

There is a lot of time spent on these regulations and a lot of thought. We use the best authority that I know of in this country for formulation of our regulations and that is the U.S. Labor Department.

We don't differ too much with our requirement from what is required by the U.S. Labor Department or the regulations that you will find in the Walsh-Healey Act, which applies to all places that are under federal contract, and we used to do the inspections under the Walsh-Healey Act in these places here in the city.

Mr. Dowdy. I believe that is all, Mr. Chairman.

Mr. Sisk. Mr. Jacobs.

Mr. JACOBS. Mr. Chairman, if I could ask of Mr. Greene, I will preface my question by saying my understanding is that one of the deciding causes of this bill, H.R. 1264, is an ambiguity in the existing Act, which resulted in a possible misinterpretation for some years and a final determination that it did not apply to certain businesses inside of the District of Columbia that things should apply to.

Therefore, I will ask you if the term "features" as it appears in this bill is a so-called term of art legally, whether it has been interpreted by courts in the District of Columbia or delineated?

Mr. GREENE. I have no knowledge of that, unless Mr. King or Mr. Kneipp have. I have no knowledge of how it has been interpreted, since it has never been in our regulations before.

Mr. JACOBS. Mr. King?

Mr. KING. It has not been interpreted because that word has not been used in the regulations in the past.

Mr. JACOBS. I will go further and ask whether or not it isn't possible within the accepted usage of the word "feature" to include both fixtures and structural aspects to a building?

Mr. KING. I think so, and I think it should be, if the safety requires it.

Mr. JACOBS. That being true, then, is it not possible, to use Mr. Dowdy's example of an elevator, if it were found by your authority that an elevator in a building was being used either too frequently or was bearing too much weight, it must either not be used in that way, or perhaps enlarged, the elevator itself enlarged, this might not involve a structural change in the building such as Mr. Dowdy indicated, requiring footing and extension of the elevator apparatus shaft beyond the configuration of the building, and if that was true, if such a permanent feature change were ordered by your authority, would that not then involve the building code? Would that not then cause your authority to have this and similar jurisdiction with the other authorities?

Mr. KING. It would be involved, but it would not be in conflict. For example, the construction and the installation of the enlarged elevator would have to comply with the building code and a building permit would have to be obtained. All that the Industrial Safety people would be doing would be saying that as it now exists, it is unsafe for the use to which you are putting it, and consequently if you wish to use it for the use that you are now making, you must increase its capabilities.

Mr. JACOBS. As I understand it, you may require the change in a permanent feature, which would be a structural change in a building.