

CONCLUSIONS:

1. A hotel is not a place where industrial employment is carried on, and, thus, the safety standards and regulations of the Minimum Wage and Industrial Safety Board are not applicable to interior stairways of a hotel.

2. In places of industrial employment, the industrial safety standards and regulations are fully applicable and enforceable even though the Building Code may specify less stringent requirements.

Respectfully,

CHESTER H. GRAY,
Corporation Counsel, D.C.

Mr. SISK. Had you completed your statement?

Mr. KNEIPP. I just wanted to finish one thought. The language of Section 2 would authorize the Industrial Safety people, notwithstanding any jurisdiction in the Department of Licenses and Inspections, in its administration of the building code and other codes under its jurisdiction, Section 2 would allow the Industrial Safety people to require such changes in a building or other place of employment as would afford protection to the workers. This would resolve that conflict of jurisdiction between the various District agencies.

Mr. SISK. I believe, Mr. Greene, you had some comment you wanted to make.

Mr. GREENE. Relative to this?

Mr. SISK. Yes, if you will, please.

Mr. GREENE. I had an additional comment. I think that the tentative opinion of the Corporation Counsel just prior to this opinion, to the final opinion, would also be helpful in considering the whole, the total opinion. There were two opinions written. One was tentative and then the other one was a final opinion.

Mr. SISK. We might have both of those for the committee files. It would at least give the committee the information therein.

Mr. GREENE. Yes. I would like to add here the problem that we ran into. There were particularly two hotels involved, in that there is a requirement, and it is a nationally accepted requirement which our code refers to; it is the American Standards Association's Safety Code, which is now the United States of America Standard Institute, and the code involving stair widths and railings and landings, et cetera, has been in effect since 1932.

The building code of the District of Columbia, up until 1961, referred to just the same dimensions for railings and stairways, et cetera, up until 1951, I am sorry, as the American Standards Association code, which is good for workers and the public.

It says that any stairway over 44 inches in width shall have two railings, one on either side. This is for the purpose of people who pass each other on the stairs, if they happen to fall or slip, they will have a railing to grab hold of.

The Code of 1961, the building code even made that more stringent. They said a stairway 36 inches wide should have two handrails. But in 1961, a little later, they exempted certain buildings that were constructed prior to 1946. They got into the fire exit controversy, and this was put into the building code in 1961 or '62.

This is the only conflict when this was stuck into the building code. The problem is that under this section of the law, I interpret that as only those things in buildings that we would require for conformance with our regulations, like clear walkways, stairs that must be at least 22 inches in width, and having adequate height handrails.