



# CONSTRUCTION SAFETY IN 2022 CODES (BC 33)

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presented by

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# PRESENTATION DESCRIPTION

This presentation provides an overview of the forthcoming changes in the 2022 Construction Codes related to the oversight of site safety at construction and demolition projects in New York City. Special emphasis will be given to requirements for Construction Superintendents, Site Safety Managers, and Site Safety Coordinators.

# AGENDA

- Definitions
- Construction Superintendent (CS)
- Duties of the Construction Superintendent and Site Safety Managers (SSM)/ Site Safety Coordinators (SSC) at Major Buildings
- Site Safety Inspections
- Logs
- Release from Job
- Licensing Requirements

# **SITE SAFETY OVERSIGHT: 2022 CODE CHANGES**

## *Definitions*



# DEFINITIONS

- Definitions in **2014 Code BC Section 3302.1 Definitions** have been relocated in **2022 Code to BC Chapter 2 Definitions**
  - Changed to follow the national standard (ICC)



- In addition to being moved, definitions have also been updated

# DEFINITIONS: INCIDENT

## BC Chapter 33 - 2014

**ACCIDENT.** An occurrence directly caused by construction or demolition activity or site conditions that result in one or more of the following:

1. A fatality to a member of the public, or
2. Any type of injury to a member of the public; or
3. A fatality to a worker; or
4. An injury to a worker that requires transport by emergency medical services or requires immediate emergency care at a hospital or offsite medical clinic; or
5. Any complete or partial structural collapse or material failure; or
6. Any complete or partial collapse or failure of pedestrian protection, scaffolding, hoisting equipment, or material handling equipment; or
7. Any material fall exterior to the building or structure.

## BC Chapter 2 - 2022

**INCIDENT.** An occurrence directly caused by construction or demolition activity or site conditions that result in one or more of the following:

1. A fatality to a member of the public;
2. Any type of injury to a member of the public;
3. A fatality to a worker;
4. An injury to a worker that requires transport by emergency medical services or requires immediate emergency care at a hospital or offsite medical clinic;
5. Any complete or partial structural collapse or material failure;
6. Any complete or partial collapse or failure of pedestrian protection, scaffolding, hoisting equipment, or material handling equipment; or
7. Any material fall exterior to the building or structure.



# DEFINITIONS: INCIDENT

BC Chapter 33 - 2014	BC Chapter 2 - 2022
<p><b>ACCIDENT.</b> An occurrence directly caused by construction or demolition activity or site conditions that result in one or more of the following:</p> <ol style="list-style-type: none"> <li>1. A fatality to a member of the public, or</li> <li>2. Any type of injury to a member of the public; or</li> <li>3. A fatality to a worker; or</li> <li>4. An injury to a worker that requires transport by</li> </ol>	<p><b>INCIDENT.</b> An occurrence directly caused by construction or demolition activity or site conditions that result in one or more of the following:</p> <ol style="list-style-type: none"> <li>1. A fatality to a member of the public;</li> <li>2. Any type of injury to a member of the public;</li> <li>3. A fatality to a worker;</li> </ol>
<p><b>ANALYSIS:</b></p> <ul style="list-style-type: none"> <li>■ Term “<b>accident</b>” (2014 Code) to be referred to as “<b>incident</b>” (2022 Code).</li> <li>■ No change to substance of definition.</li> </ul>	
<p>material failure; or</p> <ol style="list-style-type: none"> <li>6. Any complete or partial collapse or failure of pedestrian protection, scaffolding, hoisting equipment, or material handling equipment; or</li> <li>7. Any material fall exterior to the building or structure.</li> </ol>	<ol style="list-style-type: none"> <li>5. Any complete or partial structural collapse or material failure;</li> <li>6. Any complete or partial collapse or failure of pedestrian protection, scaffolding, hoisting equipment, or material handling equipment; or</li> <li>7. Any material fall exterior to the building or structure.</li> </ol>

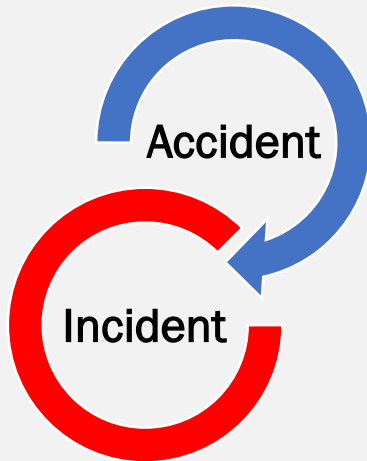


# DEFINITIONS: INCIDENT

## BC Chapter 33 - 2014

Accident

**3301.8 Accidents** and damage to adjoining property. The department shall be notified immediately by the permit holder, or a duly authorized representative, of an accident at a construction or demolition site, or of any damage to adjoining property caused by construction or demolition activity at the site.



## BC Chapter 33 - 2022

Incident

**3301.8 Incidents** and damage to adjoining property. The department shall be notified immediately by the permit holder, or a duly authorized representative, **of any incident** at a construction or demolition site, or of any damage to adjoining property caused by construction or demolition activity at the site. **Where required by Section 3301.13.11 or Section 3310.8.2.1, incidents or damage to adjoining property shall instead be reported by the construction superintendent or the site safety manager or coordinator.**

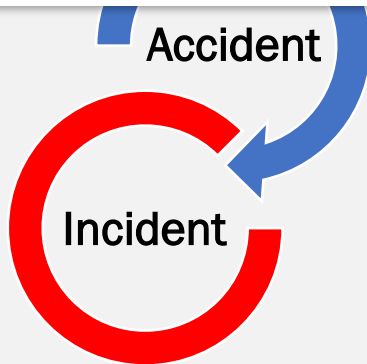
**3301.8.1 Additional notifications. Nothing in this section shall diminish or relieve other notification requirements imposed by this chapter, including but not limited to, notifications by the site safety manager, site safety coordinator, concrete safety manager, or hoisting machine operator.**

# DEFINITIONS: INCIDENT

BC Chapter 33 - 2014	BC Chapter 33 - 2022
<p>Accident  <b>3301.8 Accidents</b> and damage to adjoining property. The department shall be notified immediately by the permit holder, or a duly</p>	<p>Incident  <b>3301.8 Incidents</b> and damage to adjoining property. The department shall be notified immediately by the permit holder, or a duly authorized representative of</p>

## ANALYSIS

Added text to recognize that Site Safety Managers/Coordinators and Construction Superintendents have primary responsibility to report at their sites. Hoisting Machine Operators, Concrete Safety Managers, etc., also have responsibility to report.



manager or coordinator.

**3301.8.1 Additional notifications. Nothing in this section shall diminish or relieve other notification requirements imposed by this chapter, including but not limited to, notifications by the site safety manager, site safety coordinator, concrete safety manager, or hoisting machine operator.**

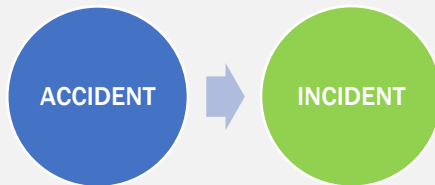
# DEFINITIONS: INCIDENT

## BC Chapter 33 - 2014

**3301.8.1 Use and tampering prohibited.** Following an accident, no person shall permit any of the following without the permission of the commissioner, or without a lawful order from the New York City Police or Fire Department:

1. Use or operation of any equipment or structure damaged or involved in the accident; or
2. Removal or alteration of any equipment, structure, material, or evidence related to the accident.

