



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2020 - 01
Date: May 18, 2020

Subject: Construction Site Return-to-Work Protocols and Requirements

Purpose: The purpose of this Commissioner's Bulletin is outline and implement new protocols and job site safety practices that contractors are required to adhere to in advance of and for the duration of conducting site work in light of the public health emergency caused by the spread of COVID-19.

Determination:

Effective April 27, 2020, the City of Boston has implemented new protocols for essential construction work in the City of Boston due to the public health emergency caused by the spread of COVID-19 (coronavirus). For the health and safety of workers, their families, and our communities, all permitted construction will be required to adhere to COVID-19 best practices during this public health emergency.

This policy is effective for active permitted projects and for all future permit applications moving forward, including, but not limited to, Alterations, Amendments, Erect Building, Use of Premises, Short Form, Electrical (Temp Service, Low Voltage, Fire Alarm, and general), Plumbing and Gas permits.

General Requirements:

For projects permitted by the Inspectional Services Department as-of the effective date of this Commissioner's Bulletin, contractors/permittees must upload COVID-19 Safety Affidavits and COVID-19 Safety Plans prior to resuming work.

For new applications for permits to be issued by the Inspectional Services Department, contractors/applicants must include a COVID-19 Safety Affidavit and a COVID-19 Safety Plan with their permit application submission.

Contractors are required to have printed copies of both the COVID-19 Safety Affidavit and COVID-19 Site Safety Plan on hand at the job site, posted in a conspicuous place to the extent possible.

Homeowner Waivers:

For projects for which a homeowner waiver has been filed, a COVID-19 Safety Affidavit and COVID-19 Site Safety Plan is not required; provided however, that any associated permits issued to a contractor or a subcontractor for homeowner waiver projects must have an associated COVID-19 Safety Affidavit and COVID-19 Site Safety Plan submitted along with the permit application.

Documentation Requirements:

For a jobsite to be permitted by the Inspectional Services Department the following additional documents must be attached to your permit:

COVID-19 Safety Plan:

This document will detail the job site practices that the contractor will follow to protect worker safety. There are six key elements the City will be looking for in each plan:

- 1.) steps taken before shifts start to ensure workers are healthy;
- 2.) practices to ensure social distancing that can be achieved on the job site;
- 3.) materials provided to ensure job site hygiene;
- 4.) protocols for the use of personal protective equipment;
- 5.) communications and training practices to ensure everyone is informed; and
- 6.) procedures in case there is COVID-19 exposure on the job site.

[Link: [COVID-19 Safety Plan](#)]

COVID-19 Safety Affidavit:

This affidavit attests that the contractor has created, provided to the City, and will implement its COVID-19 Safety Plan. It follows the same requirements as the Safety Plan. Failure to adhere to the policy may result in approval to work being revoked.

[Link: [COVID-19 Safety Affidavit](#)]

Instructions for Uploading Safety Affidavits and Safety Plans to Existing Issued Permits:

1. Log on to the ISD's Online Permitting Portal [link: [Boston Permits & Licenses Portal](#)]
2. Navigate to the permit application through Search or Recent Activity links
3. Scroll down to the Attachments section, and click the "Upload Attachments" link
4. Upload both the Safety Affidavit and Safety Plan, and any additional related information, as separate attachments
5. Save the attachments

Instructions for Uploading Safety Affidavits and Safety Plans to New Permit Applications:

1. Log on to the ISD's Online Permitting Portal [link: [Boston Permits & Licenses Portal](#)]
2. Upload both the Safety Affidavit and Safety Plan, and any additional related information, as separate attachments, with your permit application

Requirements for Inspectors:

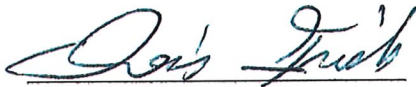
Inspectional Services Department Inspectors should review a jobsite's COVID-19 Safety Affidavit and COVID-19 Safety Plan when inspecting the site to confirm that protocols and procedures outlined in the Safety Plan are being adhered to.

Penalties:

Jobsites found to be operating without submitting a COVID-19 Safety Affidavit and/of COVID-19 Safety Plan to the Inspectional Services Department may result in suspension or termination of work in progress or revocation of the Department's permit for such work; provided, however, that the Department reserves the right to allow the Contractor the opportunity to immediately correct or cure violations prior to the Department issuing a suspension or termination of work in progress or revocation of the Department's permit for such work.

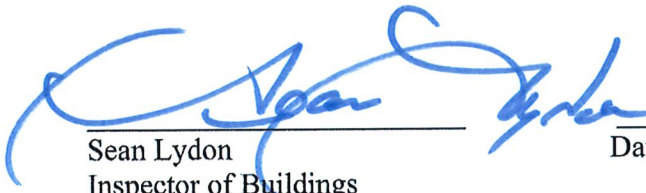
Jobsites found to be not operating according to the provisions laid out in their COVID-19 Safety Plan may result in suspension or termination of work in progress or revocation of the Department's permit for such work; provided, however, that the Department reserves the right to allow the Contractor the opportunity to immediately correct or cure violations prior to the Department issuing a suspension or termination of work in progress or revocation of the Department's permit for such work.

Signed:



Dion Irish
Commissioner

5/18/2020
Date



Sean Lydon
Inspector of Buildings

5/19/2020
Date



**Commissioner's Bulletin
Inspectional Services Department
Boston, MA**

Number: 2020 - 02
Date: July 6, 2020

Subject: Procedure for Off-Hours Inspections/Assignment ("Details") Requests; Payment of Fees

Purpose: The purpose of this Bulletin is to properly administer the Department's public health and safety mission during non-working hours of the Department. Letter from Inspectional Services Commissioner, dated September 1, 2006 regarding "*charging and billing for requested inspections/assignments ("details") paid for by third parties*" is rescinded and replaced by Bulletin 2020-02 upon publication of the latter. Commissioner's Bulletin 2003-3, "Procedure for Off-Hours Inspection Requests and Third Party Billing" is rescinded and replaced.

Determination:

Any party requesting an inspection/assignment (hereinafter, "detail") by any Division during any time other than regular business hours for the Boston Inspectional Services Department must comply with the following procedure:

1. The party requesting such an application completes an "Off-Hours Employment Request" Form and presents the application to the Division performing the detail.
2. The submitted request is reviewed for approval by the Commissioner, the Commissioner's designee, or a supervisor at the grade of MM08 or above, or the supervisor's designee. The supervisor shall keep a log of each request and note whether it has been denied or approved. The supervisor shall then ensure that the applicant is notified that the request has been denied or approved.
3. The supervisor will inform the applicant of the detail fee, as prescribed by the following:
 - a. The fee shall be \$250 for all off-hours details, as set forth in City of Boston Code, Ordinances, Section 18-1.1A.
 - b. The applicant shall pay the fee prior to the supervisor signing the approved application for final authorization. Upon signature, the supervisor shall schedule the off-hour detail.
4. For all off-hour details:
 - a. The employee to whom the detail is assigned shall present the form signed by the supervisor to the requesting party upon completion of the detail for the party's signature confirming completion.

- b. The employee shall present the form, signed by the requesting party, to the authorizing supervisor upon completion of the detail.

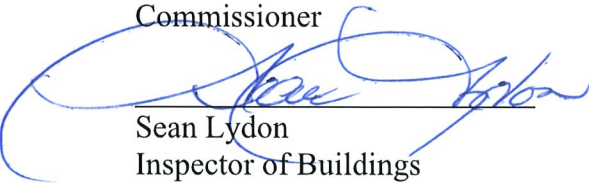
- 5. Either each day, but not less frequently than each week, the supervisor in each division shall submit to the Administration & Finance Division all the completed "Off-Hours Employment Request Forms," receipts for fee payments and a tally log. All requests for off-hours access to buildings within the control of the Department shall be treated as "Off-Hours Details Requests" and require prior approval and payment of associated fees prior to providing such access. No employee shall take payment on behalf of the Department during off-hours details. All fee payments must be made in advance.

Signed:



Dion Irish
Commissioner

7/7/2020
Date



Sean Lydon
Inspector of Buildings

July 7, 2020
Date



Commissioner's Bulletin
Inspectional Services Department
Boston, MA

Number: 2020 - 03
Date: October 27, 2020

Subject: Investigation & Enforcement Team (I&E Team) Complaint Investigation and Inspection Protocols Relative to COVID-19

Purpose: This Bulletin outlines the process through which the Investigation & Enforcement Team ("I&E Team") intakes, investigates and responds to complaints regarding noncompliance with COVID19-specific guidance, restrictions and/or regulations.

Determination:

In furtherance of Mayor Martin J. Walsh's directive to increase enforcement of house parties and large gatherings that violate local and state public health mandates that are intended to reduce the spread of the COVID-19 virus during the public health emergency, ISD is temporarily dedicating the Investigations & Enforcement Team to coordinate our enforcement.

I&E Team:

Housed within the Constituent Services Division of the Inspectional Services Department (ISD) and under the direction of the Assistant Commissioner – Constituent Services, the Investigation & Enforcement Team (I&E Team) is charged with addressing public safety, public health, and quality of life issues through coordination and collaboration with the City of Boston's public health and public safety agencies including, the Boston Police Department, the Boston Fire Department, and the Boston Public Health Commission. Following receipt of a complaint, whether from the public, a City or State agency or department, and/or a government or elected official, the I&E Team shall work with partner agencies to investigate and address reported COVID-19-related issues pursuant to the protocol detailed in this Bulletin.

COVID19 Complaint Intake:

The I&E Team may receive COVID19-specific complaints through any of the following:

- Report from a constituent/member of the public via phone, email, ISD call center, 311 hotline;
- Report from other agency or department including, but not limited to the Mayor's Office, the Boston Police Department, the Boston Fire Department, the Office of Neighborhood Services, the Boston Licensing Board and the Boston Public Health Commission;
- Report from an external organization including, but not limited to a college, university or other academic institution, a nongovernmental organization such as a neighborhood or civic organization;
- Report from any other public or elected official and their staff.

Following receipt of a complaint or request for investigation, the Assistant Commissioner of Constituent Services or their designee shall note the complaint, its source, the date & time received, the associated location, and any other relevant information in a central repository and assign said complaint out to the I&E Team leader for investigation. For complaints received from the Boston Police Department, if possible, I&E should obtain a copy of the Boston Police Department Incident Report. Copies of all reports should be forwarded to the Assistant Commissioner of Constituents Services or her designee.

COVID19 Complaint Investigation:

Following the assignment of a complaint, the I&E Team shall coordinate and conduct an investigation, using all available information, historic and current, specific and contextual, with relevant City departments and agencies. Investigations may include a site visit to the property.

In investigating and responding to complaints, the I&E Team shall follow Department policy and procedure relative to entry into occupied residential buildings, as outlined in Commissioner’s Bulletin 2005-02, *Policies and Procedures for Making Entry to an Occupied Residential Dwelling for Purposes of an Administrative Inspection*, including without limitation, obtaining proper written consent before making entry into any dwelling unit.

COVID19 Warnings, Violations, Fines:

Upon finding of a violation, at the discretion of the Assistant Commissioner of Constituent Services, the I&E Team shall determine whether a formal warning or notice of violation is appropriate, based on the context of said violation. For an initial violation for which the Assistant Commissioner makes the determination that a warning is appropriate, the I&E Team shall prepare a written warning on the appropriate form and serve it in a manner consistent with the requirements for Service of Process in the State Sanitary or Building Codes. For egregious or second or subsequent findings of violations, the I&E Team shall prepare a written notice of violation on the appropriate form and serve it in a manner consistent with the requirements for Service of Process in the State Sanitary or Building Codes. All violations must include a properly executed Return of Service on the form provided. A copy shall also be retained by the Department. For written warnings, the I&E Team should mail a copy of said warning to the property owner, in cases where the unit is non-owner-occupied. In instances where notices of violation are left at the premises, the I&E Team should also mail a copy to the owner, USPS Priority Mail, Signature Required.

