



July 9, 2009

The Honorable James Timilty, Senate Chairman
The Honorable Michael Costello, House Chairman
Joint Committee on Public Safety and Homeland Security
State House, Room 167
Boston, MA 02133

Dear Chairmen and Members of the Committee:

On behalf of Associated Builders and Contractors' Massachusetts Chapter, I thank you for allowing me the opportunity to submit testimony on a number of bills before the committee this afternoon. ABC's Massachusetts Chapter represents 475 contractors and construction related companies throughout Massachusetts who believe in the merit shop philosophy. ABC's member firms are primarily open shop or non-union, and their employees are from the 80 percent of the Massachusetts construction workforce that is not unionized. ABC's member contractors are active in the Massachusetts public construction market and support laws, rules and regulations that set high standards yet are fair and equitable to all contractors regardless of labor affiliation.

Below, please find our testimony on several pieces of legislation that are before you today.

S915: AN ACT RELATIVE TO CHANGING THE HOISTING LAW

This legislation threatens to disrupt construction projects by allowing a designee of the Department of Public Safety to immediately terminate or suspend licenses to operate hoisting machinery without first allowing for a fair hearing. We adamantly support strong and fair enforcement that allows negligent operators to be cited and punished appropriately for their infractions. However, at a time when the entire construction industry is struggling and desperate for work, instituting counterproductive regulations could be economically harmful. Adhering to safety information and procedures should always be a first priority; however, for the state to insert itself in the day to day operations of the construction industry and potentially bring work to a standstill is unreasonable. In short, ABC strongly opposes this legislation.

S917: AN ACT RELATIVE TO THE OVERSIGHT OF INSPECTIONS

This bill needlessly disrupts the current harmony and productivity of the Bureau of Pipefitters, Sprinkler Fitters, and Refrigeration Technicians by allowing a political appointee, in this case the Commissioner of the Department of Public Safety, to make the decisions and judgments currently reserved for the Chief of Inspections. What makes the current system effective is that historically the Chief of Inspections has training and a thorough knowledge of the inspection process as he or she has typically worked their way up through the inspections division. To our knowledge, there has been no rationale presented for such a significant change. For these reasons, ABC opposes this bill and recommends that any changes be made in consultation with the Bureau.

S966: AN ACT RELATIVE TO PROCESS PIPING

This legislation seeks to expand licensing and, in doing so, unfairly impacts companies that currently do process piping by mandating that owners and craftsmen be fully licensed. Since the process for a company owner to attain a master's license takes at least one year or more, the immediate impact of this legislation will result in the loss of jobs and, potentially, the closing of businesses. Additionally, we believe that the current examinations now administered should be revamped to require greater knowledge in process piping by trades and masters.

Mandating licensure for workers installing process piping is not in line with the fact that with this work the most significant, complex and safety-sensitive elements take place at the front-end of the process, in the engineering and design phase. If companies that are responsible for these engineering and control components are not properly qualified and experienced, problems will occur during the installation regardless of the level of experience – or licensure – of the pipefitters. For these reasons, we oppose this legislation.

Thank you for the opportunity to testify on the legislation before you today. Please do not hesitate to contact our association in the future if we may be of any assistance to you or your committee.

Sincerely,

Gregory Beeman
President & CEO