

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2008**

No. 40

Introduced by Council Members Dilan, Comrie, Gentile, Koppell, Recchia Jr., Seabrook, Weprin, Jackson, Dickens, White Jr., Gonzalez, Lappin, Sears, Garodnick and Vallone, Jr. (in conjunction with the Mayor)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to site safety personnel, including concrete safety managers.

Be it enacted by the Council as follows:

Section 1. Chapter 33 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding a new section 3310.9 to read as follows:

3310.9 Additional site safety personnel. *The following additional personnel shall be employed to oversee concrete operations at major buildings as defined in section 3310.2 and such other classes of buildings or operations as the commissioner may designate by rule. These personnel shall coordinate directly with the site safety manager or coordinator designated in accordance with section 3310.6. In all instances, the designated site safety manager or coordinator retains responsibility for ensuring compliance with the provisions of section 3310 of this code and all applicable rules, and for signing the site safety log. The name and contact information of the additional site safety personnel shall be recorded in the site safety log.*

3310.9.1 Concrete safety manager. *Beginning January 1, 2009, a concrete safety manager shall be designated by the concrete contractor at those sites where the concrete portion of the project involves the pouring of a minimum of 2,000 cubic yards of concrete or such lesser amount as the commissioner may determine by rule. Concrete safety managers shall have five years of experience in concrete operations and shall have satisfactorily completed, by July 1, 2009 or within the five calendar years prior to*

registration, a thirty hour course approved by the commissioner that is sufficient to qualify the individual as a competent person under OSHA standards to oversee concrete operations, including such topics as formwork design, construction and stripping operations, rebar handling, and rigging. Concrete safety managers shall register with the department in the same manner as construction superintendents, and shall provide evidence of meeting the eligibility requirements set forth herein. As of July 1, 2009, no person shall perform the duties of a concrete safety manager without being registered as such with the department. The commissioner shall promulgate rules establishing the duration that such registration shall be valid and the requirements for renewal of the registration. The concrete safety manager shall be present during all concrete operations. For purposes of this section, "concrete operations" shall mean the pouring of concrete and the construction and stripping of concrete forms and related activities as specified by the commissioner.

§2. This local law shall take effect on January 1, 2009, provided that the commissioner of buildings shall take such actions as necessary for its implementation prior to such effective date and shall approve the thirty hour course as required by New York city building code section 3310.9.1, as added by section one of this local law, no later than January 1, 2009 and shall consult with relevant stakeholders and officials at the Department of Labor's Occupational Safety and Health Administration in developing the curriculum for such course.

The City of New York, Office of the City Clerk s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on August 14, 2008 and approved by the Mayor on September 3, 2008.

Michael McSweeney, First Deputy City Clerk
Acting City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed Local Law (Local Law 040 of 2008, Council Int. No. 783-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on August 14, 2008:

49 For, 0 Against, 0 Not Voting

Was signed by the Mayor on September 3, 2008

Was returned to the City Clerk on September 3, 2008.

Jeffrey D. Friedlander, Acting Corporation Counsel.