COVID19 Complaint Investigation Follow Up & Reporting:

Following all investigations, the I&E Team shall record notes, outcomes and any other relevant information in the centralized complaint repository. Information contained within the complaint repository may be reported in a publicly accessible format, at the direction of the Commissioner of Inspectional Services.

Signed:



Dion Irish
Commissioner

10/27/2020
Date



Aisha Miller
Assistant Commissioner,
Constituent Services Division

10/28/2020
Date



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2021-01
Date: March 26, 2021

Subject: Re-establishment of the Ethics Committee to assist the Inspectional Services Department and its employees in ensuring strict compliance with G.L. c.268A and G.L. c.268B

Purpose: To re-establish an Ethics Committee within the Inspectional Services Department to assist the Inspectional Services Department in ensuring strict compliance with G.L. c.268A and G.L. c.268B by, among other things: planning and implementing ethics policies and standards of conduct for all employees; providing ethics training seminars for all Inspectional Services Department employees; and making official inquiries into allegations of violations of G.L. c.268A and G.L. c.268B.

This Bulletin rescinds and replaces *Commissioner's Bulletin 1999-04 "Ethics Committee establishment to assist the Inspectional Services Department and its employees in ensuring strict compliance with G.L. c.268A and G.L. c.268B"*

Determination:

1. Every person conducting business with the Inspectional Services Department is entitled to be treated equally and fairly, and every member of the public must be confident that the conduct of Inspectional Services Department employees is above reproach. High standards of ethics and conduct ensure that employees of the Inspectional Services Department will carry out their obligations honestly and fairly when serving the public.
2. The Ethics Committee assists the Inspectional Services Department in maintaining the confidence of the public and in maintaining high ethical standards of conduct of Inspectional Services Department employees by:
 - a. Planning and implementing policies to ensure strict compliance with G.L. c.268A and G.L. c.268B;
 - b. Developing and presenting training seminars for all Inspectional Services Department employees regarding the legal obligations that G.L. c.268A and G.L. c.268B place on public employees;
 - c. Inquiring into allegations of violations of G.L. c.268A and G.L. c.268B and reporting its findings and recommendations to the Commissioner of the Inspectional Services Department who, when warranted, shall take appropriate action; and

- d. Assisting employees with getting answers to ethical questions, including but not limited to directing them on where and how they can file disclosures and or in seeking opinions from the State Ethics Commission.
 3. The Ethics Committee shall be a four-member Committee composed of the Chief of Staff, who shall serve as chairperson ex officio, the Director of Human Resources, the General Counsel and one employee to be designated by the Commissioner. The Ethics Committee shall meet at least once per month and shall establish such administrative procedures that it deems necessary to effect its stated purpose.
 4. Administrative assistance to the Ethics Committee, if needed, shall be made available by the Commissioner of Inspectional Services.
 5. Legal assistance to the Ethics Committee, if needed, shall be provided by the Legal Division.
 6. The nature, existence and records of any proceeding of the Ethics Committee concerning G.L. c.268A or G.L. c.268B shall be kept confidential. The Ethics Committee may, however, provide relevant information concerning a complaint or inquiry to a court of competent jurisdiction or law enforcement agency.
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Signed:


Dion Irish, Commissioner
Inspectional Services Department
Boston, MA

3/26/21
Date



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2021-02
Date: May 28, 2021

Subject: Modified Construction Site Return-to-Work Protocols


Purpose: This Bulletin rescinds and replaces *Commissioner's Bulletin 2020-01 "Construction Site Return-to-Work Protocols"*

Determination:

Effective May 29, 2021, the Inspectional Services Department will no longer require submission of the COVID19 Safety Affidavit or COVID19 Site Specific Safety Plan as required by Commissioner's Bulletin 2020-01 "*Construction Site Return -to-Work Protocols*" dated 05/18/2020.

In order to ensure safe and healthy work sites, the Department **strongly recommends** that permit holders continue to follow the best practices outlined in *Exhibit A – City of Boston COVID-19 Construction Site Safety Best Practices Worksheet*.

Signed:


Sean Lydon, Commissioner
Inspectional Services Department
Boston, MA


Date



**COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON**

Number: 2021-03
Date: June 17, 2021

Subject: Establishment of Application Requirements, Administrative Procedures and Administrative Regulations regarding the Permitting of Retail Residential Kitchens pursuant to City of Boston Code, Ordinances Chapter 9-9.15

Purpose: This bulletin is issued to establish application requirements, administrative procedures and administrative regulations regarding the permitting of Retail Residential Kitchens.

Determination:

As part of the Department's ongoing efforts to implement an equitable and sustainable recovery, ISD is implementing a regulatory and permitting framework for food production small businesses to be operated out of residential kitchens. This bulletin outlines the application requirements, application process, inspection requirements, inspection process, and administrative procedures for ISD Health Division.

Pursuant to the *State Sanitary Code 105 CMR 590* and *City of Boston Code, Ordinances Chapter 9-9.15 - An Ordinance to Establish Guidelines for Permitting Retail Residential Kitchens*, a Retail Residential Kitchen Permit is required for any Cottage Food Operation to prepare and produce non-time/temperature control for safety baked goods, jams, jellies, and other non-time/temperature control for safety foods in a kitchen inside a residential unit.

A Retail Residential Kitchen may not prepare finished products that require hot or cold holding for safety, including meat or fish that is raw or heat-treated, certain cut produce including melons, leafy greens, and tomatoes.

Prior to applying for a Retail Residential Kitchen Permit from ISD, please review [Massachusetts Department of Public Health's Frequently Asked Questions regarding Retail Residential Kitchens](#). (also attached to this Bulletin as Exhibit A)

A. Procedure for Obtaining a Retail Residential Kitchen Permit

To obtain a Retail Residential Kitchen Permit, an operator must complete (1) a plan review, (2) submit a completed application to ISD Health Division, and (3) an opening inspection with an ISD Health Inspector prior to obtaining a final operating permit. The submission requirements for the plan review and application, and minimum inspection requirements are as follows:

I. Retail Residential Kitchen Permit Plan Review:

Residential Kitchen Plan Review Procedures: (By Appointment Only)

- Complete a Residential Kitchen Health Division application
- Application requires the following documents:
 - 2 sets of plans (minimum size: 11” x 17”)
 - A completed [Retail Residential Kitchen Plan Review Application Worksheet](#)
 - A copy of proposed menu indicating items to be prepared
- Contact ISD Health Division to schedule a plan review appointment
 - Request by phone: 617.635.5326
 - Request by email: ISDHealth@boston.gov

II. Retail Residential Kitchen Permit Application:

Application steps for a Retail Residential Kitchen Health Permit:

- Complete a Retail Residential Kitchen Permit Plan Review (as described in *Subsection I*)
- Complete the [Retail Residential Kitchen Health Permit Application](#)
- Application requires the following documents:
 - A copy of a letter or email from the property owner verifying that they acknowledge this business operating out of their property
 - A copy of the Full Time onsite Certified Food Managers certificate and a copy of the Allergen Awareness Training certificate.
 - Certification as food protection manager (as indicated by passing a test that is part of an accredited program recognized by the Department of Public Health)
 - Certificate of Food Allergen Awareness Training
- Pay Retail Residential Kitchen Health Division fee (\$100.00)
- Request an opening inspection from the Health Division
 - Request by phone: 617.635.5326
 - Request by email: ISDHealth@boston.gov

III. Inspection Requirements and Procedures:

The following operational procedures and inspection requirements must be adhered to by any operator of a Retail Residential Kitchen:

Purchasing – Food may only from a vendor approved by the state.

Storage - Separate dry and cold storage for the business and personal food items in the kitchen is required. This may be achieved by utilizing a separate shelf or designated spot for business food that is separate from your personal food.

Labeling - If an operator of a Retail Residential Kitchen is packaging food, it must also meet requirements set forth in 105 CMR 520.00 for labeling, which differ for Retail and Wholesale. See also [MDPH's brief summary of Labeling Requirements for packaged food](#). (also attached to this Bulletin as Exhibit B)

Hygiene – Retail Residential Kitchen operators must follow the same health, hygiene, hand washing, and toilet use requirements as those required for a standard commercial kitchen.

Equipment and Utensils – All equipment and utensils need to be made of safe materials and kept in good repair. Generally standard kitchen equipment is sufficient, as long as it is in a condition where it can be properly sanitized.

Food Contact Surfaces - All surfaces that may come into contact with food, like counters, sinks, work surfaces, and more, need to be made of smooth, non-absorbent materials that are easily cleanable. Again, this requirement is generally easily met in a home kitchen as long as the counter top is free from cracks and everything that food will come into contact with can be properly cleaned and sanitized.

Cleaning and Sanitizing - The same rules apply for cleaning and sanitizing as for a commercial kitchen, but there are some looser exceptions that allow for the use of a residential dishwasher, as long as the highest setting of sanitizing possible for that machine is used, and the temperature rises to 150 degrees, which needs to be tested every day, with records kept for 30 days.

Employees and Brokers - Only immediate family members residing in the household can prepare food for sale. No outside employees can be used. Brokers, wholesalers or warehouses also cannot be used.

Insects and Rodents - As in any kitchen, steps must be taken to avoid having insects and rodents in the kitchen.

Pets - Massachusetts does allow a household with pets to license their home kitchen, however, those pets must be kept out of the kitchen and preparation areas at all times during food preparation.

Laundry - If there is a clothes washer or dryer located in the kitchen, it can remain there, but these appliances cannot be used during food preparation.

Guests - The kitchen and cooking facilities cannot be used by guests while food is being prepared for the business.

Trash - Cans used for trash must have lids that seal securely.

B. Other Requirements

Compliance with Other Laws and Regulations - Retail Residential Kitchens must comply with the provisions of State Sanitary Code 105 CMR 590.008

Display Permit - All permittees must display the ISD-issued Retail Residential Kitchen Permit at all times during the use of the kitchen to produce Cottage Foods for sale

Advertising - All permittees must include the ISD-issued permit number on all advertisements and advertising materials promoting the Cottage Food Operation

Signage - No exterior signage shall be allowed unless such signage is permitted and approved under the City of Boston Zoning Code or City of Boston Code, Ordinances Chapter 16-33

Annual Renewal - Retail Residential Kitchen Permits must be renewed annually

C. Violations and Penalties

Any person found to be operating a Retail Residential Kitchen in violation of Section 9-9.15 of the City of Boston Code or found to be in violation of the terms of their permit may be subject to a fine of up to three hundred (\$300.00) dollars per day for each day said violation exists.

Signed:


Sean Lydon, *Commissioner*

Inspectional Services Department
Boston, MA

7-1-2021
Date


Daniel Prendergast, *Assistant Commissioner*

Health Division
Inspectional Services Department
Boston, MA

7-1-2021
Date

Food Protection Program:

Residential Kitchen Questions and Answers

The MA Department of Public Health's Food Protection Program works in conjunction with Local Boards of Health to ensure a safe and wholesome food supply in Massachusetts by promulgating and enforcing regulations related to food safety, conducting foodborne illness complaint investigations, and responding to other food emergency incidents.

Individuals who produce food in their home kitchen for sale to others may have to get a state or local permit and comply with certain rules and limitations. The following is provided to assist individuals in complying with state regulations related to the production and sale of food made in a kitchen in a residence. Depending on what foods are produced in the Residential Kitchen, and how those foods will be sold or distributed, a Residential Kitchen may require a Wholesale License or Permit, a Retail Permit, or both.

What is a Residential Kitchen?

