Department of Industrial Relations
DIVIVSION OF OCCUPATIONAL SAFETY AND HEALTH

To: State and Local Agencies Responsible For Issuance of Building Permits

It has come to our attention that agencies issuing permits for certain construction activities are sometimes failing to REQUIRE the applicants to first obtain a permit from the Division of Occupational Safety and Health (DOSH).

Building and construction contractors are REQUIRED to obtain a permit from DOSH prior to commencing certain types of hazardous activities. These activities include:

- Construction of trenches or excavations which are five feet or deeper and into which a person is required to descend.
- The construction or demolition of any building, structure, falsework, or scaffolding more then three stories high or the equivalent height.
- The underground use of diesel engines in work in mines and tunnels

Under section 17922.5 of the Health and Safety Code, state and local agencies which issue building permits MUST REQUIRE the applicant to submit proof that a permit for the above activities has been obtained from DOSH. The section reads as follows:

§ 17922.5. Application For and Issuance of building permit: prerequisites

Any state or local agency which issues building permits shall require as a condition of issuing any building permit where the working conditions of the construction would require an employer to obtain a permit from the Division of Occupational Safety and Health pursuant to Chapter 6 (commencing with section 6500) of Part 1 of Division 5 of the Labor Code that proof be submitted showing that the employer has received such a permit from the Division of Occupational Safety and Health.

An employer may apply for a building permit prior to receiving the permit from the Division of Occupational Safety and Health.

Strict adherence to this statute by all parties is essential in protecting the safety of California workers. Your cooperation in advising applicants of this permit responsibility and when appropriate, referring them to the nearest DOSH district office to obtain the required permit, would be greatly appreciated.