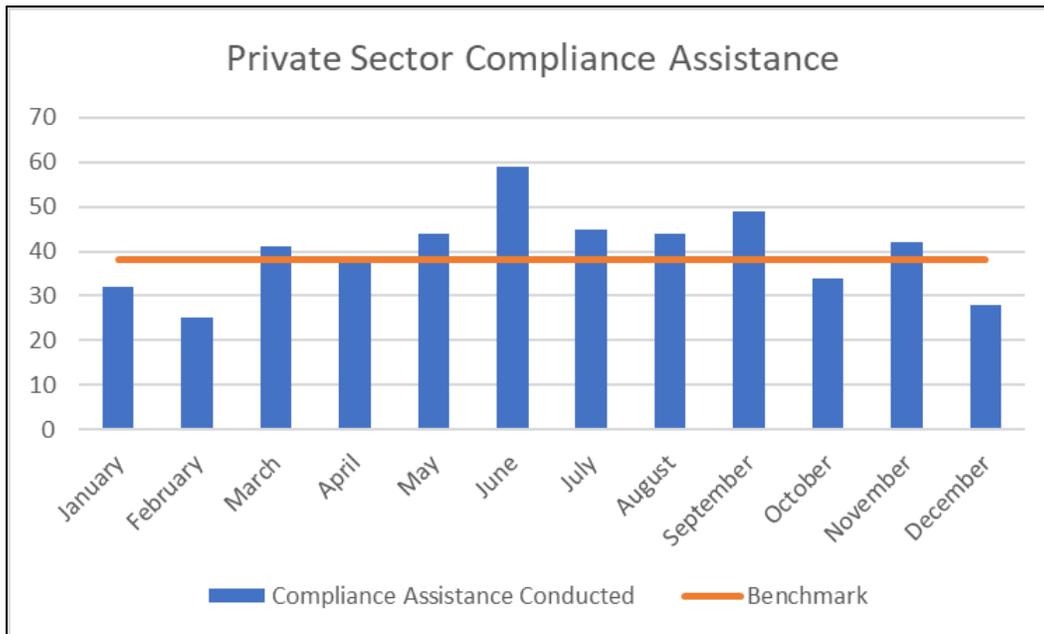
“We cannot stress enough how wonderful Deborah was. She was a fountain of endless knowledge and resources. She is thoughtful, thorough, articulate, precise, fair, incredibly sharp, easy to work with, and gave us tremendous confidence in our ability to keep our workplace as safe as possible. She had advice and resources for every question we had. Truly top notch all around. We are truly grateful for her, and this service and we will be recommending this to friends in the industry. A million thanks!”

“Anthony’s attention to detail made our process easy and seamless. He answered all of our questions in a way we understood and gave us all the resources needed to successfully eliminate our serious hazards. Anthony greatly represented The Massachusetts Department of Labor Standards/ Consultation Program, and we were lucky to receive his help when we needed it. This experience was a great reminder that if we all did our jobs correctly, we would all live and work in safer environments on a daily basis. Thank you so much for all your help.”

“Thank you, Justin, I really appreciate the way you conducted yourself and your approach in handling our case. You were very professional and realistic in your expectations. Obviously, the reason we met was under unfortunate circumstances and it was overwhelming being my first OSHA experience. You made the best of a tough situation and I really appreciate your patience and help.”

“Thank you, Michael, for the helpful information and your prompt response. As I’ve come to expect through years of working with your group, the OSHA Consultation Program comes through once again!”

## Key Performance Indicators



## Prevailing Wage Programs

Under Massachusetts' Prevailing Wage program, DLS has the authority to determine the wage rates and classifications for workers on public works projects in the Commonwealth. The Commonwealth believes it should use its substantial buying power to enhance the welfare of workers, to encourage development of a highly skilled workforce, and to ensure that competition for public works projects is based upon skill and efficiency rather than lowering workers' wages to cut costs. DLS therefore assigns a prevailing wage rate to each job on a public works project covered by the Prevailing Wage law; all persons performing that job must be paid at least that amount. To that end, DLS issued more than 17,000 prevailing wage rate schedules in 2023 alone.

DLS establishes the applicable prevailing wage rates pursuant to its statutory authority by working cooperatively with organized labor and other organizations to calculate the rates currently being paid in the private sector. In 2023, DLS updated the prevailing wage rates for approximately 150 unions and almost 500 trades.