A Residential Kitchen is a kitchen in a private home. Most Residential Kitchens, including those in a private home where individuals are cooking for their family or for charitable purposes, like a bake sale, do not require a permit. Certain food-based activities in Residential Kitchens require a license or permit either as a Retail Residential Kitchen or as a Wholesale Residential Kitchen. If a Retail permit is required, the Residential Kitchen must comply with certain requirements in the Retail Food Code (105 CMR 590). If a wholesale license is required, the Residential Kitchen must comply with certain requirements in the regulations for Good Manufacturing Practices (105 CMR 500).

What Activities in a Residential Kitchen Require a Permit?

- Anyone producing food for sale "direct to the consumer" is considered a **Retail Residential Kitchen** and is required to have a permit under 105 CMR 590.
 - "Direct to the consumer" includes events like farmers markets, craft fairs, and sales by internet or mail.
 - Anyone that makes food in a Residential Kitchen in Massachusetts that wants to sell in another state should confirm that they are in compliance with both Federal law and the state laws where they are doing business.
- Anyone producing food for sale at wholesale, for example, to a supermarket or restaurant that will re-sell to the ultimate consumer, is considered a **Wholesale Residential Kitchen** and is required to have a License or Permit under 105 CMR 500.

Who Issues the Required Permits?

- **Retail Residential Kitchen** operations are inspected and permitted by the local board of health in the city or town where the Residential Kitchen is located. 105 CMR 590.010 (F) (2) (a). They are permitted as "Cottage Food Operations."
- **Wholesale Residential Kitchen** operations may sell their products to retail stores, grocery stores, restaurants, etc., and are inspected and licensed by the Massachusetts Department of Public Health, Food Protection Program. 105 CMR 500.015 (B)

What Foods May Be Produced in A Residential Kitchen?

- **Retail Residential Kitchen** may only make “Cottage Food Products.” These are foods that can be safely held at room temperature, including baked goods, jams, and jellies. 105 CMR 590.001(C); FC 1-201.10 (B)
- **Wholesale Residential Kitchen** operations selling wholesale may only produce foods that can be safely held at room temperature and foods that do not require refrigeration. 105 CMR 500.015 (D) (1)
- **Retail or Wholesale Residential Kitchens** may not prepare finished products that require hot or cold holding for safety, including meat or fish that is raw or heat-treated, certain cut produce including melons, leafy greens, and tomatoes.

Examples of food products that may not be prepared or sold by a Residential Kitchen: cream-filled pastries, cheesecake, custard, cut fruit and vegetables, tomato and barbeque sauce, pickled products, relishes and salad dressings [105 CMR 590.001(C); FC 1-201.10(B)], 105 CMR 500.015(D)(1) and (3).

What types of processing operations are prohibited in a Residential Kitchen?

For both **Retail and Wholesale Residential Kitchen** operations, processing operations that are prohibited include: acidification, hot fill, thermal processing in hermetically-sealed containers, vacuum packaging, and curing/smoking. The only exception is jams and jellies that are thermal-processed in hermetically-sealed containers. [105 CMR 590.001(C); FC 1-201.10(B)], 105 CMR 500.015(D)(1) and (3)

Could there be a circumstance where laboratory testing of a food product may be required?

Yes. For both **Retail and Wholesale Residential Kitchen** operations, the Licensee or Permit Holder or applicant may be required to provide laboratory evidence to the regulator in order to determine whether the food poses a food safety risk if not held or stored at a certain temperature.

The laboratory testing may include analysis of pH, water activity (A_w), toxin formation or other tests as appropriate. [105 CMR 590.001(C); FC 1-201.10(B)], (105 CMR 500.003). If required to provide laboratory testing, the Residential Kitchen operator should reach out to a private food laboratory and determine which testing may be appropriate to establish that a product does not require hot or cold holding to maintain food safety.

Must a Residential Kitchen operator use a standard recipe for each batch of product?

Since each recipe has a different set of risks, preparing multiple products in a Residential Kitchen may require multiple laboratory evaluations to show that the products do not pose a food safety risk. Using a single standardized recipe that has been evaluated by a food laboratory helps the person in charge of the Residential Kitchen to meet food safety requirements while maintaining consistent food quality.

If I need a License or Permit, what standards must my Residential Kitchen comply with?

- **Retail Residential Kitchens:** For a list of provisions that all Residential Kitchens permitted under the Food Code must adhere to, please see guidance issued by the Department titled *Retail Food Code Standards for Permitted Residential Kitchen* available at www.mass.gov/lists/retail-food.
- **Wholesale Residential Kitchens:** Please see section 105 CMR 500.015: *Supplemental Regulations for Residential Kitchens: Wholesale Sale*, for specific requirements related to Wholesale Residential Kitchen operations, available here: <https://www.mass.gov/files/documents/2017/09/11/105cmr500.pdf>

Do I need a License or Permit for making food in my Residential Kitchen to sell at a bake sale?

If the Residential Kitchen is preparing food for sale or service at a function such as a religious or charitable organization's bake sale, no permit is required as long as:

- The food that is not time/temperature control for safety; and
- The consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.

Additionally, the school, church or other location that distributes or sells the food that is made in the Residential Kitchen for a charitable purpose, such as the site of the school bake sale, does not require a permit. M.G.L. c. 94 §328; [105 CMR 590.001(C); FC 1-201.10(B)], 105 CMR 500.015(A)(2).

Do I Need a Permit to Donate Food that I make in my Residential Kitchen to a Charity?

A Residential Kitchen preparing food for distribution to a charitable facility does not require a permit, as long as that facility is a non-profit corporation that distributes the food for free or only charges an amount sufficient to cover the cost of handling the food. M.G.L. c. 94, §328. (Note: No permit is required even if the Residential Kitchen is preparing foods that pose a food safety risk.) [105 CMR 590.001 (C); FC 1-201.10 (B)], 105 CMR 500.015 (A)(2).



For Any Questions, please contact your Local Board of Health or the Massachusetts Department of Public Health, Bureau for Environmental Health's Food Protection Program at 617-983-6712 | Fax: 617-983-6770 | TTY: 617-624-5286 | Email: FPPDPH@state.ma.us

If you would like a copy of the state regulations or additional information concerning the retail food code, please visit: mass.gov/lists/retail-food

April, 2019



CITY OF BOSTON INSPECTIONAL SERVICES DEPARTMENT

OFF HOUR EMPLOYMENT REQUEST

Date: 6. / 30 / 2021

Customer Name: francesca for structure tone

Customer ID# _____ Tax ID# _____

Billing Address: 711 atlantic ave, boston, ma 02111

Reason for Request: Stair presurization test. w BFD

OFFICE USE ONLY:	
BLDG:	<u>XX</u>
Elec.:	_____
Mech.:	_____
Health:	_____
P&Z:	_____
CE:	_____
Other:	_____
ISD APPROVAL: (Reviewed By)	

Personnel use only:	
BILLING #:	_____

Date: 6. / 30 / 2021 Start Time: 530 pm PM Anticipated End Time: _____ PM

LOCATION OF WORK SITE: 399 Washington Street - B-9 floor

Contact Name: Anthony Paige (official who will be available on site)

Phone # 617-413-7672 Permit # ALT843417

Customer/Contractor Signature: francesca dirico

ON SITE CONFIRMATION OF WORK:

Inspection Date: ____/____/____

Start Time: _____ Finish Time _____ Actual Hours Worked: _____

Customer Representative (print): _____ Signature: _____

Inspector Name (print): _____ Signature: _____

Inspector ID#: _____

HR#3

1010 MASSACHUSETTS AVENUE, BOSTON, MA 02118 (617) 635-5300

Food Allergen Labeling

The Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) addresses the labeling of foods that contain any of the eight major food allergens.

FALCPA defines "major food allergens" as

- Milk
- Egg
- Peanuts
- Soybeans
- Fish
- Crustacean Shellfish
- Tree Nuts
- Wheat

All ingredients that contain a major food allergen must be labeled, even if they are exempted from labeling by being a spice, flavoring, coloring or incidental additive.

FALCPA requires the labeling of food allergens in one of two ways.

1. In the ingredient statement, include the common or usual name of the food source, followed by the name of the allergen in parentheses. For example: Ingredients: Flour (**wheat**), whey (**milk**)
2. After the ingredient statement, place the word "Contains:" followed by the name of the food allergen. For example: **Contains: Wheat, Milk**

FALCPA requires that:

- For Tree Nuts, the specific type of nut must be declared.
Example: almonds, pecans, walnuts
- For Fish and Crustacean Shellfish, the species must be declared:
Example: cod, salmon, lobster, shrimp

FALCPA's requirements apply to all packaged foods sold in the United States, including both domestically manufactured and imported foods.

Resource Information on Labeling

Principal display panel
105 CMR 520.101
21 CFR 101.0

Information panel
105 CMR 520.102
21 CFR 101.2

Identity labeling of food
105 CMR 520.103
21 CFR 101.3

Nutrition labeling
105 CMR 520.109
21 CFR 101.9

Misbranding of food
105 CMR 520.118
MGL C. 94 sec. 187
21 CFR 101.18

Mandatory labeling information
105 CMR 520.020

Natural and organic labeling
105 CMR 520.116

Trans Fat
<http://www.cfsan.fda.gov/~dms/transgui.html>

Allergens
Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) (Public Law 108-282) Guidance for Industry
<http://www.cfsan.fda.gov/~dms/alrguid4.html>

NOTE: This brochure is only a guide.

Since regulations are amended from time to time, it is the responsibility of licensees to know and abide by all current labeling regulations. Always consult official Massachusetts and federal regulations to ensure labels are in full compliance.

Massachusetts Minimum Requirements for Packaged-Food Labeling



WHEAT BREAD

Ingredients: Flour (bleached wheat flour, malt barley, flour, niacin, iron, potassium thiamine, thiamine mononitrate, riboflavin, folic acid), Sugar, Eggs, Water, Milk, Margarine (liquid soybean oil, partially hydrogenated soybean oil, water, salt, whey, soybean lecithin, vegetable mono & diglycerides, sodium benzoate as a preservative, potassium caseinate [a milk protein], artificially colored, FD&C Red #3, artificially flavored, vitamin A, dalmite added), Yeast, Salt

Contains: Wheat, Eggs, Milk, Soy

Sell by: 9/22/08

Net Weight: 1 pound (16 oz.)

The Bakery
412 Main Street
Anytown, MA 01234



Food Protection Program
Bureau of Environmental Health
Massachusetts Department of Public Health
July 2008, 4th edition

Minimum Requirements for Packaged-food Labeling

The Massachusetts Food Protection Program has prepared this guide to help you develop a food label that complies with Massachusetts and federal labeling requirements. For additional information, please refer to the resources listed on the back panel.

Foods that Require Labeling

All packaged foods must be labeled in accordance with Massachusetts and federal labeling regulations, including all foods intended for retail sale that are manufactured in licensed residential kitchens.



For interpretations and assistance with labeling regulations, please contact:

Food Protection Program
Bureau of Environmental Health
Massachusetts Department of Public Health
305 South Street
Jamaica Plain, MA 02130

Phone: 617-983-6712
Fax: 617-983-6770
TTY: 617-624-5286
Web: www.mass.gov/dph/fpp

Or the U.S. Food and Drug Administration
<http://www.cfsan.fda.gov/label.html>
Office of Nutritional Products, Labeling, and
Dietary Supplements: 301-436-2371

Minimum Information Required on a Food Label

The Massachusetts and federal labeling regulations require the following information on every food label:

- Common or usual name of the product.
- **All** ingredients listed in descending order of predominance by weight, and a complete listing of sub-ingredients.

Example of a sub-ingredient: Flour (bleached wheat flour, malt barley, flour, niacin, iron, potassium thiamine, thiamine mononitrate, riboflavin).

