Chapter 35

CONSTRUCTION ACTIVITY PERMITS AND INSPECTION OF PERMITTED ACTIVITIES

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Chapter 35

CONSTRUCTION ACTIVITY PERMITS AND INSPECTION OF PERMITTED ACTIVITIES

Policy Statement: It is the policy of the Division of Occupational Safety and Health (DOSH), also known as Cal/OSHA or the Division, to assure that specified construction activities proceed safely. The issuance of construction permits and the inspection of permitted activities provides the Division with an opportunity to ensure that permit holders understand all applicable Title 8 regulations, including any special requirements which the Division determines are necessary; and enforce applicable Title 8 regulations in a proactive manner, before there are complaints or serious injuries that might otherwise trigger an inspection. The issuance of construction permits, and the notification of local District Offices, also allows the Division to identify the location of construction activities, which are most likely to pose a risk of employee injury, and may require inspection.

Authority: DOSH will administer this policy in compliance with all applicable laws, rules, and guidance:

- California Labor Code, Sections 6500 through 6510, 6705, and 7331. Authority is also found in California Health and Safety Code Section 7014, California Government Code Section 4216, and in Health and Safety Code Section 17922.5. Under this section, local agencies, which are responsible for issuing building permits, may require building permit applicants to submit proof showing that they have obtained a permit from the Division when one is required by Labor Code Section 6500 et seq.

NOTE: For information on permit inspections, the refusal of entry onto permitted projects, or refusal of access to permitted activities, see P&P C-1. For information on permits for the use of diesel engines underground, see Chapter 34.

PROCEDURES:

I. LEGISLATIVE AUTHORITY AND CORE POLICY.

1. The Division shall devote enough personnel and other resources to ensure that permit conferences are scheduled, information evaluated,

and permits issued in a timely and professional manner. The Regional Senior Safety Engineer or other designated Senior Safety Engineer shall be made available when questions or disputes arise, and non-typical permit requests result in technical questions that cannot be evaluated at the level of the District Office.

2. Compliance with permit requirements of any kind increases when 1) permit requirements are viewed as clear and predictable, and 2) the process of obtaining permits is viewed as orderly and relatively uniform from office to office. Therefore, the Division shall develop methods to monitor the process to ensure that permits issuance procedures are administered uniformly in all District Offices.
3. See Chapter 36 for information pertaining to tower crane erection and operation permits, Chapter 34 for information pertaining to underground diesel permits, Chapter 39 for information pertaining to bungee jumping permits, and Chapter 33 for information pertaining to excavations related to mining and tunneling activities.

II. CONSTRUCTION ACTIVITIES FOR WHICH THE DIVISION WILL REQUIRE PROJECT AND ANNUAL PERMITS.

1. The Division will require a permit for the construction of trenches or excavations which are five (5) feet or deeper and into which a person is required to descend. For permit purposes, “descend” means to enter any part of the trench or excavation once the excavation has attained a depth of 5 feet or more.
2. The Division will require a permit for any of the following activities when conducted as part of the construction of a structure intended to be more than 36 feet in height, when completed:
    a. Erection and placement of structural steel or erection and placement of structural members made of substitute materials (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. This category includes tilt-up buildings where the panels are over 36ft. in height when raised.
    e. Installation of structural framing, including roof framing, or the installation of panelized roof systems (large sections of a roof structure lifted into place with sheathing attached). No permit is required for work limited to the installation of interior partitions (interior non-bearing walls) or for the application of roofing materials.

3. The Division will require a permit for any of the following activities when conducted as part of major structural alterations to older structures more than 36 feet in height; or on older structures or additions to older structures which will be more than 36 feet in height when alterations are complete:
    a. Erection and placement of structural steel or metal decking when floors are added or replaced.
    b. Installation of curtain walls, precast panels, or fascia (but not individual window units, or isolated decorative panels).
    c. Forming or placement of concrete structures, when
        1. Floors are added or replaced, or
        2. Reinforced concrete shear walls are added to the exterior of a structure.
    d. Installation of structural framing, including structural roof framing when floors are added or replaced.
4. The Division will require a permit for the construction of any scaffolding or falsework more than 36 feet in height. Contractors who perform their work by using scaffolding which has been constructed by another contractor are not required to obtain a permit for the construction of scaffolding.
5. The Division will require a permit for the demolition of any building, structure, or dismantling of scaffolding or falsework more than 36 feet in height. For permit purposes, “demolition” means removal of floors or other major structural elements.
6. The Division will require a permit for the erection or dismantling of vertical shoring systems more than 36 feet in height.

