Current Law

Is public sector required to follow OSHA?

**YES!**

MGL c149 §§ 6 and 6-1/2 require public sector employers to prevent work-related injuries.
“Department of Labor Standards shall investigate places of employment and determine what suitable safety devices or other requirements for the prevention of accidents shall be adopted or followed in any or all such places of employment…”

“Whoever violates any rule, regulation or requirement shall be punished by a fine of not more than one thousand dollars for each offense.”
The “New” Law

Updates MGL c149 §6 to clarify public sector, and OSHA is minimum method to reduce injuries.

“Public employers shall provide public employees at least the level of protection provided under the federal OSHA Act of 1970…”
### Who Enforces Safety?

<table>
<thead>
<tr>
<th>Private Sector</th>
<th>Public Sector – ALL</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Follow OSHA regs</td>
<td>✓ Follow OSHA regs</td>
</tr>
<tr>
<td>✓ Includes private contractor on public site.</td>
<td>✓ City, town, county, state, authority, quasi</td>
</tr>
<tr>
<td>✓ Inspected by: Federal OSHA</td>
<td>✓ Inspected by: Department of Labor Standards</td>
</tr>
</tbody>
</table>
Who Gets Inspected by DLS?

1. Imminent Danger
   - Bucket Truck
   - Trench

2. Significant Injury
   - Fatality; Hospital; Burn; Amputation; Electric Shock

3. Complaints and Referrals

4. Programmed Schedule
   - Water/sewer; school kitchen; airport; landfill

5. Voluntary Request by Employer
Municipal Site Inspections

2013– 2017 to date
Will There be a Penalty?

- **Goal**: Preventing Injury and Illness

- **First Enforcement**: *No Fine*
  - Written Warning with Order to Correct
  - Response required before Due Date

- **Second Enforcement for Same Violation**:
  - Civil Citation with Civil Penalty
  - $1,000 per violation
  - To date, no penalties issued
What Happens During Inspection?

- Opening Conference
- Walk-through
- Closing Conference

DLS will also ask to speak with the local union steward.
Myth: OSHA is too hard

Reality: OSHA is the beginning, minimum, baseline effort.
## Current committee

- Secretary, EOLWD
- Secretary, ANF
- State employee – HRD
- DPH
- DIA
- AFSCME
- NAGE
- MOSES
- MNA

## Will be Added

- MMA
- MWWA
- Mass Highway Assoc
- Assoc of School Committees
- Assoc of School Supts
- Mass Municipal Management Association

4 unions total
Public Sector Incidents

Fatal Accidents
- Mower tipover – June 2017
- Plow accident – Jan 2017
- Ladder fall – Dec 2015
- Water main repair – Feb 2014
- Fall from bucket truck – 2012

Near Fatal
- Struck by street sweeper – May 2017
- Fall into WWT channel – May 2015
Safety at Water Departments

- **Distribution**
  - Trench
  - Workzone in road
  - Hi-Vis clothing

- **Plant:**
  - Machine Guards
  - Lockout Tagout
  - Railings
  - Ladders
  - PPE
Trench

**Inspection:**
- No cave-in protection.
- Spoils closer than 2 ft.
- Exposed base of telephone pole not braced.
- No inspection by Competent Person.
Incident: Grinder kicked back and cut worker in shoulder.

Correction:
- Owner’s Manual to prevent kick-back;
- Undermined pavement;
- Lack of cave-in protection;
- Inspection by Competent Person.
Work Zone

- Advance Warning Signs
- Taper cones to close lane
- “Road Closed” if feasible.
High-Vis Clothing

- Required at all times in road, both day and night.
- Keep fully zipped so that reflection covers your torso.
Machine Guarding and Lockout

Guarding Required:
- Rotating parts

Lockout Tagout:
- Steps for each type of equipment;
- Individual locks/tags
- Training
Stairs and Railings

DLS Inspections:
- Lack of handrail
- Lack of railings

OSHA: 29 CFR 1910.23(d)(1)(ii)
MGL c149 §6
Ladder Accidents

DLS Inspections:

- Lack of inspection
- Lack of training.

State: MGL c.149 s18A
OSHA: 29 CFR 1910.22(d)(1)

Broken crossbar, missing rivets, warped steps, ladder rated only for 150 pounds
Floor Holes

DLS Inspections

- Floor opening greater than 1 inch.

Cover available, not replaced.

OSHA 1910.23 (a)
MGL c149 s.6, 18A
Right-to-Know and PPE

- Labels
- Safety Data Sheets

- Each task evaluated for specific PPE:
  - Gloves, type
  - Goggle
  - Faceshield
Some people might say: "But OSHA regulations are too expensive!"

What DLS really found:

- Poor equipment maintenance;
- Not using the equipment you already have;
- Not using Owner’s Manuals.
Resources

Sample Programs
- Aerial Lift Program
- Trench
- Daily Trench Inspection Checklist
- Right-to-Know

Guides
- Syringe pick-up
- Crossing Guards
- Ladder toolbox talk
- Chainsaw
- Mower tip-over

www.mass.gov/dols