**Exception:** Immediate emergency procedures taken to secure structures, temporary construction, operations, or equipment that pose a continued imminent danger or to facilitate assistance for persons who are trapped or who have sustained bodily injury.



## BC Chapter 33 - 2022

**3301.8.2 Use and tampering prohibited.**

Following an **incident**, no person shall permit any of the following without the permission of the commissioner, or without a lawful order from the New York city police or fire department:

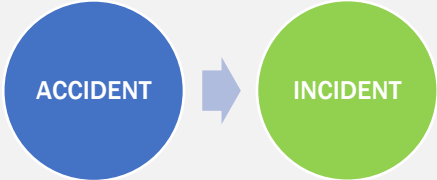
1. Use or operation of any equipment or structure damaged or involved in the **incident**; or
2. Removal or alteration of any equipment, structure, material, or evidence related to the **incident**.

**Exception:** Immediate emergency procedures taken to secure structures, **temporary construction installations**, operations, or equipment that pose a continued imminent danger or to facilitate assistance for persons who are trapped or who have sustained bodily injury.

# DEFINITIONS: INCIDENT

BC Chapter 33 - 2014	BC Chapter 33 - 2022
<p><b>3301.8.1 Use and tampering prohibited.</b> Following an <u>accident</u>, no person shall permit any of the following without the permission of the commissioner, or without a lawful order from the New York City Police or Fire Department:</p> <ol style="list-style-type: none"> <li>1. Use or alteration of any equipment, structure, material, or evidence related to the <u>accident</u>.</li> </ol> <p><b>Exception:</b> Immediate emergency procedures taken to secure structures, <u>temporary construction</u>, operations, or equipment that pose a continued imminent danger or to facilitate assistance for persons who are trapped or who have sustained bodily injury.</p>	<p><b>3301.8.2 Use and tampering prohibited.</b> Following an <b>incident</b>, no person shall permit any of the following without the permission of the commissioner, or without a lawful order from the New York city police or fire department:</p> <ol style="list-style-type: none"> <li>2. Removal or alteration of any equipment, structure, material, or evidence related to the <b>incident</b>.</li> </ol> <p><b>Exception:</b> Immediate emergency procedures taken to secure structures, <b>temporary construction installations</b>, operations, or equipment that pose a continued imminent danger or to facilitate assistance for persons who are trapped or who have sustained bodily injury.</p>

**ANALYSIS**  
 No substantive change to prohibition on use/tampering.



# DEFINITIONS: TEMPORARY CONSTRUCTION

## BC Chapter 33 - 2014

### TEMPORARY CONSTRUCTION.

Bracing, shoring, or other elements not part of the permanent structure and which are installed to facilitate construction or demolition work.

## BC Chapter 2 - 2022

### TEMPORARY CONSTRUCTION INSTALLATIONS.

Installations that are not part of the permanent structure and that are installed to facilitate construction or demolition work and are intended to be taken apart or removed after a limited period following their installation. Such installations include, but are not limited to, scaffolds, sidewalk sheds, fences, tower cranes, run back structures, and similar construction and demolition related installations.



# DEFINITIONS: TEMPORARY CONSTRUCTION

## BC Chapter 33 - 2014

TEMPORARY CONSTRUCTION. Bracing, shoring, or other elements not part of the permanent structure and which are installed to facilitate construction or demolition work.

## BC Chapter 2 - 2022

**TEMPORARY CONSTRUCTION INSTALLATIONS.** Installations that are not part of the permanent structure and that are installed to facilitate construction or demolition work and are intended to be taken apart or removed after a limited period following their installation. Such installations include, but are not limited to, scaffolds, sidewalk sheds, fences, tower cranes,

**NEW  
LOCATION**

## ANALYSIS

- Term “temporary construction” (2014 Code) to be referred to as “Temporary construction installations” (2022 Code).
- Definition of “Temporary Construction Installations” expanded to better reflect scope of items intended to be captured.
- BC 16 (Structural) provides details for design of “Temporary Construction Installations.” This includes **design loads for wind and wind action plans.**

# DEFINITIONS: MAJOR BUILDING

## BC Chapter 33 (2014)

*Major Buildings (10 Stories and above)*

**MAJOR BUILDING.** An existing or proposed building 10 or more stories or 125 feet (38 100 mm) or more in height, or an existing or proposed building with a building footprint of 100,000 square feet (30 480 m<sup>2</sup>) or more regardless of height, or an existing or proposed building so designated by the commissioner due to unique hazards associated with the construction or demolition of the structure.

## BC CHAPTER 2 (2022)

*Major Buildings (7 Stories and above **Eff. 12/24**)*

**MAJOR BUILDING.** An existing or proposed building **seven** or more stories or **75 feet** (22 860 mm) or more in height, or an existing or proposed building with a building footprint of 100,000 square feet (30 480 m<sup>2</sup>) or more regardless of height, or an existing or proposed building so designated by the commissioner due to unique hazards associated with the construction or demolition of the structure.

# DEFINITIONS: MAJOR BUILDING



BC Chapter 33 (2014)	BC CHAPTER 2 (2022)
<p><i>Major Buildings (10 Stories and above)</i></p> <p><b>MAJOR BUILDING.</b> An existing or proposed building 10 or more stories or 125 feet (38 100 mm) or more in height, or an existing or proposed building with a building footprint of 10 000 square feet (30 480 m<sup>2</sup>) or more regardless of height, or an existing or proposed building so designated by the commissioner due to unique hazards associated with the construction or demolition of the structure.</p>	<p><i>Major Buildings (7 Stories and above Eff. 12/24)</i></p> <p><b>MAJOR BUILDING.</b> An existing or proposed building <b>seven</b> or more stories or <b>75 feet</b> (22 860 mm) or more in height, or an existing or proposed building with a building footprint of 10 000 square feet (30 480 m<sup>2</sup>) or more regardless of height, or an existing or proposed building so designated by the commissioner due to unique hazards associated with the construction or demolition of the structure.</p>