- Net weight of product.
- Dual declaration of net weight, if product weighs one pound or more.
Example: 1 pound [16 oz.]
- “Keep refrigerated” or “Keep frozen” (if product is perishable).
- All perishable or semi-perishable foods require open-dating and recommended storage conditions printed, stamped, or embossed on the retail package.
- Once an open-date has been placed on a product, the date may not be altered.
- Name and address of the manufacturer, packer, or distributor. If the company is not listed in the current edition of the local telephone book under the name printed on the label, the street address must also be included on the label.
- Nutrition labeling.
- If a food product has a standard of identity, the food must meet the standard in order to be offered for sale under that product name.
- All FDA certified colors.

Example: FD&C Yellow #5, FD&C Red #3

Massachusetts Open-dating Regulation

To comply with the Massachusetts open-dating labeling regulation, a “sell-by” or “best-if-used-by” date is required if the product has a recommended shelf life of fewer than 90 days.

Foods exempt from this requirement include: fresh meat, poultry, fish, fruits, and vegetables offered for sale unpackaged or in containers permitting sensory examination, and food products pre-packaged for retail sale with a net weight of less than 1½ ounces.

Foods may be sold after the open-date if the following conditions are met:

- It is wholesome and good quality.
- The product is segregated from food products that are not “past date,” and the product is clearly marked as being “past date.”

Health Claims

Health claims allowed by the FDA on a label are limited to the following relationships between diet and disease:

1. Calcium and reduced risk of osteoporosis.
2. Sodium and increased risk of hypertension.
3. Dietary saturated fat and cholesterol and increased risk of heart disease.
4. Dietary fat and increased risk of cancer.
5. Fiber-containing grain products, fruits, and vegetables and reduced risk of cancer.
6. Fruits/vegetables and reduced risk of cancer.
7. Fruits, vegetables, and grain products that contain fiber, particularly soluble fiber and reduced risk of heart disease.
8. Soluble fiber from certain foods and reduced risk of heart disease.
9. Folic acid and reduced risk of neural tube defects.
10. Soy protein & reduced risk of heart disease.
11. Stanols/sterols and reduced risk of heart disease.
12. Dietary non-cariogenic carbohydrate sweeteners and reduced risk of tooth decay.



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2022-01
Date: March 8, 2022

Subject: Further Modified Procedures for Off-Hours Inspections/Assignment ("Details") Requests; Payment of Fees

Purpose: The purpose of this Bulletin is to properly administer the Department's public health and safety mission during non-working hours of the Department. Commissioner's Bulletin 2020-02, "Procedure for Off-Hours Inspections/Assignments ("Details") Requests; Payment of Fees", is rescinded and replaced.

Determination:

Any party requesting an inspection/assignment (hereinafter, "detail") by any Division during any time other than regular business hours for the Boston Inspectional Services Department must comply with the following procedure:

1. The party requesting such an application completes an "Off-Hours Employment Request" Form and presents the application to the Division performing the detail. Forms must be submitted no later than 12:00pm daily.
2. The submitted request is reviewed for approval by the Commissioner, the Commissioner's designee, or a supervisor at the grade of MM08 or above, or the supervisor's designee. The supervisor shall keep a log of each request and note whether it has been denied or approved. The supervisor shall then ensure that the applicant is notified that the request has been denied or approved.
3. The supervisor will inform the applicant of the detail fee, as prescribed by the following:
 - a. The fee shall be \$250 for all off-hours details, as set forth in City of Boston Code, Ordinances, Section 18-1.1A.
 - b. The applicant shall pay the fee prior to the supervisor signing the approved application for final authorization.

4. Upon signature, the Off Hours Inspection(s) forms will be submitted to Personnel, no later than 2:00 PM daily, for distribution. Off Hours Details shall be distributed by Personnel. Personnel shall distribute the Off Hours Details according to the rotation as outlined in each applicable Collective Bargaining Agreement, and shall track all accepted and declined Off Hours Details in an Online Google Sheets Form that is accessible to all employees within each bargaining unit.
5. For all off-hour details:
 - a. The employee to whom the detail is assigned shall present the form signed by the supervisor to the requesting party upon completion of the detail for the party's signature confirming completion.
 - b. The employee shall present the form, signed by the requesting party, to the authorizing supervisor upon completion of the detail.
6. Either each day, but not less frequently than each week, the supervisor in each division shall submit to the Administration & Finance Division all the completed "Off-Hours Employment Request Forms," receipts for fee payments and a tally log. All requests for off-hours access to buildings within the control of the Department shall be treated as "Off-Hours Details Requests" and require prior approval and payment of associated fees prior to providing such access. No employee shall take payment on behalf of the Department during off-hours details. All fee payments must be made in advance.

Signed:


Sean Lydon
Commissioner

3/8/2022
Date


Marc Joseph
Inspector of Buildings

3/8/2022
Date



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2022-01

Date: March 10, 2022

Subject: Certification of Roof Decks

Purpose: The purpose of this Bulletin is to establish guidelines for the certification of roof decks in accordance with City of Boston Code, Ordinances Chapter 9-9.13, *Regulating Access to Roof Areas of Buildings with Residential Units*. Commissioner's Bulletin 2008-01, "Certification of Roof Decks", is rescinded and replaced.

Determination:

City of Boston Code, Ordinances, Chapter 9-9.13, *Regulating Access to Roof Areas of Buildings with Residential Units* ([CBC 9-9.13](#)), regulates the use of roofs as areas of recreation and as places of assembly. The purpose of this Ordinance is to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters, and neighborhoods by (i) discouraging the inappropriate use of flat roof areas of residential buildings and (ii) regulating the use of and/or assembly of persons on flat roof areas and/or roof decks.

Pursuant to the requirements defined in CBC 9-9.13, this Bulletin outlines the administrative procedures and requirements related to the certification of roof decks in the City of Boston.

1. Policy

- a. All roof decks, or flat roofs without structures used in the comparable manner, shall be required to be certified every five (5) years beginning with the effective date of the ordinance.
- b. The Inspectional Services Department (ISD) will compile a database containing the records of these certifications to ensure that property owners are in compliance with this ordinance.
- c. For purposes of this bulletin the term "roof deck" shall include a flat roof with no structure, but that is accessible and may be used for recreational purposes (refer to CBC 9-9.13).

2. Applicability

This ordinance is not applicable in the following circumstances:

- a. Owner occupied one and two family dwellings (as defined by the Massachusetts State Building Code 780 CMR).
- b. Roof decks accessed through a single access point within owner-occupied units.
- c. Roofs not accessible to tenants or alarmed in accordance or alarmed in accordance with CBC 9-9.13.

3. Existing Roof Decks, Compliance Schedule

- a. Existing roof decks which have been previously permitted through the Inspectional Services Department (ISD) must comply with the ordinance by having the premises certified.
- b. Once a roof deck has been completed and/or documented with ISD, the roof deck must be recertified as required in section 4(d) below, every five (5) years.

4. New, Replacement or Renovated Roof Decks

- a. New, replacement or renovated roof decks are subject to the following permitting provisions:
 - i. Applications for new roof decks or for roof areas without structures that are intended to be used for recreational purposes shall be submitted to ISD as a Long Form building permit.
 - ii. Existing roof decks, with the exact dimensions as previously permitted, being repaired will be considered for Short Form replacement. Engineer's reports by a Commonwealth of Massachusetts registered engineer must be provided at the time of the final inspection.
 - iii. Existing roof decks, with the exact dimensions as previously permitted, requiring replacement due to roof repair work will be considered for Short Form replacement. Engineer's reports by a Commonwealth of Massachusetts registered engineer must be provided at the time of the final inspection.
- b. The Long Form building permit application must be accompanied by a plot plan and plans depicting the existing or proposed dimensions and location of the roofdeck and the applicable setbacks. The plot plan and plans must be stamped, signed, dated and approved by a Commonwealth of Massachusetts registered architect or engineer and show compliance with the requirements of the State Building Code and the City of Boston Zoning Code.

- c. Evidence of compliance with any other Historic or Design Review requirements, including but not limited to Boston Planning and Development Agency and/or Boston Landmarks Commission approval must also be submitted with the application or prior to issuance of the permit.
- d. At the completion of the project the owner must file an affidavit from a Commonwealth of Massachusetts registered architect or engineer certifying that the roof deck is in compliance with the applicable regulations at the time of the original permit issuance.
 - i. This certification shall cover all public safety aspects including live load requirements, handrail requirements (height, balusters, applied loads, etc.) access and egress requirements.

5. Multiple Roof Decks on Same Building

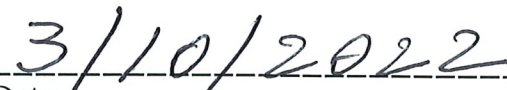
Buildings with multiple roof decks, whether or not in common ownership, shall have all roof decks or similar areas certified under the same affidavit if applicable.

Signed:


Sean C. Lydon
Commissioner


Date


Marc A. Joseph
Inspector of Buildings


Date



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2023-01

Date: January 5, 2023

Subject: Definition and Requirements of an Affidavit Project in the City of Boston

Purpose: The purpose of this Bulletin is to update certain definitions and requirements related to Affidavit Projects authorized by the Massachusetts State Building Code (780 CMR). Commissioner's Bulletin 1997-07, *Definition and Requirements of an Affidavit Project in the City of Boston*, is rescinded and replaced.

Determination:

The purpose of this bulletin is to amplify the requirements for affidavit projects as authorized by the Massachusetts State Building Code (780 CMR), and to clarify their application to the City of Boston.

The Inspectional Services Department (ISD) establishes this policy pursuant to [780 CMR 107.6](#) (107.6.2).

Projects currently under construction on the effective date of this bulletin shall continue with respect to the requirements of bulletin 1999-07. Projects currently under review or in the approval process shall be subject to the requirements of this bulletin.

1. Affidavit Projects; Defined

It is established policy that affidavits are to be filed with Inspectional Services prior to the issuance of the building permit for certain buildings or structures, as of 01/03/2023, with the implementation of IBC 2015 and 9th Edition of Mass Amendments. This will remain the policy when the estimated cost of the project exceeds a fair market estimated cost of \$6,000,000.00 (six million dollars) or when the project, in the opinion of the head of the Plan Review Division, is determined to be a "complex structure". Notwithstanding these requirements, the head of the Plan Review Division, with approval of the Commissioner, may require individual affidavits, such as structural or mechanical affidavits, if deemed necessary, on projects which may not otherwise qualify as "Affidavit Projects".

2. Affidavit Projects; Requirements

When a project is, under the above criteria, designated as an "Affidavit Project", the following affidavits shall be required:

- A. Design Affidavits
 - a. Architectural Design Affidavit
 - b. Structural Design Affidavit
 - c. Mechanical Design Affidavit
 - d. Electrical Design Affidavit
- B. Inspection and Final Affidavits
 - a. Inspection Affidavit
 - b. Licensed Builder Affidavit
 - c. Inspection Final Affidavit (Architect and/or Engineer)
 - d. Architectural Final Affidavit
 - e. Structural Final Affidavit
 - f. Mechanical Final Affidavit
 - g. Electrical Final Affidavit
 - h. Licensed Builder Final Affidavit

Copies of these affidavits are attached and made part of this bulletin

3. Affidavit Architect or Engineer Requirement

The inspection Affidavit Architect or Engineer shall be in the employ of the Owner, Design Architect or Design Engineer, and not in the employ of the General Contractor (Licensed Builder), or acting as the General Contractor.

4. Cost of Construction

When the estimated cost of any project is expected to exceed \$6,000,000.00, or the project in the opinion of the head of the Plan Review Division may be classified as a complex structure, the Owner, Inspection Architect, or Inspection Engineer shall appoint a qualified person to be the Clerk of the Works for the proposed project. In no case shall the Clerk of the Works be employed by or be responsible to the General Contractor (Licensed Builder). However, the Clerk of the Works, in addition to all other responsibilities, shall be under the direct authority of the Commissioner of Inspectional Services or his designee, who shall approve the appointment of the Clerk of the Works prior to the issuance of the building permit. The Clerk of the Works shall submit a resume to the Commissioner or his designee, indicating his technical qualifications. Upon approval by the Commissioner, there shall be executed an Appointment and Approval form which is attached to this bulletin as Appendix A.

