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Rep. Kane supports hot work safety bills

New requirements will help minimize hazards for firefighters, construction workers

BOSTON – State Representative Hannah Kane (R-Shrewsbury) recently supported two legislative proposals that will help protect first responders and construction workers by implementing new requirements to minimize the risks posed by hot work processes such as cutting and welding.

House Bill 5488, *An Act relative to violation of regulation regarding hot work processes*, and House Bill 5491, *An Act implementing the recommendations of the Walsh-Kennedy Commission Report*, were both engrossed by the House of Representatives on June 10. Representative Kane noted that the bills call for implementing standardized certification and training for hot work processes, while also imposing substantial fines for violations and establishing a public notification system to track these violations.

The reforms included in both bills were developed in response to a 2014 fire in Boston's Back Bay neighborhood that claimed the lives of Boston Fire Department Lieutenant Edward Walsh and Boston Firefighter Michael Kennedy. Welding sparks created by construction workers lacking the proper permits set off the deadly nine-alarm fire. The Senate previously approved its own version of House Bill 5488 in March.

Representative Kane said House Bill 5491 requires that certifications and training programs for cutting, welding and hot works processes be performed using a program approved by the State Fire Marshal. It also requires the creation of a database that can be used to track a worker's training and continuing education status and directs the Department of Fire Services (DFS) to establish a public notification system for disclosing non-compliance with state regulations.

House Bill 5491 sets strong penalties for violations, with fines of up to $1,000 for a first offense; up to $2,000 and/or imprisonment in the House of Correction for not more than 1 year for a second offense; and up to .025% of the project value or $10,000, whichever is greater, and/or imprisonment in a House of Correction for up to 2 ½ years for a third or subsequent offense. Representative Kane noted that the bill grants judges the discretion to impose additional fines.

House Bill 5491 also establishes definitions for criminal negligence and serious bodily injury related to hot work processes. It states that if an individual has been found to have acted with criminal negligence, they can be held criminally liable for any damage or deaths caused by their repeated and reckless non-compliance.

According to Representative Kane, someone who wantonly or recklessly violates the state building code or state fire code and causes serious bodily harm is currently subject to a fine of up to $25,000, but can also face up to 5 years in state prison or up to 2 ½ years in a House of Correction, or both a fine and imprisonment. House Bill 5491 increases the current fine by tenfold, setting a cap of up to $250,000. In cases where the violations cause a death, the fine would be set at up to $500,000.

House Bill 5488 contains additional protections related to code violations. Representative Kane said the bill calls on DFS to work with the Division of Occupational Licensure and local and state code enforcement officers to collect data on written notices of code violations and fines issued, including failure to maintain hot work training certification or performing work without the proper training certification. She said DFS will place this information in a publicly accessible database on its website, which will include an automated notification system to alert affected property owners and insurance companies.

Both bills will now move to the Senate for its review.

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