

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS

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January 31, 2017  
Start: 9:52 a.m.  
Recess: 7:03 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Jumaane D. Williams  
Chairperson

COUNCIL MEMBERS:

Rosie Mendez  
Ydanis A. Rodriguez  
Robert E. Cornegy, Jr.  
Rafael L. Espinal, Jr.  
Mark Levine  
Helen K. Rosenthal  
Ritchie J. Torres  
Barry S. Grodenchik  
Rafael Salamanca, Jr.  
Eric A. Ulrich  
Margaret S. Chin  
Ben Kallos  
Carlos Menchaca  
Andy Cohen  
Elizabeth S. Crowley  
Rory I. Lancman  
I. Daneek Miller

## A P P E A R A N C E S (CONTINUED)

## Council Members:

Rafael Espinal  
Vanessa Gibson  
Mark S. Treyger

Ulysses Williams  
Local 79

Albert Ortiz, Jr.  
Construction Worker/Heat and Frost Insulators  
Local Number 12

Abdul Cokku-Abu  
L+M Construction

Juan Peretez  
L+M Construction

Gerry Miceli  
L+M Construction

Rick Chandler  
Commissioner of NYC Department of Buildings

Timothy Hogan  
Deputy Commissioner for Enforcement at NYC DOB

Alex Fisher  
Deputy Commissioner for Legal and Regulatory  
Affairs at NYC DOB

Ashley Putnam  
Office of Workforce Development

## A P P E A R A N C E S (CONTINUED)

Victor Olds [sp?]

Gary LaBarbera  
Building and Construction Trades Council of  
Greater New York

Louis Coletti  
President of Building Trades Employers'  
Association

Carl Hum  
REBNY

Gregory Sizemore  
Associated Builders and Contractors

Brian Sampson  
ABC Empire Chapter

Jolie Milstein  
NYSFAFH

Charlene Nimmons  
Wyckoff Gardens

Martin Allen  
President of People for Political and Economic  
Empowerment

Reginald Bolt  
People for Political and Economic Empowerment

## A P P E A R A N C E S (CONTINUED)

Thomas Gordon  
International Union of Operating Engineers Local  
14 and 14B

Ramona Sandoval [sp?]  
Apprentice with DC9

Selena Scamari [sp?]  
NYC Housing Painter Apprentice

Davon Lomax  
DC9 Painters and Allied Trades

Gus Diamantis  
DC9 Painters and Allied Trades

Ligia Guallpa  
Executive Director at Worker Justice Project

Omar Henriquez  
National Day Laborers Organizing Network

Antonio Sanchez  
Worker Justice Project

Gregorio Palestina  
Worker Justice Project

Christina Fox  
New Immigrant Community Empowerment

Eduardo Redwood  
New Immigrant Community Empowerment

## A P P E A R A N C E S (CONTINUED)

Gonzalo Mercado  
La Colmena Community Job Center

Mark Jacaruso  
Building Inspector for Department of Buildings

Matthew Caruso  
Construction Realty Safety Group

James Bifulco  
President of Construction Safety Advisory  
Committee of New York

Michael Arvanites  
Safety Professional Association

Robert Altman  
Consultant for Queens and Bronx Building  
Association

Pat Purcell  
Greater New York Laborers and Employers  
Cooperation and Education Trust

Barrie Smith  
Local 79, 100 Black Construction Workers

Michael Apuzzo  
Plumbers Local One

Paul O'Connor  
Plumbers Local One

## A P P E A R A N C E S (CONTINUED)

Carl Johnson  
Plumbers Local One

Charlene Obernauer  
NYCOSH

Josh Kellermann  
ALIGN

Jason Chaddi  
Joint Apprenticeship Committee Local 40 and 361  
Ironworkers

Wendy Webb  
Apprenticeship Co-coordinator for Local 79 NYC

Justice Favor  
Local 79

Tafidor Surov [sp?]

Shy Green [sp?]

Anthony Lowe  
100 Black Construction Workers

Dorian Diaz  
Laborers Local 79

Erika Glenn-Byam  
Laborers Local 79

Oba Watson  
100 Black Construction Workers/Local 79

## A P P E A R A N C E S (CONTINUED)

Ricardo Pimmento [sp?]  
Tradeoff Construction

Deacon Frederik Munden [sp?]  
Local 15

Aaron Diaz

Tom Goodwin  
Steamfitters Local 638

Nicholas Pabusan [sp?]  
Local 638

Sinead Wadsworth  
NYC District Council of Carpenters

Ruben Colon  
District Council of Carpenters

Quambe Price [sp?]

David Caraballosa  
President of Local 212

Innis Vines [sp?]  
NYC District Council of Carpenters

Michael Anderson  
Local 46

Jose Bermudez [sp?]

