

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: January 7,

TO: Borough Superintendents

FROM: Thomas V. Burke, P.E., Director of Operations

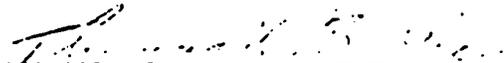
SUBJECT: Article 10 of the Labor Law, Industrial Code Rules 23, and Article 19 of the Building Code

Although Article 10 of the Labor Law, relating to protection of workmen employed in construction and demolition work and rules issued thereunder is enforced exclusively by the Industrial Commissioner, the Director of the Occupational Safety and Health Division of the N.Y.S. Department of Labor has recently informed this office that the provisions of Industrial Code Rules 23 (rules issued pursuant to Article 10 of the Labor Law) pertaining to the protection of employees engaged in construction are no longer applicable in New York State or enforced by his Division, inasmuch as he has relinquished all enforcement authority to the Federal Occupational Safety and Health Administration.

Such transfer of authority does not diminish our responsibility for the safety of the public and property during construction work, as set forth in Article 19 of the Building Code and elsewhere in said code, as noted in the accompanying legal opinions.

Accordingly, enforcement of Article 19 of the Building Code and related relevant code provisions by this department shall continue in accordance with all present procedures.

TVH:llM:ngk
cc: Comm. Walsh
Dep. Comm. Jenkins
Asst. Comm. Parascandola
Exec. Staff


Thomas V. Burke, P.E.
Director of Operations

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