III. CONSTRUCTION ACTIVITIES FOR WHICH PROJECT OR ANNUAL PERMITS ARE NOT REQUIRED.

1. A permit is not required where the permit applicant is a government entity, e.g., a U. S. government agency, State of California agency, county, city and county, city or district. For permit purposes, “district” means a special district such as a water district, library district, transit district, or mosquito abatement district.
2. A permit is not required where the permit applicant is a public utility subject to the jurisdiction of the Public Utilities Commission (PUC).
3. A permit is not required for the construction of trenches or excavations when performing emergency repair work to underground facilities. The determination of what constitutes "emergency repair work" shall be

made by the Regional Senior Safety Engineer or designated Senior Safety Engineer.

4. A permit is not required for the construction or final use of trenches or excavations where the construction or final use does not require a person to descend into the trench or excavation. For permit purposes, “descend into the trench or excavation” means to enter any part of the trench or excavation once the excavation has attained a depth of 5 feet or more.
5. A permit is not required for the construction of graves as defined in Health and Safety Code §7014, including installation below-ground crypts on poured foundations. When mausoleums are constructed, the Division will require a permit if their construction meets any of the conditions outlined in Section II above.
6. A permit is not required for excavation associated with the construction of swimming pools (construction of the pool basin and adjacent trenches for piping, conduits, etc.).

   NOTE: The exception from permit requirements for pool construction does not eliminate the requirements for daily inspections by a competent person, shoring or sloping systems, etc.
7. A permit is not required for the construction or demolition of motion picture, television,or theater stages or sets, including, but not limited to, scenery props, backdrops, flats, greenbeds and grids, except under the conditions named in Labor Code Section 6500(b).
8. A permit is not required for the construction of horizontal construction of structures that will be more than 36 feet in height when completed, such as communication towers built on their sides. For such structures, installation with a crane, including climbing the structure to release hoisting lines or chokers, does not require a permit. However, if there are other activities necessary for installation that require climbing the structure after it is lifted into place, such as connecting, bolting, welding or wiring; or if the structure is more than 36 feet in height when laying horizontally, then a permit is required.
9. An individual or entity may be required by a local building department to furnish proof that a Cal/OSHA permit is not required for the planned project, e.g., because planned excavations are less than five feet in depth, or because planned shafts or other excavations for footings or foundations do not require entry at any time during construction. When planned construction activities are exempt from Cal/OSHA permit requirements, the Regional Manager or their designated representative, Regional Senior Safety Engineer, or other designated Senior Safety Engineer shall provide a letter to the building permit applicant indicating that the particular construction activity is exempt from Title 8 construction activity permit requirements.
10. An architect or property owner may be asked by a local building department

to provide a Cal/OSHA permit during plan review before they have selected a Project Administrator, and months- or sometimes years- before the start of any permit-related activities at the jobsite. If the permit applicant will later act as the Project Administrator at the jobsite, they should be issued a Project Permit as per the requirements of Section IV below, with the condition printed on the permit that they provide additional information (listed on the permit) prior to the start of any permit-required work at the jobsite.

11. However, during plan review with a local building department, the property owner may be represented by an architect or other representative, who generally do not exercise the kind of overall jobsite control given to the Project Administrator. Unless they will later act as the Project Administrator at the jobsite, the architect or other representative may be issued a Temporary Permit as per the requirements of Section V below.

IV. PROJECT PERMITS.

A. Which District Office shall issue a Project Permit?

1. Project Permits shall only be issued by the District Office in the district where the project will take place.
2. Permits for the use of diesel engines underground in mines and tunnels shall only be issued by offices of the Division's Mining and Tunneling Unit.
3. The Regional Manager may designate District Offices other than those named above to issue permits, as long as it is on an-ongoing basis (rather than a case-by-case basis). Examples of reasons the Division may designate one office to issue permits for another district include staffing differences, or the temporary unavailability of an office because of an office move, remodeling work, etc. To issue a Project Permit outside the District where the project will take place, on a case-by-case basis, shall require the approval of the Deputy Chief.
4. Project Permits shall not be issued by another District Office (other than the District where the project will take place) on a case-by-case basis, without the approval of the Regional Manager and the Deputy Chief.

B. Project Permit Application Forms.

1. The Permit Application Form must be entirely filled out prior to the permit safety conference for any Project Permit. Digital copies of the Project Permit Application Form are available on the Division's internet web page and at all the Division's District Offices.
2. Section 341.1(b)(1)(F) requires that the permit applicant certify that they have knowledge of applicable safety and health standards and will comply with those standards. The permit applicant may make this certification before or after the permit safety conference, as long as the certification is

made prior to permit issuance.

