



**Commonwealth of Massachusetts  
Executive Office of Labor and Workforce Development**

# Workplace and Chemical Safety for Municipal Agencies

*What do you need to know?*

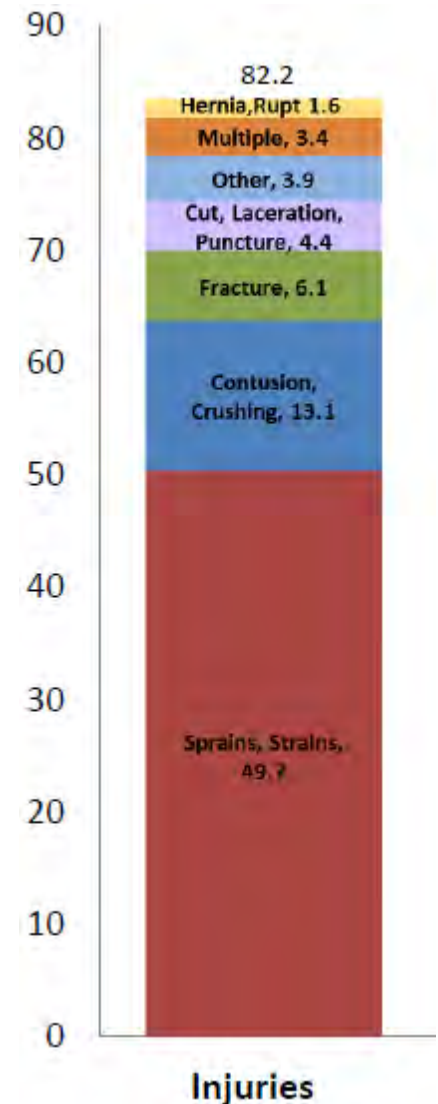
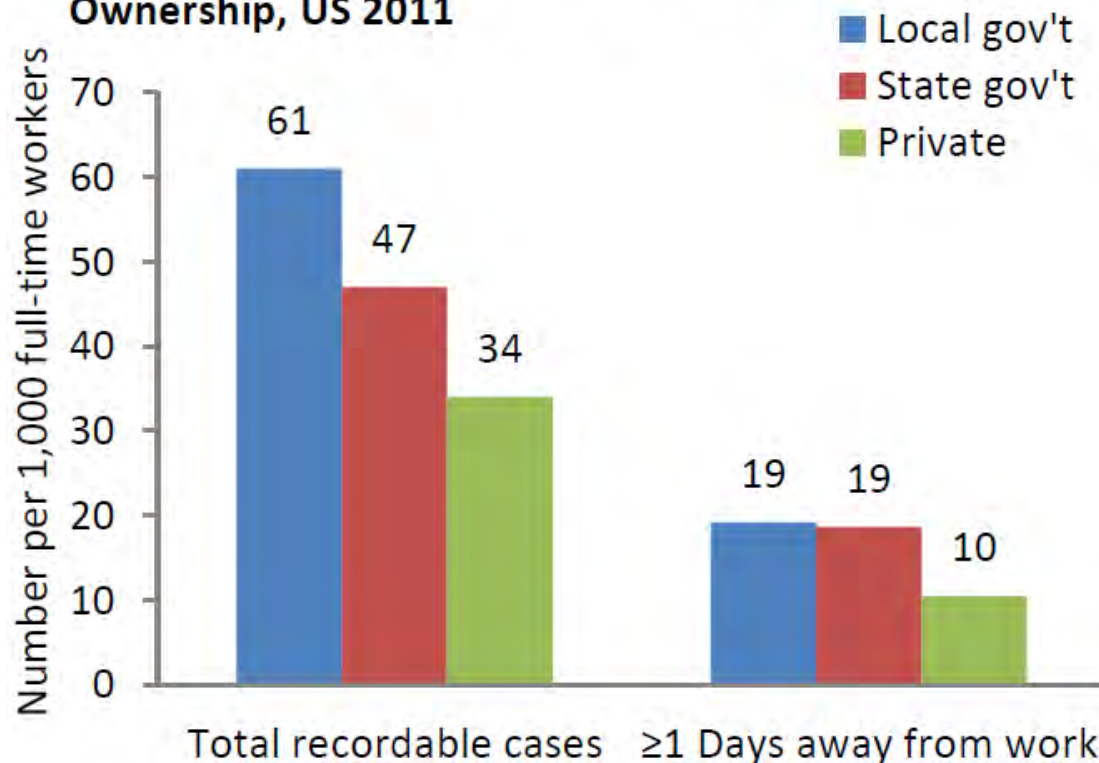
September 18, 2017