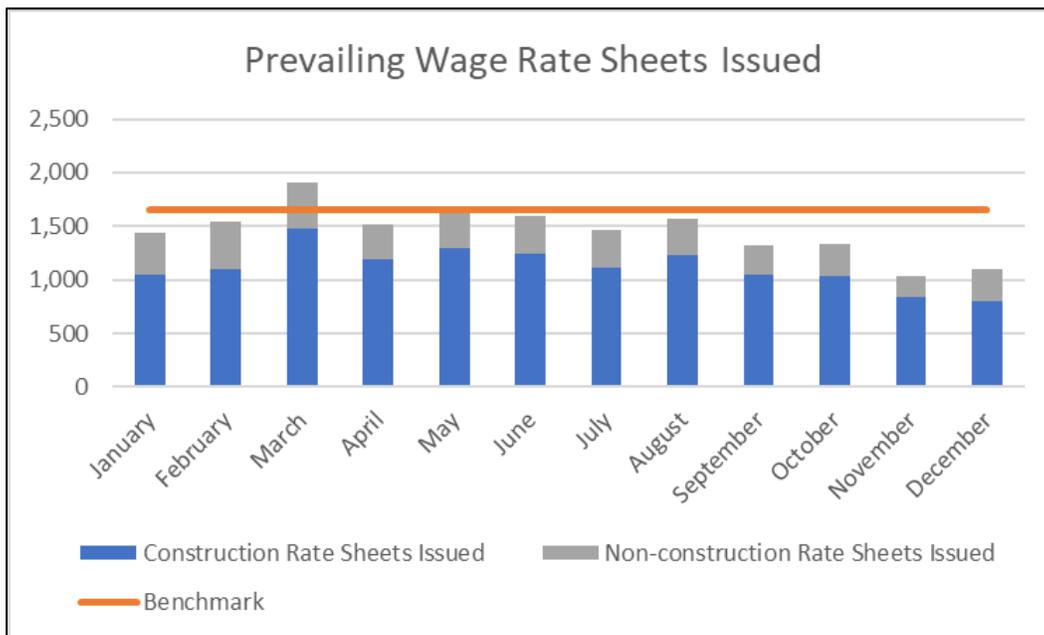
DLS also has broad policy-making authority to determine the applicability of the Prevailing Wage law and legal deference is generally given to DLS opinions regarding whether a particular type of work is covered. As a result, DLS regularly receives questions regarding the Prevailing Wage law from the Attorney General's Office, private lawyers, contractors, and employees. DLS resolved more than 3,000 such questions in 2023.

DLS has generally received three categories of questions regarding the Prevailing Wage laws. First, clarifying questions which can often be resolved quickly via phone or email within 24 hours regarding, for example, what rate to pay a certain type of employee, how a job on a specific project should be classified, or whether a particular job is covered by the prevailing wage laws. Second, broader questions regarding, for instance, whether a specific public works project as a whole is subject to the Prevailing Wage laws. Finally, questions concerning how prevailing wage affects an entire industry, which may be addressed via an Opinion Letter

based on written and verbal testimony during a public hearing, where all interested parties have the opportunity to comment. A *Topical Outline* containing DLS' previous opinions regarding the Prevailing Wage can be found at [mass.gov/doc/prevailing-wage-topical-index/](https://mass.gov/doc/prevailing-wage-topical-index/).

Consistent with its mission to ensure that the Commonwealth's Prevailing Wage program is implemented as effectively as possible, DLS has developed and continued to refine a public portal to allow interested parties and members of the public to request prevailing wage sheets, obtain *Example Prevailing Wage Sheets*, request *Annual Updates* to existing *Schedules*, obtain necessary payroll documentation, and submit relevant *Collective Bargaining Agreements* to DLS. Should you have any questions regarding the Prevailing Wage program, please feel free to submit them to [DLS.feedback@mass.gov](mailto:DLS.feedback@mass.gov).

### Key Performance Indicators



### Trench Safety

The Onsite Consultation Program and Workplace Safety and Health Program have an emphasis program each year to prevent injuries caused by excavation and trenching. DLS also assists with the Division of Professional Licensure's Office of Public Safety and Inspection with outreach.

- Trench inspections and/or interventions = 43
- Construction site/DPW/other inspections where trench safety was discussed = 17
- Trench safety training sessions = 14
- Trench safety training attendees = 1450 to 1550
- Trench safety literature distributed = 35

DLS was active in enforcing trench safety in 2023. DLS WSHP conducted site inspections/interventions at public sector workplaces and issued corrective actions to prevent cave-ins and other trench accidents. Two trench inspections were conducted in response to cave-ins. One cave-in involved a trench collapse that caused a ladder to strike an employee's head. The other cave-in involved a trench collapse that covered the entire employee. Fortunately, both employees recovered from their injuries.

DLS conducted in-person training and outreach for municipal public works employees by presenting at the New England Water Works Association, Plymouth Department of Public Works, Berkshire County Highway Association, Norfolk-Bristol-Middlesex County Highway Association, New England Parks Association, Massachusetts Building Commissioners and Inspectors Association, and Massachusetts Environmental Health Association. DLS also hosted a webinar in April 2023 regarding Trench and Excavation Safety for municipal water departments. Over 600 public sector employees attended these trainings and webinars combined.

DLS distributed trenching and excavation handouts at four conferences where municipal employees were in attendance and hand delivered 35 packets of safety information, including trenching and excavation safety, to public works departments and town halls. Conferences included the New England Public Works Expo and Massachusetts Municipal Association Conference.

