

TITLE 8. INDUSTRIAL RELATIONS
DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS
CHAPTER 3.2. CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH
REGULATIONS (CAL/OSHA)
SUBCHAPTER 2. REGULATIONS OF THE DIVISION OF OCCUPATIONAL
SAFETY AND HEALTH
ARTICLE 2. PERMITS – EXCAVATIONS, TRENCHES, CONSTRUCTION
AND DEMOLITION AND THE UNDERGROUND USE OF DIESEL
ENGINES IN WORK IN MINES AND TUNNELS

~~Section 341. Permit Requirements.~~

~~(a) Employments which by their Nature Involve Substantial Risk of Injury: The Division shall require any employer who provides employment or a place of employment which by its nature involves a substantial risk of injury to obtain a permit prior to the initiation of any work, practice, method, operation or process of employment. Such employment or places of employment shall be limited to:~~

~~(1) Construction of trenches or excavations which are 5 feet or deeper and into which a person is required to descend.~~

~~(2) The construction of any building, structure, scaffolding or falsework more than three stories high or the equivalent height.~~

~~(3) The demolition of any building, structure, or the dismantling of scaffolding or falsework more than three stories high or the equivalent height.~~

~~(4) The underground use of diesel engines in work in mines and tunnels.
NOTE: For the purpose of this section, a story shall be deemed to be 12 feet in height. For the purpose of subsection (a)(2), a tower crane erected on a construction project is considered a structure.~~

~~(b) Exceptions to Permit Requirements: The provisions of Section 341 shall not apply to the following:~~

~~(1) Governmental Bodies State of California, county, city and county, city or district.~~

~~(2) Any public utility subject to the jurisdiction of the Public Utilities Commission.~~

~~(3) Construction of trenches or excavations for the purpose of performing emergency repair work to underground facilities.~~

~~(4) Construction or final use of excavations or trenches where the construction or final use does not require a person to descend into the excavation or trench.~~

~~(5) Construction of graves as defined in Section 7014 of the Health and Safety Code.~~

~~(6) Construction of swimming pools.~~

~~NOTE: Authority and reference cited: Section 60.5, 6308, 6500 and 6501, Labor Code. Reference: Sections 6500, 6501 and 6508, Labor Code.~~

§ 341 Permit Requirements.

(a) Scope and Application.

(1) This article specifies:

(A) Work activities that require permits prior to the start of any work;

(B) What permit holders must do to comply with permit requirements;

(C) What types of permits can be obtained; and

(D) How to apply for a permit.

(2) The purpose of a permit is to provide notice to the Division that an employer will undertake permit-required activity and to allow the Division an effective means of ensuring that the proposed permit-required activity will be performed safely.

(3) There are two types of permits: Project Permits and Annual Permits. Both types are defined below in subsection (b) and explained in subsections (c), (d), and (e).

(4) The Permit application process is explained in section 341.1.

(b) Definitions. The following definitions apply to this article:

(1) “Annual permit” means a permit issued pursuant to section 341.1(a)(2) that allows a qualifying employer to conduct specified permit-required activity at any jobsite for a period of one year.

(2) “Climbing a fixed tower crane” means altering the height of the revolving section of the crane by adding or removing tower sections with the use of a climbing frame.

(3) “Conduct permit-required activity” means either:

(A) Engage in permit-required activity by having employees who actually perform the activity; or

(B) Act in the role of a project administrator at a site where permit-required activity is taking place, regardless of whether this role involves having employees who actually perform the activity.

NOTE: See definition of “permit required activity” below.

(4) “Emergency repair work to underground facilities” means the unscheduled repair or replacement of pipes or other underground structures for the purposes of protecting life or property.

(5) “Height” when used to describe a structure means the distance from the top of the structure, including any parapet walls, mechanical rooms or other penthouse structures, to the lowest point of the surrounding grade or ground level below. Mechanical screens, antennas, chimneys, flag poles, and similar attachments are not to be considered in determining the height of a structure.