3. Section 341.1(b)(1)(G) requires that the permit applicant list the means, methods, operations or processes they intend to use to provide a safe and healthful place of employment. The permit applicant may list these items before or after the permit safety conference, as long as they are listed prior to permit issuance.
4. Section 341.1(b)(2)(A) requires a jobsite telephone number. If there is no established jobsite office telephone number, this may include as an alternative the mobile telephone number for the Project Administrator or other designated jobsite contact person.
5. Section 341.1(b)(2)(B) requires a specific jobsite location, including street address(es) or cross streets. Where no street addresses or cross streets are available, the nearest cross streets or other driving directions may be provided as an alternative.
6. Section 341.1(b)(2)(C) requires an anticipated start date and date of completion for Project Permits. These dates are meant to be approximate dates or estimated dates, and do not create any limitation to the Project Permit, which is valid from the time it is issued for the life of the project, as long as the Project Permit holder named on the permit continues to act in the role of Project Administrator.

C. Project Permit- Permit Safety Conference and Processing Time.

1. When a permit applicant requests a permit conference by telephone, the Division's representative taking the call shall offer an appointment for the permit conference that falls within the next 7 working days. The Division's representative making the appointment shall ascertain what kind of permit the applicant is seeking to obtain, anddiscuss the items necessary to bring to the permit conference in order to obtain such a permit. The Division's representative shall use the *Permit Health & Safety Conference Checklist* this purpose. If not trained to discuss permits, the Division's representative making the appointment shall get the name and contact telephone number for the permit applicant, and the District Office shall ensure that a trained representative return the call from the permit applicant the same day or following working day.
2. At the time of a telephone request for a permit conference, the Division's representative shall inform the permit applicant how to obtain a *Permit Application Form* on the Division's website. If the permit applicant does not have access to the internet, the District Office shall mail or otherwise make available the same
package of permit requirement information.
3. When a permit applicant requests a permit conference in a walk-in visit to the District Office, the Division should try to accommodate them if there are trained personnel available to hold the permit safety conference. If not, the Division's representative shall offer an appointment within 7 working days.

The representative making the appointment shall get the name and contact telephone number for the permit applicant,and ensure that a trained representative returns the call the same day or next working day. In that telephone call, the Division's representative shall ascertain what kind of permit the applicant is seeking to obtain, and discuss the items necessary to bring to the permit conference in order to obtain such a permit. The Division's representative may use the *Permit Health & Safety Conference Checklist* for this purpose.

4. The *Permit Conference Activity Form* shall be utilized to document the specific items discussed in the permit conference. At the conclusion of the conference, the Permit Conference Activity Form shall be attached to the *Permit Application Form* and retained in the permit file.
5. If the permit is not issued immediately following the permit conference, the District Office shall do all of the following:
    a. Give the permit applicant a written list of items needed to complete evaluation of the permit application.
    b. Attach a copy of this same written list to the permit file.
    c. Direct the permit applicant to address all questions, submit all requested documents, and make all requests for additional conferences to the same Division representative that held the initial permit conference.
    d. Provide the name and telephone number of the Division's representative who held the initial permit conference to the permit applicant.

       EXCEPTION: If the Division's representative will not be availablebecause of appeals hearings, scheduled vacation, etc., another representative shall be named.
6. When a second permit conference is requested by the permit applicant, the DistrictOffice shall offer an appointment for the second permit conference that falls within the next 7 working days.
7. Upon receiving all documentation requested by the Division, the District Office should try to issue the permit immediately, but shall in all cases issue the permit within 5 working days.
8. The person representing the Project Administrator at the permit conference must be knowledgeable about, and in a position of authority and responsibility with respect to the project.
9. The permit conference may also include any other parties involved with the project whose presence is necessary for a proper evaluation of the project, e.g., representatives of the owner or contracting agency, specialty contractors invited by the permit applicant, or interested employees or their representatives. These parties may attend the permit conference at the invitation of the permit applicant, or at their own request.

10. When a project involves unusual means and methods of construction, unusual site conditions, or unusual architectural features, the Division may request other persons or parties to attend a permit conference. In such a case, the Division shall inform in writing both the permit applicant, and the persons or parties asked to attend, of the request and the reason for the request. A copy of this letter shall be attached to the permit file.

11. The District shall discuss potential safety and health risks of the project or permitted activity, and the permit applicant shall identify the specific measures planned to minimize these risks to employees. The permit applicant shall provide enough detail about the construction activity to allow the District to make a reliable determination that the activity will proceed
safely. The Division's representative shall inform the permit applicant of any applicable Title 8 Safety Orders. The Division's representative shall use the *Project Activity Form* and *Permit Health & Safety Conference Checklist* to ensure uniformity in topics discussed.