## ANALYSIS

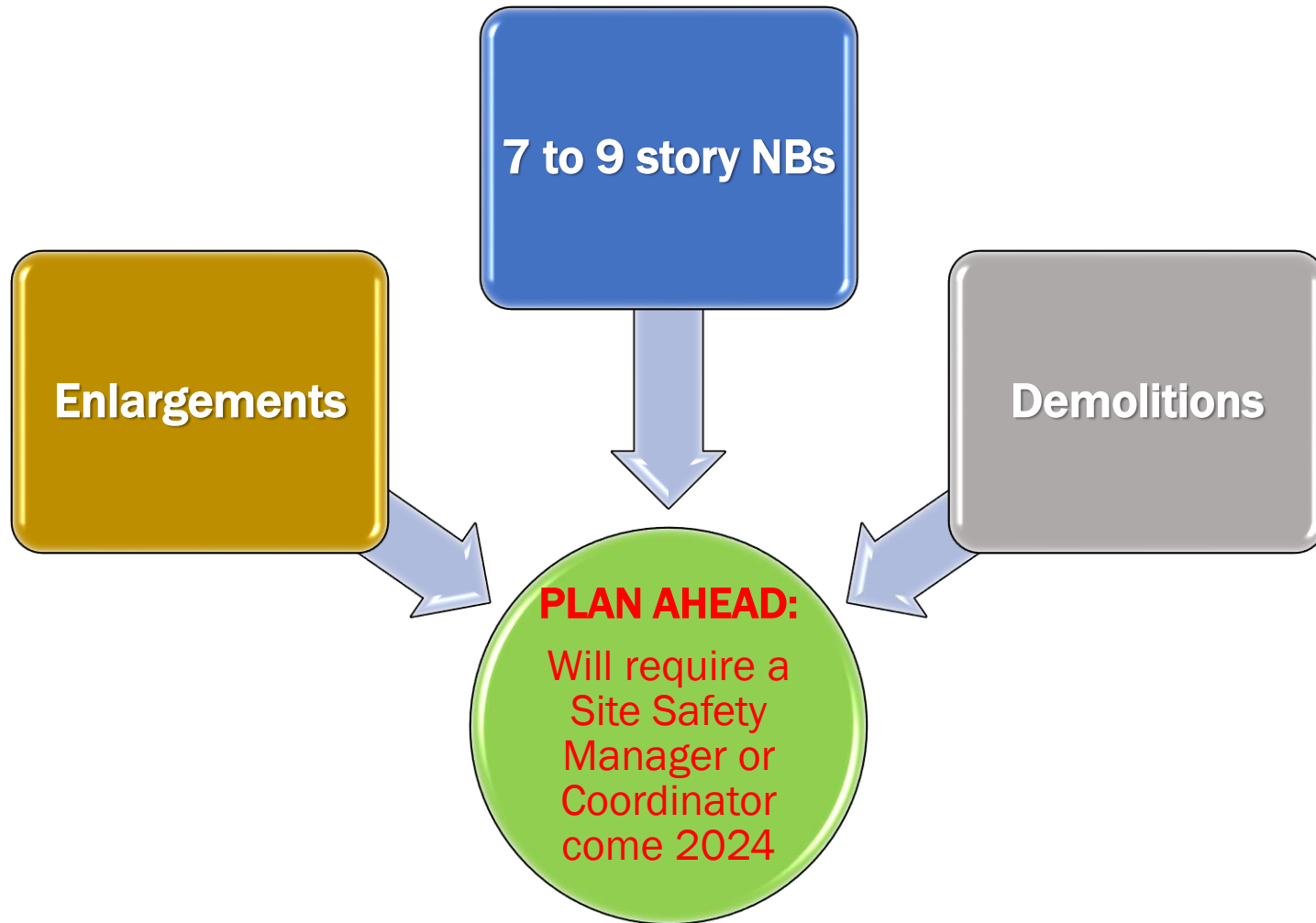
- Reduction in stories
  - 10 stories down to 7 stories
- Reduction in building height
- 125 feet down to 75 feet
- Use the most stringent of the two
  - Stories or Building Height
- **Not in effect until 12/11/24**

10-stories or 125 feet



7-stories or 75 feet

# DEFINITIONS: MAJOR BUILDING





# **SITE SAFETY OVERSIGHT: 2022 CODE CHANGES**

*Construction Superintendent (CS)*

# CONSTRUCTION SUPERINTENDENT (CS)

- The 2014 and 2022 Codes were **amended** by Local Law 141 of 2021.
- Local Law 141 of 2021 made significant changes to the Construction Superintendents (CS) designation.
- Some changes of Local Law 141 go into effect before the 2022 Codes, other changes will go into effect at the same time as the 2022 Codes.



# **JOBS REQUIRING A CS**

**3301.13.3 Designation of primary construction superintendent.** The permit holder shall designate a primary construction superintendent **who shall carry out all duties and responsibilities assigned to the construction superintendent by this chapter and rules promulgated by the commissioner, and notify the department of such designation**, prior to the commencement of **work, for** the following types of jobs:

1. The construction of a new building;
2. The full demolition of an existing building;
3. An alteration to an existing building that involves one or more of the following:
  - 3.1 A vertical enlargement;
  - 3.2 A horizontal enlargement;
  - 3.3 The alteration or demolition of more than 50 percent of the **gross** floor area of the building during the course of work over any **12-month** period;
  - 3.4 The removal of one or more floors during the course of work over any **12-month** period;
  - 3.5 Work that requires a special inspection for underpinning; or
  - 3.6 Work that requires a special inspection for the protection of sides of excavations; or
4. Other jobs that pose an enhanced risk to the public and property, as determined by the commissioner.

# EXEMPTIONS TO JOBS REQUIRING A CS

## CS under BC 2014

3301.13.3 Designation of primary construction superintendent...

Exceptions: Notwithstanding the above, a construction superintendent is not required for:

1. Work listed in Section 3310.1, for which a site safety manager or coordinator must be designated.
2. Work which solely involves the construction of a new 1-, 2-, or 3-family building.

## CS under BC 2022

3301.13.3 Designation of primary construction superintendent...

Exception: **A construction superintendent is not required for work that solely involves a 1-, 2-, or 3-family building, or an accessory use to such building, provided the permit holder for such work is registered as a general contractor in accordance with Article 418 of Chapter 4 of Title 28 of the Administrative Code.**

# EXEMPTIONS TO JOBS REQUIRING A CS

CS under BC 2014	CS under BC 2022
<p>3301.13.3 Designation of primary construction superintendent...</p> <p>Exceptions: Notwithstanding the above, a construction superintendent is not required for:</p> <p>1. Work listed in Section 3310.1 for</p>	<p>3301.13.3 Designation of primary construction superintendent...</p> <p>Exception: <b>A construction superintendent is not required for work that solely involves a 1-, 2-, or 3-family building, or an accessory use to such</b></p>

## ANALYSIS

- Exemption for major buildings removed from the 2022 Code.
- **EFFECTIVE** for major building projects subject to the provisions of BC 3301.13.3 (i.e., NBs, enlargements, etc.), whose site safety plan is approved **on or after November 7, 2022**.
- **2022 Code major building projects subject to the provisions of BC 3301.13 must designate a Construction Superintendent. This is in addition to designating a Site Safety Manager/Coordinator.**

# EXEMPTIONS TO JOBS REQUIRING A CS

CS under BC 2014	CS under BC 2022
3301.13.3 Designation of primary construction superintendent... Exceptions: Notwithstanding the	3301.13.3 Designation of primary construction superintendent... Exception: A construction

## ANALYSIS

- Exemption for 1, 2, 3 family projects expanded from **new building (NB)** to **all** work provided the permit holder is licensed as a General Contractor (GC).
  - If the permit holder has any other status, a CS would have to be designated if the work is subject to BC 3301.13.3.
- **Effective** for 1, 2, 3 family projects whose application for construction document approval submitted is **on or after November 7, 2022**.
- 1-2-3 Family **2014 Code projects** subject to the provisions of BC 3301.13.3 **must maintain CS until signed off or released – regardless of Nov 7, 2022, effective date.**

# JOBS NUMBER LIMITS FOR A CS

## CS under BC 2014

**3301.13.6 Limitations on the designation of primary or alternate construction superintendents.** An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.

