

Toby Burr

"Thank you so very much for asking about how we can improve the climate to do business in Massachusetts.

For me, I feel particularly frustrated with the Department of Public Safety and the permits businesses need to put up a building.

Businesses appreciate healthy regulation. It keeps competition on an even playing field and promotes education and training. Even inspectors can be appreciated as a fresh eye to help keep up standards.

Businesses hate bad regulation when they waste precious resources and demoralize workers. An example of regulation that undermines safety, gives broad advantage to people who ignore rules, and is antagonistic toward training is the 2013 hoist regulations from the Massachusetts Department of Public Safety.

In November of 2013, Department of Public Safety promulgated revised regulations for the hoist law. What a disappointment to Small Businesses. Here are some highlights.-

The revised regs are full of random incompatibles with OSHA standards. Many times during the public hearing, people working in the industry stood up and sited conflicts and inconsistencies between OSHA and the DPS revised regulations. I believe one person documented over 400 inconsistencies between the two documents. DPS did not care, did not offer to modify language, and only asserted that the Commonwealth has the power to exceed OSHA standards.

DPS was asked to produce a version of the regulations where only rules exceeding OSHA requirements were stated, and they refused. DPS made no apology about not knowing what OSHA said. They did not care.

Repeatedly, working people tried to explain that it is impossible to run a hoist operation with two separate, complex sets of regulations, where following one creates a violation of the other. DPS did not care.

Now, when employers tell operators what the rules are, employees often point out that company stated rules are different than rules they read online. Inconsistencies are demoralizing for people trying to follow the rules.

Revised DPS regulations snuffed out effective forklift training programs. In 2000, Governor Paul Cellucci issued an executive order stating that if companies ran an OSHA compliant training program for the safe operation of fork lifts on private property, then no state action was needed. DPS ended that successful policy. Working people stood up at the public hearings and explained to DPS that

effective training programs existed, and that the proposed regs would snuff them out. DPS did not care about OSHA, or about existing programs, or about successful situations.

The requirements for Continuing Education, as created by the DPS revised regulations, is an ineffective, expensive nuisance, and an insult to those forced to endure them. Businesses rely on effective training and education. What DPS has mandated is the proverbial camel by committee. The continuing ed requirement should be abandoned immediately, and replaced by something endorsed and embraced by those who will be using it.

DPS expanded the requirement for supporting documents, and thus tripled the paperwork for license renewals In order to get a hoist license, you need to provide copies of a drivers license and a DOT card. In the 2013 rewrite, that requirement was expanded to require the license holder to send a copy of their renewed license and also a copy of their renewed DOT card, as they expired.

That expansion of the regulations triples the paperwork for compliance. I double-dare anyone to ask the DPS where they keep the paper submissions of people who send in copies of renewals, all of which are available to DPS online.

DPS demanded that email addresses be included on the hoist license application, and then sold those email addresses. Now license holders are bombarded with solicitous junk emails stamped with the official state icon. Some of the junk mail is threatening the license will be lost if action is not taken, as a way to draw business. This is objectionable for many reasons, particularly by people who prefer to avoid work-related unsolicited junk emails in their private email.

Fork lift licenses require a DOT card , which is a misapplication of a federal credential. DOT cards are designed to ensure CDL drivers of big rigs who drive across state lines are fit for what can be strenuous conditions. Working a day job in an environment of supportive coworkers is very different than staying up all night, alone, in heavy weather with bad brakes. The trouble with the DOT card, is that sometimes competent, qualified fork lift operators cannot get one. We have an employee with cataracts. He is able to sharp shoot targets, drive to and from work, and has an 18 year perfect record of safety operations driving a forklift on our property, but after the DPS revisions were published, he could not get a forklift license. Requiring a DOT card precludes many good workers, including those with managed health problems. DOT cards are not appropriate for fork lift operators.

SUGGESTION ABOUT DEPT OF PUBLIC SAFETY-

1. Bring back the executive order issued by Paul Cellucci and allow small businesses to have effective OSHA programs for fork lift operation. The state does not need to request any paperwork for these programs. The state has the same right to review files as OSHA does.

2. Withdraw the continuing education requirement and create something in harmony with what already exists in the workplace.
3. Rewrite the whole set of regulations in clean, clear language.
4. Restore the public hearing process. Restore proper notice. Restore the obligation to defend what is proposed. Restore the tradition of withdrawing proposals when leaders in the industry objection to them. America is based on Government by the people, for the people, of the people. People holding hoist licenses need to be in on the ground floor for building regulatory reform.
5. Remove the requirement for a DOT card for fork lift operators.

Building Codes are extreme, conflicting and have unrealistic time frames for action and for appeals.

The plumbing code requires floor drains for boat sheds. DEP and the EPA forbid floor drains in boat sheds. The appeal process to get relief from the plumbing code takes 120 days, and that delay in concert with other permits, jeopardizes the project, so the floor drain is installed, and a plan is made to seal it once the building is finished. How did we get so far away from common sense?

Not long ago, state codes were administered by local people under the general authority of a board of selectman. Appeals were generally resolved at a local level, where good judgement and compromise could be brought to bear.

Now that state codes have grown so great in scope and detail, local people get 'training' at the state sponsored seminars, etc.... Sadly, the training seems to set them further apart intellectually, from what other boards and builders think is reasonable. Boards, such as planning, zoning, health, conservation, building, have grown so specialized and rarified, meaningful cooperation is rare. And with expanded time frames, getting a project accomplished can be impossible.