Michael Flanagan, Manager Safety and Health Programs

# *What is the state of public workplace safety in Massachusetts?*

- DPW at least 20% of injuries

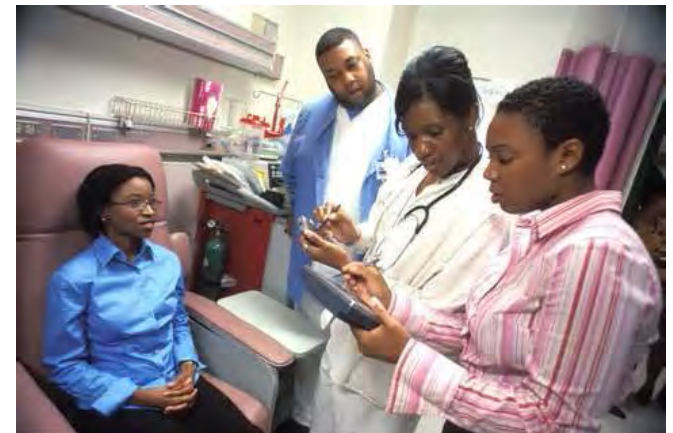
**Figure 1. Incidence Rates of Nonfatal WRILs by Ownership, US 2011**





# *What is the Workplace Safety and Health Program for Public Employees (WSHP)?*

- **Basis:** M.G.L. 149 §6 & 6 ½
- **Who:** Municipal, county and state public employees
- **Goal:** Provide the same level of workplace safety to the public sector that OSHA provides to the private sector



# How does WSHP achieve its mission?

- Priorities:
  - Investigate reports of Imminent Danger
  - Investigate workplace accidents and fatalities
  - Complaint investigation and **Voluntary Inspections**
  - Programmed inspections



## Massachusetts Workplace Safety and Health Protection for Public Employees

Massachusetts General Law Chapter 149, §6 provides job safety and health protection for municipal and county workers through the promotion of safe and healthful work conditions.

|                    |  |
|--------------------|--|
| <b>Employers:</b>  | Employers are required to provide procedures, equipment and training to prevent work-related injuries and illnesses.   |
| <b>Employees:</b>  | Employees are required to comply with the policies and procedures established in their workplace to reduce work-related injuries and illnesses.  |
| <b>Inspection:</b> | The Department of Labor Standards ("DLS") may conduct an on-site inspection to evaluate workplace conditions and make recommendations for the prevention of work-related injuries and illnesses. See "Inspection |

## YOU MUST REPORT A FATALITY OR CATASTROPHE

Notify the Department of Labor Standards  
at 508-616-0461 ext. 9488  
or email [safepublicworkplace@state.ma.us](mailto:safepublicworkplace@state.ma.us)

Notify the Department of Labor Standards within eight hours of any work-related injury to a Public Sector employee involving:

- Fatality
- Loss of an Eye
- Amputation
- Inpatient Hospitalization

### Please include:

- Name of agency
- Location of incident
- Time and date of incident
- Number of injured or deceased employee(s)
- Name of contact person, including phone number and email address
- Brief description of incident

Learn how to prevent work-related injuries or fatalities at  
[www.mass.gov/dols/wshp](http://www.mass.gov/dols/wshp)