## CS under BC 2022

**3301.13.6 Limitations on the designation of primary or alternate construction superintendents.** An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.

### Exceptions:

1. If one of the jobs for which the construction superintendent is designated as a primary construction superintendent is on a building that meets the definition of a major building, the individual may only be designated as the primary construction superintendent for that job and may not serve as the primary construction superintendent for any other job.
2. Notwithstanding Exception 1, **beginning June 1, 2022**, no individual may be designated as the primary construction superintendent for **more than five jobs**.
3. Notwithstanding Exception 1, **beginning January 1, 2024**, or a later date established by the department, provided that such date is not later than January 1, 2025, no individual may be designated as the primary construction superintendent for **more than three jobs**.

# JOBS NUMBER LIMITS FOR A CS

CS under BC 2014	CS under BC 2022
<p><b>3301.13.6 Limitations on the designation of primary or alternate construction superintendents.</b> An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on <u>more than ten jobs</u>.</p>	<ol style="list-style-type: none"><li>4. Notwithstanding Exception 1, <b>beginning January 1, 2026</b>, or a later date established by the department, provided that such date is not later than January 1, 2027, no individual may be designated as the primary construction superintendent for <b>more than one job</b>.</li><li>5. A construction superintendent designated as the primary construction superintendent at a job site may serve as a non-primary construction superintendent at another job site, provided there is no work requiring the presence of such individual occurring at the job site for which the individual has been designated as the primary construction superintendent.</li><li>6. Subject to the approval of the commissioner, a construction superintendent may serve as the primary construction superintendent for multiple non-major building jobs located on the same lot or on contiguous lots.</li></ol>



# JOBS NUMBER LIMITS FOR A CS

CS under BC 2014	CS under BC 2022
<p>3301.13.6 Limitations on the designation of primary or alternate construction superintendents. An individual may only be designated as a primary or alternate construction</p>	<p>4. Notwithstanding Exception 1, <b>beginning January 1, 2026</b>, or a later date established by the department, provided that such date is not later than January 1, 2027, no individual may be designated as the primary construction superintendent for <b>more than one job</b>.</p>
<h2>ANALYSIS</h2> <ul style="list-style-type: none"><li>Number of jobs a CS can be designated for to be reduced.</li><li>As of June 1, 2022, Construction Superintendents designated on more than 5 jobs may be subject to disciplinary action.</li></ul>	
<p><u>than ten jobs.</u></p>	<p>been designated as the primary construction superintendent.</p> <p>6. Subject to the approval of the commissioner, a construction superintendent may serve as the primary construction superintendent for multiple non-major building jobs located on the same lot or on contiguous lots.</p>

# JOBS NUMBER LIMITS FOR A CS

## CS under BC 2014

**3301.13.6 Limitations on the designation of primary or alternate construction superintendents.** An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.

## CS under BC 2022

**3301.13.6 Limitations on the designation of primary or alternate construction superintendents.** An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.

### Exceptions:

- 1. If one of the jobs for which the construction superintendent is designated as a primary construction superintendent is on a building that meets the definition of a major building, the individual may only be designated as the primary construction superintendent for that job and may not serve as the primary construction superintendent for any other job.**

# JOB NUMBER LIMITS FOR A CS

CS under BC 2014	CS under BC 2022
<p>3301.13.6 Limitations on the designation of primary or alternate construction superintendents. An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be</p>	<p>3301.13.6 Limitations on the designation of primary or alternate construction superintendents. An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be</p>
<p><b>ANALYSIS</b></p> <p>Regardless of other limits, if the CS is designated for a major building job, the CS cannot be designated for any other job.</p>	
	<p>superintendent is designated as a primary construction superintendent is on a building that meets the definition of a major building, the individual may only be designated as the primary construction superintendent for that job and may not serve as the primary construction superintendent for any other job.</p>

# JOB NUMBER LIMITS FOR A CS

## CS under BC 2022

**3301.13.6 Limitations on the designation of primary or alternate construction superintendents.** An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.

### Exceptions:

2. Notwithstanding Exception 1, **beginning June 1, 2022**, no individual may be designated as the primary construction superintendent for **more than five jobs**.
3. Notwithstanding exception 1, **beginning January 1, 2024**, or a later date established by the department, provided that such date is not later than January 1, 2025, no individual may be designated as the primary construction superintendent for **more than three jobs**.
4. Notwithstanding exception 1, **beginning January 1, 2026**, or a later date established by the department, provided that such date is not later than January 1, 2027, no individual may be designated as the primary construction superintendent for **more than one job**.

# JOB NUMBER LIMITS FOR A CS

## CS under BC 2014

**3301.13.6 Limitations on the designation of primary or alternate construction superintendents.** An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.

## CS under BC 2022

**3301.13.6 Limitations on the designation of primary or alternate construction superintendents.** An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.

### Exceptions:

- 5. A construction superintendent designated as the primary construction superintendent at a job site may serve as a non-primary construction superintendent at another job site, provided there is no work requiring the presence of such individual occurring at the job site for which the individual has been designated as the primary construction superintendent.**

# JOB NUMBER LIMITS FOR A CS

CS under BC 2014	CS under BC 2022
<p>3301.13.6 Limitations on the designation of primary or alternate construction superintendents. An individual may only be designated as a primary or alternate construction superintendent for that number</p>	<p>3301.13.6 Limitations on the designation of primary or alternate construction superintendents. An individual may only be designated as a primary or alternate construction superintendent for that number</p>
<p><b>ANALYSIS</b></p> <ul style="list-style-type: none"><li>■ Provisions made for a CS who is sick or absent from that job.</li><li>■ Only when there is no work requiring presence of CS at their designated sites.</li></ul>	
	<p>5. A construction superintendent designated as the primary construction superintendent at a job site may serve as a non-primary construction superintendent at another job site, provided there is no work requiring the presence of such individual occurring at the job site for which the individual has been designated as the primary construction superintendent.</p>



# JOB NUMBER LIMITS FOR A CS

## CS under BC 2014

**3301.13.6 Limitations on the designation of primary or alternate construction superintendents.** An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.

## CS under BC 2022

**3301.13.6 Limitations on the designation of primary or alternate construction superintendents.** An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.

### Exceptions:

- 6. Subject to the approval of the commissioner, a construction superintendent may serve as the primary construction superintendent for multiple non-major building jobs located on the same lot or on contiguous lots.**

# JOB NUMBER LIMITS FOR A CS

CS under BC 2014	CS under BC 2022
<p>3301.13.6 Limitations on the designation of primary or alternate construction superintendents. An individual may only be designated as a primary or alternate construction superintendent for that number</p>	<p>3301.13.6 Limitations on the designation of primary or alternate construction superintendents. An individual may only be designated as a primary or alternate construction superintendent for that number</p>
<p><b>ANALYSIS</b></p> <ul style="list-style-type: none"><li>■ An exception is provided for non-major building jobs on the same lot or contiguous lots.</li><li>■ Subject to DOB approval, a CS can be designated for more than 5 jobs.</li></ul>	
	<p>6. Subject to the approval of the commissioner, a construction superintendent may serve as the primary construction superintendent for multiple non-major building jobs located on the same lot or on contiguous lots.</p>

# CS: COMPETENT PERSON

**3301.13.12 Competent person.** The construction superintendent must designate a competent person for each job site for which the construction superintendent is responsible and ensure such competent person is present at the designated job site at all times active work occurs **when the construction superintendent is not at the site**. The designation of a competent person does not alter or diminish any obligation imposed upon the construction superintendent. The competent person must carry out orders issued by the construction superintendent; be able to identify unsanitary, hazardous or dangerous conditions; take prompt corrective measures to eliminate such conditions; immediately report to the construction superintendent **incidents** at the job site or any damage to adjoining property caused by construction or demolition activity at the job site; and be able to effectively communicate workplace instructions and safety directions to all workers at the site.