    NOTE: For a permit covering trenches or excavations, the Division's representative shall use the Checklist for requirements for Trench andExcavation Permits (Attachment E- Cal/OSHA 41-5).

12. At the permit conference, the permit applicant shall be informed that the permitted activity is subject to inspection by the Division at any time during the performance ofthe permitted activity.

13. After the application process and the gathering of relevant information has been completed, a Project Permit shall be denied if the permit applicant has failed to comply with the provisions of the *Permit Application Form*; or failed to produce information at the permit conference which is essential to the Division's determination of whether a Project Permit should be issued.

14. If the District Manager, Regional Senior Safety Engineer or other designated Senior Safety Engineer determines that a Project Permit should be denied, then approval to deny the permit shall be obtained from the Deputy Chief for Field Operations, through the Regional Manager.

15. If the denial is approved by the Deputy Chief, the District Manager, Regional Senior Safety Engineer or other designated Senior Safety Engineer shall follow the denial hearing procedures outlined in subsection I. below.

D. Who is the Project Administrator for Purposes of Issuing a Project Permit.

1. The District Office shall evaluate whether the permit applicant for a Project Permit has overall responsibility for the project, as defined in subsection 341(b)(8), and shall not issue a Project Permit to a specialty contractor or other party who is not a legitimate Project Administrator on

the jobsite.

2. The District Office may issue a Project Permit to any person or entity that has overall onsite responsibility as defined in subsection 341(b)(8), and shall not attempt to determine which of several persons or entities has the “most” overall onsite responsibility for the project. Subsection 341(b)(8) defines the Project Administratoras “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”. That definition then gives five examples of kind of persons or entities that could legitimately act as Project Administrator (general contractors, prime contractors, owner/builders, joint ventures, and construction managers). The personor entity having “overall onsite responsibility” might legitimately be one of several such persons or entities on the jobsite, who may legitimately delegate one person or entity to act in the role of Project Administrator, and obtain a Project Permit from the Division. This is reflected in subsection 341(c)(1)(B), which requires only one Project Permit be issued for a particular jobsite “even though the project may have more than one employer fitting the description of Project Administrator”.

E. More Than One Permit-Required Activity at the Same Jobsite.

1. When a Project Administrator performs any permit-required activities with their own employees, the Project Permit shall cover all these activities, and separate Project Permits shall not be required. For example, if the Project Permit performs excavation work, scaffolding, and demolition work at the same jobsite, all these activities are covered by a single Project Permit.
2. Other employers performing permit-required work at the jobsite are required to hold Annual Permits as described in Section V below.

F. A Single Project with Permit-Required Activity at Different Jobsites.

1. A Project Permit may be issued to a Project Administrator for any one, or a combination of one or more, of the activities listed above at different jobsites in the same Division district or different Division districts, under the following conditions:
    a. The work is part of the same contract with the owner of the building, structure or property owner.
    b. The work to be performed is the installation or erection of essentially identical structures. Such identical structures may include structures such assilos, outdoor signs, tanks and tank towers, and transmission or communication towers. Such identical structures shall not include bridges, dams, elevated highways, buildings (including tilt-up buildings) or tower cranes.

c. The Permit Applicant must demonstrate in writing that the projects to be covered are actually going to be undertaken by showing project plans.

d. The non-issuing District(s) in which the activity/activities will be performed is/are furnished a copy of the *Permit Application Form* and *Project Permit Form* for all activities to be performed within their District(s) prior to the commencement of the activity/activities.

2. When permit-required activities at different jobsites is not part of the same contract, for essentially identical structures, the Project Administrator shall obtain separate Project Permits for each jobsite, with each Project Permit issued by the District Office where the permitted activity is to be performed (see subsection e. below).

G. Structures 60 feet or More in Height.

1. In addition to the stairways required by Section 1629, Construction Safety Orders (CSO) Section 1630 requires a construction personnel hoist (CPH) during construction of every structure intended to be more than 60 feet in height when completed. CSO Section 1735 requires a CPH during demolition of every multi-storybuilding 72 feet or more in height.

2. When a project requires a CPH, this requirement shall be included as a written condition on the permit.

3. For purposes of the requirements in Section 1630, the height of a structure shall be measured from the ground level at the primary construction entrance to the building or structure. Local depressions such as sumps, elevator pits and truck docks in the vicinity of the main construction entrance shall not be considered in determining ground level.

