

**CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS**

***Regulations Under Section 9-1009 of The Philadelphia Code
Relating to Excavation Contractor Licenses***

Pursuant to its authority under Section 8-407 of Home Rule Charter, the Department of Licenses and Inspections (the “Department”) hereby promulgates the following regulations regarding Excavation Contractor Licenses under Sections 9-1009 (“Excavation Contractor License”) of The Philadelphia Code.

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

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CHAPTER 9-1000. TRADES

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§ 9-1009. Excavation Contractor License

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Current Code Language:

(1) Definitions

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(c) Excavation Contractor. A person or business entity that performs or offers to perform excavation services.

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Regulation:

§ 9-1009(c)(R) *Excavation Services means work requiring an excavation permit under Section 4-A-301.1.1.10 of The Philadelphia Code. The following do not qualify as Excavation Services:*

- (1) *Excavation five (5) feet or less below adjacent grade;*
- (2) *Digging, trenching, or boring for utilities or geotechnical exploration;*

(3) *Excavation incidental to the complete demolition of a structure performed under a demolition permit; and*

(4) *Excavation performed under a permit filed pursuant to Section 4-A-301.1.1.10 of The Philadelphia Code prior to January 1, 2023.*

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Current Code Language:

(1) Definitions.

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(g) Site Safety Manager. A competent person employed by a licensed Excavation Contractor with OSHA 30 and OSHA 3015 training or an equivalent training program approved by the Department in the past five years to provide significant public safety benefit, appropriate to the position, whose primary responsibility is to ensure safe practices on construction sites.

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Regulation:

§ 9-1009(g)(R)

(1) *No person shall act as a Site Safety Manager unless the Excavation Contractor that employs the individual has certified to the Department that the individual has completed training relating to both (a) Construction Site Safety and (b) Excavation, Trenching and Soil Mechanics, as set forth below.*

(2) *Certification upon submission of new license application. Certification at the time of Excavation Contractor license application must demonstrate that the proposed Site Safety Manager has completed, within the preceding 5 years:*

(a) *For Construction Site Safety Training:*

(.1) OSHA 30 Construction Site Safety Training; or

(.2) An equivalent training program related to Construction Site Safety as set forth in subsection (6).

(b) *For Excavation, Trenching, and Soil Mechanics Training.*

(.1) OSHA 3015 Excavation, Trenching, and Soil Mechanics Training; or

(.2) an equivalent training program related to Excavation, Trenching, and Soil Mechanics, as set forth in subsection (6).

(3) *Certification at the time of license renewal. Certification at the time of renewal of an Excavation Contractor license, in connection with which certification was provided for a particular Site Safety Manager, shall demonstrate that such Site Safety Manager shall have completed, within the preceding 5 years:*

(a) *For Site Safety Training:*

(.1) *Training that meets the requirements of subsection (2)(a); or*

(.2) *At least 6 hours of annual continuing education coursework related to construction site safety administered by a training provider that is approved by the Pennsylvania Department of Labor and Industry on its Eligible Training Provider List or is otherwise approved by the Department. With Department approval, a maximum of 20 hours of continuing education coursework in Excavation, Trenching, and Soil Mechanics that meets the requirements of subsection (b) below may also be applied towards satisfaction of an equal number of hours of continuing education coursework under this subsection.*

(b) *For Excavation, Trenching, and Soil Mechanics Training:*

(.1) *Training that meets the requirements of subsection (2)(b); or*

(.2) *At least 4 hours of annual continuing education coursework related to Excavation, Trenching, and Soil Mechanics administered by a training provider that is approved by the Pennsylvania Department of Labor and Industry on its Eligible Training Provider List or otherwise approved by the Department.*

(4) *New Site Safety Manager. If the Excavation Contractor seeks to have an individual serve as a Site Safety Manager in connection with an existing license, and certification documentation has not previously been provided to the Department for such individual, the Contractor shall certify that the individual has completed Construction Site Safety Training and Excavation, Trenching, and Soil Mechanics Training that meets the requirements of (2)(a) and (b), respectively, within the preceding 5 years.*

(5) *Certification. For certifications for each individual employed as a Site Safety Manager, the Excavation Contractor shall furnish the Department with documentation of training completion, including a completion certificate for each qualifying course, that identifies the training activity, course provider, length in hours, and OSHA training requirements the course is intended to satisfy.*

(6) *Equivalent Training Programs. An equivalent training program must be approved by the Training Division of the Department. The Training Division may approve, as an equivalent to OSHA training, any Construction Site Safety or Excavation, Trenching and Soil Mechanics Training program that is documented as meeting the following criteria:*

(a) The course provider has been approved by the Pennsylvania Department of Labor and Industry on its Eligible Training Provider List or otherwise approved by the Department;

(b) The course outline sets forth course objectives, topics, and training time that meets or exceeds the relevant OSHA training;

(c) The training provider issues a Course Completion Certificate to each participant that may be verified by the Department;

(d) The training costs do not substantially exceed OSHA training costs, unless otherwise approved by the Department;

(e) The course provider has developed a quality control plan that includes the organizational structure of the company, the credentials of trainers, and a quality assurance program; and

(f) If intended as an alternative to OSHA 3015, the course includes an examination requirement, identifies a passing grade necessary to obtain certification, and provides at least one opportunity for re-testing.