DLS presented trench safety outreach at the *Dig Safe Managing Underground Safety Training* events listed below with about 850-950 attendees total:

- February 28, Hyannis
- March 1, Westport (virtual)
- March 7, Framingham
- March 8, Peabody
- March 9, Fitchburg
- May 9, Lowell

In the private sector workplaces, DLS conducted 17 construction site consultations which included a discussion on trench safety, assessment of existing trenches, OSHA standards, and evaluation of trench safety programs. DLS intervened at another 24 private sector work sites where an active trench was located without all of the required safety precautions in place. For public sector workplaces, DLS public sector enforcement program conducted 14 trench site inspections and issued corrective actions to prevent cave-ins and other trench accidents. DLS public sector consultation program conducted 4 site visits and one intervention involving trenching and excavation safety.

## Workplace Safety and Health Program

The mission of the Workplace Safety and Health Program (“WSHP”) is to prevent work-related injuries and illnesses among the Commonwealth’s public-sector employees. The Commonwealth of Massachusetts has a population of 6.985 million, and our 433,900 public sector employees support these residents and private businesses by providing essential services such as clean drinking water, transportation, education, healthcare, social services, waste treatment, and recreation.

This Annual Report summary includes activity for Federal Fiscal Year 2023 (October 1, 2022, to September 30, 2023) which is WSHP’s first full year as a *State Plan*. The *State Plan* grant and performance metrics follow the federal fiscal year. Using the grant year in this report ensures consistency across the annual grant performance report and the DLS agency’s *Annual Report*.

**The Need for a *State Plan*:** The need for a *State Plan* was demonstrated by 18 work-related fatalities that occurred to state and local government employees from 2012-2020. Inspections by the Massachusetts

WSHP revealed that these fatalities were preventable if the employers had maintained their equipment and trained employees.

<b>Public Sector Fatalities in Massachusetts, 2012-2020</b>	
05/23/2012	Crossing Guard struck by vehicle
06/20/2012	Electrician fell out of bucket truck when repairing traffic light
11/30/2012	Water department mechanic crushed while servicing equipment
02/07/2014	Employee struck by equipment during water main repair
04/19/2014	Regional transit bus operator struck by vehicle rolling backwards
12/15/2014	Crossing Guard struck by vehicle
06/15/2015	Public works employee crushed when ride-on mower tipped over
12/12/2015	Public works employee fell off ladder
06/16/2017	Public works employee driving a snowplow was struck by train
01/08/2018	Public works employee overexertion shoveling snow
01/08/2018	School custodian overexertion shoveling snow
08/30/2018	Crossing Guard struck by vehicle
09/13/2018	Public works employee fell off bed of pick-up truck
01/15/2020	Public works employee shot while filling potholes
02/08/2020	Transit bus driver struck by bus rolling backward
04/01/2020	Transit bus driver passed away from COVID-19
06/04/2020	Recruit passed away during physical training
09/21/2020	Transit bus operator struck by bus at dispatch yard
This summary does not include an additional 21 Line of Duty Deaths of Fire and Police Departments. 15 of LODD firefighter deaths were due to occupational cancer.	

**State Plan Approval is a Historic Milestone:** WSHP was approved as a *State Plan* for state and local government employers on August 18, 2022. The path towards State Plan was a twelve-year process which involved analysis of injury patterns and injury costs, support from the State Employee Safety and Health Advisory Board and other stakeholders, and document review by OSHA’s Directorate of Cooperative and State Programs. Key to Massachusetts’ success was a team of Industrial Safety and Health Inspectors at DLS who conducted onsite inspections after employee injuries. These inspections showed that injuries could be prevented by preventive maintenance, job planning, written safety procedures, and employee training. The inspections were modeled after the *OSHA Field Operations Manual*, and employers were required to fix violations by a corrective action due date.

<b>WSHP Activity Federal Fiscal Year 2023 (October 1, 2022, to September 30, 2023)</b>	
Enforcement on-site inspections	198
Voluntary on-site consultation visits	102
Outreach events or training	83
Enforcement inspections in industry NAICS identified as having experienced a work-related fatality in 2012-2022 <sup>1</sup>	56%
Consultation visits in industry NAICS identified as having experienced a work-related fatality in 2012-2022	45%
Enforcement inspections conducted in industry NAICS identified with a high injury pattern from 2012-2022 <sup>2</sup>	70%
Consultation visits conducted in industry NAICS identified with a high injury pattern from 2012-2022	25%
Injury Investigation Letters sent to employers as part of the WSHP planned program enforcement strategy <sup>3</sup>	62
Fines issued by WSHP <sup>4</sup>	\$0.00

**Enforcement Highlights:** WSHP conducted 198 on-site inspections at state and municipal workplaces. The need for these inspections was evidenced by several public sector employees who experienced disabling injuries. The following examples show that work-related injury can be prevented by job planning and preventive maintenance:

- An inspection after a worker lost four fingers when a balance weight fell on his hand revealed that the employer did not have written standard operating procedures for the task.
- An inspection after an employee of a drinking water facility was injured by a chlorine gas leak showed that the air sensors were not working.
- An inspection after a public works employee was buried up to his knees by a trench collapse found a lack of cave-in protection. The town had a safety checklist at the site that was blank and had not been filled in.

<sup>1</sup> Consisted of public works; parks and recreation; facility management; crossing guards; drinking water; sewage; electric power distribution; traffic detail; and firefighting.