(6) “Hold a project permit” or “Hold an annual permit” means to have a valid applicable permit which was obtained prior to the start of work. In the case of underground use of a diesel engine in a mine or tunnel the permit shall be obtained prior to placing the engine in the mine or tunnel.

(7) “Permit-required activity” means activity for which a permit is required by this Article.

Note: See section 341(d) below for a description of these activities.

(8) "Project Administrator" means a person or entity that has overall onsite responsibility for the planning, quality, management, or completion of a project involving the erection or demolition of a structure. Examples of Project Administrators include, without limitation, general contractors, prime contractors, owner/builders, joint ventures, and construction managers.

(9) "Project permit" means a permit issued pursuant to section 341.1(a)(1) that authorizes an employer to conduct permit-required activity at the specific location(s) named in the permit.

(10) "Structure" means any creation by human activity of a piece of work, formation, or series of parts joined together, including but not necessarily limited to the following:

Billboards.

Bridges.

Buildings.

Chimneys.

Dams.

Elevated highways.

Falsework.

Outdoor signs.

Powerhouses.

Scaffolding.

Silos.

Smokestacks.

Tanks or tank towers.

Transmission or communications towers.

(c) Basic permit requirement.

(1) Project Permits.

(A) Work on a project subject to Project Permit requirements shall not begin until a Project Permit has been issued for the project.

(B) Only one Project Permit is required per project as long as the Project Permit holder continues to act in the role of Project Administrator, even though the project may have more than one employer fitting the description of a Project Administrator. If the holder of the current Project Permit no longer continues to act in the role of Project Administrator, that Project Permit is no longer valid, and no project work shall continue until a new Project Permit has been issued.

NOTE: See Sections 341.1(f) and 341.1(g) of this article for additional details regarding the scope of coverage of a Project Permit.

(2) Annual Permits.

(A) Any employer other than a Project Permit holder who conducts permit-required activity shall hold a current Annual Permit before engaging in the activity.

(B) An employer who conducts activity subject to Annual Permit requirements shall obtain an Annual Permit once per year and shall notify the Division each time the permit holder begins permit-required activity at a new site.

(d) Work Activities Subject to Permit Requirements and the Types of Permits Required to Conduct the Activities.

(1) To erect, raise or lower, or dismantle a fixed tower crane, the fixed tower crane erector, climber, or dismantler shall hold a Project Permit.

NOTE No. 1: See Section 341.1 of this article for additional details on Project Permit requirements for fixed tower cranes.

NOTE No. 2: See Sections 344.70 et seq. of Title 8 of the California Code of Regulations for additional requirements applicable to permits to operate a fixed tower crane.

(2) To engage in the underground use of a diesel engine in any mine or tunnel, each employer or entity who is to operate the diesel engine shall hold a Project Permit. The permit shall be obtained prior to placing the engine in the mine or tunnel.

(3) To conduct the demolition or dismantling of any building or structure more than 36 feet in height, the Project Administrator shall hold a Project Permit and all other employers directly engaging in demolition or dismantling activity shall hold an Annual Permit.

(4) To conduct any of the following activities on a structure or structure component intended to be more than 36 feet high when completed, the Project Administrator shall hold a Project Permit and all other employers directly engaging in these activities shall hold an Annual Permit:

(A) Erection and placement of structural steel or erection and placement of structural members made of materials other than steel.

NOTE: No permit is required for work limited to the erection or placement of reinforcing bars used in reinforced concrete construction.

(B) Installation of metal decking or decking made of substitute materials.

(C) Installation of curtain walls, precast panels, or fascia.

(D) Forming or placement of concrete structures or concrete decks on steel structures.

(E) Installation of structural framing, including roof framing, or the installation of panelized roof systems.

NOTE: No permit is required for work limited to the installation of interior partitions.

(5) To conduct the following activities, the employer shall hold an Annual or a Project Permit, and may apply for either:

(A) Construction of trenches or excavations 5 feet or deeper into which any person is required to descend.

NOTE: For purposes of this subsection, "descend" means to enter any part of the trench or excavation once the excavation has attained a depth of 5 feet or more.