## A P P E A R A N C E S (CONTINUED)

Erin Sweeney  
Plumber

Alma Hardaway [sp?]  
Local 46

David O'Connell  
Secretary Director of NYC Master Riggers  
Association

Steve Williams



1  
2 CHAIRPERSON WILLIAMS: Good morning,  
3 everyone. Thank you all for coming. I assume it's  
4 going to be a long day. Maybe we'll get through it  
5 in an hour, but I'm not sure. My name is Councilman  
6 Jumaane Williams. I chair the Committee on Housing  
7 and Buildings. Very pleased to be here with Speaker  
8 Melissa Mark-Viverito, as well as my colleagues  
9 Council Member Grodenchik who gets the gold star for  
10 being on time and early, Council Member Kallos,  
11 Council Member Crowley, Council Member Lancman, and  
12 Council Member Cornegy. We are here to hold a  
13 hearing on 21 bills related to construction safety.  
14 Before we begin to discuss the items on the agenda,  
15 I'd like to take a moment of silence to remember the  
16 lives we have lost over the few years. Before we do  
17 that, I'm going to read the names that I have here of  
18 the 30 deaths in the past two years. I apologize if  
19 I mispronounce any of their names. If we can just  
20 have some silence while we do this. Edres Lopez  
21 [sp?], Frank Dragotta [sp?], Peter Zeff [sp?],  
22 Freddie Aguire [sp?], Vidal Sanchez Roman [sp?],  
23 Carlos Monguio [sp?], Trevor Loftis [sp?], Christian  
24 Genese [sp?], Dominique DeLuca [sp?], Alton Lewis,  
25 Angel Munoz [sp?], Quan Zereso [sp?], Fernando

1 Benegas [sp?], George Garcia, Pedro Basillico,  
2 Eugenis Cletcha [sp?], Luis Alberto Pomosa [sp?],  
3 Constantinos Potomosis [sp?], Manuel Sabrow [sp?],  
4 Alex Santizo [sp?], Igor Begon [sp?], Lorenzo  
5 Barutchu [sp?], Luis Marta [sp?], we have one  
6 unlisted name, Paul Kennedy, Michael Bufamente [sp?],  
7 George Smith, Enriques Ramos [sp?], Guefero Enriques  
8 [sp?], Meringue Marhamoden [sp?], let's have a moment  
9 of silence for them, please. Thank you. We've lost  
10 far too many lives at construction sites over the  
11 last few years. My hope is that going forward we can  
12 all work together to make construction sites safer in  
13 New York City. The purpose of all of the pieces of  
14 legislation that we are here to consider is to make  
15 construction sites safer. As the pace of  
16 construction in New York City increases and  
17 construction projects get bigger and more complex, we  
18 need to make sure that everyone including the public  
19 is protected. With that being said, I'm going to  
20 briefly describe some of the pieces of legislation  
21 that I have sponsored. I've sponsored bills to  
22 increase civil penalties to construction sites that  
23 violate safety provisions, require site safety  
24 netting systems and guardrails to protect floor  
25

2 openings, and to require buildings with more than  
3 four stories in height to file a site safety plan  
4 with Department of Buildings. Additionally, I have  
5 sponsored bills related to crane safety, including a  
6 bill to require licensing endorsement for certain  
7 crane operators, and a bill to require devices to  
8 measure wind speed to be installed on cranes.

9 Lastly, I sponsored a piece of legislation that  
10 specifies certain training and qualifications  
11 requirements of the persons engaged in construction  
12 and demolition of certain buildings must meet. This  
13 bill is not meant to mandate union or nonunion  
14 construction in New York City. I do, as I said  
15 before, the bills that we are hearing today are about  
16 making construction safer. In addition, I will not  
17 support any bill that excludes anyone from  
18 participating in the City's booming construction  
19 industry. As many of you know, I am a firm proponent  
20 of diversity. I will say at outset I am a proud  
21 supporter of unions, unabashed, unashamed of that.

22 At the same time, I speak for myself and I know many  
23 of my colleagues, we are not interested particularly  
24 right now on this particular bill to do anything  
25 that's going to make any part of the construction in

1 New York specific for anyone, unions, non-unions.

2 What we want to do is make everyone safer on  
3 construction sites wherever they are working and  
4 promote diversity. With that being said, I'd like to  
5 allow the Speaker to make a statement.  
6

7 SPEAKER MARK-VIVERITO: First of all, I  
8 want to thank Chair Jumaane Williams for chairing  
9 this important hearing. We're talking about 21  
10 pieces of legislation. As Jumaane had indicated in  
11 reading the names, unfortunately we have suffered way  
12 too many deaths and fatalities on construction sites,  
13 and we have a responsibility to figure out how we can  
14 work with all people affected, the industries  
15 impacted and that are part of this conversation, and  
16 figure out ways that we can create more opportunities  
17 in a safe way, right, and training that affords a  
18 safe work environment. So, I want to thank the  
19 leadership of Jumaane. I also do really want to  
20 thank the leadership of the staff. We're talking  
21 about 21 bills. We're talking about a very contested  
22 hearing. We're going to hear a lot of different  
23 points of view here. I think probably we're all  
24 going to be closely, hopefully, aligned in our  
25 positions. Hearings are about listening. Hearings