<sup>2</sup> Consisted of public works; parks and recreation; facility management; drinking water; sewage; healthcare and social services; and K-12 schools.

<sup>3</sup> Injury Investigation Letters are used to coach employers on how to conduct their own incident evaluations and make corrections to prevent similar injuries from occurring in the future. It is a long-term goal for the Massachusetts State Plan that employers will become competent in conducting their own safety audits and incident evaluations, and we find that the use of Injury Investigation Letters assists employers in making this improvement.

<sup>4</sup> M.G.L. c.149 §6 sets a maximum penalty of \$1,000 per violation. 454 CMR 29.00 gives WSHP discretion to issue a written warning without penalty.

**Voluntary Consultation Highlights:** WSHP conducted 102 onsite consultation visits at the voluntary request of employers. These employers were acting proactively to prevent work-related injuries. Workplaces included Public Works Departments, Transfer Stations, Parks Departments, Wastewater Treatment Facilities, Senior Centers, Town Halls, Recreation Departments, Police Departments, Libraries, Town Museums, Housing Authorities, and schools. A success in 2023 was requests by six different municipalities to inspect all locations where a Crossing Guard was assigned. Five of these were done in FFY2023. The sixth is a larger municipality with over twenty crossings and these visits will be spread out in FFY2024.

**Compliance Assistance:** The purpose of compliance assistance is to assist employers implement safety and health management systems at their workplaces, with the goal of preventing work-related injuries and illnesses. WSHP provides training, outreach, and technical assistance. Training events are tailored towards management, who have the authority and budgetary control to implement safety and health programs. WSHP conducted training for the following:

- Barnstable County Public Works Association
- Berkshire County Highway Superintendents Association
- DigSafe Managing Underground Safety Training (MUST)
- Massachusetts Association of Science Teachers (MAST)
- Massachusetts Building Commissioners and Inspectors Association
- Massachusetts Facility Administrators Association (MFAA)
- Massachusetts Environmental Health Association
- Massachusetts Municipal Association Conference (MMA)
- Massachusetts Water Works Association (MWWA)
- National Association of Housing and Redevelopment Officials (NAHRO)
- New England Public Works Expo
- New England Water Works Association (NEWWA)
- Norfolk Bristol Middlesex Highway Association
- Plymouth County Highway Association
- Western Massachusetts Tree Wardens Association

**State Plan Staffing:** WSHP is staffed by fifteen personnel split into Enforcement and Consultation teams, coordinated by a Program Supervisor. Enforcement (10 inspectors) conducts investigations into accidents and on a programmed basis to ensure compliance with OSHA regulations. A *Civil Citation* and *Civil Penalty* may be issued, per 454 CMR 29.00 as a result of an enforcement inspection. Two of the Enforcement inspectors also hold responsibility for Whistleblower investigations. The Whistleblower staff respond to allegations of retaliation against an employee for participating in a protected safety activity.

The Consultation program (4 inspectors) conducts *Safety And Health Audits* at the voluntary request of an employer. These employers are acting proactively to comply with OSHA standards and protect their workforce. A *Voluntary Consultation Report*, with no fine or penalty, is issued when corrective actions are identified during a consultation visit. The Consultation program follows the *OSHA Consultation Policies and*

*Procedures Manual* so that the identity of employers, and results of voluntary audits are kept confidential and not shared with the Enforcement team.

The WSHP staff must be commended for their dedication to workplace safety and dedication to the Commonwealth. The transition to *State Plan* status created an intensive learning curve in FFY23 to master federal requirements, procedures, and case tracking. Their attention to administrative requirements did not divert them from their mission of helping employees and employers create and maintain safe, healthy workplaces.

**State Plan Mandated Activities:** *State Plans* are required to be “at least as effective” as OSHA to prevent work-related injury and illnesses. OSHA monitors thirteen performance indicators called the *State Activity Mandated Measures (SAMM)* for all *State Plans*. WSHP is proud of our performance meeting, or exceeding, the mandated measures in our inaugural year.

### State Activity-Mandated Measures

SAMM	Measure	MA FFY2023	National Average	Comment
01A	Average Number of Workdays to Initiate Complaint Inspections (STATE formula)	6.31	9.66	Requirement met
02A	Average Number of Workdays to Initiate Complaint Investigations (STATE formula)	1.46	6.68	Requirement met
03	Percent of Complaints and Referrals of Imminent Danger Responded to within 1 Day	0.00%	95.44%	MA did not receive an imminent danger complaint
04	Number of Denials where entry not obtained	0	6	MA did not get denied entry
05	Average Number of Violations per Inspection classified as Serious, Willful, Repeat	3.46	1.74	MA does not have a quota to find a minimum number of violations
	Average Number of Violations per Inspection classified as "Other Than Serious"	0.86	0.92	MA does not have a quota to find a minimum number of violations
06	Percent of Total Inspections in Public Sector	100.00%	6.27%	Requirement met
07	Inspections - Safety	173	54,212	Compared to grant projection, SAMM met.
	Inspections - Health	25	14,828	Compared to grant projection, SAMM met