The Commissioner or his designee may waive the requirement of a full time Clerk of the Works if in his opinion full time or site observation is not required. In such an event, the Inspection Architect or Engineer shall assume the duties of the Clerk during his weekly site visit.

5. Site Visits; Reports; Logs

The inspection Architect or Engineer or their representative shall make at least one site visit per week to the building or structure until the completion of the project. A report shall be filed monthly with the Commissioner or the local building inspector.

In addition, the Clerk of the Works, as described above, shall maintain a daily log in a form as furnished or approved by the Inspectional Services Department.

6. Log Book Requirements Detailed

With respect to the log book, as required by item #5, the following requirements shall be in force:

- A. The log book must contain detailed information for all sign-ins so that a summary record of the project will be obtained. A copy of a sample log sheet is attached as an example.
- B. Substantial changes in design, as well as, significant problems in construction, must be reported to the Commissioner with proposed modifications or proposed problem solutions before they are affected.
- C. Regular reports on progress and problems during construction are to be sent to the Commissioner on a monthly basis by the Licensed Builder or by the inspection affidavit engineer or architect.
- D. An up-to-date project listing is to be filed with the Commissioner's office containing the following information:
 - a. Work site phone number
 - b. Name, address and phone number of on-the-job Licensed Builder, Architect, Structural Engineer, etc...
 - c. Name, address and phone number of owner and owner's representative
- E. The fully documented project log must be accompanied by the request for a Certificate of Occupancy. Moreover, any change in the estimated "Fair Cost" of the project shall be settled before a Final Certificate of Occupancy is issued.

7. More Frequent Site Visits Authorized

The Commissioner of Inspectional Services, at their discretion, may require that the Inspection Affidavit Architect or Engineer visit the project on a more frequent basis than that required in No. 5 above.

8. Required Notification to Commissioner

The Inspection Affidavit Architect or Engineer and the Clerk of the Works shall promptly notify the Commissioner regarding any of the following events or conditions, which they observe in the course of performing their duties: code violations, changes which affect code compliance, the use of any materials, assemblies, components, or equipment prohibited by code, major or substantial changes between approved plans and specifications and the work in progress, or any condition which he identifies as constituting an immediate hazard to the public.

9. Final Affidavits

Upon substantial completion of the project and prior to the issuance of a Certificate of Occupancy, a final affidavit will be required to be filed with the Department by the Inspection affidavit or engineer, as well as, the other affidavit personnel. No final affidavit will be waived. However, a final affidavit may, upon good cause shown and at the discretion of the Commissioner, be furnished and accepted from an architect, engineer(s) and builder other than the one who first filed the Inspection Affidavit.

10. Architect and Engineer Registration Required; Provided Services Consistent with Massachusetts State Building Code and other applicable laws, rules and regulations

All architects or engineers, as mentioned above, must be registered in the Commonwealth of Massachusetts. They shall perform all services required under this Bulletin in a non-negligent manner in accordance with pertinent provisions of the Massachusetts State Building Code and other applicable laws, rules and regulations. Nothing contained in the bulletins or in the affidavits required hereunder shall be deemed to reduce, extend or modify the standard of professional care set forth in the foregoing sentence.

11. Additional Requirements for Complex Projects/Structures/Systems


Certain plans and computations of complex structures or systems may be required by the Inspectional Services Department, to undergo examination by a second engineer or architect registered in the Commonwealth of Massachusetts. The expense of the second examination shall be borne by the owner. It shall consist of an examination by an impartial engineer or architect who, upon their examination and conference with the designer, will send a letter to the Commissioner of Inspectional Services stating that they have checked the details, computations, stress diagrams and other data necessary to describe the construction and basis of calculations and further stating that in their judgment the requirements of the code have met with respect to the design.

Signed:


Sean C. Lydon
Commissioner

Date

1/5/2023


Marc A. Joseph
Inspector of Buildings

Date

01/05/2023

APPENDIX A

ORDER OF THE COMMISSIONER OF INSPECTIONAL SERVICES CONCERNING ACCEPTANCE OF CLERK OF WORKS & REPORT REQUIREMENTS ON PROJECT

Pursuant to Sections 107.6, 1706.2.2 of the Commonwealth of Massachusetts State Building Code (the "Code") and Commissioner's Bulletin, the following procedure for construction inspection reporting is hereby required during construction of the project.

The Project Representative (the "Representative") engaged by the Architect or owner to fulfill the requirements of this bulletin respecting a Clerk of the Works shall be subject to the approval of the Commissioner, which approval shall not be unreasonably withheld or delayed. The Commissioner may withdraw their approval of the Representative previously given if, in their reasonable judgment, the Representative is not discharging the responsibilities required by this Order with the professionalism required for a job of the size and complexity of the Project. Any replacement of the Representative shall be subject to the provisions of this paragraph concerning approval and withdrawal of approval by the Commissioner.

The Representative shall submit written reports directly to the Commissioner on the 1st day of each month. The reports shall contain a summary of construction activities on the Project site during the preceding month, including work in progress and work completed, and a summary of all material deviations from the plans and specifications upon which said Building Permits were issued, or the requirements of Code, observed during such period and the disposition thereof. In addition to such monthly reports, the Representative shall advise the Commissioner, whenever, in his professional judgment, a condition arises in the course of construction of the Project which is a material deviation from the plans and specifications upon which said Building Permits were issued, or the requirements of the Code, the remedy or correction of which cannot be or is not being undertaken in the ordinary course. Such advice shall be in writing and shall be hand delivered to the Commissioner.

**ORDER OF THE COMMISSIONER OF INSPECTIONAL SERVICES CONCERNING
ACCEPTANCE OF CLERK OF WORKS & REPORT REQUIREMENTS ON PROJECT**

The Representative shall make available to the Commissioner for inspection at the site office for the Project all diaries and logs, records and reports of test procedures and results, and similar records maintained by the Representatives during the course of construction.

Signed for the Owner:

Signed for Department of Inspectional Services:

COMMISSIONER

Print Name: -----
Company: -----
Address: -----

Phone: -----
Date: -----
Email: -----

Signed for the Affidavit Architect:

Print Name: -----
Company: -----
Address: -----

Phone: -----
Date: -----
Email: -----

Signed by Designated Clerk of the Works:

Print Name: -----
Company: -----
Address: -----

Phone: -----
Date: -----
Email: -----

PROJECT ADDRESS

Licensed Builder: -----
Company: -----
Address: -----
Phone: ----- **Email:** -----
Class: ----- **Lic. No.:** -----

Affidavit Engineer or Architect: -----
Company: -----
Address: -----
Phone: ----- **Email:** -----
Mass. Reg. No.: -----

PERMITS:

	NUMBER	CONTRACTOR	ADDRESS
Building:	-----	-----	-----
Electrical:	-----	-----	-----
Gas:	-----	-----	-----
Plumbing:	-----	-----	-----
Sprinkler:	-----	-----	-----
Elevator:	-----	-----	-----
Sheet Metal:	-----	-----	-----

NFPA Provided: YES or NO



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2023-02
Date: July 18, 2023

Subject: Compliance Documents Required Prior to Issuance of Certificate of Occupancy for Projects Located within Floodplain Districts

Purpose: The purpose of this Bulletin is to update requirements for the issuance of Certificates of Occupancy for certain projects located within the Floodplain District.

Determination:

All new construction and substantial rehabilitation/improvement projects requiring a building permit issued by the Inspectional Services Department located within the Floodplain District must comply with the documentation requirements outlined in this Bulletin in order to obtain a Certificate of Occupancy.

Definitions:

For the purposes of this Bulletin, the following definitions shall apply:

Floodplain District, the Floodplain District is a type of special purpose overlay district established pursuant to Section 3-1A of the Boston Zoning Code. The District includes all special flood hazard areas within the City of Boston designated as Zone A, AE, AH, AO, A99, V, or VE on the Suffolk County Flood Insurance Rate Map ("FIRM") issued by the Federal Emergency Management Agency ("FEMA") for the administration of the National Flood Insurance Program (NFIP). (see *Boston Zoning Code*, [Article 25 "Flood Hazard Districts"](#))

New construction means the construction of any structure or building, including the installation and/or construction of a tool or storage shed or other similar accessory structure, requiring a building permit issued by the Inspectional Services Department.

Substantial rehabilitation/improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which is more than fifty percent (50%) of the physical value of the structure or structures. Physical value shall be based on the assessed value, as recorded on the assessment rolls of the City as of the January 1 preceding the date of the filing of an application for a building permit with the Inspectional Services Department.

Required Documentation:

In addition to all other documents required for a Certificate of Occupancy, projects subject to this Bulletin located within the Floodplain District must submit, as part of the Certificate of Occupancy application, an Elevation Certificate regarding the **as-built finished construction condition** of the project, using [FEMA Form FF-206-FY-22-152 \(formerly 086-0-33\)](#), a copy of which can be found at www.fema.gov/flood-insurance/find-form/underwriting, or the most up-to-date form as may be amended from time to time by FEMA.

Signed:



Sean C. Lydon
Commissioner

Date 7/19/2023



Marc A. Joseph
Inspector of Buildings

Date 7/19/2023



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2023-03
Date: October 4, 2023

Subject: Fast Track Program

Purpose: This Bulletin outlines the procedures and requirements for permit applications submitted for review under the Fast Track Program

General Considerations:

The Inspectional Services Department (ISD), in performing its legal obligation to accept and review applications and issue building permits has a significant economic development role in the City of Boston in effecting the timely issuance of permits for an expanded number of buildings. In this regard, the Fast Track program will be further expanded to include permit applications submitted pursuant to 780 CMR 105.1.1, which meet the eligibility criteria set forth below.

Determination and Authorization:

Commissioner's Bulletin 2003-05 - *Expansion of the Fast Track Program*, is hereby rescinded and replaced by this Bulletin. Under the authority of the Massachusetts State Building Code, Section 102.2 and the City of Boston Code, Ordinances, Chapter 9, as amended, there is hereby established within ISD a procedure to be known as the "Fast Track Program" to facilitate approval of permit applications meeting the eligibility criteria set out in this Bulletin.

01. Eligibility for Participation in the Fast Track Program

All permits for proposed work which are in substantial compliance with all applicable building regulations and standards and do not require:

- a. A zoning determination
- b. A change of use or occupancy, or an expansion of an existing use
- c. Substantial alterations to the building structure

02. Documents Required for the Fast Track Program

Applicants for the Fast Track Program shall submit a fully completed long form permit application. The application must be accompanied by the following documentation:

- a. Payment for the permit fee.
- b. One electronic set of complete plans and specifications, including, if relevant, layout of sprinkler heads and compliance with other applicable fire prevention and other necessary requirements.
- c. A letter from the building owner(s) or authorized agent indicating approval of the plans as submitted.
- d. A signed affidavit from the approved independent Massachusetts registered architect or engineer who is required to visit the work site periodically to ensure that construction is consistent with the permit as issued and all applicable laws and requirements. The dedicated independent professional shall keep a log of visit which shall include comments and instructions given regarding construction conformance. This independent professional shall meet the requirements set forth in Section 03 below.
- e. All affidavits signed by those professionals associated with the proposed project (e.g. architects, engineers, mechanical/electrical engineers, etc.) shall make the following assurances as applicable:
 - i. the submitted plans conform to all applicable building, zoning and fire codes;
 - ii. the proposed construction does not constitute a “substantial alteration” of the building structure or a change of use or occupancy of the building as defined in applicable codes;
 - iii. structural alteration and floor loading complies with applicable building and fire codes;
 - iv. installation of fire alarms, smoke detectors, etc. as required by applicable codes have been, or will be, provided.
- f. The name, address, day & night phone number, email address, and license information of the builder in charge of work site operations.