1  
2 are about hearing about you, about concerns about the  
3 legislation, ways that we can improve it, concerns  
4 maybe we haven't taken into account. Although, there  
5 have been a lot, a lot of conversations that have led  
6 up to the crafting of this legislation. So, there's  
7 a lot of work that is involved. So, I definitely  
8 want to thank all of the staff in the City Council,  
9 particularly the ones that are involved with this  
10 Committee for the tasks and the work that they've  
11 been involved with in supporting the Chair in this  
12 effort. So, to all my colleagues here as well, thank  
13 you for your participation and to all those in the  
14 room. There are a lot of people here today in this  
15 room and outside of this room. There are a lot of  
16 people outside as well, and you've taken time to be  
17 here to be heard, and that really does mean a lot to  
18 us. It is important. We value that. So, I want to  
19 thank you for taking the time out of your day to be  
20 here at City Hall and to be part of this hearing.  
21 So, good morning to everyone. And also to the  
22 sponsors of the many pieces of legislation, thank you  
23 for-- that are under consideration for the care and  
24 attention that you've all given to this topic. So, I  
25 know we have a lot to get through today, and it's a

1  
2 tight schedule, so I will be brief. Passions run  
3 high when we talk about construction safety. We have  
4 seen that passion in the demonstrations held around  
5 the City, and expect we're going to see it today in  
6 the testimony before this committee. I also expect  
7 that there will be disagreements over what the City  
8 needs to do and what the City should do, but I think  
9 we can all agree that we've seen too many accidents,  
10 and we've seen too many lives destroyed. The last  
11 two fiscal years have seen more construction  
12 accidents, injuries and deaths than any other years  
13 as the City adopted the modern construction codes in  
14 2008. So, clearly, this cannot go on. Ours is a  
15 city on the rise, and construction is vital to our  
16 growth. Construction brings us new jobs, a stronger  
17 economy and more affordable housing, but we cannot  
18 pay for that progress with the lives of the people  
19 who build this city, and we cannot pay for it with  
20 the lives of the people who live and work near our  
21 construction sites. We must make construction safer  
22 for all New Yorkers and also the opportunities that  
23 this affords available to all New Yorkers. So,  
24 today's hearing is an important step in that process.  
25 I look forward to reviewing the feedback we've

2 received today and to continuing to work with the  
3 Administration and the many stakeholders involved as  
4 we proceed, and I came here to listen so I appreciate  
5 it, and those will be comments. Thank you, Mr.  
6 Chair.

7 CHAIRPERSON WILLIAMS: Thank you, Madam.  
8 Thank you, Madam Speaker, for being here and for your  
9 leadership on this issue, and case in point of Alicia  
10 Buchon [sp?], and the response of to these deaths, we  
11 are hearing 21 pieces of legislation which might be  
12 the largest package we've heard at one time to show  
13 the seriousness that we are taking of this issue. I  
14 just want to expand on something you've mentioned,  
15 because I know there's been a lot of misinformation  
16 in the media and what people are just talking amongst  
17 themselves. We're having a hearing today on these  
18 bills. None of these bills will be voted on. We're  
19 going to take back all of the information that we've  
20 heard, things that we may not have thought of,  
21 impacts that we may not have seen, and really craft  
22 the bills to make sure it does what we like it to do.  
23 The past few weeks, as was mentioned, has been pretty  
24 energetic. I welcome all of the energy, pro, against.  
25 It is part of the legislative process, and it really

2 does help us understand impacts that we have, and we  
3 want to hear from the experts to help us craft the  
4 legislation. I'd also like to thank my staff for the  
5 work they did through some of this hearing, including  
6 Nick Smith, my Deputy Chief of Staff and Legislative  
7 Director, Megan Chan and Guiermo Patino [sp?],  
8 Counsels to the Committee, Jose Conde [sp?], Policy  
9 Analyst to the Committee, and Sarah Gastelum [sp?],  
10 the Committee's Finance Analyst. I'd like to also  
11 thank the Sergeant of Arms for all the help they are  
12 giving us now and will be giving us throughout the  
13 day. Before we begin, I'd like to go over some  
14 logistics. First, I'd like to remind everyone who'd  
15 like to testify today, please fill out a card with  
16 the Sergeant of Arms. Again, because of time  
17 constraints everyone is going to have two minutes to  
18 testify. We want to make sure that everyone who  
19 signed up to testify will. Keep in mind the  
20 Administration will-- I would also like to advise  
21 everyone that because we are discussing a number of  
22 bills, the Administration may be testifying for a  
23 couple of hours. The plan is to allow everyone who  
24 expressed an interest in testifying an opportunity to  
25 be heard. Because there's an event in the Chambers