(B) Erection and placement of scaffolding, vertical shoring, or falsework intended to be more than 36 feet high when completed.

(e) Exceptions to Permit Requirements. The provisions of this section shall not apply to the following:

(1) Governmental Bodies – United States of America, its officers or agencies, State of California, county, city and county, city, or district.

(2) Any public utility subject to the jurisdiction of the Public Utilities Commission.

(3) Construction of trenches or excavations for the purpose of performing emergency repair work to underground facilities.

(4) Construction or final use of excavations or trenches where the construction or final use does not require a person to descend into the excavation or trench.

(5) Excavation for the construction of graves as defined in Section 7014 of the Health and Safety Code.

(6) Excavation for the construction of swimming pools.

NOTE: The construction of motion picture, television, or theater stages and sets does not require a permit unless the conditions specified in Section 6500(b) of the California Labor Code have occurred. For purposes of this requirement, stages and sets include, without limitation, scenery, props, backdrops, flats, greenbeds, and grids.

NOTE: Authority and reference cited: Sections 60.5, 6308, and 6501, Labor Code.

Reference: Sections 6500, 6501, and 6508, Labor Code.

Section 341.1. Issuance of Permits.

~~(a) Application for Permit.~~

~~Any employer, including any employer engaged in the erection, climbing or dismantling of a fixed tower crane, subject to section 341 of this article shall apply and obtain a permit, by filing a Permit Application Form with any Division's district or field offices. Permit application forms are available at all division offices. The addresses and telephone numbers of all district and field offices of the division are listed on the CAL/OSHA Notice. Blank application forms may be obtained by writing to or calling any division district or field office.~~

~~The permit application form shall contain such information as the Division may deem necessary to evaluate the safety of the proposed employments or places of employment.~~

~~(b) Certification of Compliance with the Permit Application Form.~~

~~A permit may be issued to any such employer following the filing of a completed Permit Application Form and complete compliance with all the requisites therein, and payment of the permit fee as provided in section 341.3 of this article.~~

~~Provisions of the permit application form shall require certification by the employer that he has knowledge of the applicable occupational safety and health standards, and that he will comply with such standards and any other lawful orders of the division. The permit application form also shall contain an assertion by the employer that the conditions, practices, means, methods, operations or processes used or proposed to be used will provide a safe and healthful place of employment.~~

~~(1) Special provisions—Underground use of diesel engines in mines and tunnels. The permit application for the underground use of diesel engines in work in mines and tunnels, in addition to the information set forth in this section shall provide the following;~~

~~(A) Complete details and specification of each diesel engine and exhaust purifying device.~~

~~(B) Location of mine and details of operation as to how diesel equipment is supposed to be used.~~

~~(C) Length, cross section, and layout of the underground haulage ways.~~

~~(D) Maximum number and brake horsepower of diesels to be operated in any aircourse.~~

~~(E) Ventilation plans including direction of airflow, fan capacity, duct sizes, and auxiliary ventilation.~~

~~(F) Date when proposed diesel use is to begin and dates and locations where a representative of the Division may make tests of the diesel's exhaust gases.~~

~~(2) Special Provisions—Erection, Climbing and Dismantling of Fixed Tower Crane.~~

~~In the case of a fixed tower crane, the employer must, in addition to the other information required by this article, provide a statement that a Division-licensed tower crane certifier or surveyor, or safety representative for the distributor or manufacturer of the fixed tower crane will be present during erection, climbing and dismantling operations to assure that such processes and operations are performed in accordance with manufacturer recommendations and applicable standards or orders.~~

~~Note: See sections 344.70 et seq. of title 8 of the California Code of Regulations for additional requirements applicable to permits to operate a fixed tower crane.~~

~~(3) The holder of a permit for the erection of a fixed tower crane issued pursuant to this article shall notify the Division of the following dates and times:~~

