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**Testimony on Senate Bill 1345, An Act Establishing a Board of Hoisting
Regulations**

Submitted by the Massachusetts Chemistry & Technology Alliance

Submitted to the Joint Committee on Public Safety and Homeland Security

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Thank you Chairman Moore and Chairman Naughton for the opportunity to comment on Senate 1345, act establishing a Board of Hoisting Machinery Regulations.

My name is Katherine Robertson. I am a resident of Worcester, Massachusetts, and Executive Director of the Massachusetts Chemistry and Technology Alliance (MCTA).

MCTA is a professional association that represents the manufacturers, distributors, and users of chemistry who conduct business in Massachusetts. MCTA has long supported changes in Chapter 146, the law regulating operators of boilers and hoists, both of which have a significant impact on the Commonwealth's manufacturers.

Our concern with Senate 1345 is that industry, which is legally required to comply with burdensome regulations on non-mobile industrial equipment, does not have a seat at the table should such a Board of Hoisting Machinery Regulations be established. We request that the legislation be amended to include a representative of industry which uses industrial hoists within its place of operation for the manufacture, storage and movement of material and products.

The need for this representation on such a Board is essential to avoid the overly burdensome requirements that have long been the focus of MCTA's advocacy for change. These include requiring DOT physicals and Massachusetts driver's licenses in order to apply for a license to operate a non-mobile hoists (such as gantry and overhead cranes). These requirements are unnecessary, as the skill sets needed to operate stationary and mobile hoists in a confined industrial setting are different than those required to operate motor vehicles on public roads. As the pool of licensed drivers in the Commonwealth declines, this requirement is creating significant hurdles in recruiting otherwise qualified employees to become licensed to operate hoists, while not increasing operational safety.

OSHA has no such requirements, nor does it seem any other state in the nation. If a hoist is immobile, where is the need for a driver's license?

While the law does provide an exemption if certain criteria are met including the presence of a supervisory employee on site at all times of operation who holds a license issued by the department and is designated as the responsible person in charge of hoisting equipment during that period of operation. It is our experience that supervisory employees are reluctant to have their driver's license on file and accept personal liability for others operating industrial equipment, as they should be. Liability for safe operations of all equipment should be borne by the company, not the individuals who work there.

MCTA also takes issues with provisions in the law that the hoisting license be on the operator's person at all times when operating within a business, a requirement our members find violates internal safety policies that all documents remain in lockers. We also oppose the requirement that the exam be given only in English, which excludes employees who do not have English as a primary language from these ground level jobs.

Thank you again for the opportunity to testify on Senate 1345. I am available to take any questions.