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Statement of Substantial Need for Earlier Implementation

I hereby find, pursuant to §1043, subdivision e, paragraph 1(c) of the New York City Charter, and hereby represent to the Mayor, that there is substantial need for the implementation of new Section §104-08 of Title 1 of the Rules of the City of New York, governing the qualifications for site safety manager and site safety coordinator certificates, upon the publication in the City Record of its Notice of Adoption.

This is one of the rules needed to implement the City's new Construction Codes. The proposed rule implements provisions of the Administrative Code that authorize the Department to prescribe "equivalent education and construction experience" for site safety manager and site safety coordinator applicants to qualify for required certificates. In addition, pursuant to Administrative Code §28-401.7, it dispenses with the requirement of an examination for site safety coordinator certificates, as the Department has determined that these individuals can properly qualify on the basis of experience alone. The new codes require that these certificate holders be on-site at certain construction jobs to oversee site safety requirements. By making the rule effective upon publication, the City will more quickly enlarge the pool of potential certificate holders and thus advance public safety on construction sites.

Robert D. LiMandri
Acting Commissioner
Department of Buildings

APPROVED: _____
Michael R. Bloomberg
Mayor

DATE: 6/30/2008

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter and in accordance with sections 28-401.7, 28-402.2, and 28-403.2 of the NYC Administrative Code, that the Department of Buildings hereby adopts the addition of Section 104-08 to Subchapter D of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding qualifications for site safety manager and site safety coordinator certificates.

This rule was first published on April 23, 2008 and a public hearing thereon was held on May 29, 2008.

Dated: 6/26/08, 2008
New York, New York

Robert D. LiMandri
Acting Commissioner

Section 1. Subchapter D of chapter 100 of title 1 of the Rules of the City of New York is amended by adding a new section 104-08 to read as follows:

§104-08 Qualifications for site safety manager and site safety coordinator certificates.

(a) Site safety managers. The Department of Buildings shall issue a site safety manager certificate to an individual who shall have satisfied the requirements of section 28-402.2 of the Administrative Code.

(1) For purposes of satisfying the requirements of section 28-402.2 of the Administrative Code, equivalent education and construction experience shall consist of successful completion within two years of application for certification of an OSHA 30-hour safety course and one of the following:

(i) Eight years of experience within 10 years prior to the date of the application as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code. The enforcement must have included inspections of major buildings under construction and thus this basis for qualification excludes

officials whose primary role is to perform inspections of occupied or vacant buildings; or

(ii) Eight years of field experience working on buildings within 10 years prior to the date of the application as a safety official for a governmental entity or construction firm or as a safety manager or safety engineer for a safety consulting firm specializing in construction. The experience must have included 4 years relevant work on major buildings under construction; or

(iii) Successful completion of a New York State Apprenticeship Program for Site Safety Manager approved by the Department; or

(iv) Ten years of experience within 12 years prior to the date of the application working in a relevant construction trade with plans in furtherance of building construction, five years of which must have been on major buildings under construction and three of those five years must have been in an on-site supervisory position.

(A) For purposes of this subdivision, each year of formal training or education in a program with emphasis on construction at a college, technical or trade school may be substituted for one year of construction work up to a maximum of three years.

(v) Experience acquired pursuant to this subdivision must have been full-time experience acquired in the United States.

(2) A holder of a site safety manager certificate may not simultaneously hold either an active site safety coordinator certificate or an active registration as a superintendent of construction.

(3) An acceptable 18 month on-the-job training program shall include the following:

(i) The buildings worked on must have been major buildings;

(ii) The work must have been performed under the direct and continuing supervision of a certified site safety manager. For purposes of this subdivision, direct and continuing supervision shall include daily training at the location specified in the monthly summaries in the presence of the supervising certified site safety manager;

(iii) The training program must have been full-time and paid;

(iv) Dated and notarized summaries must have been completed by the certified supervising site safety manager at the end of every month specifying the location and nature of the construction activity at the location for the month covered;

(v) The program must cover all phases of construction and must specify precisely the activity in which the trainee was engaged for the month covered by each monthly summary, including but not limited to excavation, foundation work, plumbing, electrical, and mechanical;

(vi) The supervising certified site safety manager may supervise a maximum of two trainees simultaneously;

(vii) Completion within two years of application for certification of an OSHA 30-hour safety course.

(b) Site Safety Coordinators. The Department of Buildings shall issue a site safety coordinator certificate to an individual who shall have satisfied the requirements of section 28-403.2 of the Administrative Code.

(1) For purposes of satisfying the requirements of section 28-403.2 of the Administrative Code, equivalent education and construction experience shall consist of successful completion within two years of application for certification of an OSHA 30-hour safety course and one of the following:

(i) Five years of experience within 10 years prior to the date of the application as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code. The enforcement must have included inspections of major buildings under construction and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings; or

(ii) Five years of field experience working on buildings within 10 years prior to the date of the application as a safety official for a governmental entity or construction firm or as a safety manager or safety engineer for a safety consulting firm specializing in construction. The experience must have included 2.5 years relevant work on major buildings under construction; or

(iii) Five years of experience within 10 years prior to the date of the application working in a relevant construction trade with plans in furtherance of building construction, three years of which must have

been on major buildings under construction and two of those three years must have been in an on-site supervisory position.

(A) For purposes of this subdivision, each year of formal training or education in a program with emphasis on construction at a college, technical or trade school may be substituted for one year of construction work up to a maximum of two years.

(iv) Experience acquired pursuant to this rule must have been full-time experience acquired in the United States.

(2) A holder of a site safety coordinator certificate may not simultaneously hold either an active site safety manager certificate or an active registration as a superintendent of construction.

(3) Applicants for a site safety coordinator certificate shall not be required to take an examination in order to qualify for the certificate.

(c) The term "major building" as used in this rule shall have the meaning given to it in Chapter 33 of the New York City Building Code.

STATEMENT OF BASIS AND PURPOSE

The foregoing rule is adopted pursuant to the authority of the Commissioner of Buildings under sections 643 and 1043(a) of the New York City Charter and pursuant to sections 28-401.7, 28-402.2, and 28-403.2 of the NYC Administrative Code.

The rule implements provisions of the Administrative Code that authorize the Department to prescribe "equivalent education and construction experience" for site safety manager and site safety coordinator applicants to qualify for required certificates. In addition, pursuant to Administrative Code §28-401.7, it dispenses with the requirement of an examination for site safety coordinator certificates, as the Department has determined that these individuals can properly qualify on the basis of experience alone.