4. For purposes of the requirements in Section 1630, the highest structural level of a structure shall include features such as parapet walls, mechanical rooms, stair towers and elevator penthouse structures. The highest structural level shall not include attachments such as antennas, smokestacks, flag poles and mechanical screens. The purpose of this height measurement is to determine if a particular structure is in the class of buildings captured by the requirements in Section 1630, and is not determined by employee entry or exposure at any given height.

5. For purposes of the requirements in Section 1630, the highest structural level of a structure is the highest structural level when the structure is completed. The District Office shall not issue Project Permits for structures that include structural levels, as described above which have been omitted until a later time to avoid the requirementsof Section 1630.

6. The CPH must be installed and operating when there is a structural level

36 feet above ground level on which to install a CPH landing (48 feet for demolition projects on multi-story buildings). The landings must be installed every 36 feet and at the uppermost floor. A roof is considered the uppermost floor when there will be penthouses on that floor when completed (stair penthouses, elevator penthouses, mechanical penthouses, occupied penthouses).

7. Scaffolding, falsework and vertical shoring are exempted from the requirements of Section 1630, and are named unusual site conditions or structural configurations. For purposes of Section 1630, “unusual site conditions or structure configurations” mean work locations where the installation of a CPH is not feasible.
8. Structures that are considered unusual site conditions or structural configurations, and are excepted from the requirements of Section 1630, includes bridges, steel tanks under construction, dams, water towers, antennas, cooling towers, refinery towers, stacks and tower cranes. If District Office personnel have questions whether a particular structure fits the definition of an unusual site condition or structure configuration, the Regional Senior Safety Engineer or other designated Senior Safety Engineer shall make the determination.
9. When the permit applicant can establish that a permit-required structure has unusual site conditions or an unusual structural configuration, and that installation of a CPH is not feasible, the permit applicant must submit the proposal for an alternative means of access in writing for consideration by Division staff. This written proposal shall be reviewed by the Regional Senior Safety Engineer and DOSH Headquarters staff.

H. Conditional Permits for Project Administrators (for erecting structures over 36 feet only).

When a Project Permit is required for a structure subject to permit requirements, and the permit applicant cannot produce necessary information because it is not yet available for practical reasons, a note following Section 341.1(e)(1) allows the District Office to issuea Project Permit with conditions that the permit applicant agrees to provide listed information later. Such permits shall be issued using the following guidelines and procedures:

1. The issuance of Project Permits without all required information is limited to Project Permits for the erection of structures over 36 feet in height. Project Permits for other permit-required activities shall not be issued without all information necessary for a complete evaluation of the safety of the project.
2. The missing information shall be listed directly on the Project Permit, along with dates or phases of construction by which time the permit applicant agrees to providethe information to the District Office.
3. Examples of information that might legitimately not be available at

the time of permit issuance include:

a. The identity of subcontractors performing permit-required activities.

b. The street address for the jobsite where permit-required activities shall take place, where a valid address has not yet been assigned by the U. S. Postal Service (cross-streets or other locators may be used until a street address becomes available).

c. Erection guides for trusses or beams longer than 25 feet, required by Section 1709(d), which may not be available until trusses or beams are fabricated and delivered to the jobsite.

d. Lifting and erection plans for tilt-up panel erection (paper doll plans), required by Section 1715(d)(2) to be prepared before panels are lifted, which may not be available when the floor slab or casting slab is poured.

e. Other safety information about permit-required activities that will be carried out during later phases of the project.

4. Examples of information that shall be provided to the District Office prior to permit issuance, and shall not be permitted to be provided at a later date by the permit applicant:

    a. Necessary elements of a complete, written Injury and Illness Prevention Program (IIPP) required by Section 1509(a).

    b. Necessary elements of a written Code of Safe Practices that relates specifically to the permit applicant's operations, required by Section 1509(b).

    c. Necessary safety information about immediate permit-required activities that will be carried out immediately.

5. The District Office shall keep copies of Project Permits with listed conditions in a tickler file and shall monitor this file on a regular basis, noting the dates agreed upon by the permit applicant for providing required information. As promised informationis provided by Project Permit holders, and is evaluated by District Office personnel to be complete, the Project Permit copies may be removed from the tickler file. When listed information is not provided by the date assigned, the District Manager may assign personnel to contact the Project Permit holder by telephone; or may assign the jobsite for inspection.

6. The District Office shall not issue Project Permits with listed conditions to architects,or other representatives of the Property Owner, who are not the Project Administrators for the jobsite. Instead, the District Office shall issue Temporary Permits in such cases, following the procedures of Section V below.

