

The Massachusetts Department of Labor Standards (DLS) is proposing amendments to 454 CMR 25, which was promulgated by DLS to provide public-sector employees safe and healthful work environments free from recognized hazards that may cause serious injury, physical harm, or death. The proposed changes are designed to adopt recent upgrades to federal safety requirements and clarify DLS' procedures. A public hearing regarding these proposed amendments will be held on July 23<sup>rd</sup> at 10am via WebEx. Please contact DLS General Counsel Nick Rose at [nicholas.w.rose@mass.gov](mailto:nicholas.w.rose@mass.gov) to obtain a copy of the proposed regulation, to receive a link to the public hearing, and/or to submit written comments concerning the proposed amendments. Written comments must be submitted via email by July 26, 2024 at 5pm.

**Small Business Impact Statement**  
(As required by M.G.L. c. 30A §§ 2, 3 & 5)

**CMR No: 454 CMR 25.00**

**Estimate of the Number of Small Businesses Impacted by the Regulation: 0**

**Select Yes or No and Briefly Explain**

Yes	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? <b>No. The proposed changes only affect public sector and quasi-public employers. DLS' understanding is that under G.L. c. 30A, §1(5A), a small business must be "independently owned and operated." Additionally, the definition of "small business" promulgated by the United States Small Business Administration appears to include a requirement that the business be "organized for profit."</b>
Yes	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? <b>No. The proposed changes do not affect small businesses as DLS understands the term.</b>
Yes	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? <b>No. The proposed changes do not affect small businesses as DLS understands the term.</b>
Yes	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? <b>No. The proposed changes do not affect small businesses as DLS understands the term.</b>
Yes	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? <b>No. The proposed changes do not affect small businesses as DLS understands the term.</b>
Yes	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? <b>No. The proposed changes do not affect small businesses as DLS understands the term.</b>
Yes	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) <b>No.</b>
Yes	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? <b>No.</b>
Yes	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? <b>No. The proposed changes do not affect small businesses as DLS understands the term.</b>
Yes	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? <b>No. The proposed changes do not affect small businesses as DLS understands the term.</b>

Yes	No X	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? <b>As the regulation does not govern small businesses as DLS understands the term, the regulation should have no effect or a neutral effect on the formation of small businesses.</b>
Yes	No x	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? <b>As the regulation does not govern small businesses as DLS understands the term, the regulation should have no effect or a neutral effect on the formation of small businesses.</b>
Yes	No	Does the regulation provide for less stringent compliance or reporting requirements for small
	X	
Yes ;	No X	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? <b>No. The proposed changes do not affect small businesses as DLS understands the term.</b>
Yes	No X	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? <b>No. The proposed changes do not affect small businesses as DLS understands the term.</b>
Yes	No X	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? <b>The proposed changes do not affect small businesses as DLS understands the term.</b>
Yes	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? <b>No. The proposed changes do not affect small businesses as DLS understands the term.</b>