

# **MASSACHUSETTS**

## **STATUTES : (2)**

### **GENERAL LAWS OF MASSACHUSETTS**

**PART I: ADMINISTRATION OF THE GOVERNMENT  
TITLE II: EXECUTIVE AND ADMINISTRATIVE OFFICERS OF  
THE COMMONWEALTH  
CHAPTER 21I: MASSACHUSETTS TOXICS USE REDUCTION  
ACT**

**PART I: ADMINISTRATION OF THE GOVERNMENT  
TITLE XVI: PUBLIC HEALTH  
CHAPTER 111F: HAZARDOUS SUBSTANCES DISCLOSURE BY  
EMPLOYERS**

<b><u>Terms</u></b>	<b><u>References</u></b>
Industrial Hygiene	3
Industrial Hygienist	0
Certified Industrial Hygienist - CIH	0
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician – CHST	0
Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program	0
American Industrial Hygiene Association - AIHA	0
American Board of Industrial Hygiene - ABIH	0
American Conference of Governmental Industrial Hygienists – ACGIH	1
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	0
Board of Certified Safety Professionals – BCSP	0

# **MASSACHUSETTS**

## **RULES AND REGULATIONS: (6)**

### **CODE OF MASSACHUSETTS REGULATIONS:**

**105 CMR: DEPARTMENT OF PUBLIC HEALTH  
651.000: PROGRAM FOR AIR TESTING AND REMEDIAL  
MEASURES FOR RESIDENTIAL DWELLINGS INSULATED WITH  
UREA FORMALDE-HYDE FOAM INSULATION**

**105 CMR: DEPARTMENT OF PUBLIC HEALTH  
122.000: NONIONIZING RADIATION LIMITS FOR: THE  
GENERAL PUBLIC FROM NON-OCCUPATIONAL EXPOSURE TO  
ELECTROMAGNETIC FIELDS, EMPLOYEES FROM  
OCCUPATIONAL EXPOSURE TO ELECTRO-MAGNETIC FIELDS,  
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**105 CMR: DEPARTMENT OF PUBLIC HEALTH  
670.000: "RIGHT TO KNOW"**

**301 CMR: EXECUTIVE OFFICE OF ENERGY AND  
ENVIRONMENTAL AFFAIRS  
41.00: TOXIC OR HAZARDOUS SUBSTANCE LIST**

**453 CMR: DEPARTMENT OF LABOR AND WORKFROCE  
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6.00: THE REMOVAL, CONTAINMENT OR ENCAPSULATION OF  
ASBESTOS**

**454 CMR: DIVISION OF OCCUPATIONAL SAFETY  
10.00: CONSTRUCTION INDUSTRY RULES AND REGULATIONS**

**Terms****References**

Industrial Hygiene	4
Industrial Hygienist	1
Certified Industrial Hygienist - CIH	2
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician – CHST	0
Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program and related	7
American Industrial Hygiene Association - AIHA	0
American Board of Industrial Hygiene - ABIH	0
American Conference of Governmental Industrial Hygienists – ACGIH	6
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	0
Board of Certified Safety Professionals – BCSP	0

# MASSACHUSETTS STATUTES

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21I/Section4>

## GENERAL LAWS OF MASSACHUSETTS

### PART I: ADMINISTRATION OF THE GOVERNMENT TITLE II: EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH CHAPTER 21I: MASSACHUSETTS TOXICS USE REDUCTION ACT

#### **Section 4. Administrative council on toxics use reduction**

Section 4. There shall be an administrative council on toxics use reduction. The council shall be composed of the secretary of environmental affairs or his designee; the commissioner of environmental protection or his designee; the secretary of economic development or his designee; the commissioner of public health or his designee; the director of labor and workforce development or his designee; and the secretary of public safety or his designee. The members of the council shall serve without additional compensation. The secretary of environmental affairs shall be the chairperson of the council and direct and coordinate the activities of the council. The council shall be considered a government body for the purposes of, and shall be subject to, section 11A 1/2 of chapter 30A. The council shall have its own staff. In addition to any other requirements of this chapter, the council's duties shall include the following:

(A) By January 1, 1991, and on an annual basis thereafter, the council shall identify all federal or state laws or regulations pertaining to chemical production and use, hazardous waste, **industrial hygiene**, worker safety, public exposure to toxics, and releases of toxics into the environment. The council shall promote increased coordination of efforts to enforce these laws and regulations and also determine how state programs should be coordinated to promote most effectively toxics use reduction in the commonwealth.