I. Project Permit Denial Hearing Procedures

1. After the application process and the gathering of relevant information has been completed, a Project Permit shall be denied if the permit applicant has failed to comply with the provisions of the *Permit Application Form*; or failed to produce information at the Safety Permit Conference which is essential to the Division's determination of whether a Project Permit should be issued.
2. If the District Manager, Regional Senior Safety Engineer or other designated Senior Safety Engineer determines that a Project Permit should be denied, then approval to deny the permit shall be obtained from the Deputy Chief for Field Operations, through the Regional Manager.
3. If the denial is approved by the Deputy Chief, the District Manager shall immediately notify the permit applicant in writing, specifying the reasons for the denial and including information about the permit applicant's right to a hearing by the Director, and shall send a copy of the denial to the Deputy Chief who shall notify the Director.
4. If the applicant notifies the District that the permit applicant wants a hearing, then theDistrict shall notify the Deputy Chief, through the Regional Manager. The Deputy Chief shall notify the Director of the permit applicant's hearing request. The Director shall hold a hearing at a place designated by the Director within two working days of notice of the applicant's appeal.
5. The District shall provide written notice to the applicant of the date, time, and placeof the hearing at least 24 hours in advance.
6. Upon receipt of the hearing notice, the applicant shall notify all affected employees,or their representatives, of the information contained in the hearing notice, and shall provide proof of this notification at the hearing.
7. A hearing officer designated by the Director shall preside at the hearing and shall electronically record the entire hearing. The applicant has the burden during the hearing of establishing that it qualifies for a Project Permit.
8. The Director shall make a decision whether the denial of a Project Permit should be upheld based upon evidence presented at the hearing. The hearing officer shall informthe permit applicant of the decision as soon as possible after the conclusion of the hearing, but in no case more than 24 hours after the hearing.

V. TEMPORARY PERMITS IN PLACE OF PROJECT PERMITS.

1. Temporary permits for plan check purposes only

   An owner/builder or architect may be required to obtain a building permit from a city or county building department, before a Project Administrator has

been selected to performthe planned construction activities, and months or sometimes years before the start of permit-required work at the jobsite. Several building departments require permit applicants to submit proof showing that they have received a "permit" from the Division,before the building department will issue a building permit. However, the Division has no authority to issue a Project Permit to an architect, or other property owner's representative, who will not later act as the Project Administrator at the jobsite.

2. Issuance

    a. When an owner/builder or architect applies for Project Permit from the Division to satisfy the requirements of obtaining a building permit from a county or other local agency before a contractor is selected, a Temporary Permit shall be issued tothe architect or other representative of the property owner, for the purpose of obtaining a building permit, provided that the architect or other representative of the property owner is not the Project Administrator for the jobsite.

    b. However, before the Division issues a Temporary Permit to an architect or other representative of the property owner, the property owner shall provide the District with a letter stating that the property owner shall ensure that before the start of any permit-related activities, a Project Administrator shall be selected, and that Project Administrator shall take out a Project Permit.

3. Expiration

    A Temporary Permit automatically expires when permit-required activities begin at the jobsite.

VI. ANNUAL PERMITS.

A. Which District Office shall issue an Annual Permit?

1. Annual Permits shall only be issued by the District in which the applicant's California headquarters is located. If the applicant has no California headquarters, the permit shall be issued by the District in which the initial permit-required work in California will take place.
2. The Regional Manager may designate another District Office to issue Annual Permits, as long as it is on an-ongoing basis (rather than a case-by-case basis). Examples of reasons the Regional Manager may designate one office to issue permits for another district include staffing availability, or the temporary unavailability of an office because of anoffice move, remodeling work, etc.
3. Annual Permits shall not be issued by another District Office (other than the District in which the applicant's California headquarters is located) on a

case-by-case basis, without the approval of the Regional Manager and the Deputy Chief.

B. Annual permit application forms

1. The *Permit Application Form* must be entirely filled out prior to the initial permit safety conference for any Annual Permit. Digital copies of the Project Permit Application Form are available on the Division's internet web page and at all the Division's District Offices.
2. Section 341.1(b)(1)(C) requires a valid and applicable license number issued by the California Contractors License Board (CSLB), if applicable. Some permit applicants requesting a Project Permit may not be contractors required to hold a CSLB license (e.g., owner-builders, etc.) and license numbers should not be required on these Permit Application Forms.
3. Section 341.1(b)(1)(D) requires a copy of a current workers' compensation insurance policy, binder or other proof of insurance.
4. Section 341.1(b)(1)(F) requires that the permit applicant certify that they have knowledge of applicable safety and health standards and will comply with those standards. The permit applicant may make this certification before or after the permit safety conference, as long as the certification is made prior to permit issuance.
5. Section 341.1(b)(1)(G) requires that the permit applicant list the means, methods, operations or processes they intend to use to provide a safe and healthful place of employment. The permit applicant may list these items before or after the permit safety conference, as long as they are listed prior to permit issuance.