1 this evening, if this hearing does not conclude by  
2 4:00 p.m., we will be moving across the street to 250  
3 Broadway. Also, while I encourage the spirit of  
4 discussion, I would like to remind everyone to be  
5 respectful throughout the hearing. Because we are  
6 discussing a tenuous [sic] issue, I would like to  
7 reserve the right to call witnesses up for  
8 questioning throughout the hearing even after they  
9 have testified, so we can make sure people have  
10 appropriate responses. Finally, once the  
11 Administration concludes their testimony, we will  
12 briefly adjourn the hearing to vote on three pieces  
13 of legislation related to three-quarter housing, a  
14 piece of legislation that we will vote on not related  
15 to construction site safety at all. They would  
16 clarify the way the tenant can verify the occupancy  
17 and provide tenants who were denied relocation  
18 services with a written notice regarding such  
19 decisions, prohibit landlords from mandating medical  
20 treatment as a condition of occupancy, and remove the  
21 time limitation for applying for relocation  
22 assistance and make clear that any tenant who moves  
23 out while a vacate order is in effect is entitled to  
24 appropriate relocation assistance from HPD. I will  
25

1  
2 now call up two union and non-union Merit Shop  
3 Construction Workers to discuss the issue of  
4 construction safety from their point of view.

5 Following that panel, we will call up representatives  
6 from the Administration. Ulysses Williams, Laborers  
7 Local 79, Albert Ortiz, International Associate of  
8 Heat and Frost, Juan Peretez [sp?], and Abdul Cokku-  
9 Abu. I apologize if I mispronounce anyone's name.

10 We've also been joined by Council Member Carlos  
11 Menchaca. And we are suspending our normal procedure  
12 of having Council Members give opening statements  
13 because of the size of the package that we're  
14 hearing. Can each of you please raise your right  
15 hand? Do you affirm to tell the truth, the whole  
16 truth and nothing but the truth in your testimony  
17 before this committee and to respond honestly to  
18 Council Member questions? I'm going to give you each  
19 three minutes to give your testimony and follow up if  
20 any of my colleagues have any questions. You can  
21 begin in the order of your choosing.

22 ULYSSES WILLIAMS: Good morning. My name  
23 is Ulysses Williams and I am a member of Local 79. I  
24 want to start by thanking the Committee and Council  
25 Members Williams for the opportunity to testify today

1 about Intro 1447 and the importance of training and  
2 safety for all construction workers. I've been a  
3 member of Laborers Local 79 for 15 years. I started  
4 as an apprentice and worked my way up to Shop Steward  
5 and then Foreman, but I'm not here today to talk  
6 about the difference my apprenticeship training made  
7 in my life and how it protected me on the job. I'm  
8 here to tell you a personal story about how one  
9 person's training or lack thereof can affect you and  
10 change your life. I'm currently out of work and  
11 receiving Workers' Compensation because of my last  
12 job and an accident that happened on it. At my last  
13 job I was the only union member on the site, meaning  
14 I was the only person to have undergone skills and  
15 safety training on the entire job site. Before I  
16 arrived on the job one day a few non-union workers  
17 had cut holes in the floor we were working on.  
18 Instead of covering the holes with wood, securing the  
19 wood to the floor with proper nails and then orange  
20 spray-painting the edges of the wood and writing the  
21 word 'hole' in the middle of the wood to show other  
22 workers they should be careful when stepping in that  
23 area as my training taught me, the non-union workers  
24 just put a piece of plywood down and called it a day.  
25

1  
2 They didn't know any better, after all. The next  
3 time I walked on the site and was on that floor I  
4 fell through the plywood in the hole in the floor  
5 injuring my entire left side of my body. I tore my  
6 triceps, hurt my shoulder and was pretty banged up in  
7 every sense possible. I had to have surgery to  
8 repair my severed triceps, and am on the road to  
9 recovery through intensive physical therapy. All  
10 this because workers on the site never got any skills  
11 or safety training to know they should have covered  
12 the hole more completely and securely. I was trained  
13 for the job, but they weren't, and because of that,  
14 I'm not in pain dealing with serious health issues  
15 and unable to work. I had these workers-- had these  
16 workers received adequate skill and safety training,  
17 I would not have gotten hurt, and I wouldn't be here  
18 today in pain. Construction is already dangerous,  
19 but it gets even more dangerous when workers aren't  
20 trained for the jobs they're doing. Stories like mine  
21 are all too common, because my training doesn't  
22 matter if there's someone around me that was never  
23 given the same opportunity to be properly trained and  
24 educated like I have. I implore you to protect  
25 everyone in the construction industry and the public

1  
2 around construction sites by passing Intro 1447 and  
3 setting basic training and safety standards for all  
4 construction industry workers, ensuring people like  
5 myself and those workers that didn't even know they  
6 were doing something wrong are safe on the job.