~~(A) Initial erection at the site;~~

~~(B) Completion of erection and commencement of operation;~~

~~(C) Climbing of the tower crane; and,~~

~~(D) Dismantling of the tower crane.~~

~~Note: The notification must be received by the Division at least 24 hours prior to the activity which is the subject of the notification and may be in writing or by telephone followed by written notification. The notification shall be made to the District Office of the Division from which the permit was obtained and must include the date and time of the intended activity.~~

~~(e) Prior to the issuance of the permit, the Division may conduct any investigation and/or hearing it deems necessary for the purpose of this article, and may require a safety conference to discuss the employer's safety program and such means, methods, devices, processes, practices, conditions or operations as the employer intends to use in providing safe employment and a safe place of employment.~~

~~The safety conference shall be held at the district or field office or at a designated place convenient for the attending parties, and shall be open to representatives of the owner, contracting agencies, the contractor, the employer, the employees and employee representatives. The employer shall notify all such attending parties of the safety conference a reasonable time prior to the holding of the safety conference. Proof of such notification shall be made at the safety conference.~~

Following the conclusion of the safety conference the district or field office shall notify the employer of its decision as soon as practicable.

(d) Only one permit shall be required for the following work activities to be performed by the same employer:

(1) Two or more projects where similar conditions exist on each project.

(2) Any project involving several trenches or excavations at different locations.

(3) Any project of construction of a building, structure, falsework and/or erection of scaffolding.

(4) Any project of demolition of a building, structure, or dismantling of scaffolding or falsework.

(5) For all or any combination of subsections (d)(1), (2), (3) and (4).

An employer who has obtained a single permit pursuant to this article shall notify the District Office nearest the proposed work project prior to the commencement of any work activity. The notification shall be made by telegram, letter, or a telephone call, to be confirmed by a telegram or letter, indicating the location of the project and the date and time the work activity is to commence.

(e) Only one permit shall be issued for the erection of the tower structure of a fixed tower crane and shall be valid only for the erection, climbing and dismantling of the tower structure. If a fixed tower crane is relocated to a new position on the same project a new permit to erect is required.

(f) Annual Permits.

(1) Annual permits may be obtained by an employer for the following work activities subject to section 341 of this article, even though the work may be performed at different locations:

(A) Erection and dismantling of scaffolds, falsework, or vertical shoring systems;

(B) Construction of excavations or trenches; or

(C) Construction or demolition of motion picture, television, or theater stages or sets, and, as determined by the Division, any related structure whose construction or demolition can be adequately monitored through issuance of an annual permit.

(2) Only one permit shall be required covering a calendar year or part thereof. Such annual permits shall be issued on condition that the work is performed by the same employer.

(3) For those activities listed in subsections (f)(1)(A) and (f)(1)(B), annual permits shall be issued subject to the additional conditions that there is notice to the Division prior to the commencement of each work, and that the employer shall notify the District Office nearest the proposed work project prior to the commencement of any work activity. The notification shall be made by telegram, letter, or a telephone call, to be confirmed by a telegram or letter, indicating the location of the project and the date and time the work activity is to commence.

(4) For those activities listed in subsection (f)(1)(C), notice to the Division prior to the commencement of each work activity shall not be required, and annual permits may be renewed by mail.

NOTE: Authority cited: Sections 60.5, 6308, 6501, 6502 and 6503, Labor Code. Reference: Sections 6500, 6501, 6502, 6503, 7373 and 7382, Labor Code.

Section 341.1. Issuance of Permits.

(a) Where to Submit Permit Applications.

(1) Project Permits. A Project Permit application shall be submitted to the Division district office that has jurisdiction over the site of the project to be covered by the Project Permit.

(2) Annual Permits. An Annual Permit application shall be submitted to the Division district office where the employer's California headquarters is located. If the employer has no California headquarters, the application shall be submitted to the Division's headquarters.

NOTE: Project and Annual Permit application forms are available at all Division offices. Generally, the addresses and telephone numbers of Division district offices may be found on the Cal/OSHA Notice poster required pursuant to Section 340 of Title 8 of the California Code of Regulations.

