

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Ms. Jehlen

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 passage of the accompanying bill:

An Act establishing regulations for the licensing of floor finishers.

PETITION OF:

NAME:

Ms. Jehlen

DISTRICT/ADDRESS:

Second Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00185 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING REGULATIONS FOR THE LICENSING OF FLOOR FINISHERS.

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. A state agency will establish regulations for the certification of floor finishers
2 and sanders.
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4 a. The regulations shall require the training of workers and employers in subjects including
5 certification requirements, permitting requirements for the use of flammable products,
6 flammability, fire prevention, electrical safety, ventilation, wood dust, toxicity, equipment
7 needed for safety, less flammable and less toxic product options, safe work practices, health
8 risks, requirements to comply with federal occupational safety and health standards, and other
9 safeguards, including practices to prevent contamination of and damage to premises where the
10 work is performed and neighboring buildings, and contamination of air or water.
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12 b. Training length, contents, and subjects required for certification of company owners may
13 exceed those required for certification of employees.
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15 c. Training will be required to be made available in each of the native languages spoken by floor
16 finishers and sanders in the Commonwealth.
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18 d. The regulations shall also require the completion and publicly visible posting at every
19 commercial wood floor finishing or sanding job a checklist of conditions and actions required to
20 protect health, safety, and property before the start of a floor finishing or sanding operation.
21 The checklist shall be made available both in English and in the languages spoken by the
22 individuals working at the job site.

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e. The regulations shall also require the designation by the employer of a certified worker at each commercial floor finishing or sanding job who will have the responsibility to complete and post the checklist described and who will have the authority to halt or suspend work for reasons of health and safety including lack of adequate equipment or materials or any other hazardous condition or event.

If the designated employee, after completing and signing the checklist, leaves the site before the completion of floor sanding and finishing operations, a second certified worker must be designated by the employer, who will remain at the site, with the responsibility to monitor health and safety conditions and who has the authority to halt or suspend work for reasons of health and safety.

The employer shall indicate on the checklist the names of the first and, if applicable, second designated employees, and sign upon the section that indicates these designees. All workers on the job site will sign a statement in a language that they understand that they have reviewed and understand the checklist.

f. The regulations shall also require that before finalizing a business agreement with a consumer, any certified finisher or sander present the consumer with a standardized safety publication, to be signed by the consumer, confirming his/her receipt of the publication. The publication shall include specified information regarding the risks and hazards of floor finishing and sanding, required and recommended safety practices and equipment, less flammable and less toxic product options, certification requirements, and procedures for obtaining more information and for reporting hazards or violations of certification requirements. A copy of the signed document is to be retained by the owner.

2. The state agency will authorize training vendors to provide the training component of the certification program and establish requirements for the contents and format of the training. At a minimum, the agency will require the training to be participatory and include hands-on components. Authorized training will provide all trainees the opportunity to ask questions and express their experiences and concerns. Authorized training will include the use of hands-on exercises to provide trainees with an opportunity to become familiar with floor sanding and finishing equipment, personal protective equipment, and safe practices, and to interact with equipment and tools in the presence of qualified trainers in ways that allow the trainers to assess whether workers have mastered the proper techniques.

3. All owners and employees engaged in commercial wood floor finishing or sanding must receive certification. The only exception to this rule shall be persons who have worked in this industry for less than six months. Such persons not yet certified may perform floor finishing or sanding operations only when directly supervised by a person certified in floor finishing and sanding.

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66 b. Employers must train all employees about workplace hazards before they start work and
67 provide safe working conditions as required in the federal Occupational Safety and Health Act
68 and accompanying standards.

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70 c. Workers shall be required to complete qualified training programs at least once in every 24
71 month period in order to retain valid certification. Owners of companies shall be required to
72 complete qualified training programs at least once in every 12 month period in order to retain
73 current certification.

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75 d. No company or its employees shall engage in commercial wood floor sanding or finishing
76 unless all owners are certified.

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78 4. The appropriate agency may revoke, suspend, cancel or deny any certification at any time, if
79 it believes that the terms or conditions thereof are being violated or that the holder of or
80 applicant for the certification has violated any regulation of the Agency or any other regulation
81 or law of the commonwealth. Any person aggrieved by a determination by the director or the
82 department to issue, deny, revoke or suspend any certification or license may request an
83 adjudicatory hearing under the provisions of chapter thirty A.

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85 Any person who violates the terms or conditions of any certification issued under this section
86 or any regulation or law of the commonwealth concerning such certification shall be punished
87 by a fine of not less than two hundred nor more than fifteen hundred dollars for each offense.

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89 The state Agency or a board of health or local code enforcement agency may issue an
90 immediate cease-work order to any person who violates the terms or conditions of any license
91 issued under this section or any provision of this section or any regulation or order issued if
92 such violation will endanger or materially impair the health or well-being of any occupant of a
93 residential, commercial, or public premises or surrounding premises, any floor finishers or
94 sanders, or any person employed in performing renovations or rehabilitation in a manner that
95 requires the use of dangerous floor finishing or sanding materials.

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97 The agency will develop requirements for re-certification which may include, but are not limited
98 to, something about increasing the training requirements or something.

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100 Nothing in this section shall be construed to limit the authority of the Agency.

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102 5. The Agency will promulgate all rules and regulations described in this law in consultation
103 with an Advisory Committee composed of but not limited to representatives from: the Office of
104 the Fire Marshal, the Division of Occupational Safety, The Department of Public Health
105 Occupational Health Surveillance program, The Department of Environmental Protection, the
106 Massachusetts Attorney General, wood floor finishing industry, labor groups that represent
107 wood floor finishing workers, non-profit organizations representing ethnic groups engaged in
108 this industry and non-profit organizations with environmental and health and safety expertise.

109 The committee will meet a minimum of twice per year.

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111 6. The Agency will report back in two years to the legislature on the bill's implementation, in

112 particular the number of businesses and individuals certified, numbers of certifications revoked,

113 obstacles encountered, and estimated level of compliance.