# CS: COMPETENT PERSON

**3301.13.12 Competent person.** The construction superintendent must designate a competent person for each job site for which the construction

## ANALYSIS

- At present, the CS does not have to be at the site full time
  - For non-major building jobs, the CS has to visit each site they are responsible for each day while work is occurring
  - For major building jobs, the CS can only be designated for that job, but can leave the site as their duties dictate
- During times CS is not a site, a competent person can be designated in their stead

demonstration activity at the job site, and be able to effectively communicate workplace instructions and safety directions to all workers at the site.

# CS: COMPETENT PERSON



## Exception:

**Beginning January 1, 2026 or a later date established by the department, provided that such date is not later than January 1, 2027, where Section 3301.13.6 requires the construction superintendent to be dedicated to one job, the designation of a competent person is not authorized. In the event the primary construction superintendent cannot be present at the job site while active work is occurring, an alternate construction superintendent shall act on behalf of the primary construction superintendent in accordance with Section 3301.13.5.**

# CS: COMPETENT PERSON



**Exception:**

**Beginning January 1, 2026 or a later date established by the department provided**

## ANALYSIS

- The Competent Person allowance will sunset in 2026.
- When the Competent Person allowance sunsets, a CS will only be allowed to be designated to one site (this will be the case for both major and non-major buildings)
- When the Competent Person allowance sunsets, the CS must be at the site full-time while work is occurring. If the CS leaves while work is ongoing, another CS will have to sign in and serve in his/her place.

**construction superintendent in accordance with Section 3301.13.5.**

# **SITE SAFETY OVERSIGHT: 2022 CODE CHANGES**

*Duties of the Construction Superintendent (CS), Site Safety Manager (SSM) & Site Safety Coordinator (SSC) at Major Projects*



# DUTIES OF THE CS/SSM/SSC AT MAJOR BUILDINGS

- The 2022 Code makes no changes to the duties of a Construction Superintendent for a non-major building job.
- Given the 2022 Code will require both a CS and a SSM/SSC at a major building site, under the 2022 Code the duties of the CS and SSM/SSC are divvied up at sites where both are required
- The presence of a CS does not alleviate the responsibilities of an SSM/SSC, and vice versa,

# DUTIES OF THE CS/SSM/SSC AT MAJOR BUILDINGS

DUTY	CS	SSM/SSC
Maintain a safe site	✓	
Ensure compliance with approved docs	✓	
Maintain CS log	✓	
Perform site safety inspections		✓
Maintain site safety log		✓
Maintain permit log		✓
Notify DOB of conditions in BC 3310.8.2.1		✓
Notify DOB of incidents/damage to adjoining property		✓

# DUTIES OF THE CS AT MAJOR BUILDINGS

**3301.13.7 Duties of construction superintendents.** The duties of a construction superintendent shall include:

1. Acting in a reasonable and responsible manner to maintain a safe job site and ensure compliance with this chapter and any rules promulgated thereunder at each job site for which the construction superintendent is responsible;
2. To the extent that a registered design professional or special inspection agency is not responsible, the construction superintendent must ensure compliance with the approved documents at each job site for which the construction superintendent is responsible

# DUTIES OF THE CS AT MAJOR BUILDINGS

**3301.13.7 Duties of construction superintendents.** The duties of a construction superintendent shall include:

1. Acting in a reasonable and responsible manner to maintain a safe job

## **ANALYSIS**

The Construction Superintendent is the *captain of the ship*.

- The CS is responsible for maintaining a safe job site and ensuring compliance with BC 33 and its rules.
- The CS is responsible for ensuring compliance with approved documents.

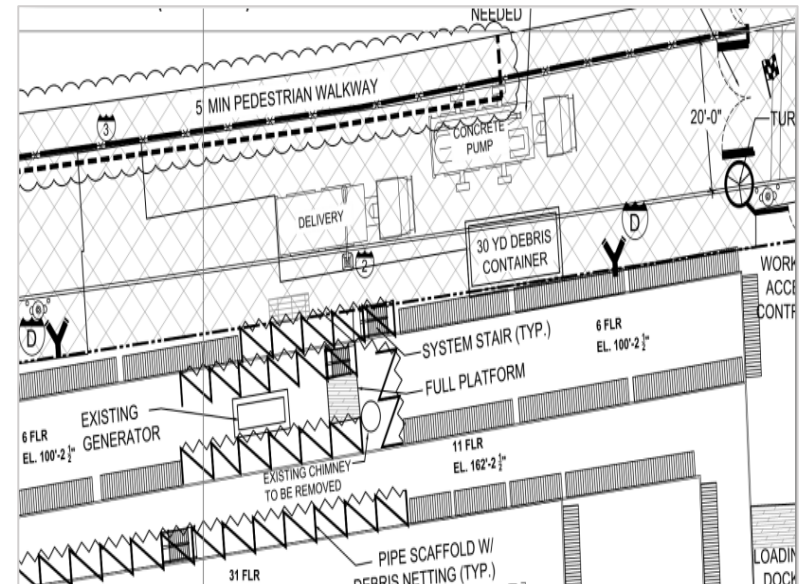
for which the construction superintendent is responsible

# DUTIES OF THE CS/SSM/SSC AT MAJOR BUILDINGS

## What is an approved document?

### Approved documents consist of:

- Construction documents
- Site safety plans
- Tenant or occupant protection plans
- Shop drawings and specifications
- Manufacturer instructions accepted by RDP
- Other documents that set forth the location and entire nature and extent of the work proposed



# DUTIES OF THE CS AT MAJOR BUILDINGS

**3301.13.9 Correcting unsafe conditions.** In the event the construction superintendent discovers work or conditions at a job site for which he or she is responsible that are not being conducted in accordance with sound construction/demolition practices, not in compliance with approved documents, or not in compliance with this chapter and any rules promulgated thereunder, the construction superintendent must take all appropriate action to correct the unsafe work or condition, including but not limited to immediately notifying the person or persons responsible for creating the unsafe work or condition, and ordering the person or persons to correct the unsafe work or condition, to cease operations, or to leave the job site. Where unsafe work or an unsafe condition relates to an item which a registered design professional or special inspection agency is responsible for implementing or verifying, the construction superintendent must also notify the responsible registered design professional or special inspection agency of the unsafe work or condition. All such unsafe conditions, work, notices, orders, and corrective action must be recorded in the log required by Section 3301.13.13.