Note: Incomplete applications will not be accepted for the Fast Track Program.

03. Requirements of the Independent Professional

The Inspector of Buildings or their designee must approve any professional associated with the project who is required to submit an affidavit. A written request must be submitted by the independent professional for such approval. The written request shall state at a minimum the name, contact information and professional certifications, the scope of responsibility of the professional, the permit number and address for the project. The Inspector of Building, or their designee, shall legibly sign and date the written request as either approved or denied. A copy of written requests shall be stored in the application and then the building jacket.

The designated independent professional shall keep a log of visits which shall include comments and instructions given regarding construction conformance which shall be kept under their professional seal. The professional shall be independent of the contractor(s) doing the work. The professional shall not be an employee or associate of the architect/engineer of record unless requested by the owner and approved by the Inspector of Building or their designee. Such records and logs of the independent professional shall be made available to the Inspector of Buildings or their designee upon request.

04. Processing Fast Track Applications

Fast Track applications shall be submitted in the same manner as long form permit applications and shall be initially examined at the time of submission to ensure that basic criteria have been met and that all required documentation is included. If these requirements have been met, the submission shall be determined to have been received under the Fast Track Program and will be assigned to a Plans Examiner for review.

If the submitted application is determined to include all applicable documentation as being in order, the applicant will be notified within seven (7) working days that the building permit is ready for issuance.

No work under the Fast Track Program may begin until a building permit has been issued.

No Fast Track Program permit application may be amended if the amendment will take the scope of the proposed project outside the criteria of the Fast Track Program. Any amendment to a Fast Track Program permit application shall reference the application number and scope of work of the original Fast Track Program permit application. Any amendment that fails to meet the Fast Track Program criteria will result in the issuance of a Stop Work Order, if the work has started, until the entire proposed project has been reviewed in the context of the proposed amendment.

The Plans Examiner to whom the application is assigned may also reject the application as ineligible or incomplete after submission if the facts warrant. ISD reserves the right, and has the obligation, to make a more detailed review of the Fast Track Program permit application at any time after the permit has been issued.

Should violations be identified, these will be brought to the attention of the builder. Construction work may, at the discretion of the Inspector of Buildings, be required to stop until the required items are corrected. Failure to stop work or correct violations will result in withdrawal of the permit and forfeiture of deposits and all permit fees.

05. Certificate of Occupancy

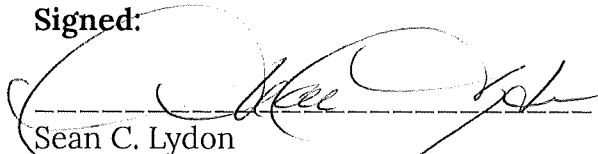
When the work is completed, the owner or the owner's representative shall file an application for a Certificate of Use & Occupancy ("CO") for the completed construction accompanied by fee payment. The application must be accompanied by an affidavit signed by the independent professional attesting that:

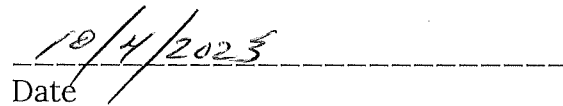
- a. the site has been visited periodically during the construction, giving dates and times of these inspections;
- b. the work was completed, except for minor punch-list items, in conformance with the approved plans;
- c. the finished construction conforms to all of the Fast Track Program requirements identified in this Bulletin.

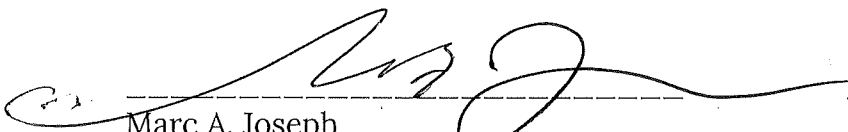
Any approved amendments to the original plans must be reflected in any affidavit submitted and bear the similar certification as noted above.

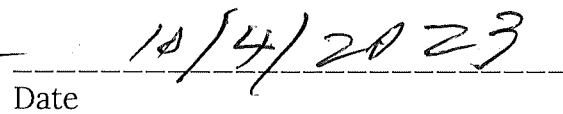
All of the current requirements and timeframes for obtaining a Certificate of Use & Occupancy are applicable to Fast Track Program applications.

Signed:


Sean C. Lydon
Commissioner


Date


Marc A. Joseph
Inspector of Buildings


Date



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2023-04

Date: November 29, 2023

Subject: Implementation of An Ordinance Governing Construction and Demolition Operations in the City of Boston

Purpose: This Bulletin outlines the procedures and requirements regulation of Construction and Demolition Operations in compliance with City of Boston Code, Ordinances, Chapter 16-65.

01. Determinization and Authorization:

Pursuant to City of Boston Code, Ordinances, Chapter 16-65, *Ordinance Governing Construction and Demolition Operations in the City of Boston*, Subsection 16-65.8, the Commissioner of Inspectional Services promulgates these rules and regulations related to the implementation said Ordinance. A copy of said Ordinance is attached hereto as *Appendix A*.

The purpose of said Ordinance is to ensure that all construction and demolition operations in the City of Boston are conducted in a manner that protects the health, welfare, and safety of the general public and to protect public and private property from any potential dangers that may result from construction or demolition operations in the City.

No provision of this Ordinance requires the Inspectional Services Department, or any other City entity, to interpret or enforce any existing Occupational Safety and Health Administration ("OSHA") health and safety regulation that governs the safety of persons employed in construction or demolition operations.

02. Applicability:

This Ordinance and Commissioner's Bulletin apply to all demolition and construction operations in the City of Boston except for those permitted under a Homeowner Waiver as issued by the Inspectional Services Department, as it pertains to the safety of the public and property. The administrative regulations outlined below apply to new permit applications, subject to the provisions of the Ordinance, submitted on or after the effective date of this Bulletin.

03. Definitions:

For the purposes of this Bulletin, the following definitions shall apply:

- Competent Person: One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.
- Qualified Person: One who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his/her ability to solve or resolve problems relating to the subject matter, the work, or the project.
- Demolition: The dismantling, razing or destroying of any building or structure or any part thereof
- OSHA: The Federal Occupational Safety and Health Administration. The agency is charged with ensuring safe and healthful working conditions for workers by enforcing workplace safety standards and by providing training, outreach, education and assistance to private employers.
- OSHA 30-Hour Training Program: A comprehensive safety program authorized by the Federal Occupational Safety and Health Administration (OSHA) that trains workers and employers on recognition, avoidance, abatement and prevention of safety and health hazards in the workplace.
- Site Safety Coordinator: A site safety coordinator is a person with at least an OSHA 30-hour training that is designated by the owner, agent, construction manager, or general contractor at all construction projects larger than 50,000 square feet and all demolition projects for buildings 4 stories or larger to perform the duties defined in this Ordinance.
- Site Safety Plan: A project-specific, site-specific safety plan that defines planned protections from potential hazards to people on the project site, the public and property.
- Site Safety Plan Affidavit: A sworn statement on a form determined by the Department certifying that the permit holder or their designee has prepared and will implement a project specific, site safety plan that defines planned protections from the potential hazards to people on the project site, the public, and property from construction and demolition operations and meets the applicable requirements defined by the Department. As part of the affidavit, the permit holder or their designee will attest that their project will comply with all applicable OSHA health and safety regulations.
- Permit: A permit for the construction, alteration, or demolition of a structure issued by the Inspectional Services Department. For the purposes of this Bulletin, a permit shall not include any permit issued under a Homeowner Waiver, or any trades permits (electrical, plumbing, gas, mechanical), provided however, that any workers engaged on a site conducting trades work subject to a trades permit, shall be included in the Site Safety Orientation and Site Safety Refresher.
- Permit Holder: An individual or entity that has secured a permit from the Inspectional Services Department for construction work and is responsible for the work conducted pursuant to that permit. The Permit Holder is the individual whose specific license is associated with the issuance of the applicable permit.

04. Documentation Requirements:

For **all permit applications subject to this Bulletin**, the following documentation must be submitted to the Inspectional Services Department as part of the permit application:

- a. Site Safety Plan Affidavit, signed by the Licensed Individual/permit holder. A copy of said Affidavit is attached to this Bulletin as *Appendix B*.
 - i. The Site Safety Plan Affidavit shall be uploaded to the permit application, via the online permitting portal, prior to the issuance of the permit.
 - ii. The Site Safety Plan Affidavit shall be signed and dated by the Permit Holder who is the Licensed Individual associated with the permit.

For **construction/renovation projects in excess of 50,000 square feet and demolition projects for buildings 4-stories or larger**, the following shall be submitted to the Inspectional Services Department prior to the commencement of work:

- a. Notice of Primary Site Safety Coordinator, any Alternate Site Safety Coordinator, or Change of Primary Site Safety Coordinator, using the form attached to this Bulletin as *Appendix C*.
 - i. Said form shall be submitted to the Inspector of Buildings **prior** to the commencement of work OR **immediately upon any change** in the designated Primary Site Safety Coordinator.
 - ii. Initial Notification must be made via uploading the “Notice of Primary Site Safety Coordinator” Form to the applicable permit application. Upon any change to the Primary Site Safety Coordinator, additional notice must be made via email to the appropriate Ward Building Inspector, using the subject line “Designation of Site Safety Coordinator for Permit (insert the applicable permit number)”.
 1. A list of Ward-assigned Building Inspectors can be found on ISD’s website at: <https://www.boston.gov/departments/inspectional-services/inspectional-services-contacts#building>

05. Operational Requirements:

For **all permit applications subject to this Bulletin**, the following operations are required:

- a. Site Safety Orientation - Each permit holder shall ensure that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder receives a site safety orientation reviewing the contents of the Site Safety Plan.
- b. Site Safety Orientation Refresher - Each worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder shall receive a site safety refresher if such worker (i) has performed construction or demolition work at such site for one year or more and (ii) one year or more has elapsed since such worker received a site safety orientation or refresher with respect to such site.
 - i. Site safety orientations and refreshers required by this section shall include a review of safety procedures at such site and any hazardous activities to be performed at

such site. In addition, information pertaining to the site safety training shall be made available to each worker in a language that they understand.

- c. Pre-Shift Safety Meetings - Each permit holder shall ensure that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder takes part in a safety meeting at the beginning of such worker's shift, but before such worker commences any construction or demolition work in such shift. The pre-shift safety meeting shall include a review of activities and tasks to be performed during the shift, including specific safety concerns or risks associated with fulfilling such work.
- d. Ongoing Updates - As work progresses, the permit holder will modify their briefings to address current conditions and expectations. If changed conditions render any attestations on the Site Safety Plan Affidavit inaccurate, then the permit holder shall re-submit an updated version of their Site Safety Plan Affidavit.