(B) The council shall, by January 1, 1991, identify all state agency and POTW requirements for reporting on chemical or hazardous substance production, use, release, disposal, and worker exposure and to the maximum extent practicable shall make recommendations to said state agencies and POTW operators in order to standardize, consolidate and coordinate these reporting requirements to minimize unnecessary duplication and provide for up-to-date and consistent information about manufacturing, worker exposure, distribution, process, sale, storage, disposal, release or other use of chemicals on a facility, regional and statewide basis.

(C) The council shall adopt, and from time to time amend or repeal, rules and regulations which it deems necessary for the proper administration of its responsibilities pursuant to this chapter.

(D) The council shall annually make policy recommendations in a report to the governor regarding toxics use reduction, the implementation of this act, including a detailed report of the expenditures made from the Toxic Use Reduction Fund, a summary of its deliberations and actions regarding its designation of substances as higher hazard substances or lower hazard substances and the achievement of increased toxics use reduction, and shall file a copy of this report with the clerk of the House of Representatives and the clerk of the Senate.

(E) In order to promote and effect toxics use reduction, the council may comment on all proposed regulations pertaining to toxics production and use, hazardous waste, **industrial hygiene**, worker safety, public exposure to toxics, or releases of toxics into the environment prior to their promulgation.

**<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21I/Section8>**

### **Section 8. Responsibilities of all state agencies**

Section 8. In order to facilitate coordination of the implementation of this chapter with existing state and federal programs pertaining to toxics production and use, hazardous waste, **industrial hygiene**, worker safety, public exposure to toxics, or release of toxics into the environment, agencies of the commonwealth which administer such programs shall:

(A) review the programs and associated regulations of the agency and ascertain how toxics use reduction can be promoted and achieved;

(B) amend those programs or associated regulations, where feasible, so as to promote toxics use reduction as the preferred method for achieving the goals of such programs and submit to the council recommendations for coordinating toxics use reduction efforts with the programs specifically established by this chapter within the department, the office, and the Institute;

(C) by January 1, 1992, coordinate, to the extent feasible, reporting requirements and guidelines concerning the manufacture, use, or release of toxic or hazardous substances in a manner consistent with the recommendations for standardized, consolidated and coordinated state reporting requirements developed by the council pursuant to section four (B) of this chapter;

(D) develop, on a biennial basis, a multi-media inspection manual and training program for all inspectors on multi-media team inspections related to toxics. Where feasible, inspector training shall include cross-training with other agencies that administer toxics-related inspections. Agencies may request that the Institute assist with the training of inspectors to carry out multi-media inspections.

# **MASSACHUSETTS STATUTES**

**<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111F/Section4>**

## **GENERAL LAWS OF MASSACHUSETTS**

### **PART I: ADMINISTRATION OF THE GOVERNMENT**

#### **TITLE XVI: PUBLIC HEALTH**

#### **CHAPTER 111F: HAZARDOUS SUBSTANCES DISCLOSURE BY EMPLOYERS**

##### **Section 4. Substance list; amendment procedures; concentration requirements for toxic or hazardous substances; dissemination of information**

Section 4. (a) For the purpose of this chapter, the commissioner of DPH shall establish the Massachusetts substance list and make said list available to manufacturers, employers, municipal coordinators, and the commissioners of DOL and DEP. Substances on the list may be designated by their chemical name or common name(s), and CAS number. Only those substances specifically enumerated on the list shall be subject to the provisions of this chapter, and no articles as defined in section one shall be included on the list. The commissioner of DPH shall prepare and amend the list according to the following procedures, and shall promulgate said list pursuant to the rulemaking provisions of chapter thirty A on an annual basis. The annual list shall become effective ninety days after its promulgation. In the case of substances which are extraordinarily hazardous and a threat to public health, the commissioner of DPH may promulgate emergency amendments to the list according to the laws of the commonwealth, provided that appropriate procedures for amending the list, as specified in this section, are followed.