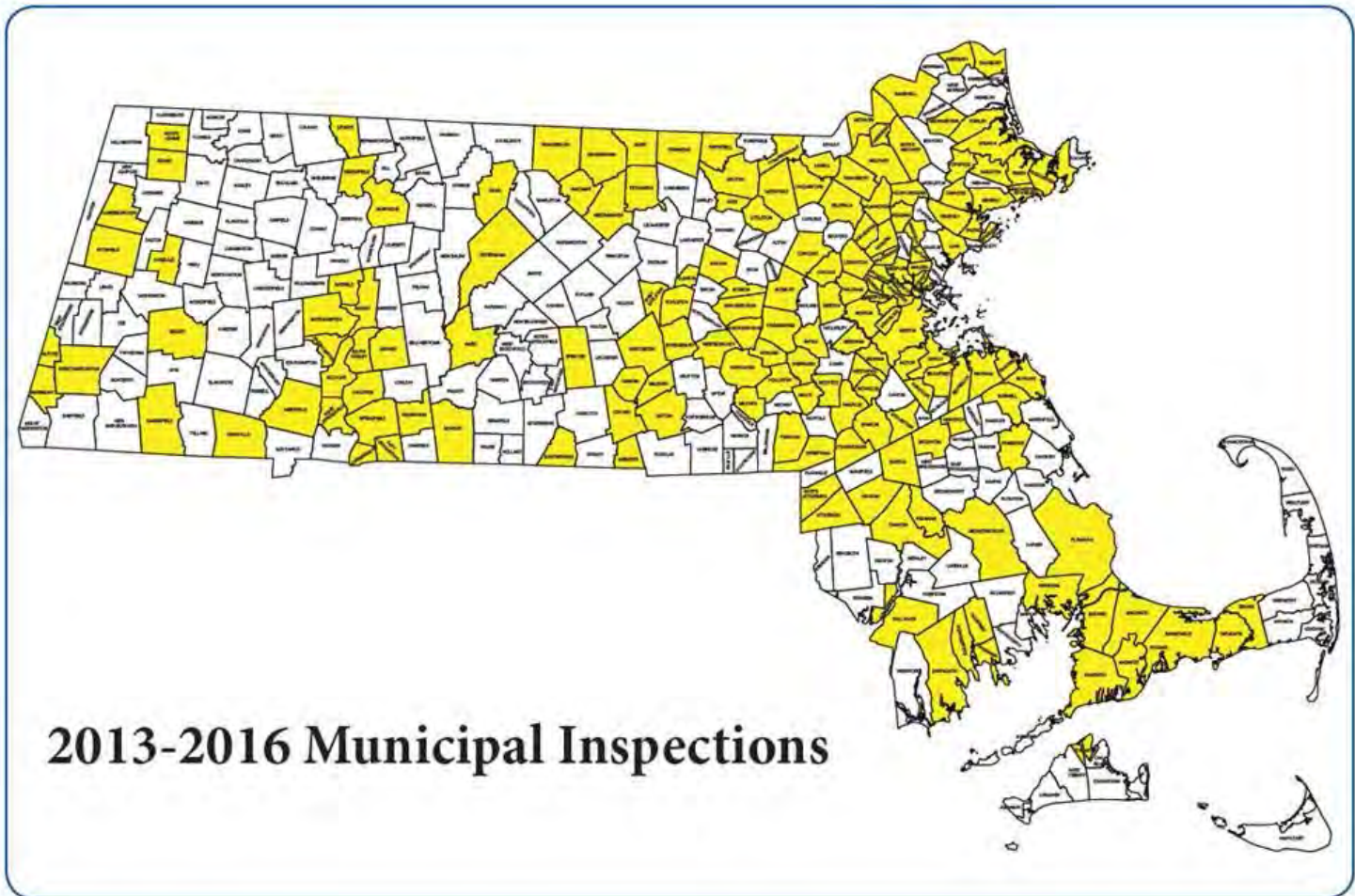
## *What standards does WSHP use?*

- Per the statute the Director of DLS is responsible for determining the standards.
- As a matter of policy WSHP utilizes OSHA standards
  - 29 CFR 1903 Procedures
  - 29 CFR 1904 Recordkeeping
  - 29 CFR 1910 General Industry
  - 29 CFR 1926 Construction



# *Who Has Been Inspected?*

In some towns, more than one department has been inspected



# What Happens During Inspection?

- Opening Conference
  - Labor and Management
- Walk-through
- Closing Conference

## Workplace Safety and Health Program Inspection Summary

### What to Expect during a Safety and Health Inspection

- 1 The DLS Inspector will conduct an opening conference to explain the purpose of the visit, and the scope of the inspection. Representatives of labor and management will be invited to participate in the opening conference. The DLS Inspector may request to review injury records and written programs. This review may occur before or after the site walkthrough.



- 2 After the opening conference, the DLS representative will conduct a site walkthrough to evaluate tasks, equipment and conditions which could cause a work related injury or illness.

- 3 Photographs, noise testing, or air testing may be conducted. The employer is welcome to take notes and obtain their own photographs or testing.



- 4 At the conclusion of the inspection, the DLS representative will conduct a closing conference to discuss observations. The representative will also indicate conditions where corrective action may be required. The representative may also request documentation such as safety policies and training records. Due to the nature of work activities or equipment, additional research by DLS may be required before a report is provided.