C. Permit Conferences for Annual Permits

1. A permit conference shall be held following the initial request for an Annual Permit, and may be held before an Annual Permit is renewed as a result of new regulations or as determined by the District in consultation with DOSH Headquarters staff.
2. The applicant must have an adequate Injury and Illness Prevention Program (IIPP) 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.
3. The applicant must have a written Code of Safe Practices which relates to the employer's operations, and includes work rules specific to the work activity covered by the permit.
4. The District shall discuss potential safety and health risks of the project or permitted activity, and the permit applicant shall identify the specific measures planned to minimize these risks to employees. The permit applicant shall provide enough detail about the construction activity to allow the District to make a reliable determination that the activity will proceed safely. The District shall inform the permit applicant of any

applicable Title 8 Safety Orders. The District shall use the *Permit Health & Safety Conference Checklist* to ensure uniformity in topics discussed.

NOTE: For a permit covering trenches or excavations, the Division shall use the Checklist of Requirements for Project and Annual Permits for Excavation (Attachment E - Cal/OSHA 41-5).

5. If the permit is not issued immediately following the permit conference, the District Office shall do all of the following:
    a. Give the permit applicant a written list of items needed to complete evaluation of the permit application.
    b. Attach a copy of this same written list to the permit file.
    c. Direct the permit applicant to address all questions, submit all requested documents, and make all requests for additional conferences to the same Division representative that held the initial permit conference.
    d. Provide the name and telephone number of the Division's representative who held the initial permit conference to the permit applicant.

       EXCEPTION: If the Division's representative will not be available because of appeals hearings, scheduled vacation, etc., another representative shall be named.
6. Before issuance of an Annual Permit, the District shall determine if a permit applicant has a satisfactory statewide citation history. A satisfactory statewide citation history for purposes of obtaining an Annual Permit means no more than one serious citation relatedto the permitted activity per four permitted projects during the previous 12 months, and no willful, repeat or failure-to-abate violations during that same period. The permit applicant's citation history shall be established by using an OIS list provided by the Permit Unit at Division Headquarters.
7. If the citation history appears to be unsatisfactory, the District Office shall provide a copyof the citation history to the permit applicant. If the permit applicant believes the citation history is inaccurate, the issuing District Office may contact the District Office where the citations were issued, to obtain a record of any updates to the citation history that are not reflected on the OIS list.
8. If the citation history is determined to be unsatisfactory, the District Office shall issue an Annual Permit that includes conditions for separate permit safety conferences for each permitted activity. Such permit safety conferences shall be held at each District Office where permitted activity takes place. Such conditions shall be clearly named as conditions in the Annual Permit.

D. Notification of District Offices of Permitted Activities

1. Prior to the commencement of the permit-required activity, each Annual Permit Holder shall complete the *Activity Notification for Holders of Annual Permits* and shall transmit it by mail or fax to the District that has jurisdiction over the jobsite.
2. Upon request, the District Office shall provide Annual Permit Holders with an electronic mail (e-mail) address to which Activity Notifications may be sent. The e-mail address may be the address of the District Manager or designee.
3. When an Annual Permit Holder acts as Project Administrator and obtains a Project Permit, separate notification for purposes of fulfilling the notification requirement for Annual Permits is not necessary.
4. The District Office receiving the Activity Notification is not required to perform any additional evaluation of the permit holder's Injury and Illness Prevention Program (IIPP) in conjunction with the evaluation of other jobsite information contained in the notification. However, acceptance by the District of the contractor's IIPP for notification purposes does not preclude evaluation by the District of the contractor's IIPP for effectiveness in the course of conducting a subsequent field inspection of the permitted activity.
5. Annual Permit Holders may also be required to furnish local building departments with proof that they have notified the nearest District of the specific worksite or activity. When requested, the District Office shall provide proof of notification by stamping or signing the Activity Notification Form for Holders of Annual Permits. A copy of the form shall be placed in the Permit Applicant's file.

