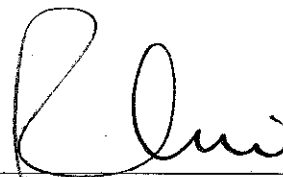


NOTICE OF ADOPTION OF RULE

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, that the Department of Buildings hereby adopts the addition of section 3310-02 to Title 1 of the Official Compilation of the Rules of the City of New York, regarding concrete safety managers.

This rule was first published on October 9, 2009 and a public hearing thereon was held on November 12, 2009.

Dated: 3/5/10
New York, New York


Robert D. LiMandri
Commissioner

Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new section 3310-02 to read as follows:

§3310-02 Concrete safety managers.

(a) Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

(1) Concrete safety manager. The term “concrete safety manager” shall mean the individual registered in accordance with subdivision (c) of this section and responsible for those duties defined in subdivision (e) of this section.

(2) Job. The term “job” shall mean a major building construction project that involves the placement of two thousand (2,000) cubic yards or more of concrete including the placement of the foundation. The term job shall not include exterior non-structural on-grade flatwork, such as sidewalks, driveways, mechanical pads and curb cuts, or any other work as determined by the Commissioner.

(3) Concrete operations. The term “concrete operations” shall mean the placement of concrete and the construction and stripping of concrete forms and related concrete activities pertaining to the duties defined in paragraph (e) of this rule. For the purposes of this section, concrete operations shall not include layout, surveying, crane jumping, temporary heating, electrical, plumbing or mechanical work.

(b) Permits.

(1) Ninety (90) days after the effective date of this rule, no permit for a job shall be issued or renewed until the permittee or his or her representative has identified on the permit application form a concrete safety manager registered with the Department in accordance with the provisions of this section. Permits issued before the effective date of this rule shall not require a concrete safety manager.

(2) Where a concrete safety manager is permanently relieved of his or her duties, the concrete operations for which the designated concrete safety manager is relieved shall cease immediately until notification of a new concrete safety manager is made to the department in a manner as determined by the commissioner.

(c) Registration of concrete safety managers.

(1) Designation at a job site. A concrete safety manager shall be designated by the concrete contractor at all job sites in accordance with section 3310.9 of the New York City Building Code (“Building Code”). In accordance with section 3310.9 and any applicable Department rules, the concrete safety manager and his or her alternate shall coordinate directly with the designated site safety manager or site safety coordinator on the job site.

(2) Registration date. Ninety (90) days after the effective date of this rule, all individuals serving as concrete safety managers or alternate concrete safety managers for jobs shall be registered with the Department and subject to the provisions of Article 401 of Chapter 4 of Title 28 of the New York City Administrative Code.

(3) Qualifications. The Department shall issue a concrete safety manager registration to an individual who shall, at the time of his or her application, submit proof that he or she has completed the thirty- (30) hour training course required by section 3310.9, the OSHA ten- (10) hour construction safety and health course, and:

(i) is a registered design professional and has, within the ten (10) years prior to the date of the application, five (5) years of experience in concrete operations, at least one (1) of which was in concrete operations

where the concrete portion of the project(s) involved the placement of a minimum of two thousand (2,000) cubic yards of concrete; or

(ii) has, within the ten (10) years prior to the date of the application, five (5) years of experience in concrete operations, at least three (3) of which were in concrete operations where the concrete portion of the project(s) involved the placement of a minimum of two thousand (2,000) cubic yards of concrete; or

(iii) has a bachelor's degree in engineering or an appropriate engineering technology degree from an accredited college or university and has, within the ten (10) years prior to the date of the application, five (5) years of experience in concrete operations, at least two (2) of which were in concrete operations where the concrete portion of the project(s) involved the placement of a minimum of two thousand (2,000) cubic yards of concrete; or

(iv) is a certified site safety manager and has, within the ten (10) years prior to the date of the application, five (5) years of experience in concrete operations, at least two (2) of which were in concrete operations where the concrete portion of the project(s) involved the placement of a minimum of two thousand (2,000) cubic yards of concrete.

(4) Term. Registrations shall be valid for three (3) years from the date of issuance.

(5) Fees. Registration fees shall be as set forth in section 101-03 of these rules.

(d) Renewals. An application for renewal of a concrete safety manager registration shall be submitted between thirty (30) and sixty (60) days prior to the expiration date of the registration.

(1) The renewal fee as set forth in section 101-03 of these rules shall be submitted with the application. Renewals not submitted in a timely manner shall be subject to a late renewal fee as set forth in section 101-03 of these rules.

(2) Timely renewal applications shall be accompanied by proof that the applicant has, during the year prior to renewal, successfully satisfied the continued education requirements as set forth in section 104-06 of these rules.

(3) Renewals not filed within one (1) year of registration expiration shall be treated as new applications.

