

HOUSE No. 1601

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act requiring OSHA training.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>

HOUSE No. 1601

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 1601) of Tackey Chan and others for legislation to require that certain construction industry employers provide occupational safety and health administration training to employees. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act requiring OSHA training.

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

1 SECTION 1. Chapter 143 of the General Laws is hereby amended by inserting after
2 section 100 the following new sections:-

3 Section 101. Any employer in the construction industry that contracts with clients or
4 customers in residential, commercial, or public works projects, and whose business is subject to
5 oversight by the United States Occupational Safety and Health Administration, shall have its
6 employees receive no less than 10 hours of Occupational Safety and Health Administration
7 training. Employers that contract independent contractors shall require the independent
8 contractor to provide evidence of completing at least 10 hours of a training course approved by
9 the Occupational Safety and Health Administration.

10 Any employer who utilizes employees without the required training shall be fined \$2,500
11 in the first instance, \$5,000 in a second instance and \$10,000 for each subsequent instance.

12 Should an employee or contractor die as a violation of this section or a death is found in violation

13 the United States Occupational Safety and Health Administration shall be fined \$25,000;
14 provided that no fines shall be issued until the investigation is completed as to the cause of death.
15 The board shall keep a list of violations of this section and violations publically available from
16 United States Occupational Safety and Health Administration and the reason for a violation
17 available and ready for access by the public.

18 The board shall promulgate rules and regulations on this section, including but not
19 limited to, providing a list of available training providers, providing when employees should be
20 trained again after the initial training and a way for consumers and employees to report
21 violations to the board.

22 Section 102. The board shall promulgate guidelines by which cities and towns may issue
23 permits to employers in the construction industry that violates section 101 or the United States
24 Occupational Safety and Health Administration, and have been investigated and fines and
25 penalties issued against them. This law shall not restrict routine home maintenance performed by
26 homeowners. Projects that are completed for less than or equal to \$10,000.00 remain exempt
27 from this law.