(b) The list shall consist initially of all chemical substances enumerated in any of the following designated source lists, exclusive of generic categories:

4. Occupational Safety and Health Administration

Toxic and Hazardous Substances - 29 CFR 1910, Subpart Z

5. National Institute for Occupational Safety and Health/Occupational Safety and Health Administration

*Occupational Health Guidelines for Chemical Hazards*

6. **American Conference of Governmental Industrial**

**Hygienists**

*Threshold Limit Value for Chemical Substances and Physical Agents in the Workplace*

# **MASSACHUSETTS RULES/REGULATIONS**

<http://www.lawlib.state.ma.us/source/mass/cmr/cmrtxt/105CMR651.pdf>

## **CODE OF MASSACHUSETTS REGULATIONS**

### **105 CMR: DEPARTMENT OF PUBLIC HEALTH** **651.000: PROGRAM FOR AIR TESTING AND REMEDIAL** **MEASURES FOR RESIDENTIAL DWELLINGS INSULATED WITH** **UREA FORMALDE-HYDE FOAM INSULATION**

#### **651.003: Air Testing**

(1) Primary Testing. The primary test shall be conducted by means of passive dosimetry, with analysis by a chronotropic acid method. Dosimeters shall be approved and distributed by the Department. Sampling and analysis shall be conducted in accordance with the Department's specifications as set forth in a document entitled Protocol for Primary Testing of Air in Massachusetts Dwellings Insulated with Urea Formaldehyde Foam, a copy of which shall be available upon request from the Department. Analysis of the dosimeter or set of dosimeters shall be performed by a laboratory accredited by the American Industrial Hygiene Association. The Department shall pay the costs of primary testing from funds available in the UFFI Trust Fund.

(2) Retesting.

(a) All dwellings with passive dosimeter results greater than 0.075 parts per million (ppm) shall be retested using the secondary test in accordance with 105 CMR 651.003(3). In addition, the Department may require retesting of a dwelling at its discretion.

(b) Any person who elects to have a secondary test conducted in lieu of a primary test, or when primary test results are 0.075 or less, may do so at his or her own expense, and shall not be reimbursed by the Department.

(3) Secondary Testing (Retesting). The secondary test shall be conducted by means of an impinger-chronotropic acid method based on a modification of the NIOSH Formaldehyde Test Method 3500. Air sampling and analysis shall be conducted in accordance with the Department's specifications as set forth in a document entitled Protocol for Secondary Testing of Air in Massachusetts Dwellings Insulated with Urea Formaldehyde Foam, a copy of which shall be available upon request from the Department. For secondary testing performed either at the Department's discretion, or where primary test results fell within the retest range, the Department shall pay the costs of such testing from funds available in the UFFI Trust Fund.

(4) Laboratory/Tester Certification for Primary and Secondary Testing. Sample collection for secondary testing shall be conducted only by a **certified industrial hygienist** or an individual supervised by a **certified industrial hygienist**. Sample analysis for both

primary and secondary testing shall be conducted only by a **laboratory accredited by the American Industrial Hygiene Association.**



# **MASSACHUSETTS RULES/REGULATIONS**

**<http://www.lawlib.state.ma.us/source/mass/cmr/cmrtxt/105CMR122.pdf>**

## **CODE OF MASSACHUSETTS REGULATIONS**

### **105 CMR: DEPARTMENT OF PUBLIC HEALTH** **122.000: NONIONIZING RADIATION LIMITS FOR: THE** **GENERAL PUBLIC FROM NON-OCCUPATIONAL EXPOSURE TO** **ELECTROMAGNETIC FIELDS, EMPLOYEES FROM** **OCCUPATIONAL EXPOSURE TO ELECTRO-MAGNETIC FIELDS,** **AND EXPOSURE FROM MICROWAVE OVENS**