7 Thank you for your time and service.

8 ALBERT ORTIZ: I would like to begin by  
9 thanking Council Chair Member Jumaane Williams and as  
10 well as his fellow Council Members who are present  
11 here today for the opportunity to address you and to  
12 speak in support of Intro 1447. Please allow me a  
13 moment to introduce myself. My name is Albert Ortiz,  
14 Junior, and I'm here to speak on behalf of all  
15 construction workers. However, I am also here to  
16 speak on behalf of their families and friends alike.  
17 The reason I believe that I'm qualified to speak and  
18 represent said people is that aside from being a  
19 construction worker, I am also a pastor and a  
20 Sanction Chaplain by the United States Supreme Court.  
21 My faith runs deep, and I've served my community and  
22 have pastored now for some 12 years. I currently  
23 pastor Eternal Grace Christian Fellowship in the  
24 Mariner's Harbor Neighborhood of Staten Island, and  
25 I'm in touch with the community on a daily basis, in

1 touch with all genders, faiths and age groups. My  
2 fellow congregates and I serve the community in  
3 various ways. We coordinate community outreaches,  
4 offer Christian-based counseling for various needs  
5 and partner with the Departments such as New York  
6 City Police Department and also the New York City  
7 Fire Department as well as others to see our  
8 communities thrive for a better tomorrow. I'm also  
9 an active member in good standing with the Heat and  
10 Frost Insulators Local Number 12 of New York City and  
11 Long Island. I'm a product of New York City and have  
12 remained here for my entire life, and I respectfully  
13 ask the Council Members to seriously consider my  
14 testimony towards the advancement of safety and skill  
15 training in the workplace, since I truly have a pulse  
16 on safety on the job site. The importance of this  
17 legislation is to recognize the need for appropriate  
18 training as well as skilled training as well as shine  
19 a light on the exploitation of many workers within  
20 our great city. We make movies and praise those that  
21 survive workplace disasters such as the film about  
22 minors in Chile titled, "Thirty-three." And there's  
23 another movie called "Deep Water Horizon" that told a  
24 true story of a company that chose to cut corners,  
25

1 ignoring safety protocol, and the end result: eleven  
2 workers dead. Regrettably, it is apparent that we  
3 will never focus on disasters like that happening  
4 right in our own back yard. There were 30 New York  
5 City construction workers who did not make it home in  
6 the last two years. The lives of 30 families have  
7 been changed forever. OSHA cites construction  
8 workers make up under five percent of the City's  
9 workforce, but account for an outstanding 20 percent  
10 of deaths at work. There should be no difference  
11 between training from non-union versus non-union, or  
12 union versus non-union. Since workers are not born  
13 safe, comprehensive training must be required in  
14 order for them to remain safe and return home the  
15 same way they came to work. Council Members, it is  
16 our moral obligation and civic duty to hold those  
17 accountable if they are unwilling to look-out for the  
18 welfare of the New York City construction worker. We  
19 are regarded as the capital of the world, and it  
20 starts here with us. Through my own personal  
21 experience, I have worked alongside others who are  
22 not sufficiently trained in safety and practices on  
23 open-shop projects. These developers and contractors  
24 turn a blind eye in order to build their projects  
25

1 faster. Ultimately, their goal was monetary gain,  
2 and the life of a construction worker to be like a  
3 casualty of war in a distant land, ignored,  
4 expendable, forgotten like they never existed. We  
5 can no longer sacrifice safety at all costs, and I'm  
6 grateful to have been provided with the opportunity  
7 to complete a four-year New York State approved  
8 apprenticeship program where--

10 CHAIRPERSON WILLIAMS: [interposing] Going  
11 to have to ask you if you can give a closing  
12 sentence?

13 ALBERT ORTIZ: Yes. As I conclude my  
14 testimony today I implore you to pass Bill 1447 so  
15 that every construction worker will have the best  
16 opportunity to make it home safely and will have a  
17 chance to continue to be a productive member in this  
18 great City of New York. Once again, I thank you for  
19 allowing me to give my testimony in support of Bill  
20 1447.

21 ABDUL COKKU-ABU: Good morning, everyone.  
22 My name is Abdul Cokku-Abu. I am in the Bronx  
23 residence. I have worked at my company over eight  
24 years. I'm going to give you a shortcut. Come from  
25 very poor country named Ghana.