For **construction/renovation projects in excess of 50,000 square feet and demolition projects for buildings 4-stories or larger**, the Site Safety Coordinator shall be responsible for:

- a. Presence at Site - The Site Safety Coordinator shall be present at the site during all times while active work is occurring and through all phases of work, beginning with excavation and continuing until the building is enclosed and all temporary protective measures are removed. For the demolition of a building, the Site Safety Coordinator shall be present at the site during all times while active work is occurring and through all phases of work, beginning with the removal of any glass, asbestos, or façade and, for a full demolition, continuing until the site has been backfilled to grade, or for a partial demolition until the building is enclosed and all temporary protective measures are removed.
- b. Weekly Safety Meeting - The Site Safety Coordinator shall lead a safety meeting with the designated representative of the general contractor, construction manager, and each subcontractor to ascertain that all contractors and subcontractors are complying with the site safety plan. Such meetings shall occur at least once a week while active work is occurring.
- c. Spot Checks - The Site Safety Coordinator shall personally perform spot checks of the site on a regular basis throughout the day for compliance with the site safety plan.
- d. Inspections - Weekly inspections conducted by the Site Safety Coordinator
- e. Keeping of Site Safety Log - The Site Safety Coordinator shall maintain and keep a site safety log at the site. The log is not required to be submitted to the Inspectional Services Department, but must be kept and maintained on site and available for inspection by the Department. The log, or where there is more than one log, the logs in total, shall, at a minimum, contain the following information:
 - i. Date and location of inspections performed in accordance with this Ordinance;
 - ii. Date and names of individuals met with to satisfy the requirements of the Weekly Safety Meeting;
 - iii. Any unsafe conditions, and dates and locations of said unsafe conditions;
 - iv. Companies and representatives notified of unsafe conditions;
 - v. Dates of notification of unsafe conditions;

- vi. Dates of correction of unsafe conditions and nature of correction; and
 - vii. Any violations, stop work orders, or summonses issued by the Inspectional Services Department, including date issued and date lifted or dismissed.
- f. Recording of Change in Safety Coordinator - If at any point during the day an Alternate Site Safety Coordinator acts as the Primary Site Safety Coordinator, this shall be noted in the log, and the Alternate Site Safety Coordinator shall log in. If a Site Safety Coordinator is relieved of his or her responsibilities at the site, or a Site Safety Coordinator leaves the site for any reason, this shall be indicated in the site safety log, and another Site Safety Coordinator shall assume the duties of such relieved or absent Site Safety Coordinator by signing in.
- g. Reportable Hazardous Conditions (pursuant to CBC 16-65.5(b)(iii)) - The Site Safety Coordinator shall immediately notify the Inspectional Services Department directly, via email to ISDcommissioner@boston.gov, if he or she discovers any such hazardous or dangerous conditions or incidents, including any unpermitted work or use of unpermitted equipment. The Site Safety Coordinator shall report violations of federal workplace safety regulations to OSHA or the applicable federal department or agency in the manner that those departments and agencies have deemed appropriate.
- h. Conditions to be noted in Site Safety Log (pursuant to CBC 16-65.5(b)(ii)) - In the event the Site Safety Coordinator discovers a violation of the Site Safety Plan, he or she shall immediately notify supervisory personnel of the general contractor or subcontractor responsible for creating the violation and inform them of the corrective work necessary to abate any unsafe conditions. All such violations and corrective work shall be recorded in the Site Safety Log as defined above. 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 Site Safety Coordinator must also notify the responsible registered design professional or special inspection agency of the unsafe work or condition.

06. Procedures for ISD Staff

Prior to the issuance of a permit subject to this Bulletin, employees reviewing permit applications shall confirm that a signed and dated Site Safety Plan Affidavit is attached to said permit application.

Following the issuance of **any permit subject to this Bulletin** and commencement of permitted work, ISD Field Inspectors shall:

- a. Upon inspection, confirm that the Site Safety Plan is available for review on site
- b. Upon inspection, review records of Site Safety Orientation, Annual Refresher, and Pre-Shift Safety Meetings, required to be kept by the Primary Site Safety Coordinator
 - i. Site Safety Orientation - a dated record of orientation on the contents of the Site Specific Safety Plan, that includes:
 - 1. the name, title and company affiliation of each worker who participated
 - 2. the name, title and company affiliation of the Qualified Person who conducted the orientation, with their signature

- ii. *Record of Annual Refresher* - a dated record confirming the Site Safety Orientation has been completed annually for all workers who have been at the site for one year or more and one year has elapsed since said worker has received the Site Safety Orientation
- iii. *Record of Pre-Shift Safety Meeting* - a dated record of Pre-Shift Safety Meetings conducted before each worker's shift that includes:
 - 1. the name, title and company affiliation of each worker who participated
 - 2. the name, title and company affiliation of the Competent Person who conducted the meeting, with their signature

For **Construction Projects larger than 50,000 square feet and all demolition projects of buildings four stories or larger**, ISD Field Inspectors shall:

- a. Upon inspection, confirm the presence of the Primary (or Alternate) Site Safety Coordinator
- b. Upon inspection, review records of the Site Safety Log, Log of Weekly Meetings, Log of Unsafe Conditions, Log of any Violations, Stop Work Orders, or Summonses issued by ISD
 - i. *Site Safety Log* - a dated record of all inspections performed at the site.
 - ii. *Log of Weekly Meetings* - a dated record of pre-shift safety meetings that includes:
 - 1. the name, title and company affiliation of each worker who participated
 - 2. the name, title and company affiliation of the competent person who conducted such meeting, along with such person's signature.
 - 3. Said log shall include a record of one pre-shift safety meeting per week for the duration of the project.
 - iii. *Log of Unsafe Conditions* - dated record of identified unsafe conditions, including the location of said unsafe condition, companies and representatives notified, and correction of said unsafe condition and the nature of said correction
 - iv. *Log of Any Violations, Stop Work Orders or Summonses issued by ISD* - dated record that must include the date said Violation, Stop Work Order or Summons was issued and the date said Violation, Stop Work Order or Summons was lifted or dismissed.

07. Enforcement

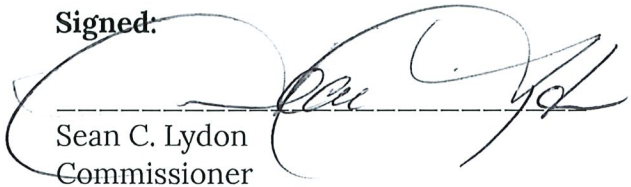
Pursuant to City of Boston Code, Ordinances, Chapter 16-65.7, the Inspectional Services Department may issue violations, Stop Work Orders, revoke permits and impose fines upon permit holders, developers, general contractors/construction managers, and subcontractors found to be in non-compliance with this Ordinance.

- a. Violations, Stop Work Orders and the revocation of permits may be imposed by the assigned Building Inspector.
- b. Fines may be imposed by the Commissioner of the Inspectional Services Department at the recommendation of the Inspector of Buildings as follows:
 - i. Fines to a maximum of three hundred dollars (\$300.00) for each violation. A violation occurs where a general contractor/ construction manager or subcontractor has not complied with this Ordinance. Each day of noncompliance shall be considered a separate violation. The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, s. 21D, and, if applicable, by seeking to restrain a violation by injunction or other court proceeding.

08. Appendices

- Appendix A: City of Boston Code, Ordinances, Chapter 16-65, *Ordinance Governing Construction and Demolition Operations in the City of Boston*
 - Appendix B: Site Safety Plan Affidavit
 - Appendix C: Notice to Department of Primary Site Safety Coordinator/Alternate Site Safety Coordinator/Change of Primary Site Safety Coordinator
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Signed:


Sean C. Lydon
Commissioner

Date 11/30/2023


Marc A. Joseph
Inspector of Buildings

Date 11/30/2023



City of Boston Code, Ordinances, Chapter 16-65 - An Ordinance Governing Construction and Demolition Operations in the City of Boston

16-65 Safe Construction and Demolition Operations in the City of Boston

16-65.0 Definitions.

For the purpose of subsection 16-65.0 through 16-65.8, the following definitions shall apply:

Commissioner. Commissioner of the Inspectional Services Department or a designee.

Department. The Inspectional Services Department.

Demolition. Demolition is the dismantling, razing, destroying of any building or structure or any part thereof.

Inspector of Buildings. The individual charged with the administration and enforcement of the Massachusetts State Building Code in accordance with M.G.L. c. 143, §§ 3 and 3A.

OSHA. The federal Occupational Safety and Health Administration. The agency charged with ensuring safe and healthful working conditions for workers by enforcing workplace safety standards and by providing training, outreach, education and assistance to private employers.

OSHA 30-Hour Certification. A comprehensive safety program authorized by the Federal Occupational Safety and Health Administration (OSHA) that trains workers and employers on recognition, avoidance, abatement and prevention of safety and health hazards in the workplace.

Site Safety Plan Affidavit A sworn statement on a form determined by the Department certifying that the permit holder or their designee has prepared and will implement a project specific, site safety plan that defines planned protections from the potential hazards to people on the project site, the public, and property from construction and demolition operations and meets the applicable requirements defined by the Department. As part of the affidavit, the permit holder or their designee will attest that their project will comply with all applicable OSHA health and safety regulations.

Site Safety Coordinator. A site safety coordinator is a person with at least an OSHA 30-hour certification that is designated by the owner, agent, construction manager, or general contractor at all construction projects larger than 50,000 square feet and all demolition projects for buildings 4 stories or larger to perform the duties defined in this Ordinance.

Permit. A permit for the construction, alteration, or demolition of a structure issued by the Inspectional Services Department.

Permit Holder. An individual or entity that has secured a permit from the Inspectional Services Department for construction work and is responsible for the work conducted pursuant to that permit.



16-65.1 Purpose and Scope.

The purpose of this Ordinance is to ensure that all construction and demolition operations in the City of Boston are conducted in a manner that protects the health, welfare, and safety of the general public and to protect public and private property from any potential dangers that may result from construction or demolition operations in the City. No provision of this Ordinance requires the Inspectional Services Department, or any other City entity, to interpret or enforce any existing OSHA health and safety regulation that governs the safety of persons employed in construction or demolition operations.

This Ordinance applies to all demolition and construction operations in the City of Boston except for those permitted under a Homeowner Waiver as issued by the Inspectional Services Department, as it pertains to the safety of the public and property.

16-65.2 Responsibility for Safety.

Nothing in this chapter shall be construed to relieve persons engaged in construction or demolition operations from complying with existing OSHA safety regulations or other applicable provisions of law, nor is it intended to alter or diminish any obligation otherwise imposed by law on any party engaged in a construction or demolition operation, including but not limited to the owner, construction manager, general contractor, sub-contractors, material men, registered design professionals, or other party to engage in sound design and engineering, safe construction or demolition practices, including but not limited to debris removal, and to act in a reasonable and responsible manner to maintain a safe construction or demolition site.

16-65.3 Fire Prevention Code.

In addition to the requirements of this chapter, construction or demolition operations shall also be conducted in conformance with the City of Boston Fire Prevention Code.

16-65.4 Site Safety Plan Affidavit Required.

Except in instances where a permit is issued with a Homeowner Waiver, no permit for the construction, alteration or demolition of any structure subject to the requirements of this Ordinance shall be issued until a Site Safety Plan Affidavit, on a form as determined by the Department, has been submitted to the Commissioner or the Inspector of Buildings or their designee.

16-65.5 Site Safety Monitoring Plan Required.

Each permit holder shall enact and maintain a site safety monitoring program to implement the site safety plan attested to in their affidavit. The site safety monitoring program shall, at a minimum, include:

- (a) Site safety orientation and refresher. Each permit holder shall ensure that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder receives a site safety orientation and refresher reviewing the contents of the site safety plan.



(i) *Site safety orientation.* Each worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder shall receive a site safety orientation on the contents of the site safety plan before such worker commences any construction or demolition work at such site.

(ii) *Site safety refresher.* Each worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder shall receive a site safety refresher if such worker (i) has performed construction or demolition work at such site for one year or more and (ii) one year or more has elapsed since such worker received a site safety orientation or refresher with respect to such site.

(iii) *Site safety orientation and refresher content.* Site safety orientations and refreshers required by this section shall include a review of safety procedures at such site and any hazardous activities to be performed at such site. In addition, information pertaining to the site safety training shall be made available to each worker in a language that they understand.