(e) Duties. A concrete safety manager shall have responsibilities including, but not limited to:

(1) being onsite and available during all concrete operations and until the removal of the reshores and horizontal safety netting is completed. A concrete safety manager need not be present for concrete operations involving exclusively sidewalks, driveways, mechanical pads or other miscellaneous areas. The concrete safety manager is not required to be onsite when no concrete operations are taking place.

(2) being available to the Department at all other times until completion of the concrete operations by email, mobile phone or other means as determined by the Department. If the registered concrete safety manager is unavailable, an alternate concrete safety manager shall be available to the Department at all times until completion of the concrete operations, by email, mobile phone or other means as determined by the Department;

(3) monitoring compliance with and notifying the contractor of any violation of:

(i) Chapter 19 and Chapter 33 of the Building Code and OSHA standards relating to concrete operations;

(ii) the use and installation of fall protection measures and personal protection equipment for all personnel engaged in concrete operations; and

(iii) safe techniques and use of equipment for installation and removal of

(A) concrete;

(B) formwork;

(C) shores; and

(D) reinforcing steel.

in order to protect against falls, falling concrete and objects, collapsing floors and similar dangers;

(4) immediately notifying the site safety manager or the site safety coordinator on the job site and the Department of:

(i) any fatality;

(ii) any injury to a member of the public;

(iii) any worker injury resulting in emergency medical response or hospitalization;

(iv) any damage to public or private property occurring on or adjacent to the job site that arises from the concrete operations;

- (v) any form failure; or
 - (vi) any material or debris falling from the concrete operations;
 - (5) advising the Department of contact information and changes thereto;
 - (6) cooperating with any investigation by the Department, or other city or law enforcement agency, into the activities at any job site under his or her supervision and providing prompt, accurate and complete responses to inquiries by the Department and other agencies about the conduct of such activities;
 - (7) keeping a daily log of all concrete operations pertaining to the job site including, but not limited to, the following:
 - (i) safety precautions put in place for concrete operation for each day;
 - (ii) any unsafe work or practice, the corrective action taken and the date of correction;
 - (iii) amount of concrete poured for each day;
 - (iv) location of pouring, forming, stripping, and rebar tying for each day;
 - (v) name of the qualified person designated by the contractor to inspect the formwork for each day;
 - (vi) name of the foreman in charge of the formwork for each day;
 - (vii) the presence of the design drawings for the formwork, including shoring foundations, required for the job under section 1906.3 of the Building Code; and
 - (viii) visits of the site safety manager or site safety coordinator during concrete operations.
 - (8) ensuring that the assigned concrete testing laboratory and special inspector(s) are present as required by Chapter 17 of the Building Code; and
 - (9) performing inspections in accordance with the current Concrete Safety Manager General Inspections checklist prescribed by the Department.
- (f) Limitation of duties.
 - (1) A concrete safety manager may supervise only one (1) job at a time.

(2) A concrete safety manager may also be registered as a site safety manager or a site safety coordinator but cannot serve as both a concrete safety manager and either a site safety manager or a site safety coordinator simultaneously on the same job site.

(g) Advising the Department of relief from duties.

(1) All registered concrete safety managers shall immediately notify the Department in writing or other manner determined by the Commissioner upon being permanently relieved of or resigning from their duties in connection with any job on which they are designated.

(2) All permittees shall immediately notify the Department in writing or other manner determined by the Commissioner when a concrete safety manager is permanently relieved of his or her duties. The permittee shall complete the appropriate job filings to identify the new concrete safety manager and comply with the provisions of paragraph (2) subdivision (b) of this section until such application is accepted by the Department.

(h) Obligations of others. Nothing in this rule is intended to alter or diminish any obligation otherwise imposed by law on others, including but not limited to, the owner, construction manager, concrete contractor, general contractor, contractor, material man, architect, engineer, site safety manager, site safety coordinator, land surveyor, or other party involved in a construction project to engage in sound engineering, design and construction practices, and to act in a reasonable and responsible manner to maintain a safe construction site.

(i) Notification of alternate. When a concrete safety manager will not be onsite as required by paragraph (1) of subdivision (e) of this section, the registered concrete safety manager or other responsible party shall notify the Department of such absence and replacement by an alternate

STATEMENT OF BASIS AND PURPOSE

This rule is promulgated pursuant to the authority of the Commissioner of Buildings under §§ 643 and 1043 of the New York City Charter and § BC 3310.9.1 of the New York City Building Code.

On September 3, 2008, Mayor Bloomberg signed Local Law 40, which mandated the designation of a concrete safety manager at job sites where at least 2,000 cubic yards of concrete are to be poured. It also required the Commissioner to promulgate rules to ensure that qualified people with the appropriate knowledge and experience register with the department before they can supervise concrete operations on construction sites.

The rule sets forth registration requirements and qualifications for concrete safety managers and lists their duties. The new requirements promote public safety by ensuring that concrete operations are performed in a safe manner.