### Inspection Report

- 1 A written report will be sent to the department management. If conditions were observed which could cause a work-related injury or illness, the report may take the following formats:
  - a. A Written Warning may be issued which contains an order to correct the condition by a correction due date.
  - b. A Civil Citation with Civil Penalty may be issued which contains an order to correct the condition by a correction due date. DLS may consider issuing a Civil Citation with Civil Penalty in circumstances when the employer repeatedly allowed an unsafe condition to occur, or if the condition has already caused a serious work-related injury, or if the employer has ignored a previous Written Warning.
  - c. A civil penalty, up to \$1,000 for each violation, in accordance with M.G.L. c. 149 and regulations.
- 2 The written report will contain a corrective action due date. Extensions for the corrective action may be requested if the employer can show diligent progress toward correction.



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT  
DEPARTMENT OF LABOR STANDARDS

# WSHP Enforcement


## Written Warning

- Corrective Action with due date.
- No fine when violations corrected within due date.

## Civil Citation with Penalty

- Civil Penalty for each violation in Written Warning that employer failed to correct; or
- Employer repeatedly allowed an unsafe condition to occur; or
- The condition has already caused a serious work-related injury.

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT  
DEPARTMENT OF LABOR STANDARDS

  
DEVAL L. PATRICK  
GOVERNOR  
TIMOTHY P. MURRAY  
LT. GOVERNOR

*This is an important notice. Please read it carefully.  
Báo cáo vi phạm nghiêm trọng. Quý khách cần đọc kỹ.  
Exposé sur une violation importante. Veuillez lire attentivement.  
Gửi LA HỌY BẮT TRƯỚC CÁO QUẢN TRỊ ĐƯƠNG  
XIN VUI LÒNG CRO DỊCH LAI THÔNG CÁO ẤY  
Cao báo nghiêm trọng. Vui lòng đọc kỹ.  
重要通知。請務必仔細閱讀。  
အရေးကြီးသော သတိပေးချက်ကို ဖတ်ပါ။*

JOANNE F. GOLDBERG  
SECRETARY  
HEATHER E. ROWE  
DIRECTOR

Via First Class Mail

Docket Number: AB-12-~~XXXX~~

~~XXXXXXXXXX~~  
~~XXXXXXXXXX~~  
~~XXXXXXXXXX~~

WRITTEN WARNING AND ORDER

Pursuant to 453 CMR 6.00 and 453 CMR 9.03, the Department of Labor and Standards ("DLS") hereby issues a Written Warning and Order to ~~XXXXXXXXXX~~, and ~~XXXXXXXXXX~~ (hereinafter the "Respondent") for the following reason(s):

On August 14, 2012, DLS conducted an inspection at ~~XXXXXXXXXX~~ Massachusetts and observed the following violation:

1. Respondent failed to Conduct an Asbestos Response Action in compliance with the requirements of 453 CMR 6.14, in violation of 453 CMR 6.03(1), in that Respondent failed to:

Follow the following work practice requirements:

a. Respondent failed to ensure that all employees decontaminate their persons by showering, wet washing or HEPA vacuuming to remove all asbestos debris prior to leaving the Work Area, pursuant to 453 CMR 6.14(4)(b)4. Workers were observed in the work area wearing street clothing while performing the final clean up and failed to decontaminate themselves while going through the decon.

ORDER TO CORRECT  
ACTIONS TO BE TAKEN AND DEADLINE FOR TAKING SUCH ACTIONS:

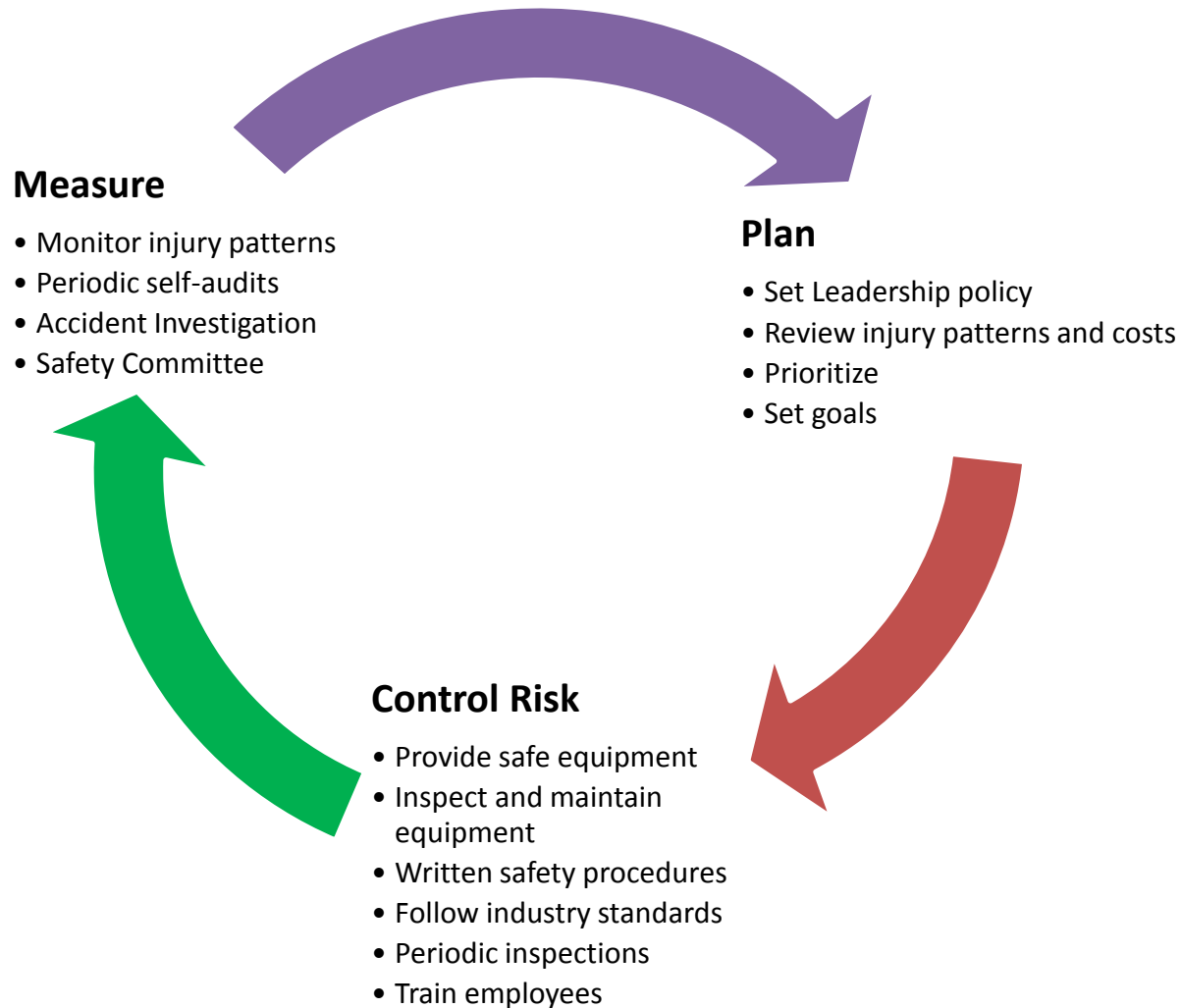
~~XXXXXXXXXX~~ and ~~XXXXXXXXXX~~ shall implement the following corrective measures to bring its activities into compliance: (over)

1213 PURCHASE STREET • 2<sup>ND</sup> FLOOR • NEW BEDFORD, MA 02740  
PHONE: 508-984-7718 • FAX: 508-984-3562  
www.mass.gov/dols



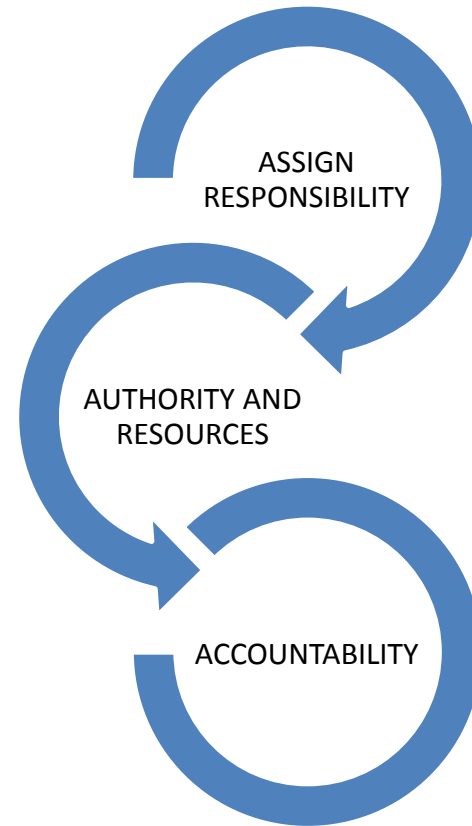


# *Safety Management*



# *Management Responsibility*

- Policy
- Assign Responsibility
- Authority and Resources
- Accountability
- Deadlines
- Employee Feedback
- Measure Performance



# General Safety = Chemical Safety

- By instituting an agency safety program will increase chemical safety.
- DLS and TURA can help reduce chemical use.
- Safer workplace will be better able to respond to disaster.