(iv) *Records.* A record of all orientations conducted for the site shall be maintained by the permit holder and kept at the site. Such record shall include for each such orientation or refresher: 1. The date and time of such orientation or refresher; 2. The name, title and company affiliations of each worker who participated; and 3. The name, title and company affiliation of the qualified person who conducted such orientation or refresher, along with such person's signature.

(b) Pre-shift safety meetings. Each permit holder shall ensure that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder takes part in a safety meeting at the beginning of such worker's shift, but before such worker commences any construction or demolition work in such shift.

(i) *Pre-shift safety meeting.* Pre-shift safety meetings shall be conducted at the beginning of each worker's shift, but before such worker commences any construction or demolition work in such shift, by a person designated by the permit holder, or where so authorized by the permit holder, by a person designated by the subcontractor. Such person shall have the ability to communicate with each worker who takes part in such meeting.

(ii) *Pre-shift safety meeting content.* The pre-shift safety meeting shall include a review of activities and tasks to be performed during the shift, including specific safety concerns or risks associated with fulfilling such work.

(iii) *Records.* The permit holder shall maintain, for each worker, a record of one pre-shift safety meeting per week. Such record shall include for each such meeting:

1. The date and time of each such meeting;
2. The name, title and company affiliation of each worker who participated; and
3. The name, title and company affiliation of the competent person who conducted such meeting, along with such person's signature.



- (c) Ongoing Updates to Plans and Briefings. As work progresses, the permit holder will modify their briefings to address current conditions and expectations. If changed conditions render any attestations on the Site Safety Plan Affidavit inaccurate, then the permit holder shall re-submit an updated version of their Site Safety Plan Affidavit.

16-65.6 Site Safety Coordinator Required.

- (a) Site safety coordinator to be designated. A site safety coordinator shall be designated by the owner, agent, construction manager, or general contractor at all construction projects larger than 50,000 square feet and all demolition projects for buildings 4 stories or larger. The designated site safety coordinator must have at least an OSHA 30-hour certification. Where more than one site safety coordinator is to serve at the site, all such entities shall agree to designate one such site safety coordinator as the primary site safety coordinator, or where there is only one site safety coordinator, such coordinator shall automatically be designated as the primary site safety coordinator. The primary site safety coordinator shall carry out all duties and responsibilities assigned to the site safety coordinator by this Ordinance.
- (i) *Notification to the department of the primary site safety coordinator.* The Inspectional Services Department shall be notified of the primary site safety coordinator prior to the commencement of work. In the event that an alternate site safety coordinator will be acting in place of the primary site safety coordinator for a period longer than two consecutive weeks, the department must be so notified. Any permanent change of the primary site safety coordinator requires immediate notification to the Inspectional Services Department.
- (ii) *Presence at the site.* For the construction or alteration of a building, the site safety coordinator shall be present at the site during all times while active work is occurring and through all phases of work, beginning with excavation and continuing until the building is enclosed and all temporary protective measures are removed. For the demolition of a building, the site safety coordinator shall be present at the site during all times while active work is occurring and through all phases of work, beginning with the removal of any glass, asbestos, or façade and, for a full demolition, continuing until the site has been backfilled to grade, or for a partial demolition until the building is enclosed and all temporary protective measures are removed.
- (iii) *Alternate site safety coordinator.* Where the primary site safety coordinator is unable to be at the site, an alternate site safety coordinator shall act in place of the primary site safety coordinator and carry out all duties and responsibilities assigned to the site safety coordinator by this Ordinance and rules promulgated by the commissioner. Such shall be recorded in the site safety log, as defined in part (d) of the section, and notification shall be provided to the Inspectional Services Department.
- (iv) *Limitation on primary site safety coordinator serving at another site.* No site safety coordinator designated as the primary site safety coordinator at a site shall serve as a site coordinator at any other site.
- (b) Site safety coordinator's duties. The site safety coordinator shall monitor compliance with the site safety plan and perform all other safety duties assigned by the owner or general contractor to meet legal requirements.
- (i) *Weekly safety meeting.* The site safety coordinator shall lead a safety meeting with the designated representative of the general contractor, construction manager, and each subcontractor to ascertain that all



contractors and subcontractors are complying with the site safety plan. Such meetings shall occur at least once a week while active work is occurring.

(ii) *Notification of violations.* In the event the site safety coordinator discovers a violation of the site safety plan, he or she shall immediately notify supervisory personnel of the general contractor or subcontractor responsible for creating the violation and inform them of the corrective work necessary to abate any unsafe conditions. All such violations and corrective work shall be recorded in the site safety log, as defined in part (d) of the section. 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 Site Safety Coordinator 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 site safety log, as defined in part (d) of this section.

(iii) *Notification of conditions to the department.* The site safety coordinator shall immediately notify the Inspectional Services Department directly, in a manner determined by the Commissioner, if he or she discovers any such hazardous or dangerous conditions or incidents as determined reportable by the Commissioner in any rules or regulations promulgated pursuant to this Ordinance, including any unpermitted work or use of unpermitted equipment. The site safety coordinator shall report violations of federal workplace safety regulations to OSHA or the applicable federal department or agency in the manner that those departments and agencies have deemed appropriate.

(iv) *Spot checks.* The site safety coordinator shall personally perform spot checks of the site on a regular basis throughout the day for compliance with the site safety plan.

(v) *Inspections.* The following inspections shall be performed and documented by the site safety coordinator:

1. Daily, weekly, and other checks as specified in rules promulgated by the commissioner.

(c) Record of inspections. A record of all such required inspections conducted pursuant to this Ordinance shall be maintained by such site safety coordinator in the site safety log.

(d) Site safety log. The site safety coordinator shall maintain and keep a site safety log 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:

1. Date and location of inspections performed in accordance with this Ordinance;
2. Date and names of individuals met with to satisfy the requirements of the Weekly Safety Meeting;
3. Any unsafe conditions, and dates and locations of said unsafe conditions;
4. Companies and representatives notified of unsafe conditions;
5. Dates of notification of unsafe conditions;
6. Dates of correction of unsafe conditions and nature of correction;
7. Any violations, stop work orders, or summonses issued by the Inspectional Services Department, including date issued and date lifted or dismissed; and
8. Other relevant information as may be required by the Department.

(e) Recording inspections in the site safety log. Inspections shall be recorded by the end of the day by the site safety coordinator who performed the inspection. The site safety log, or where there is more than one log, each individual log, shall be completed and signed by the site safety coordinator.



- (f) Recording change in site safety coordinator. If at any point during the day an alternate site safety coordinator acts as the primary site safety coordinator, this shall be noted in the log, and the alternate site safety coordinator shall log in. If a site safety coordinator is relieved of his or her responsibilities at the site, or a site safety coordinator leaves the site for any reason, this shall be indicated in the site safety log, and another site safety coordinator shall assume the duties of such relieved or absent site safety coordinator by signing in.

16-65.7 Enforcement.

The Inspectional Services Department shall have the power to issue violations, stop work, revoke permits and impose fines upon permit holders, developers, general contractors/construction managers, and subcontractors found to be in non-compliance with this Ordinance.

Violations, stop work orders and the revocation of permits may be imposed by the assigned Building Inspector.

Fines may be imposed by the Commissioner of the Inspectional Services Department at the recommendation of the Inspector of Buildings as follows:

(a) Fines to a maximum of three hundred dollars (\$300.00) for each violation. A violation occurs where a general contractor/ construction manager or subcontractor has not complied with this Ordinance. Each day of noncompliance shall be considered a separate violation. The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, s. 21D, and, if applicable, by seeking to restrain a violation by injunction or other court proceeding.

(b) Creation of a record of non-compliance with City policy that may be considered when awarding future construction contracts on City-Funded Projects and future permits.

16-65.8 Regulations.

The Commissioner of Inspectional Services may promulgate rules and regulations to carry out the provisions of this section.



Construction & Demolition Safety Ordinance - Site Safety Plan Affidavit

The undersigned Permittee (“Permit Holder”) certifies the following under the pains and penalties of perjury:

The Permit Holder hereby acknowledges the City’s concerns regarding safety at project worksites, and that the City has implemented new regulations to reduce accidents on and around worksites. The Permit Holder agrees that it has read and understands the City of Boston Code, Ordinances, Chapter 16-65, Ordinance Governing Construction and Demolition Operations in the City of Boston (“the Ordinance”) and will conduct its operations in strict compliance with all applicable obligations, guidelines, and requirements imposed by said Ordinance.

The Permit Holder understands that it is the Permit Holder’s responsibility to develop, maintain, and follow a written project-specific Safety Plan specifying how it will meet its obligations.

The Permit Holder acknowledges that no provision of the Ordinance requires the Inspectional Services Department, or any other City entity, to interpret or enforce any existing Occupational Safety and Health Administration (“OSHA”) health and safety regulation that governs the safety of persons employed in construction or demolition operations and that compliance with OSHA regulations is the sole responsibility of the Permit Holder.

The Permit Holder certifies that it has created and implemented a Site Safety Plan for the site subject to the permit that complies with, and will satisfy, all regulations obligations, guidelines, and requirements imposed by the Ordinance. Specifically, the Permit Holder certifies that the Safety Plan for this site defines planned protections from the potential hazards to people on the project site, the public, and property from construction and demolition operations and meets the applicable requirements defined by the Department, as set forth in Commissioner’s Bulletin CB2023-04. The Permit Holder also certifies that each Subcontractor, Sub-subcontractor, and other parties that will perform work on the Project worksite will also comply and will satisfy these requirements. The Permit Holder acknowledges that it is their sole responsibility to ensure that its subcontractors comply with the Ordinance.

The Permit Holder certifies that it will comply with all applicable operational requirements of the Ordinance and the associated Commissioner’s Bulletin’s administrative procedures, including Site Safety Orientations, Annual Refreshers, Pre-Shift Safety Meetings, keeping of relevant logs and records, making required notifications, and providing required documentation, pursuant to the Ordinance, upon request by the Inspectional Services Department and/or its Inspectors and Building Officials.

The Permit Holder acknowledges and agrees that non-compliance with any of the requirements above, including failure to abide by its own Site Safety Plan, may result in suspension or termination of work in progress or revocation of the City’s permit for such work; provided, however that the City reserves the right to allow the Permit Holder the opportunity to immediately correct or cure violations prior to the City issuing a suspension or termination of work in progress or revocation of the City’s permit for such work.

Name of Permit Holder

Signature

Date

Project Address



Construction & Demolition Safety Ordinance - Notice of Site Safety Coordinator

Pursuant to City of Boston Code, Ordinances, Chapter 16-65.6(a)(i), for **construction/renovation projects in excess of 50,000 square feet and demolition projects for buildings 4-stories or larger**, prior to the commencement of work, the Permit Holder shall notify the Inspectional Services Department of the Designated Primary Site Safety Coordinator and, if applicable, any Alternate Site Safety Coordinator (if acting in place of the Primary Site Safety Coordinator for a period longer than two consecutive weeks). Following the commencement of work, the Permit Holder shall notify the Inspectional Services Department of any permanent change in the Primary Site Safety Coordinator.

Primary Site Safety Coordinator

Name: _____ Title: _____
Company: _____ Permit No: _____
Project Site: _____ OSHA-30 No. _____
Email: _____ Phone No. _____

Alternate Site Safety Coordinator (if applicable)

Name: _____ Title: _____
Company: _____ Permit No: _____
Project Site: _____ OSHA-30 No. _____
Email: _____ Phone No. _____

Signature of Permit Holder

Name: _____ Project Site: _____
Title: _____ Permit No: _____
Company: _____ Date: _____
Signature: _____

This form **MUST** be completed by the Permit Holder and submitted to the Inspectional Services Department as part of the building permit application via the online permitting portal. Any change to the Primary Site Safety Coordinator after the permit has been issued, must be made via email to the Ward Building Inspector. When sending, please use the subject line "Designation of Site Safety Coordinator for Permit (insert the applicable permit number)".