(3) Permits for Use of Diesel Engines in Mines and Tunnels. Permit applications for the use of diesel engines in mines and tunnels shall be submitted to the nearest office of the Division's Mining and Tunneling Unit.

NOTE: Permit application forms for the underground use of diesel engines are available at all offices of the Division's Mining and Tunneling Unit.

(b) General Requirements for Permit Applications.

(1) All Permit applications shall include the following:

(A) The applicant's business name, business address, telephone number, fax number, and if applicable, and the applicant's email address.

(B) The name of the applicant's representative; and that representative's contact telephone number(s).

(C) A valid and applicable license number issued by the California Contractors State License Board, if applicable.

(D) An attached copy of a current policy, binder or other proof of workers' compensation insurance, if applicable.

(E) An attached check or money order for the permit fee as provided in section 341.3 of this article.

(F) A certification from the applicant's representative that he or she has knowledge of the applicable occupational safety and health standards and will comply with such standards and any other lawful orders of the Division.

(G) A description of the conditions, practices, means, methods, operations or processes used or proposed to be used by the applicant to provide a safe and healthful place of employment.

NOTE: No cash or credit card payments will be accepted by the Division.

(2) In addition, an application for a project permit shall include the following information:

(A) A jobsite telephone number.

(B) The specific jobsite location(s), including street address(es) or cross streets.

(C) The anticipated start date and date of completion.

(D) The activity to be covered by the permit and a description of the activity in sufficient detail to allow and effective evaluation of the safety of the proposed project.

(c) Additional application Requirements for Permits for Underground Use of Diesel Engines in Mines and Tunnels and Permits for Fixed Tower Cranes.

(1) Permits for Underground Use of Diesel Engines in Mines and Tunnels. A permit application for the underground use of diesel engines in mines and tunnels, in addition to the information set forth in this section, shall provide the following:

(A) Complete details and specifications of each diesel engine and exhaust purifying device.

(B) Location of the mine or tunnel and details of how the diesel equipment is to be used.

(C) Length, cross-section, and layout of the underground haulage ways.

(D) Maximum number and brake horsepower of diesels to be operated in any aircourse.

(E) Ventilation plans, including direction of airflow, fan capacity, duct sizes, and auxiliary ventilation.

(F) Date when proposed diesel use is to begin and dates and locations where a representative of the Division may conduct tests of the diesel exhaust gases and mechanical conditions affecting exhaust gas emission.

(2) Permits for Erecting, Climbing, and Dismantling of Fixed Tower Cranes.

Each applicant for a permit to erect, climb, or dismantle a fixed tower crane, shall, in addition to providing the information required by this article, certify that:

(A) A Division-licensed tower crane certifier or surveyor or safety representative for the distributor or manufacturer of the fixed tower crane will be present during erection, climbing, and dismantling operations to assure that such processes and operations are performed in accordance with manufacturer recommendations and applicable standards or orders; and

NOTE: See Sections 344.70 et seq. of Title 8 of the California Code of Regulations for additional requirements applicable to permits to operate a fixed tower crane.

(B) The applicant will notify the Division of the following dates and times:

(i) Initial erection at the site;

(ii) Completion of erection and commencement of operation;

(iii) Climbing of the tower crane; and;

(iv) Dismantling of the tower crane.

NOTE: The notification must be received by the Division at least 24 hours prior to the activity which is the subject of the notification and may be in writing or by telephone followed by written notification. The notification shall be made to the district office of the Division from which the permit was obtained and must include the date and time of the intended activity.

(d) Safety Conference for Project Permits and Annual Permits.

(1) Prior to the issuance of a permit, the Division may conduct any investigation and/ or hearing it deems necessary for the purpose of this article, and may require a safety conference to discuss the permit applicant's safety program and the means, methods, devices, processes, practices, conditions or operations the permit applicant intends to use to provide employment and a place of employment that are safe and healthful.

(2) When scheduling a safety conference, the Division shall make a reasonable effort to accommodate the scheduling needs of the applicant, shall furnish the applicant with a recommended checklist of information and documentation to bring to the safety conference, and shall clearly inform the applicant which parties are required to attend.