2 CHAIRPERSON WILLIAMS: Sorry, can I ask  
3 you to switch the mic. I want to make sure we can  
4 hear you. Thank you.

5 ABDUL COKKU-ABU: You hear me now, sir?

6 CHAIRPERSON WILLIAMS: Yeah, that's  
7 better. Thank you.

8 ABDUL COKKU-ABU: Good morning, everyone.  
9 Before I started, [inaudible] introduce my name to  
10 you guys. My name is Abdul Cokku-Abu. I am a Bronx  
11 resident. I have worked at our company over eight  
12 years. Come from a very poor country named Ghana.  
13 I'm so happy to be in this room, because our company,  
14 how they take good care of us. I work full-time,  
15 nonstop. I started out with two [sic] level [sic],  
16 then CCS over-- I got promoted to be Labor Foreman  
17 [sic]. I like our company, how they treat us, all  
18 the training we have. We never stop. I can't talk  
19 too much all our proof [sic], all the training we  
20 got, OSHA 30 [sic], OSHA 10 [sic]. We have all  
21 insurance, full cover with all our family. We have  
22 401K. We have vacation pay, all month. Our company  
23 works safe and save every year. We never ever have  
24 something dangerous, our company and the job site.  
25 We all would make sure everybody's safe in the job

1 site. If we see something we don't like it, I stop  
2 everybody. I call safety manager, "Please, we need  
3 this." Or I go to my company, and I say, "Boss, I  
4 need this. I need this." We always have what we want  
5 for safe of everybody. I don't want to take too much  
6 time. God bless L+M, and God bless America.

8 JUAN PERETEZ: Good morning, Council. My  
9 name is Juan Peretez. I'm an Assistant Supervisor  
10 for L+M Builders. [audio feedback] I'm an Assistant  
11 Supervisor for L+M Builders. I've been currently  
12 employed by-- ready?

13 CHAIRPERSON WILLIAMS: I just wanted to  
14 make sure that the last person that test-- is your  
15 mic off?

16 ABDUL COKKU-ABU: Yeah, it's off.

17 CHAIRPERSON WILLIAMS: Okay. Maybe it's  
18 the computer. It could be the laptop. Just keep--  
19 you can keep going.

20 JUAN PERETEZ: Okay. So, currently  
21 employed with L+M Builders as an Assistant Super--  
22 Superintendent. I've been working with L+M for 18  
23 years now. I started with from a Youth Build  
24 program, now-- they hired me from there. Became a  
25 laborer. After a few years, came a Foreman Laborer,

1 and to have been promoted to an Assistant Supervisor  
2 a year and a half ago. I have seen a change in the  
3 culture since the beginning of construction, since I  
4 started construction. The program is mainly now  
5 heavily orientated around safety. There's never been  
6 a-- I haven't seen a sacrifice in safety for let's  
7 say time schedule or for profit. The one thing I  
8 have really noticed is a lot of training that we  
9 take. The city requires that everyone to have an  
10 eight-hour OSHA. We, L+M in particular, requires all  
11 of us to have a 30-hour OSHA card. Now, we also take  
12 a lot of other trainings, for example, fire, fire  
13 safety trainings. So, we do have meetings. We have  
14 take-off's. We also have fire safety. We do have  
15 safety managers as well on all our job sites. One  
16 thing that's heavily stressed is the security. We  
17 all want to see all workers get home safe. There  
18 haven't been a reason where we would sacrifice the  
19 life or injury of any individual for profit gains.  
20 Pretty much it.

22 CHAIRPERSON WILLIAMS: Thank you very  
23 much for your testimony. We've been joined by  
24 Council Member Rosenthal, Chin, Treyger, Greenfield,  
25 Cohen, and Gibson. I want to thank each of you for

1 your testimony. I just wanted to know if any of you  
2 can expound on-- you guys mentioned a little bit, but  
3 what trainings you have already seen, what trainings  
4 you have already received and/or what trainings do  
5 you think might be helpful to mandate from what your  
6 experience has been, and talking about safety  
7 training, not necessarily skills training. Anyone  
8 can answer.  
9

10 JUAN PERETEZ: Well, safety training,  
11 again, the City I think requires everyone to have an  
12 eight-hour OSHA card--

13 [audience talking]

14 JUAN PERETEZ: Ten hours, excuse me.  
15 Sorry.

16 SERGEANT AT ARMS: Quiet please. Quiet  
17 on the floor.

18 JUAN PERETEZ: Ten-hour, sorry, 10-hour  
19 OSHA card, but we-- L+M does require everyone to have  
20 a 30-hour OSHA card. So, better training and safety  
21 is probably more important.