<b>08</b>	<b>Average Current Penalty per Serious Violation (Private Sector) - Total (1 to greater than 250 Employees)</b>	<b>\$0.00</b>	\$3,866.14	Private sector metric not applicable
<b>09</b>	<b>Percent In Compliance - Safety (No violations identified during the inspection)</b>	<b>16.27%</b>	32.25%	Requirement met
	<b>Percent In Compliance - Health (No violations identified during the inspection)</b>	<b>48.00%</b>	42.67%	Requirement met
<b>10</b>	<b>Percent of Work-Related Fatalities Responded to in 1 Workday</b>	<b>0.00%</b>	97.46%	Requirement met
<b>11</b>	<b>Average Lapse Time - Safety (Time from Opening Conference to Issue Date of Citation)</b>	<b>20.82</b>	57.20	Requirement met
	<b>Average Lapse Time - Health (Time from Opening Conference to Issue Date of Citation)</b>	<b>33.33</b>	66.26	Requirement met
<b>12</b>	<b>Penalty Retention Percent Penalty Retained</b>	<b>0.00%</b>	70.07%	MA has authority to issue fines but did not issue a fine in FFY 2023
<b>13</b>	<b>Percent of Initial Inspections with Employee Walk around Representation or Employee Interview</b>	<b>100.00%</b>	96.76%	Requirement met

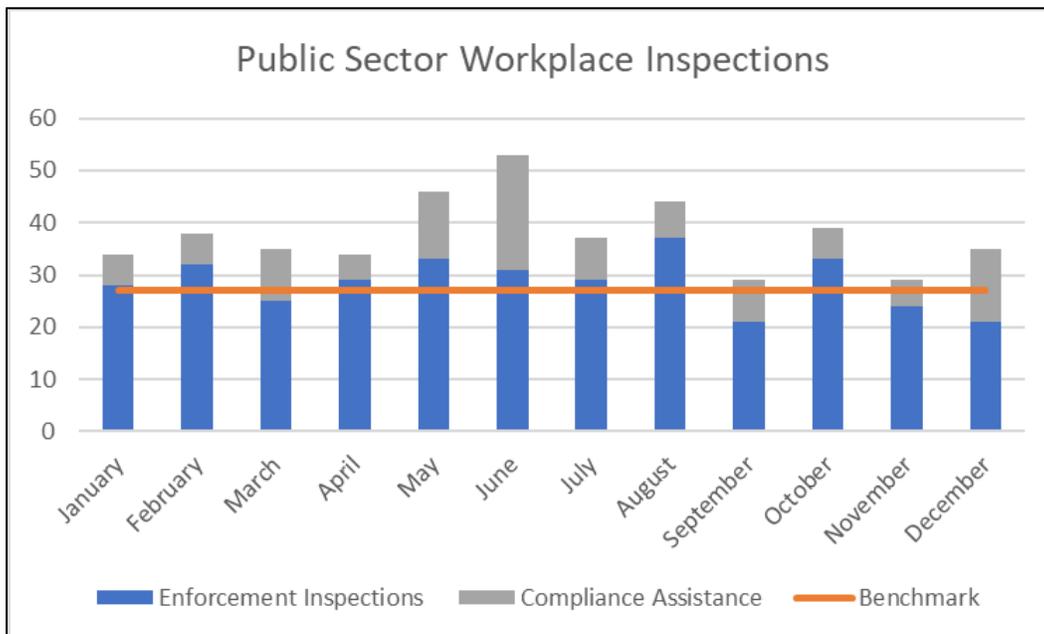
### **WSHP State Plan Developmental Steps**

OSHA approved Massachusetts as a developmental *State Plan*. Fifteen steps were provided with expected completion in calendar 2024. WSHP is on track to complete these steps as planned.

<b>Step</b>	<b>Developmental Requirement</b>	<b>Completion Schedule</b>
1	Amend 454 CMR 25.02 to clarify its rulemaking process with respect to <i>Federal OSHA Standards</i> .	Status: Updates to regulation are expected in calendar year 2024.
2	Ensure that all federal policies designated as “Federal Program Changes” that are currently in effect, including all federal Directives designated as “adoption required” or “equivalency required” by OSHA, are adopted (or alternative) so that Massachusetts is at least as effective.	<b>Completed: 11/09/2023.</b> 52 directives were reviewed, and recommendations presented at the January, July, and October Advisory Board meetings. The Advisory Board voted to support WSHP recommendations in October 2023.
3	Amend 454 CMR 25.05 to modify variance requirements for consistency with OSH Act.	Status: Updates to regulation are expected in calendar year 2024.
4	Adopt 29 CFR 1905, OSHA’s regulation governing variances.	Status: Updates to regulation are expected in calendar year 2024.
5	Amend 454 CMR 25.05 to accurately reflect Massachusetts policy that citations will be issued within 180 days of the initiation (rather than completion) of the inspection.	Status: Updates to regulation are expected in calendar year 2024.
6	Amend 454 CMR 25 Regulatory Authority to add a reference to authority in M.G.L. 149, s. 9, which provides the employer’s right to contest citations.	Status: Updates to regulation are expected in calendar year 2024.
7	Adopt 29 CFR 1908, OSHA’s regulation governing consultation, as well as the <i>Consultation Policies and Procedures Manual</i> .	Status: Updates to regulation are expected in calendar year 2024.
8	Complete <i>Massachusetts Technical Manual</i> that is at least as effective as <i>federal OSHA’s Technical Manual</i> .	<b>Completed: 11/04/2022</b>
9	Conduct hiring to achieve staffing goals outlined in <i>Narrative</i> and <i>3-Year Staffing Plan</i> .	Status: Job openings were reposted in October 2023 to fulfill grant goals.
10	Reorganize staffing pattern in order to ensure separation of consultation and enforcement personnel, consistent with 29 CFR 1908.	<b>Completed:</b> Enforcement and Consultation staff separated as of 08/18/2022.
11	Adopt the Mandatory Training Program for <i>OSHA Compliance Personnel Directive (TED 01-00-019)</i> . Ensure personnel receive training consistent with this Directive.	<b>Completed:</b> TED adopted 10/11/2022. Staff have completed 46% of the required initial training courses at end of FFY2023.

