

2024 -- H 7104

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LC003629
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- CORROSION PREVENTION AND
MITIGATION WORK REQUIREMENTS

Introduced By: Representatives Bennett, McNamara, Carson, Hull, Edwards, Corvese,
Potter, Baginski, Kazarian, and O'Brien

Date Introduced: January 10, 2024

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 37-25-1 of the General Laws in Chapter 37-25 entitled "Corrosion
2 Prevention and Mitigation Work Requirements" is hereby amended to read as follows:

3 **37-25-1. Corrosion prevention and mitigation work requirements.**

4 (a) For purposes of this section:

5 (1) "NACE 13/ACS 1 standard" means the Society for Protective Coatings/NACE
6 International standard for an industrial coating and lining application specialist.

7 (2) "Trained and certified personnel" means both of the following:

8 (i) To the maximum extent feasible, workers performing surface preparation and
9 application of protective coatings and linings to steel, who are classified as journey-level painters,
10 shall be certified by an organization generally accepted in the industry as meeting the NACE
11 13/ACS 1 standard, or a similar standard, that is generally accepted in the industry. Coatings
12 applied during assembly are excluded.

13 (ii) Workers performing surface preparation and application of protective coatings and
14 linings to steel, who are classified as apprentices, shall be registered in an industrial apprenticeship
15 program, approved by the department of labor and training, that provides training to meet the
16 NACE 13/ACS 1 standard or a similar standard, that is generally accepted by the industry.

17 (b) A public entity that awards a contract after January 1, 2024, that is paid for in whole or
18 in part with state funds, shall require all contractors and subcontractors performing corrosion

1 prevention and mitigation work to comply with the standards adopted pursuant to this section.

2 (c) Contractors and subcontractors performing public works contracts for corrosion
3 prevention and mitigation work must comply with the standards adopted pursuant to this section
4 after January 1, 2024.

5 (d) On or before January 1, 2023, the director of the department of labor and training in
6 consultation with the department of environmental management, shall adopt regulations
7 establishing standards for the performance of corrosion prevention and mitigation work on public
8 projects that reflect industry best practices. Such industry best practices shall include, but are not
9 limited to, the following:

10 (1) Use of trained and certified personnel for surface preparation and application of
11 protective coatings and linings to steel;

12 (2) Use of inspectors to ensure best practices and standards are met; and

13 (3) A plan to prevent environmental degradation, including, but not limited to, careful
14 handling and containment of hazardous materials including, but not limited to, lead paint.

15 (e)(1) The department of labor and training shall enforce the provisions of this chapter. If
16 the director, or designee, determines that a violation of these provisions has occurred, the director,
17 or designee, shall order a hearing at a time and place to be specified, and shall give notice thereof,
18 together with a copy of the complaint or the purpose thereof, or a statement of the facts disclosed
19 upon investigation, which notice shall be served personally or by mail on any person, business,
20 corporation, or entity of any kind affected thereby.

21 (2) The person, business, corporation, or entity shall have an opportunity to be heard in
22 respect to the matters complained of at the time and place specified in the notice. The hearing shall
23 be conducted by the director, or designee.

24 (3) The hearing officer in the hearing shall be deemed to be acting in a judicial capacity,
25 and shall have the right to issue subpoenas, administer oaths, and examine witnesses. The
26 enforcement of a subpoena issued under this section shall be regulated by civil practice law and the
27 rules of civil procedure. The hearing shall be expeditiously conducted and upon such hearing the
28 hearing officer shall determine the issues raised and shall make a determination and enter an order
29 within thirty (30) days of the close of the hearing, and forthwith serve a copy of the order, with a
30 notice of the filing, upon the parties to the proceeding, personally or by mail.

31 (4) The order shall dismiss the complaint or determine that a violation of the provisions of
32 this chapter occurred. The order shall represent a final action by the department of labor and
33 training.

34 (f) Any contractor or subcontractor determined to have violated the provisions of this

1 chapter shall be subject to a civil penalty of not less than one thousand five hundred dollars (\$1,500)
2 and not greater than three thousand dollars (\$3,000), and shall be subject to the revocation of any
3 relevant professional or occupational license, if the violation is deemed to have been intentional or
4 egregious.

5 (g) This section is applicable to all public works projects that fit the other criteria as
6 provided in this section.

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would give authority to the department of labor and training to enforce violations
2 of the laws relating to corrosion prevention and mitigation work requirements. This act would also
3 add civil monetary penalties for violations of those laws.

4 This act would take effect upon passage.

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