

Mr. GREENE. That is right.

Mr. SISK. That would be the same as with the window washer.

Mr. GREENE. Yes.

Mr. SISK. Now as to section 2, and I think we might just as well raise the questions here, which do not necessarily reflect my position on the legislation, but since you folks are those who will be interpreting the law and administering it and so on, I want to raise some questions that I understand have been raised through mail and in other ways, with reference to some interpretations.

There are some who feel that this section provides pretty much unlimited authority to order alterations in permanent or temporary features of building constructions which are places of employment.

Now the question has been raised as to a conflict of authority here between, for example, the regulations of the Department of Public Health, as to sanitation and health requirements, the regulations of the Department of Licenses and Inspections as to building requirements, safety and conditions for issuance of occupancy permits, also building and construction regulations, electrical, plumbing, and other similar regulations for the District.

I would like to ask, Mr. Kneipp, if you have given any thought to this—this is a question which we probably will have raised later by witnesses, because it has already been raised with me, I would like at this time to have any comments you or the Board would have on this.

Mr. KNEIPP. Mr. Chairman, this conflict of jurisdiction, shall we say, between District agencies is what gave rise to the 1964 opinion of the Corporation Counsel. At that time I believe it involved the Washington Hotel. Of course, Mr. Greene was probably on the Board then. But the Industrial Safety people ordered a handrail for the protection of waiters and waitresses in the Washington Hotel; is that correct, Mr. Greene?

Mr. GREENE. For all workers.

Mr. KNEIPP. Yes, and the hotel people contended that they were in conformity with the building code, and they did not have to supply this extra feature. And so, this is how the Corporation Counsel got knowledge of the matter in the first instance, to try to decide this conflict of jurisdiction, and the Corporation Counsel did conclude that the Department of Licenses and Inspections had primary jurisdiction over the construction of buildings, and that the Industrial Safety people were without authority to require this additional handrail in an area involving a type of work that was not covered by the law, inasmuch as it was not industrial employment. The opinion of the Corporation Counsel went very thoroughly into what constitutes industrial employment.

Mr. SISK. It has been suggested, Mr. Kneipp, and I think this would be good, could you furnish or send to us a copy of that decision?

Mr. KNEIPP. I would be glad to, Mr. Chairman.

Mr. SISK. We might include it in the record. Without objection, once it is forwarded, it will be made part of the record for the information of the committee.