12	Adopt the Mandatory Training Program for OSHA Whistleblower Investigators Directive (TED 01-00-020).	<b>Completed:</b> TED Adopted 10/11/2022. Whistleblower staff have completed 40% of required courses at end of FFY2023.
13	Complete transition to the OSHA Information System (OIS).	<b>Completed:</b> WSHP began using OIS on 10/04/2022. WSHP trained on OIS functions September 2022 through April 2023.
14	Develop a <i>Five-Year Strategic Plan and Annual Performance Plan</i> .	<b>Completed:</b> 08/18/2022
15	Once federal OSHA’s review of the draft <i>Massachusetts FOM</i> is complete, DLS will make any updates, as necessary, to ensure that the enforcement policies in its FOM are at least as effective as federal OSHA.	Status: WSHP submitted its first <i>FOM</i> to OSHA on 10/31/22. WSHP submitted an updated <i>FOM</i> on 10/30/23. At end of FFY2023, OSHA’s review is in progress.

**Key Performance Indicators**





## Committees DLS Serves On

- Commission on Clean Energy Infrastructure Siting and Permitting
- Construction Safety Roundtable of Eastern Massachusetts
- Council on the Underground Economy
- EPA Consortium for New England States (Lead and Asbestos)
- Governor's Occupational Health and Safety Hazard Advisory Board
- Insurance Fraud Bureau
- Interagency Permitting Board
- Interagency Siting and Permitting Task Force
- Massachusetts Association of Vocational Administrators
- Massachusetts Department of Public Health Occupational Health and Safety Advisory Board
- Massachusetts Occupational Health and Safety Team
- National Fire Protection Association – Technical Committee for Emergency Responders Occupational Health
- National Lead Information Exchange Forum
- New England Lead Coordinating Committee
- Occupational Safety and Health State Plan Association
- Occupational School Advisory Council
- Pilgrim Nuclear Power Plant Decommissioning Interagency Working Group
- Toxic Use Reduction Program
  - Science Advisory Board
  - Advisory Committee
  - Administrative Council
- Youth Employment Safety (YES) Team

### DLS Application Fee Schedule 2023

Title	Fee	Surcharge <sup>i</sup>	Surcharge <sup>ii</sup>	Total
<b>Employment Agencies</b>				
Licensed Employment Agency (one to four counselors)	\$250		\$50	<b>\$300 per year</b>
Licensed Employment Agency (five or more counselors)	\$500		\$50	<b>\$550 per year</b>
Registered Placement Agency (main office)	\$250		\$50	<b>\$300 per year</b>
Registered Placement Agency (each branch office)	\$130		\$50	<b>\$180 per year</b>
<b>Asbestos Abatement</b>				
Asbestos Abatement Contractor	\$2,000		\$50	<b>\$2,050 annual</b>
Supervisor	\$200		\$25	<b>\$225 annual</b>
Management Planner <sup>iii</sup>	\$600		\$25	<b>\$625 annual</b>
Inspector <sup>iv</sup>	\$600		\$25	<b>\$625 annual</b>
Project Designer	\$600		\$25	<b>\$625 annual</b>
Project Monitor	\$600		\$25	<b>\$625 annual</b>
Analytical Services	\$700		\$50	<b>\$750 annual</b>
Training Provider	\$1,700		\$50	<b>\$1,750 annual</b>
<i>Asbestos Abatement Worker License</i>	\$50		\$25	<b>\$75 annual</b>
<i>Asbestos Abatement Duplicate License</i>	\$20		\$25	<b>\$45 per License</b>
<i>Asbestos Abatement Duplicate Certification</i>	\$20		\$25	<b>\$45 per Certification</b>
<i>Asbestos Class C Lab Analyst Proficiency Verification</i>	\$500			<b>\$500 annual for lab and one analyst.</b>
Asbestos Class C Lab Additional Analysts	\$50/ analyst			<b>\$50 annual for each additional analyst</b>
Asbestos Consulting Service Provider	\$1500			<b>\$1500 annual</b>
<b>Lead Abatement</b>				
<i>Deleader Contractor License</i>	\$500	\$25	\$50	<b>\$575 annual</b>
<i>Deleader Supervisor License</i>	\$100	\$25	\$25	<b>\$150 annual</b>
<i>Deleader Certification-Training Provider</i>	\$1,700	\$25	\$50	<b>\$1,775 annual</b>
<i>Deleader Duplicate License</i>	\$20		\$25	<b>\$45 annual</b>
<i>Deleader Worker License</i>	\$25	\$25	\$25	<b>\$75 annual</b>
<i>Lead-Safe Renovator Contractor License</i>	\$100	\$25	\$250	<b>\$375 every 5 years (includes the \$50 surcharge for the 2nd through 5th years of the license)</b>