# WSHP Website

www.mass.gov/dols/wshp

The image displays two side-by-side screenshots of the official website of the Executive Office of Labor and Workforce Development (EOLWD) in Massachusetts. Both pages feature the Mass.gov header with navigation links for State Offices & Courts, State A-Z Topics, and State Forms. The left screenshot shows the 'Labor and Workforce Development' page with a search bar and a navigation menu. The main content area is titled 'Workplace Safety and Health for Public Employees' and includes a testimonial from Paul Barden, a video player, and links to 'Report an Accident, File a Complaint, or Request Assistance', 'Sample Safety and Health Programs', 'Sample Safety and Health Training', 'Resources - MASSsafetyWorks!', 'About Us', and 'Workplace Safety and Health Program Statutes'. The right screenshot shows the 'MASSsafetyWorks!' page, which is dedicated to providing suggestions on how to improve workplace safety. It includes a welcome message, a list of safety bulletins (Aerial Lift Holiday Bulletin, Disaster Preparedness for Business, Fall Prevention in Construction, Green Cleaners Bulletin, Heat Illness Bulletin, Ladder Safety, Preventing Slips and Trips in Snow and Ice Bulletin, Roof Snow Removal Bulletin, Trench Safety Tips, Workers in Cold Environments), and a contact email for safety suggestions: [safepublicworkplace@MassMail.State.MA.US](mailto:safepublicworkplace@MassMail.State.MA.US).

**MASSsafetyWorks!**  
**Workplace Safety is No Accident**



# *Sample Programs*

- **Model Safety and Health Programs**

- [Hazard Communication](#)
- [Respiratory Program](#)
- [Personal Protective Equipment Workplace Hazard Assessment](#)
- [Bloodborne Pathogens Exposure Control Plan](#)
- [BBP Exposure Control Plan for Healthcare Workers](#)
- [Emergency Action Plan](#)
- [Fire Extinguishers](#)
- [Fire Prevention Plan](#)
- [General Overview of Confined Space](#)
- [Hearing Conservation Program](#)
- [Lockout /Tagout](#)

# Toxics Use Reduction Institute

File Edit View History Bookmarks Tools Help

mass toxic use reduction inst... TURI - Toxics Use Red... +

www.turi.org 140% Search

Most Visited Labor Standards Occupational Safety and Health Mine Safety and Health eCFR - Code of Federal Regulations Oracle HR/CMS PeopleSoft Workers' Compensation Adobe Connect Center Welcome Center Interchange File Transfer System ACES ASIFlex - Your choice of... TrainingPeaks v3.0.20... MapMyRun


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**TURI**  
TOXICS USE REDUCTION INSTITUTE  
UMASS LOWELL

Toxics Use Reduction Institute  
*Making Massachusetts a Safer Place to Live and Work*


Google Custom Search

ABOUT OUR WORK LIBRARY PUBLICATIONS NEWS



## Home & Community

We help organizations raise awareness of the hazards of toxic chemical use and introduce safer alternatives in neighborhoods. Our grants and expert resources offer non-profit organizations and municipalities support for education and training on toxic use reduction.



### Upcoming Events

- September 12, 2017  
**Multiple September Trainings: MA Chemical Safety & Climate Change Preparedness**
- September 12, 2017  
**WEBINAR: Beyond the MSDS**
- September 12, 2017  
**Central Massachusetts Business Environmental Network (CMBEN)**
- September 27, 2017  
**Science Advisory Board Meeting**
- September 28, 2017  
**Fall 2017 Toxics Use Reduction Planner Course**
- October 05, 2017  
**Advisory Committee Meeting**

[View All Events](#)