122.100: Occupational Radiofrequency Exposure Limits for Employees

(A) No person who operates a radiofrequency machine, or controls the operation of a radiofrequency machine owned by an individual or entity conducting business in the Commonwealth of Massachusetts, shall expose any worker in a place of employment within the Commonwealth of Massachusetts, to a radiofrequency electromagnetic field which has a mean squared electric or magnetic field strength or an equivalent plane wave free-space power density in excess of the applicable Radiofrequency Exposure Limits listed in 105 CMR 122.100: Table 1. These limits are based on currently accepted national consensus standards, i.e. American National Standards Institute, ANSI C9122.11-1982 and **American Conference of Governmental Industrial Hygienists (ACGIH)** threshold limit values.

# **MASSACHUSETTS RULES/REGULATIONS**

**<http://www.lawlib.state.ma.us/source/mass/cmr/cmrtxt/105CMR670.pdf>**

## **CODE OF MASSACHUSETTS REGULATIONS**

### **105 CMR: DEPARTMENT OF PUBLIC HEALTH** **670.000: "RIGHT TO KNOW"**

#### **670.010: The Massachusetts Substance List**

(B) Source List. Any substance which appears on any of the following source lists shall be added to the Massachusetts Substance List:

(1) Substances found to have at least sufficient evidence of carcinogenicity in animals as indicated in monographs published by the International Agency for Research on Cancer (IARC).

(2) (a) Substances designated as toxic or hazardous substances by the United States Occupational Safety and Health Administration and identified in 29 CFR 1910.1000 et seq. (Sub Part Z).

(b) Substances identified in "Occupational Health Guidelines for Chemical Hazards" published by the National Institute for Occupational Safety and Health.

(3) Substances listed in the most recent edition of the "Annual Report on Carcinogens" published by the National Toxicology Program of the United States Public Health Service.

(4) Substances for which a threshold Limit Value (TLV) has been established by the **American Conference of Government Industrial Hygienists**.

(5) Substances listed by the National Fire Protection Association in "Hazardous Chemicals Data" (NFPA 49).

(6) Substances listed by the National Fire Protection Association and rated II through IV as health hazards or rated III through VI as flammability or reactivity hazards in "Fire Hazard Properties of Flammable Liquids, Gasses, Volatile Solids" (NFPA 325 M).

# **MASSACHUSETTS RULES/REGULATIONS**

<http://www.lawlib.state.ma.us/source/mass/cmr/cmrtxt/301CMR41.pdf>

## **CODE OF MASSACHUSETTS REGULATIONS**

### **301 CMR: EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**

#### **41.00: TOXIC OR HAZARDOUS SUBSTANCE LIST**

##### **41.01: Authority and Purpose**

(1) Authority. The Administrative Council On Toxics Use Reduction adopts 301 CMR 41.00 pursuant to M.G.L. c. 21I, §§ 4(C) and 9.

(2) Purpose. The Administrative Council on Toxics Use Reduction promulgates 301 CMR 41.00 to carry out its authority and responsibility:

(a) to promote the coordination and enforcement of federal and state laws and regulations pertaining to toxics production and use, hazardous waste, **industrial hygiene**, worker safety, public exposure to toxics and the release of toxics into the environment;

(b) to coordinate state programs in order to promote, most effectively, toxics use reduction in the Commonwealth;

(c) to minimize unnecessary duplication of reporting requirements concerning toxic or hazardous substance production, use, release, disposal, and worker exposure;

(d) to provide up-to-date and consistent information about manufacturing, worker exposure, distribution, process, sale, storage, release or other use of toxics on a facility, regional and statewide basis;

(e) to adjust the toxic or hazardous substance list under M.G.L. c. 21I, § 9 by adding or deleting substances consistent with the changes on the Toxic Chemical List established pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA);

(f) to adjust the toxic or hazardous substance list under M.G.L. c. 21I, § 9 by retaining or deleting substances listed pursuant to sections 101(14) and 102 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and to furthermore adjust the toxic or hazardous substance list by adding or deleting substances consistent with changes to the lists established pursuant to said sections of CERCLA;

(g) to designate toxic or hazardous substances as higher hazard substances or lower hazard substances; and

(h) to otherwise effectuate the purposes of M.G.L. c. 21I.