(3) The safety conference shall be held at a district office or at a designated place convenient for the attending parties, and shall be open to the permit applicant, representatives of the owner, contracting agencies, and the applicant's employees and their representatives. The permit applicant shall notify all attending parties of the safety conference a reasonable time prior to the holding of the safety conference. Proof of such notification shall be made at the safety conference

(e) General Requirements Applicable to Issuance of All Permits.

(1) A permit may be issued to an applicant following the filing of a completed Permit Application form, compliance with all the requisites therein, payment of the permit fee as provided in Section 341.3 of this article, and a determination by the Division that all qualifications for receipt of a permit have been met by the applicant.

(2) Each permit issued by the Division shall include the following information:

(A) The person or entity to whom the permit has been issued.

(B) The permit number.

(C) The type of permit issued.

(D) The date through which the permit will remain valid.

(E) The fee amount collected; the check or money order number; and the name of the person collecting the fee.

(F) The name of the person who investigated the permit application and held the permit conference, and the name of the person approving the issuance of the permit.

(G) The specific activities and/or projects covered by the permit.

(f) Issuance of Project Permits for All Projects Other Than Erection of Tower Cranes. The permit applicant shall be required to obtain only one Project Permit for the following work activities:

(1) The construction or demolition of a building or structure over 36 feet high, and the associated excavation of trenches and excavations at the same site.

(2) Any project of construction of a building, structure, vertical shoring, or falsework and/or erection of scaffolding at the same site.

(3) Any project of demolition of a building, structure, or dismantling of scaffolding, vertical shoring or falsework at the same site.

(4) For all or any combination of activities listed in subsection (e)(1), (2), and (3) above at the same jobsite.

(5) Two or more projects when the work is part of the same contract but is located in different Division districts, and the work to be performed is the installation or erection of essentially identical structures.

(A) Such essentially identical structures may include structures such as silos, outdoor signs, tanks or tank towers, and transmission or communication towers.

(B) Such essentially identical structures shall not include bridges, dams, elevated highways, buildings, or tower cranes.

(C) The Project Permit for work on such essentially identical structures shall be issued by the Division district office where the first project scheduled to be commenced is located.

(D) For each subsequent project covered by the Project Permit, the permit holder shall notify the Division district office that has jurisdiction over the site of the project at least 24 hours prior to the activity which is the subject of the notification. Notification shall be given by mail, personal delivery, fax transmission or electronic mail, and shall provide the location of the project and the date and time the work activity is to commence.

(g) Issuance of Project Permits for Fixed Tower Cranes.

Only one permit is required to erect, alter the height of, and dismantle a single fixed tower crane, provided all of this work is done by the same entity. If another entity engages in any of these activities, that entity shall also obtain a Project Permit. If a fixed tower crane is relocated to a new position on the same project a new Project Permit is required.

(h) Issuance of Annual Permits.

(1) An Annual Permit may be issued upon the applicant's demonstration that it has an adequate safety program that has been developed for the work activity to be covered by the permit, subject to the conditions specified below and any additional conditions specified by the Division. Except as provided in the Note below, the permit shall expire one year later at the close of business on the day prior to the anniversary date of issuance. The permit shall display the expiration date.

NOTE: During the first year following the effective date of this article, the Division may issue Annual Permits for longer than one year in order to stagger the expiration dates.

(2) Annual Permits shall be issued subject to all of the following conditions:

(A) The work shall be performed by the entity named in the permit.

(B) The permit holder shall notify the Division district office that has jurisdiction over the site of the project at least 24 hours prior to the activity which is the subject of the notification. Notification shall be given by mail, personal delivery, fax transmission or electronic mail, and shall provide the location of the project and the date and time the work activity is to commence.

(3) Annual Permits may be renewed by mail.

NOTE: Authority and reference cited: Sections 60.5, 6308, 6501, 6502 and 6503, Labor Code. Reference: Sections 6500, 6501, 6502, 6503, 7373 and 7382, Labor Code.