### Training and Education

Upcoming TURA Education

11:21 AM 9/8/2017

# OSHA Regulations and Website



The screenshot shows the official website of the Occupational Safety and Health Administration (OSHA), part of the United States Department of Labor. The header features the OSHA logo, the text "UNITED STATES DEPARTMENT OF LABOR", and social media icons for Facebook, Twitter, YouTube, RSS, and Email. A search bar is located on the right with the placeholder text "Find it in OSHA". Below the header, the text "Occupational Safety & Health Administration" is displayed, followed by a "SHARE" button and a "Was this page helpful?" feedback link. A navigation menu includes links for "Worker Rights", "Anti-Retaliation", "Regulations", "Employers", "Data & Statistics", "Enforcement", "Training", "Publications", "Hazards", and "En Español". The main content area is divided into two columns. The left column features a large image of a worker in a high-visibility vest and hard hat, with the text "Filing a Complaint" and a button that says "How to File a Complaint with OSHA". The right column has a "Filing a Complaint" section with a dropdown menu showing options: "Reporting Fatalities & Severe Injuries", "Recordkeeping Updates", "Winter Weather", and "Protecting Temporary Workers". Below this, there are three sections: "IN FOCUS" with a video player showing hazard symbols, "4,405 workers died on the job in 2013" with a text box reporting a fatality on 11/14/2014 and a quote about the dignity of work, and "HOW TO..." with a list of links for filing complaints, getting OSHA posters, reporting severe injuries, and recordkeeping requirements.

UNITED STATES  
DEPARTMENT OF LABOR

Find it in OSHA

A to Z Index | Contact Us | FAQs | About OSHA

Occupational Safety & Health Administration

SHARE Was this page helpful?

Worker Rights Anti-Retaliation Regulations Employers Data & Statistics Enforcement Training Publications Hazards En Español

Filing a Complaint

How to File a Complaint with OSHA

Filing a Complaint

Reporting Fatalities & Severe Injuries

Recordkeeping Updates

Winter Weather

Protecting Temporary Workers

IN FOCUS

4,405 workers died on the job in 2013

11/14/2014 NM: One worker killed and three hospitalized in gas well explosion.

Fatality Reports

"No one should have to sacrifice their life for their livelihood, because a nation built on the dignity of work must provide safe working conditions for its people."

HOW TO...

- File a complaint
- Get a FREE OSHA poster
- Get information on reporting severe work-related injuries, illnesses and fatalities to OSHA
- Get information on recordkeeping & reporting requirements

# Massachusetts Right-to-Know Law

The worker Right-to-Know Law applies to public sector employees working in Massachusetts: people working in state, county or municipal jobs.

- Massachusetts General Law (MGL) Ch. 111F

and

- 454 CMR 21.00

*The law is sometimes called “RTK.”*





# INTENT OF RIGHT TO KNOW

- This law protects employees by providing information on chemical hazards in the workplace.
- Intended to prevent adverse health effects and prevent physical hazards from occurring (such as accidental fires).



# Who is Affected in Cities and Towns?

**Employees who handle chemical products are covered by Right-to-Know.**

Job categories may include:

**Schools:** science teachers, art teachers, kitchen staff, custodial staff, maintenance staff, nurse. Voc tech teachers in programs where chemicals are handled, such as automotive, cosmetology, healthcare/dentistry, woodworking, culinary, etc.

**Public Works:** Water and sewer, highway, utility, mechanics, welding, facility maintenance

**Housing Authorities:** housekeeping, maintenance

**Fire/ EMS/Police:** disinfectants, housekeeping products

# Right-to-Know Law

## The Right to Know Law requires:

- Labels on chemical containers.
- Access to Material Safety Data Sheets.
- Training on these chemicals.
- Workplace RTK poster.



# Right to Know vs. Hazard Communication

- Right to Know Law became effective in Massachusetts in 1984.
- In 1988, OSHA published the Hazard Communication standard, applicable to private sector workplaces.
- So in 1988, the Massachusetts worker Right-to-Know Law became applicable to public sector workplaces only. (city, town, county and state workplaces.)





# What is GHS?

In 2012, OSHA updated the Hazard Communication standard to be consistent with international label and SDS formats.



# Impact of GHS on RTK

## Two things about GHS will affect in Right-to-Know:

- New label pictograms
- New Material Safety Data Sheet format.