E. Renewal of Annual Permits.

1. During the first year following the effective date of this section (October 29, 2006), the Division will issue Annual Permits with a random expiration date to even the work load of the Permit Unit in renewing permits. When entered by District Office staff into the Filemaker Pro permit data base, the permit will automatically display a random expiration date, longer than one year but shorter than two years.
2. After the first year following the effective date of this section, the permit shall expire on the anniversary of the initial renewal date. When entered by District Office staff into theFilemaker Pro permit database, the permit will automatically display this same expiration date each year.
3. Annual Permit Holders can renew an Annual Permit by mail through the Permit Unit at Division Headquarters. In order to be issued an Annual Permit by mail, the Annual Permit Renewal Applicant shall have a satisfactory regional citation history.

4. The Permit Unit at Division Headquarters will send an Annual Permit Renewal packet to each Annual Permit Holder at least two months prior to the renewal date. If an Annual Permit Holder does not receive a renewal packet in a timely fashion, the Annual Permit Holder should contact the Permit Unit at Division Headquarters to obtain a Renewal packet.
5. Annual Permit Holders may also renew their Annual Permits at the District Office where the Annual Permit was originally issued.

VII. SUSPENSION OR REVOCATION HEARING PROCEDURES FOR PROJECT PERMITS.

1. A hearing shall be held to determine whether a Permit should be revoked or suspended. Written notice shall be provided by the District Manager to the permit holder of the date, time, and place of the hearing at least 24 hours in advance. The hearing notice must specify the reasons for the contemplated Project Permit revocation or suspension action so that the permit holder is adequately able to prepare for the hearing.
2. Upon receipt of the hearing notice, the permit holder shall notify all affected employees or their representatives of the information contained in the hearing notice and shall provide proof of this notification at the hearing.
3. The Regional Manager, Regional Senior Safety Engineer, or designated Senior Safety Engineer shall serve as the hearing officer, preside at the hearing, and electronically record of the entire hearing.
4. The District Manager, or their designee, shall present the Division's case at the hearing; unless the Legal Unit determines that a staff attorney shall present the Division's case.
5. The hearing officer shall make a determination whether the Project Permit should be revoked or suspended based on the evidence presented at the hearing. If the hearing officer decides not to revoke or suspend the Project Permit, then the hearing officer shall inform the permit holder of the decision as soon as possible after the conclusion of the hearing, but in no case more than 24 hours after the hearing.
6. If the hearing officer concludes that the Project Permit should be revoked or suspended, then the hearing officer shall forward that recommendation as soon as possible to the Deputy Chief of Field Enforcement for review and a final decision.
7. The Deputy Chief of Field Enforcement shall render a final decision as soon as possible but in no case more than 24 hours after receipt of the hearing officer's recommendation. The Deputy Chief may consult with the Chief or staff attorneys as appropriate prior to reaching a decision. Upon reaching a final decision, the Deputy Chief shall notify in writing the

hearing officer, the Permit Holder, and parties who attended the hearing, of the Division's final decision.

8. When notifying the permit holder of the decision, the Deputy Chief shall also inform the permit holder of the right to request an appeal of the Division's decision to the Director ofthe Department of Industrial Relations. If the permit holder requests an appeal of a revocation or suspension decision, the filing of an appeal shall not stay the revocation or suspension. However, the permit holder whose Project Permit has been revoked has the right to apply through the Division for an order from the Director staying the revocation while the appeal is pending.

VIII. OFFICE PROCEDURES FOR PROJECT PERMITS AND ANNUAL PERMITS.

1. Office Support Staff shall create the Project Permit or Annual Permit in the FilemakerPro system provided by the Permit Unit at Division Headquarters. The permit shall include all required information, and any permit conditions, according to instructions from compliance personnel who conducted the permit conference.
2. Permit fees are assessed at the following rates: $100.00 per Annual Permit; and $50.00 per Project Permit or Temporary Permit. No cash shall be accepted by the District Office for permit fees. All checks or money orders shall be made payable to the State of California, for the amount of the permit fee. No fees shall be assessed by the Division for the writing of any other permit-related letters required by Chapter 35.
3. Office Support Staff shall return the permit to compliance personnel for review, signature and date of signature.
4. The permit shall be reviewed, signed and dated by the District Manager.
5. Once the Permit fee is collected from the Permit Applicant, and the permit is signed by compliance personnel and the District Manager, the Permit shall be issued to the Applicant.
6. All checks and money orders shall be attached to a copy of the permit and sent to DIR Accounting.
7. Each District shall maintain a file of Annual or Project Permits for each calendar year, including the Activity Notification Form for Holders of Annual Permits.
8. A separate file shall be kept of copies of Project Permits that contain time-sensitive conditions. The file shall be reviewed monthly by Office Support Staff, and copies of permits with time-sensitive dates that have lapsed shall be given to the District Manageror other designated compliance personnel for follow-up by telephone or assignment for inspection.