Lead-Safe Renovator Training Provider	\$1,700	\$25	\$25	<b>\$1,750 (fee waived for State, federally recognized Indian Tribe, local government, or non-profit organization; \$75 surcharge still applies)</b>
<i>Lead-Safe Renovator Duplicate License</i>	\$20	\$25		<b>\$45 annual</b>
<b>Minimum Wage Program</b>				
<i>Application for Waiver of Minimum Wage for Employees with Disabilities</i>	\$100			<b>\$100 per year</b>
<i>Application for Waiver of Minimum Wage for Certain High School Student/Employees at Non-Profit Establishments</i>	\$100			<b>\$100 per year</b>
<i>Application for Seasonal Business Determination for Overtime Waiver</i>	\$200			<b>\$200 per season</b>
<i>Application for Waiver of Minimum Wage for Seasonal Camp Counselors</i>	\$100			<b>\$100 per year</b>
<i>Application for Waiver of Minimum Wage for Student Employees Enrolled In and Employed by a Bona Fide Educational Institution</i>	\$100			<b>\$100 per year</b>
<i>Application for Waiver of Minimum Wage for Student Trainees Employed by a Hospital or Laboratory</i>	\$100			<b>\$100 per year</b>
<i>Application for Uniform Deposit Waiver</i>	\$100			<b>\$100 per year</b>

<sup>1</sup> All persons licensed to perform deleading services are required to pay a \$25.00 surcharge in accordance with *section 22* of Chapter 482 of the Acts of 1993, which reads in relevant part: “Amounts raised by said surcharges shall be deposited into a retained revenue account hereby established for the department of public health, for the production and dissemination of educational materials pertaining to lead paint poisoning prevention and treatment issues, as required by *section one hundred and ninety-two B and section one hundred and ninety-seven A of chapter one hundred and eleven* of the General Laws, and for training of lead paint inspectors as well as homeowner training for those aspects of lead paint abatement or containment which the department, through regulations, authorizes homeowners to perform themselves. The department shall use amounts in said retained revenue account for the aforesaid purposes and for no other, without the need for further appropriation.”

<sup>2</sup> In accordance with Section 212 of chapter 184 of the Acts of 2002, these surcharges shall be collected for the purpose of conducting “occupational safety and health inspections, assessment and other operations as required by [the statutes governing lead abatement, asbestos abatement, and the regulation of employment agencies].”

<sup>3</sup> A person applying for certification as an Asbestos Inspector and as an Asbestos Management Planner at the same time need pay only one fee (including surcharges).

<sup>4</sup> See footnote 3.

**Note:** Fees for Employment Agencies, Asbestos, Lead, and Minimum Wage have been established by the Executive Office for Administration and Finance pursuant to 801 CMR 4.02, the Massachusetts regulation governing Fees, Licenses, Permits and Services to be Charged by State Agencies. Fees for Apprentice Training have been set in accordance with M.G.L. c. 23, §11W and sections 636-639 of Chapter 26 of the Acts of 2003.

### Agency Funding

<b>FY23 Funding (July 1, 2022-June 30, 2023)</b>	
State Appropriation	\$4,202,505
Retained Revenue	\$406,642
DAT Card Trust	\$353,905
Bureau of Labor Statistics	\$75,000
Mine Safety and Health Administration	\$105,138
OSHA Onsite Consultation	\$1,391,300
<i>OSHA State Plan</i>	\$1,371,000
TSCA Asbestos Licensing and Monitoring	\$85,500
TSCA Lead Licensing and Monitoring	\$280,000
TSCA Lead Enforcement	\$130,000
<b>GRAND TOTAL</b>	<b>\$8,400,990</b>

### Agency Revenue Generation

<b>FY23 Revenue Generation (July 1, 2022-June 30, 2023)</b>	
0500-Fees	\$9,150
0522-Certification	\$131,700
0630-Fees	\$3,280
0647-Fees-Surcharges	\$258,975
0673-Seasonal Wage Cert Day Camps	\$15,200
0674-Spec Wage Permits Shelter Workshop	\$700
0676-120 Seasonal Permit OT Exempt	\$0
0677-App Employee Uniform Deposit and Waivers	\$200
0701-Miscellaneous Fees	\$354,165
2700-Fines And Penalties	\$73,777
3000-Licenses	\$390,415
3150-License Deleading Program	\$131,018
3151-License Asbestos Removal	\$1,473,164
6900-Miscellaneous	-
<b>Grand Total</b>	<b>\$2,841,744</b>



**DLS Full Time Employee Count from Fiscal Year 2014 to Fiscal Year 2023**

<b>Fiscal Year</b>	<b>FTE<sup>5</sup></b>
FY23	62
FY22	57
FY21	54
FY20	53
FY19	57
FY18	54
FY17	54
FY16	54
FY15	58
FY14	56

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<sup>5</sup> Count as of the beginning of each Fiscal Year, which is July 1st.