SUGGESTION -

1. Create a task force to address the conundrum created by multiple boards administering multiple state codes. The old system does not hold up to the burdens we are putting on it.
2. Create flexibility. If a business wants to add a bathroom for employees, but needs flexibility to work within restricted space, serious minded professional people should be able to get a timely variance to the plumbing code, for example to waive a requirement for a shower.

3. Streamline the local review for compliance to state codes, ie Wetlands, Building Code, Title Five, Plumbing, Electrical. Maybe there can be comprehensive way to review one project for all codes simultaneously.

Please let me know if I can be of help. The list of government hindrances goes on and on. If you want more, please ask.

Sincerely yours,

Toby Burr"

Hai Tran

"No jobs. MA needs to connect the commonwealth with the jobs... They need to connect with the local economy more."

Gerry Cardillo

"My name is Gerry Cardillo. I'm the president of Boston Electric and Telephone Corp. I have been in business since 1972. Originally we did all private work for about 35 years as industry dried up we began to do public work at 50:50 ratio.

Prevailing wage was met on all public work except for two issues. The first issue is that we pay holidays, sick days, maternity leave and vacations. We get no credit toward the wage for these benefits. The reason is that the union who established these rates do not provide these benefits. Now we are begin forces [sic] to pay rates beyond the prevailing rate, because we provide the benefits and still pay the rate.

The second issue is that on a project we did for Bridgewater Schools, we hired two high school students and a marine who was just discharged for a summer position. These three individuals had absolutely no experience. They were hired for general labor, clean up, moving stock and assisting where needed. They were paid on the basis of a first year electrical apprentice (\$15.00/hour) but they were not registered apprentices. We mistakenly put them into that classification of electrical apprentice.

BETCO was audited on three projects by the Commonwealth of Massachusetts based on these issues. In my opinion this was orchestrated by big labor.

The Attorney General is fining us \$45,000 and undetermined penalties. There reason is that the apprentices were not registered and therefore entitled to the full \$55.00/hour journeyman's rate. They gave us no credit for the benefits we provide.

No employee has filed a complaint. They do not want the monies being offered. They are satisfied with their benefits. Fourteen jobs are at stake and Maura Healy couldn't care less because Betco is an open shop and not affiliated with a union. In my opinion the relationship between organized labor and our stat [sic] legislators is way too cozy and should be investigated by the federal government. The fines are not determined, but could be two or three times the settlement. Do you think I will get a fair hearing with a state board that is loaded with union appointies?

Thank you,

Gerard Cardillo
President
Boston Electric and Telephone Corp."

Sean Summers

"I just completed four term as a Selectman in Chatham Massachusetts. IN addition I have 50 employees in a small company that I have run for many years. I hope you are serious about this project. I also organized 11 towns on the Cape to organize against overregulation relative to the endangered species Act (Piping Plovers) and have studied the laws relative to shore front protection.

To be perfectly Frank. The governor should know that his environmental departments are reading the laws of the commonwealth in the most conservative way possible. IN my mind they clearly are reading things into the law that are not there. I have many, many examples of this that I could provide if their was a true commitment to alter the behavior. The beauty of the problem is no laws need changing it would just require the governor to issue orders to read and act on the laws as they are written and to end the subjectivity or perhaps define what the law means to this administration. After all it is just english!

Sorry to sound a bit jaded but twelve years on the front line will do that too you.

I hope your project leads to meaningful changes.

Sean Summers

Donald Torrey

"First I was forced to pay sick leave then 1.00 increase in minimum wage, that I could have lived with, but facing 1.00 next year and the year after I just couldn't justify, especially after my customers started cutting my services to also comply. June 26th I laid everyone off and am back to solo. I find it not that bad. My insurance went [sic] from 6000.00 to 750.00. My matching taxes were 6100.00/yr. now they are zero. I will earn less but will work less and have less headaches. Hated letting employees go, some had 31 years of service. I explained it was the socialist democrats cost them their jobs. The best part is some part time workers that didn't earn 3500.00 /quarter didn't earn enough to collect unemployment, yet I had to pay it in. I asked my state rep for a refund ha ha. Looking at moving south if it gets much worse. I voted for Baker, but I see he wants to tax Uber cabs. Nice job never let anything go without taxing it. Sincerely Donald W Torrey"

Mark Cohen

"I spoke to Baker about it at the luncheon. If a business has (at least for some types) contract with the Commonwealth, we need to also submit a report to the OSD (Operational Services Division) EVERY QUARTER how much business we do with the State, and also pay a 1% "Contract Fee". This is cumbersome and stupid; obviously companies will factor the 1% in the cost of doing business and raise prices to the State accordingly. No private or public business that I know of charges a fee for the pleasure of doing business with it, and I'm sure the administrative burden on the State is costly as well.

Thanks for your help with this,

Mark"

Richard Kramer

"My small company prepares its tax returns using in house people.

However, we can no longer file our returns without being penalized. We were put on notice that we would be penalized \$100 if we file paper returns. Yet the DOR does NOT provide small businesses the means to file electronically. We'd either have to buy software, \$500 to \$1000 each year, not counting the time wasted learning and using the software, or have them filed by an accountant we don't need for \$1200 - \$2500.

The situation is outrageous and needs to change."