22 CHAIRPERSON WILLIAMS: Anybody else want  
23 to add?

24 ULYSSES WILLIAMS: Yes, I currently have  
25 in my possession 22 licenses and certifications, from

1 OSHA, from the Fire Department, from my union and  
2 other entities. OSHA, the 10-hour OSHA is not  
3 enough. It's like-- how can I explain it? You need  
4 more than just 10 hours of in-class training. You  
5 need on-the-job experience by a qualified person.  
6 Also, you need additional classes. You need to know  
7 how to build scaffolds safely. You need to know how  
8 to identify dangers and make corrections to it.

9  
10 CHAIRPERSON WILLIAMS: Is it Mr. Peretez?

11 JUAN PERETEZ: Yes.

12 CHAIRPERSON WILLIAMS: You mentioned that  
13 you noticed a shift. Can you talk about when that  
14 shift occurred and what do you think might have added  
15 to it?

16 JUAN PERETEZ: Well, I'm not sure whether  
17 it was-- well, it was obviously during when I was a  
18 laborer. Don't know whether it was just change of  
19 management in the company, but I just started  
20 noticing it was an influx of requiring us to have  
21 training in specific situations.

22 CHAIRPERSON WILLIAMS: Around when was  
23 that?

24 JUAN PERETEZ: I want to say about back in  
25 2004, 2005. I really took hand in L+M asking me to

1  
2 take OSHA classes and four-hour scaffold classes and  
3 fire guard training.

4 CHAIRPERSON WILLIAMS: Well, thank you  
5 very much. I thought it was important that we heard  
6 the voices of the workers before we got into it with  
7 the Administration. I don't see any of my colleagues  
8 have any questions. So-- you do? For this panel?  
9 Okay. I have listed here Crowley, Lancman,  
10 Grodenchik, Cornegy, Kallos, and Menchaca. They all  
11 have questions for this panel? Okay. Grodenchik,  
12 no, no. Okay. We want to try to get through this  
13 quick. So we're going to try to put everybody three  
14 minutes for this panel questions. See how that goes.  
15 So we'll start with Council Member Crowley.

16 COUNCIL MEMBER CROWLEY: So, recently I  
17 read a report that NYCOSH put out which looks at the  
18 safety on job sites and evaluates whether  
19 construction sites have been found to have violations  
20 after somebody is seriously injured or killed, and  
21 their report showed that on those sites over 90  
22 percent of them where somebody was killed or  
23 seriously injured there were serious and significant  
24 violations. My question first is, and you could each  
25 answer this or one or two of you because we don't

1  
2 have a lot of time, is it really an accident when a  
3 contractor cuts corners and provides an unsafe  
4 environment and then somebody gets hurt or killed?

5 GERRY MICELI: No.

6 COUNCIL MEMBER CROWLEY: Should we  
7 change--

8 GERRY MICELI: That's intentional  
9 negligence.

10 CHAIRPERSON WILLIAMS: Excuse me. I'm  
11 sorry. Who are you, sir?

12 GERRY MICELI: My name's Gerry Miceli.  
13 These two gentleman work for me.

14 CHAIRPERSON WILLIAMS: Okay.

15 GERRY MICELI: I don't think some of  
16 these questions are appropriate for them. So--

17 [off mic comments]

18 CHAIRPERSON WILLIAMS: Can you come to  
19 the mic, please?

20 GERRY MICELI: Sure. My name is Gerry  
21 Miceli. I'm the President of L+M Builders Group. I  
22 just don't think some of these questions are  
23 appropriate for these two gentleman.

24 CHAIRPERSON WILLIAMS: Okay, you can-- If  
25 you want to testify--

2 COUNCIL MEMBER CROWLEY: [interposing]

3 Sure, you're here. I could ask you a question. Has  
4 anybody--

5 CHAIRPERSON WILLIAMS: [interposing] No,  
6 no, wait, wait. If you'd like to testify, you can  
7 fill a card. Those gentleman are testifying. They  
8 can either answer--

9 [applause]

10 CHAIRPERSON WILLIAMS: [interposing] So  
11 we want to make sure everything stays as orderly as  
12 possible, so we try to do this.

13 [off mic comments]

14 UNIDENTIFIED: That's false, false  
15 statement.

16 [off mic comments]

17 UNIDENTIFIED: Liar.

18 CHAIRPERSON WILLIAMS: This is the thing.  
19 Here we go.

20 COUNCIL MEMBER CROWLEY: Settle down.

21 CHAIRPERSON WILLIAMS: So we do this if  
22 you want to clap, and you can do this if you want to  
23 boo. We want to make sure everyone who's here now is  
24 here until the end of the hearing. The more  
25 outbreaks that we have, it pauses the times, and



1 after a while I have to clear the room, which I don't  
2 want to do. So, let's try our best to show our  
3 emotions with this or this so that everybody can  
4 remain for the duration of the testimony. Sir, if  
5 you'd like to testify, you can fill out a card.  
6 These two gentleman have testified. Feel free to  
7 answer the questions that you want to answer, or if  
8 you don't feel you can answer them, you don't have  
9 to.