# DUTIES OF THE CS AT MAJOR BUILDINGS

**3301.13.9 Correcting unsafe conditions.** In the event the construction superintendent discovers work or conditions at a job site for which he or she is responsible that are not being conducted in accordance with sound construction/demolition practices, not in compliance with approved documents, or not in compliance with this chapter and any rules

## ANALYSIS

- The construction superintendent has to take action when he/she discovers certain work or conditions at the job site.
- Discovering can be through personal observation.
- Discovering can also be through notification/chain of command.

For implementing or verifying, the construction superintendent must also notify the responsible registered design professional or special inspection agency of the unsafe work or condition. All such unsafe conditions, work, notices, orders, and corrective action must be recorded in the log required by Section 3301.13.13.



# DUTIES OF THE CS AT MAJOR BUILDINGS

**3301.13.9 Correcting unsafe conditions.** In the event the construction superintendent discovers work **or conditions** at a job site for which he or she is responsible that **are** not being conducted in accordance with sound construction/demolition practices, not in compliance with approved documents, or not in compliance with this **chapter** and any rules

## ANALYSIS

- The construction superintendent is empowered by law to notify & order person(s) performing unsafe work, or creating an unsafe condition, to correct such work/condition, to cease operations, and, if necessary, to leave the site.

which a registered design professional or special inspection agency is responsible for implementing or verifying, the construction superintendent must also notify the responsible registered design professional or special inspection agency of the unsafe **work or** condition. All such unsafe conditions, **work**, notices, orders, and corrective **action** must be recorded in the log required by Section 3301.13.13.

# DUTIES OF THE CS AT MAJOR BUILDINGS

**3301.13.9 Correcting unsafe conditions.** In the event the construction superintendent discovers work **or conditions** at a job site for which he or she is responsible that **are** not being conducted in accordance with sound construction/demolition practices, not in compliance with approved documents, or not in compliance with this **chapter** and any rules

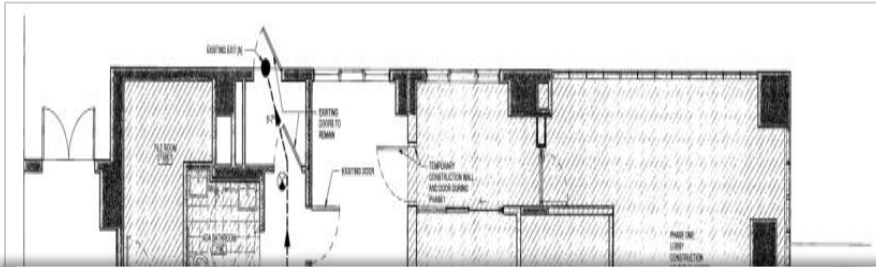
## ANALYSIS

- Certain unsafe work/conditions must be reported to the RDP or special inspection agency.
- All unsafe work/conditions discovered by the CS, plus notices, orders, and corrective actions taken, must be recorded in the CS log.

notify the responsible registered design professional or special inspection agency of the unsafe **work or condition**. All such unsafe conditions, **work**, notices, orders, and corrective **action** must be recorded in the log required by Section 3301.13.13.



# DUTIES OF THE SSM/SSC AT MAJOR BUILDINGS



**3310.8 Site safety manager's and coordinator's duties.** The site safety manager or coordinator shall **monitor** compliance with the **site safety plan, the tenant or**

## ANALYSIS

- Role of Site Safety Manager/Coordinator is to monitor.
- 2022 Code clarifies monitoring includes for compliance with BC 33 and the **1 RCNY 33xx series of rules.**
- 2022 Code clarifies monitoring includes for compliance with the site safety plan.
- 2022 Code adds requirement to monitor for compliance with the tenant or occupant protection plan.

# DUTIES OF THE SSM/SSC AT MAJOR BUILDINGS



## Specific duties of the SSC/SSM also include:

- Performing site safety inspections
- Maintaining the site safety log
- Maintaining the permit log
- Notifying personnel of violating conditions
- Reporting certain violating conditions to DOB



# DUTIES OF THE CS/SSM/SSC AT MAJOR BUILDINGS: WEEKLY SAFETY MEETING

- The 2014 Code requires the Site Safety Manager/Coordinator to conduct a weekly safety meeting at major building sites.
- For 2022 Code projects, the 2022 Code shifts this responsibility to the Construction Superintendent.
- For 2022 Code projects, the Site Safety Manager/Coordinator is to attend the meeting and remain a vital participant in the meeting.

# DUTIES OF THE SSM/SSC AT MAJOR BUILDINGS: NOTIFICATION OF VIOLATIONS

**3310.8.2 Notification of violations.** In the event the site safety manager or coordinator discovers a violation of this chapter or any rules promulgated thereunder, the site safety plan, or the tenant or occupant protection plan, he or she shall immediately notify the person or persons responsible for creating the violation, whether these persons are employed by the general contractor or by subcontractors. If the site safety manager or coordinator is unable to obtain the cooperation of these persons in correcting the violation, he or she shall immediately inform the direct supervisor of the person or company responsible for creating the violation and request that the supervisor order the necessary corrective action. If such supervisor is not present at the site or is otherwise unavailable, or if informing the direct supervisor does not result in the violation being corrected, the site safety manager or coordinator shall notify the construction superintendent, or if the job does not require a construction superintendent, any other supervisory personnel of the permit holder or any other responsible manager or officer of the permit holder. All such violations and corrective work shall be recorded in the daily log.



# DUTIES OF THE SSM/SSC AT MAJOR BUILDINGS: NOTIFICATION OF VIOLATIONS

**3310.8.2 Notification of violations.** In the event the site safety manager or coordinator discovers a violation of this chapter or any rules promulgated thereunder, the site safety plan, or the tenant or occupant protection plan, he or she shall immediately notify the person or persons responsible for creating the violation, whether these persons are employed by the general contractor or by subcontractors. If the site safety manager or coordinator is unable to obtain the cooperation of these

## ANALYSIS

- For 2022 Code projects, the Site Safety Manager/Coordinator is to notify personnel of violations of BC 33 and its rules, plus the site safety plan and the tenant or occupant protection plan
- For 2022 Code projects, the 2022 Code requires the SSM/SSC to notify the Construction Superintendent if the SSM/SSC is unable to get violating personnel to correct the condition

# DUTIES OF THE CS/SSM/SSC AT MAJOR BUILDINGS: DOB NOTIFICATION

- The SSM/SSC is required to immediately notify DOB of certain conditions (unsafe crane condition, problem with standpipe, etc)
- The 2022 Code adds a new provision:  
**3310.8.2.1.2 Notification of construction superintendent.** For a job that requires a construction superintendent, upon notification of the above conditions to the department, the site safety manager or coordinator shall notify the construction superintendent of the condition and that notification has been made to the department.

# DUTIES OF THE CS/SSM/SSC AT MAJOR BUILDINGS: DOB NOTIFICATION

- The SSM/SSC is required to immediately notify DOB of certain conditions (unsafe crane condition, problem with standpipe, etc)
- The 2022 Code adds a new provision:

**3310.8.2.1.2 Notification of construction superintendent. For a job**

## **ANALYSIS**

For 2022 Code projects that require a CS, the SSM/SSC must first report required conditions to DOB, and then notify the CS that they have made notification to DOB.