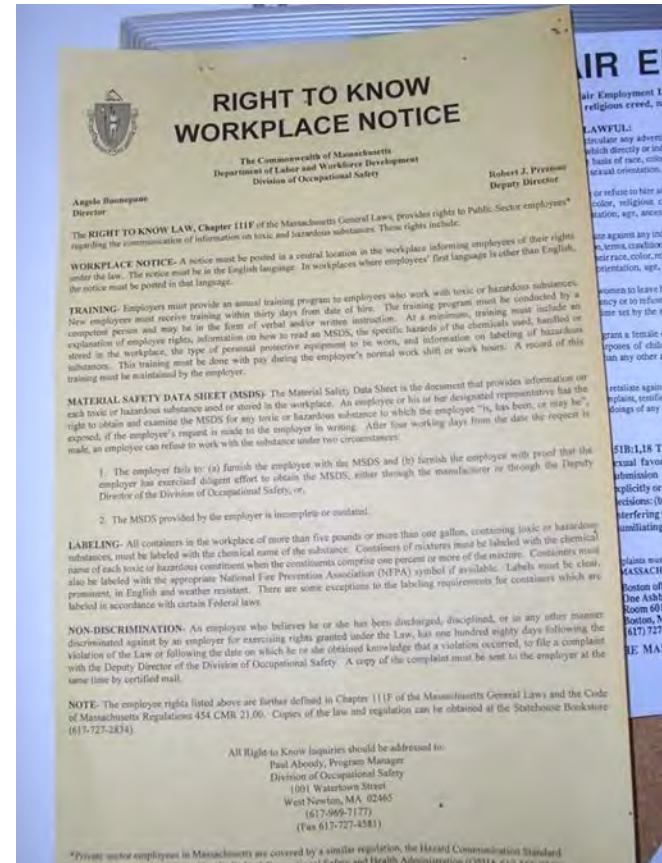
# RTK has always required:

- Annual and new hire training.
- Training must be done with pay.
- Training must be done during the employees' normal work hours.
- It is typically 1-2 hours long.
- Documentation of date, topic, instructor, and name of employee trained.



# RTK WORKPLACE NOTICE

- A Right to Know Workplace Notice for Public Employees must be posted in a central location at all Massachusetts public sector workplaces covered by this law.
- The notice can be downloaded free from the DLS website:  
[www.mass.gov/dols/wshp](http://www.mass.gov/dols/wshp)





# HELPFUL DOCUMENTS

The documents below are available at  
[www.mass.gov/dols/wshp](http://www.mass.gov/dols/wshp)

- Right to Know poster
- Understanding SDS
- List of third party Right to Know instructors currently registered with DLS.
- Training outline


# Contact Us

- Department of Labor Standards
- Main phone: 508-616-0461
- E-mail:  
[safepublicworkplace@state.ma.us](mailto:safepublicworkplace@state.ma.us)
- Website:  
[www.mass.gov/dols/wshp](http://www.mass.gov/dols/wshp)

Bill McKinney, DLS Director

Michael Flanagan, Manager of Safety & Health Programs

Mary Dozois, Program Supervisor



**Massachusetts Workplace Safety and Health Protection for Public Employees**

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|                                      |  |
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| <b>Employees:</b>                    | Employees are required to comply with the policies and procedures established in their workplace to reduce work-related injuries and illnesses.  |
| <b>Inspection:</b>                   | The Department of Labor Standards ("DLS") may conduct an on-site inspection to evaluate workplace conditions and make recommendations for the prevention of work-related injuries and illnesses. See "Inspection Summary" at <a href="http://www.mass.gov/dols/wshp">www.mass.gov/dols/wshp</a> .  |
| <b>Enforcement:</b>                  | When an inspection reveals a condition which could cause a work-related injury or illness, DLS may issue a Written Warning which contains an order to correct the condition by a correction due date. A Civil Penalty may be issued when the employer repeatedly allows an unsafe condition to occur, the condition has already caused a serious work-related injury, or if the employer has ignored a previous Written Warning. |
| <b>Voluntary Assistance:</b>         | Public sector workplaces may request technical assistance by contacting DLS at 508-616-0461 or <a href="mailto:safepublicworkplace@state.ma.us">safepublicworkplace@state.ma.us</a> . There are no written warnings or penalties issued for voluntary assistance.  |
| <b>Complaints:</b>                   | Public employees or their representatives may file a complaint about safety and health conditions at their workplace by contacting DLS at 508-616-0461 or <a href="mailto:safepublicworkplace@state.ma.us">safepublicworkplace@state.ma.us</a> .   |
| <b>Safety and Health Management:</b> | Sample safety programs and technical bulletins are available at <a href="http://www.mass.gov/dols/wshp">www.mass.gov/dols/wshp</a> .   |