# **MASSACHUSETTS RULES/REGULATIONS**

**<http://www.lawlib.state.ma.us/source/mass/cmr/cmrtxt/453CMR6.pdf>**

## **CODE OF MASSACHUSETTS REGULATIONS**

### **453 CMR: DEPARTMENT OF LABOR AND WORKFROCE DEVELOPMENT**

#### **6.00: THE REMOVAL, CONTAINMENT OR ENCAPSULATION OF ASBESTOS**

##### **6.07: Certification of Asbestos Consultants**

(2) Qualifications for Certification. Asbestos Consultants shall possess the applicable prerequisites for certification listed at 453 CMR 6.07(2)(a) through (d).

(b) Asbestos Management Planners. Applicants shall have successfully completed the training requirements set forth at 453 CMR 6.10(4)(e) and shall have, at a minimum:

1. a. An associate degree or certificate in project planning, management, environmental sciences, engineering, construction, architecture, **industrial hygiene**, occupational health, or a related scientific field; and

b. Six months experience in the asbestos abatement field, including experience in asbestos management; or

2. A combination of education and experience equivalent to that set forth in 453 CMR 6.07(2)(b)1., as determined by the Director.

(c) Asbestos Project Designers. Applicants shall have successfully completed the training requirements set forth at 453 CMR 6.10(4)(f) and shall have, at a minimum:

1. A bachelor's degree in **industrial hygiene**, occupational health, or environmental, biological or physical science;

##### **6.08: Certification and Other Requirements for Asbestos Analytical Services**

(4) Operating Requirements for Asbestos Analytical Services. Because of the highly diversified, technical nature of asbestos analysis, comprehensive requirements for the conduct of the work are not set forth in 453 CMR 6.00. Certified providers of Asbestos Analytical Services shall conduct asbestos analytical work in accordance with officially recognized methodologies and generally accepted industrial hygiene laboratory practices. Providers of Asbestos Analytical Services shall minimally adhere to the following operating requirements, as a condition of certification:

(a) Designation of Asbestos Laboratory Supervisor. Applicants for certification as providers of Asbestos Analytical Services shall designate a qualified Asbestos Laboratory Supervisor, who shall be jointly responsible with other Responsible Persons of the certified Asbestos Analytical Service, if any, for the adherence to the applicable

analytical protocols, the maintenance of proper quality control procedures and the accuracy of the analytical results.

(b) Use of Personnel. The Asbestos Laboratory Supervisor and the Responsible Persons of the certified Asbestos Analytical Service shall ensure that no person shall perform, or be directed to perform, any asbestos analysis in the direct business interest of an Asbestos Analytical Service unless that person is a Responsible Person or an employee of said Asbestos Analytical Service.

(c) Possession of Adequate Equipment and Supplies. Asbestos Analytical Services shall possess all equipment and supplies necessary to perform the services offered. Equipment shall be calibrated and maintained as specified by the analytical protocols used or generally accepted **industrial hygiene** practices.

(e) Required Participation in Quality Control Testing Programs. All certified Asbestos Analytical Services shall participate and maintain proficiency or accreditation in official quality control testing programs, as specified at 453 CMR 6.08(4)(e)1. through 5.:

1. Certified Class A Asbestos Analytical Services shall maintain accredited status in the National Voluntary Laboratory Accreditation Program of the NIST.

2. Certified Class B Asbestos Analytical Services shall:

a. Maintain accredited status in the National Voluntary Laboratory Accreditation Program of the NIST or

b. Maintain proficiency in the **Bulk Asbestos Quality Assurance Program of the American Industrial Hygiene Association** or in an equivalent quality assurance program acceptable to the Director.