# **SITE SAFETY OVERSIGHT: 2022 CODE CHANGES**

## *Site Safety Inspections*

# SITE SAFETY INSPECTIONS

**TABLE 1**  
**General inspections**

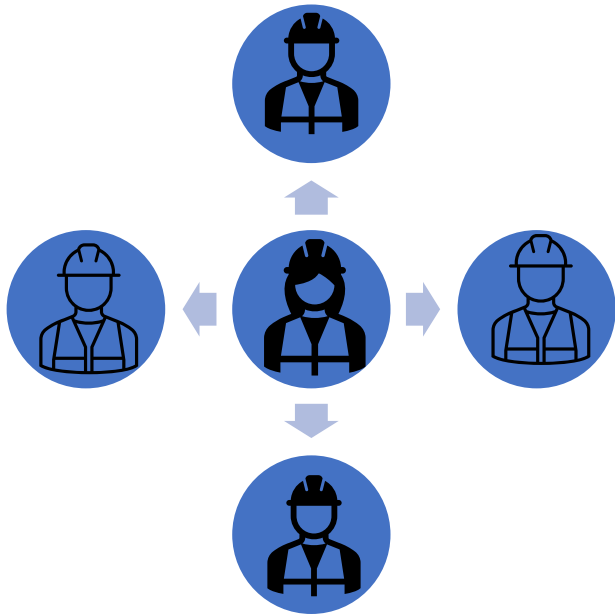
	<b>Requirement</b>	<b>Minimum schedule of inspections</b>
(1)	When a building is being constructed or demolished at a height greater than 75 feet (22.86 m), verify that at least one elevator or personal hoist in a state of readiness is available for FDNY access.	As appropriate
(2)	When a personnel hoist requires a jump, verify that all necessary permits are obtained and testing performed.	As appropriate
(3)	When a building is being constructed or demolished at a height greater than 75 feet (22.86 m), verify that a standpipe system is available and in readiness at all times for use by the Fire Department.	Daily
	(i) Verify the standpipe is in place at each story below the construction or demolition floor. For the purposes of this section, the construction floor shall be the stripping operation floor, except for steel construction, in which case it shall be the uppermost finished and walkable concrete floor; for demolition the demolition floor shall be the floor being demolished.	Daily
	(ii) Verify that valves are in place at each story below the construction or demolition floor.	Daily
	(iii) Verify that the standpipe is capped.	Daily
	(iv) Verify that standpipes are connected to a water source, as applicable and a siamese connection.	Daily
	(v) Verify that siamese hose connections are not obstructed.	Daily
	(vi) Verify siamese hose connections are marked by a red light and a sign reading, "Standpipe Siamese Connection."	Daily
	(vii) Verify that no breach exists by visually tracing standpipe risers, cross connections and siamese connections.	Weekly
(4)	If a construction shed is located within 30 feet (9.144 m) of the building, verify that it meets the requirements of section 3303.1.3 of the building code.	Once per shed
(5)	Verify that interior and exterior guardrails and toeboards are provided and properly installed as required by the building code.	Daily
(6)	Verify that all openings and/or holes in the floor are covered at	Daily

- Site Safety Inspections must be performed by a Site Safety Manager or Coordinator
- Site Safety Inspections cannot be independently conducted by an apprentice/trainee, competent person, etc.

# SITE SAFETY INSPECTIONS

- A primary SSM/SSC **must** be designated for a major building site safety project
  - Designation made in DOB NOW/PW2
- However, the Code does not expect that one person to be able to physically perform all required site safety inspections, especially in a larger building.

# SITE SAFETY INSPECTIONS: DELEGATING SITE SAFETY INSPECTIONS



**3310.8.3.2 Enumerated inspections.** The following inspections shall be performed by the site safety manager or coordinator, or by one or more individuals designated by the site safety manager or coordinator and certified as a site safety manager or coordinator in accordance with Chapter 4 of Title 28 of the *Administrative Code*...

**3310.8.3.3 Delegation.** Nothing in this code shall be read to prohibit the site safety manager from delegating enumerated inspections to an individual certified as a site safety coordinator at a site where a primary site safety manager is required...



# SITE SAFETY INSPECTIONS: DELEGATING SITE SAFETY INSPECTIONS



**3310.8.3.2 Enumerated inspections.** The following inspections shall be performed by the site safety manager or coordinator, or by

## ANALYSIS

- 2022 Code clarifies that a Site Safety Coordinator can **perform** site safety inspections at \*any\* major building, regardless of height or size.
- A Site Safety Coordinator can only be **designated** as the primary SSM/SSC if the building is less than 15 stories or 200 feet in height and has a building footprint of 100,000 square feet or less.
- However, while the designated Site Safety Manager retains ultimate responsibility at a project that is 15+ stories/200+ feet in height or 100,000+ square feet in footprint, the SSM can delegate some or all of the required site safety inspections to one or more SSMs or SSCs.

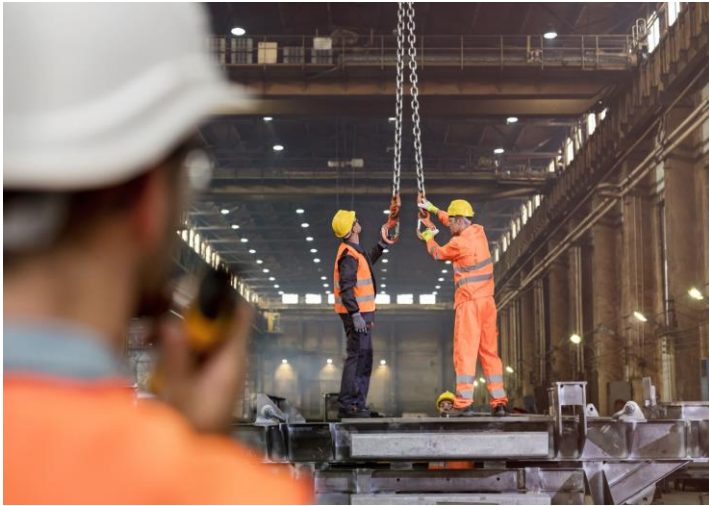
# SITE SAFETY INSPECTIONS: SPOT CHECKS

**3310.8.3.1 Spot checks.** The safety manager or coordinator shall personally perform spot checks of the site on a regular basis throughout the day for compliance with the site safety plan, the tenant or occupant protection plan, the requirements of this chapter, and any rules promulgated thereunder.

## ANALYSIS

- 2022 Code requires the SSM/SSC designated as the primary SSM/SSC to perform spot checks throughout the day.
- If the primary SSM/SSC is performing all the daily site safety inspections, the completion of the daily site safety inspections shall be taken as satisfying the requirement to perform spot checks, and no additional checks are required.
- However, if the primary SSM/SSC has delegated **some or all** of the site safety inspections to others, the primary SSM/SSC must perform separate spot checks.
- In other words, the primary SSM/SSC must still walk the site **throughout the day** – even if not to the level that would be required to complete all the mandated site safety inspections.