## **DLS employees during 2023**

### **Administration**

Michael Flanagan, Director  
Rontear Farmer, General Counsel (departed February 2023)  
Nicholas Rose, General Counsel  
Jack Beatrice, Legal Counsel  
Susan Humphreys, Program Coordinator  
Barbara Shultze, Administrative Assistant

### **Lead and Asbestos Enforcement and Licensing**

Michael Weakley, Supervisor Lead and Asbestos Program  
Michael Berube, Industrial Safety and Health Inspector  
Joshua Bisson, Industrial Safety and Health Apprentice  
Kevin Casey, Program Coordinator (Occupational Lead Poisoning Registry)  
Tyler Clements, Industrial Safety and Health Inspector  
Zachariah Costa, Industrial Safety and Health Inspector  
Jeffery Finnegan, Industrial Safety and Health Inspector  
Michael Kissel, Laboratory Supervisor (retired August 2023)  
Janet McKenna, Industrial Safety and Health Inspector  
Alexander Murphy, Industrial Safety and Health Inspector  
Ozelle Mendez-Santiago, Administrative Assistant  
Jared Saunders, Industrial Safety and Health Inspector  
Patricia Sutliff, Industrial Safety and Health Inspector  
Leila Sykes, Office Support Specialist

### **Employment Agency and PEO Enforcement and Licensing**

Rebecca Reese, Supervisor Employment Agency Program  
Yves Celestin, Compliance Officer (departed September 2023)  
Rebecca Feist, Compliance Officer  
Chris McKeen, Licensing Program Coordinator

### **Occupational Safety and Health Statistics**

Michael Fiore, Supervisor Safety and Health Statistics  
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**OSHA On-site Consultation**

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Anthony Laber, Industrial Safety and Health Inspector  
Danny Lee, Industrial Safety and Health Inspector (MSHA Instructor)  
Nick McLellan, Industrial Safety and Health Inspector  
Merrill MacInnis, Industrial Safety and Health Inspector  
Michael Monfredo, Industrial Safety and Health Inspector  
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Lou Penella, Industrial Safety and Health Inspector  
Deborah Russell, Industrial Safety and Health Inspector

**Prevailing and Minimum Wage**

Kathleen Coyne, Minimum Wage Program Coordinator (retired January 2023)  
Michael Smith, Prevailing Wage Program Coordinator  
Christine Riley, Prevailing Wage Program Coordinator

**Workplace Safety and Health for the Public Sector**

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Adam Hartnett, CSP, Consultation Staff Supervisor  
James Leonard ASP, Industrial Safety and Health Inspector  
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Edward MacKeil OHST, Industrial Safety and Health Inspector  
Evan Marshall, Industrial Safety and Health Inspector  
Justin Rizzo, Industrial Safety and Health Inspector  
Dawn Toon CIH CSP, Industrial Safety and Health Inspector

## Relevant Statutes and Regulations

- Counsel on the Underground Economy M.G.L. c. 25, § 23
  - Deleading and lead-Safe Renovation M.G.L. c. 111, §§189 A through 199B and M.G.L. c. 149, §6 and 454 CMR 22.00
  - Civil Administrative Penalties 454 CMR 29.00 (for violations of Asbestos, Lead, and Employment Agency laws)
  - Employment Agencies M.G.L. c. 140 § 46
  - Minimum Wage M.G.L. c. 151 and 455 CMR 2.00
  - Occupational Lead Poisoning Registry M.G.L. c. 149, 11A and 454 CMR 23.00
  - Overtime M.G.L. c. 151, § 1A
  - Prevailing Wage
    - Public construction work, including additions and alterations to public buildings, soil explorations, test borings, and demolition. Public Construction, G.L. c. 149, §§26-27D.
    - Use of trucks, vehicles, and other equipment to perform public works functions. Trucks, Vehicles, and Other Equipment Performing Public Works Functions (Non-Construction), G.L. c. 149, §27F.
    - Moving office furniture and fixtures. Moving Office Furniture and Fixtures, G.L. c. 149, §27G.
    - Cleaning state office buildings or buildings leased by the state. State Cleaning Contracts, G.L. c.149, §27H.
    - Transportation of students to public schools, including charter schools, in towns with a population greater than 16,000. School Bus Transportation G.L. c. 71, §7A.
    - Prevailing wages set for certain housing authority employees such as maintenance workers, laborers, and mechanics. G.L. c. 121B, §29.
    - State printing contracts. G.L. c. 5, sec. 1.
  - The Removal, Containment, or Encapsulation of Asbestos M.G.L. c. 149, §§6 through 6F½ and 453 CMR 6.00
  - Workplace Safety and Health (Public Sector) M.G.L. c. 149, §6, §6 ½ and M.G.L. c. 111F
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