3. Certified Class C Asbestos Analytical Services shall:

a. Participate and maintain proficiency in the **Proficiency Analytical Testing (PAT) Program of the American Industrial Hygiene Association** or

b. Ensure that all analysts performing such testing for said analytical service are listed in the **Asbestos Analysts Registry (AAR) of the American Industrial Hygiene Association** and maintain proficiency in the **Asbestos Analysis Testing (AAT) Program of the American Industrial Hygiene Association**.

4. (Effective June 26, 1999) Additionally, the Asbestos Laboratory Supervisor and Responsible Persons of certified Class C Asbestos Analytical Services shall ensure that all analysts who perform field analysis of asbestos air samples using phase contrast microscopy are listed in the **Asbestos Analysts Registry (AAR) of the American Industrial Hygiene Association** and maintain proficiency in the **Asbestos Analysis Testing (AAT) Program of the American Industrial Hygiene Association**.

## **6.20: The Removal, Containment or Encapsulation of Asbestos Appendix II**

### 4. Management Planner.

The management planner training course shall adequately address the following topics:

(f) Role of other professionals. Use of **industrial hygienists**, engineers, and architects in developing technical specifications for response actions; any requirements that may exist for architect sign-off of plans; team approach to design of high-quality job specifications.

# **MASSACHUSETTS RULES/REGULATIONS**

**<http://www.lawlib.state.ma.us/source/mass/cmr/cmrtxt/453CMR6.pdf>**

## **CODE OF MASSACHUSETTS REGULATIONS**

### **454 CMR: DIVISION OF OCCUPATIONAL SAFETY**

#### **10.00: CONSTRUCTION INDUSTRY RULES AND REGULATIONS**

##### **10.09: Nonionizing Radiation**

(1) Ultraviolet Radiation (200 - 400 nanometers) The Threshold Limit Values (TLV) of the **American Conference of Governmental Industrial Hygienists** shall apply in the absence of Commonwealth or Federal regulatory criteria or standards. See Physical Data Sheet No. 3 on Ultraviolet Radiation issued by Massachusetts Division of Occupational Hygiene, for additional information and recommended safe practices.

(2) Infrared Radiation (700 - 1,000,000 nonometers) The Threshold Limit Values (TLV) of the **American Conference of Governmental Industrial Hygienists** shall apply in the absence of Commonwealth or Federal regulatory criteria or standards. See Physical Data Sheet No. 4 for Infrared Radiation issued by Massachusetts Division of Occupational Hygiene, for information and recommended safe practices.

##### **10.10: Gases, Vapors, Fumes, Dusts, and Mists**

(1) Exposure of employees to inhalation, ingestion, skin absorption, or contact with any material or substance at a concentration above those specified in the "Threshold Limit Values of Airborne Contaminants "for 1988-89 of **the American Conference of Governmental Industrial Hygienists**, shall be avoided.

### **10.175: Tunnels and Shafts**

(3) Air Quality and Ventilation - Air Quality and Quantity.

(a) Instruments shall be provided to test the atmosphere quantitatively for carbon monoxide, nitrogen dioxide, flammable, or toxic gases, dusts, mists, and fumes that occur in the tunnel or shaft. Tests shall be conducted as frequently as necessary to assure that the required quality and quantity of air is maintained. A record of all tests shall be maintained and be kept available.

1. Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.
2. Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible excursions referred to in 454 CMR 10.175(3)(a)3. and 4. if such employee wears a respiratory protective device approved by the Bureau of Mines as protection against the particular hazards involved.
3. The exposure to airborne contaminants of an employee working in a tunnel or shaft shall not exceed the threshold limit values adopted by the **American Conference of Governmental Industrial Hygienists**, as set forth and explained in the 1970 edition of "Threshold Limit Values of Airborne Contaminants."
4. Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the threshold limit value listed for that contaminant.
5. Atmospheres in all active areas shall contain at least 20% oxygen.