# SITE SAFETY INSPECTIONS: SPOT CHECKS



- 2022 Code does not provide specifics on what needs to be checked during a spot check
  - Leaves it up to discretion of primary SSM/SSC
- Among other things, spot checks can be used to:
  - Verify delegated inspections are being conducted
  - Keep tabs on areas where critical/complex operations are underway
  - Follow up on areas where violations/problems have occurred

# SITE SAFETY INSPECTIONS: SPOT CHECKS

If the designated primary SSM/SSC is out (sick, vacation, temporarily away from the site), the alternate SSM/SSC who fills in must take responsibility for performing the spot checks



# **SITE SAFETY OVERSIGHT: 2022 CODE CHANGES**

*Logs*

# LOGS

Both the **Construction Superintendent** and the **Site Safety Manager/Coordinator** must maintain separate logs

- Construction Superintendent Log (CS)
- Site Safety Log (SSM/SSC)
- Permit Log (SSM/SSC)



# LOGS: CS TO REVIEW & SIGN SITE SAFETY LOG

**3310.8.4.3 Review and signature by the construction superintendent.** Prior to the start of the subsequent work day, the previous day's entries in the site safety log shall be reviewed by the construction superintendent, and an entry shall be made in the site safety log, signed and dated by the construction superintendent, that he or she has reviewed all of the previous day's entries.



## ANALYSIS

- For major building jobs that require a CS, the 2022 Code will require the site safety log to be reviewed prior to the start of the subsequent work day by the CS.
- The CS must sign and date the site safety log to indicate they have reviewed all the previous day's entries.



# LOGS: SITE SAFETY LOG

**Site safety inspections and spot checks must be recorded in the site safety log**



- Need to be recorded in the log by the end of the day.
- Inspection entries should **CLEARLY** identify and show whom performed the inspection and when.
- Inspection entries need to be signed by the SSM/SSC who performed the inspection.
- The entirety of the log entries for the day need to be signed and dated by the designated primary SSM/SSC (or the alternate SSM/SSC filling in for that day).



# LOGS: TOP OFF DAY



## Recording “Building Top Off” Date in the Site Safety Log

**3310.8.4 Site safety log.** A site safety log shall be maintained and kept at the site. The log, or where there is more than one log, the logs in total, shall, at a minimum, contain the following information:

**12. Date when the building is topped off.**

## ANALYSIS

- The 2022 Code adds a new requirement for the date the building is topped off (structurally) to be recorded in the Site Safety Log.
- Separate provisions in the code require the hoist to be brought up to the top of the building within two weeks of topping off.
- This entry will serve as evidence for when that two-week clock began.

# **SITE SAFETY OVERSIGHT: 2022 CODE CHANGES**

*Release from Job*

# RELEASE FROM A SITE SAFETY JOB

- The SSM/SSC and the CS can be released from the job once it reaches a substantial level of completion
- The 2022 Code does not make any changes to the release of the SSM/SSC
- The 2022 Code will allow the CS to make the request to DOB to be released from the job once it is substantially complete
  - Presently, this request must come from an RDP
  - The 2022 Code is turning the CS from a **registration** into a **license**
  - CS who make a false or inaccurate request will be subject to discipline; including possible suspension or revocation of their license

# RELEASE FROM A SITE SAFETY JOB

- A job is substantially completed when
- All exterior work is completed, and structure is permanently enclosed, including windows.
- All exterior temporary construction equipment (scaffolding, cranes, hoisting equipment, sidewalk shed, etc.) has been removed from site.
- All roof/setback work is completed.
- All structural work is completed, including earthwork.
- All interior shafts (elevator, stair, utility, etc.) are permanently enclosed
- All required permanent egress is completed.



# **SITE SAFETY OVERSIGHT: 2022 CODE CHANGES**

## *Licensing Requirements*

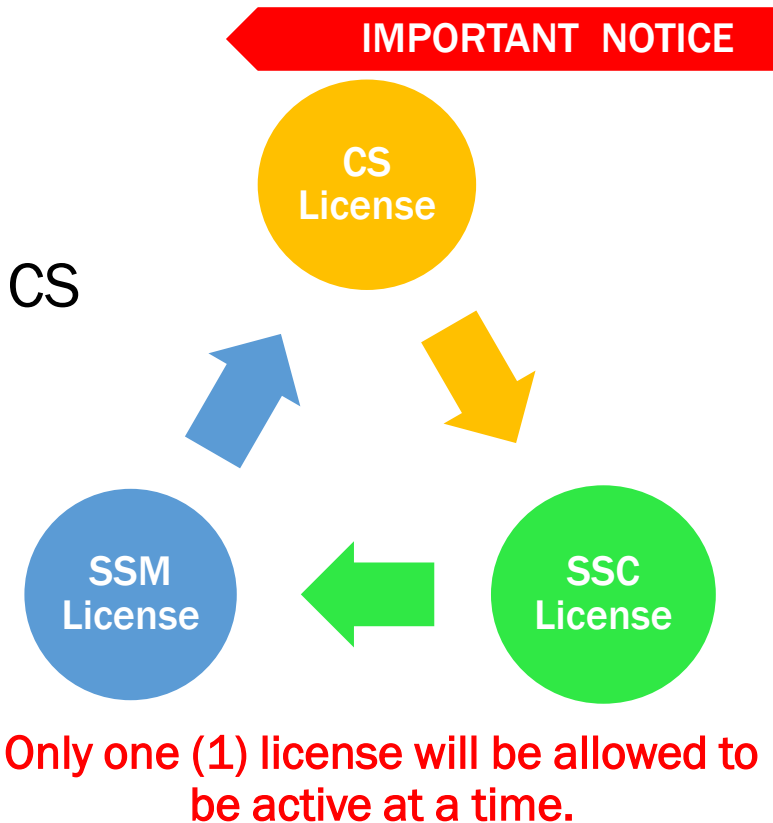
# LICENSING REQUIREMENTS: SSM/SSC LICENSING PATHWAYS

	SSM	SSC
PE/RA	3 years on major buildings	2 years on major buildings
Certified Safety Professional	3 years on major buildings	2 years on major buildings
SSC	3 years on major buildings	N/A
Concrete Safety Manager	4 years on major buildings	3 years on major buildings
Construction Health and Safety Technician	4 years on major buildings	3 years on major buildings
Construction/Demolition Supervisory Experience	5 years as a supervisor on major buildings	4 years as a supervisor on major buildings
Code Enforcement Official	8 years, 4 years in inspection of major buildings under construction	5 years, 2.5 years in inspection of major buildings under construction
18-month On-the-Job Training Program	18 months on major buildings	N/A
NYS Apprenticeship program for Site Safety Manager	Successful completion	N/A

**NOTE: New pathways in the 2022 Code are in red**

# LICENSING REQUIREMENTS: CS LICENSING PATHWAYS

- DOB is perusing rulemaking to allow an SSM/SSC to hold a dual license as a CS
- A window will be provided this summer and early autumn for SSM/SSCs to apply to become a CS
  - More information will be provided to industry in the summer
- Window will close November 6



# LICENSING REQUIREMENTS: CS LICENSING PATHWAYS

- Under the 2022 Code (November 7 and beyond), applicants for a Construction Superintendent license will have to possess either:
  - At least three (3) years of experience, within the five (5) years prior to application, serving as a full-time project supervisor with on-site responsibility over the construction or demolition of buildings in the city of New York; or
  - At least five (5) years of experience, within the eight (8) years prior to application, serving as a full-time project supervisor with on-site responsibility over the construction or demolition of buildings in the United States.







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