11 GERRY MICELI: Okay.

12 CHAIRPERSON WILLIAMS: We feel more  
13 comfortable if you fill out a form if you'd like to  
14 go, okay?

15 COUNCIL MEMBER CROWLEY: Thank you.

16 CHAIRPERSON WILLIAMS: Can we reset  
17 Council Member Crowley's clock, please?

18 [off mic comments]

19 CHAIRPERSON WILLIAMS: Can we reset the  
20 clock for Council Member Crowley?

21 COUNCIL MEMBER CROWLEY: Okay, thank you.

22 First, thank you to our Chairman who is doing a good  
23 job of keeping order in the Chambers. It's the  
24 Council Chambers, and he's chairing the hearing. And  
25 it's unusual to hear from members of the public

1 before the Administration. So I have to compliment  
2 the chairman on that. I asked a question about what  
3 we call accidents on job sites. You know, this  
4 Administration, the de Blasio Administration, I give  
5 credit to when they crack down on crashes, and they  
6 call that Vision Zero. They no longer are referring  
7 to these crashes as accidents. So, I ask each one of  
8 you whether it was an accident if these employers are  
9 cutting corners and not training workers and people  
10 are getting injured seriously or killed, is that an  
11 accident.  
12

13 ALBERT ORTIZ: It is not accident. I  
14 mean, you can ask their friends and family when they  
15 don't make it home that night or they're in a  
16 hospital bed somewhere, it's definitely not an  
17 accident.

18 COUNCIL MEMBER CROWLEY: I know that we  
19 also have union and non-union here. So, the first  
20 two, are you both union?

21 ALBERT ORTIZ: I'm union, Local 79.

22 COUNCIL MEMBER CROWLEY: And the last  
23 two?

24 JUAN PERETEZ: Non-union.

25 ABDUL COKKU-ABU: Non-union.

2 COUNCIL MEMBER CROWLEY: Okay. Now--

3 ALBERT ORTIZ: [interposing] But this has  
4 nothing to do with union or non-union.

5 COUNCIL MEMBER CROWLEY: But who--

6 ULYSSES WILLIAMS: [interposing] If you  
7 put someone under any other--

8 CHAIRPERSON WILLIAMS: [interposing]  
9 Alright, so we're not--

10 ULYSSES WILLIAMS: [interposing] I wish to  
11 respond to her.

12 CHAIRPERSON WILLIAMS: Yeah, sure, but--

13 COUNCIL MEMBER CROWLEY: [interposing] And  
14 I'm not--

15 CHAIRPERSON WILLIAMS: [interposing]  
16 Everybody here who's on a construction site is trying  
17 their best to feed their families. That's what's  
18 going on. So, let's at least try to show some  
19 respect for that fact. Everybody has a family.  
20 Everybody wants to feed them. We want to make sure  
21 that they're on sites that are safe as possible, and  
22 that's the purpose that we're here today. So,  
23 particularly in the climate that we are now, let's at  
24 least have some respect for each other in that  
25 regard.

2 ULYSSES WILLIAMS: Anytime under any  
3 other situation when you deliberately put someone in  
4 harm's way, that's a crime. It's intentional  
5 negligence.

6 COUNCIL MEMBER CROWLEY: It's negligent.  
7 It's a crime. I agree. People need to be held  
8 responsible. Contractors, when they break the rules,  
9 and somebody gets hurt and somebody dies, they should  
10 be penalized. It's criminal. I agree. Now, has  
11 anyone been killed on a job site that you've worked  
12 or, or for the employer? You're currently  
13 unemployed, are you?

14 ULYSSES WILLIAMS: Yes, I'm on Workers'  
15 Compensation due to my injuries on the job site.

16 COUNCIL MEMBER CROWLEY: Any of the union  
17 employers that you work for, do you know if anybody  
18 was killed while they were working--

19 ULYSSES WILLIAMS: On my job site, the  
20 present one, no. I've seen people who had their  
21 fingers cut off. Myself, my tricep was severed  
22 because of working with non-union.

23 COUNCIL MEMBER CROWLEY: I don't want to  
24 be rude and interrupt you. Okay, that answers that  
25 question. I would like to hear that from the non-

1 union representatives. L+M, your employer just came  
2 up to the microphone to try to speak on your behalf.

3  
4 JUAN PERETEZ: Yeah, yeah, under duress.

5 COUNCIL MEMBER CROWLEY: It's a simple  
6 question. It's an answer that I would like a yes or a  
7 no. Has anyone been killed on an L+M job site?

8 JUAN PERETEZ: No.

9 COUNCIL MEMBER CROWLEY: And yourself, do  
10 you work for L+M, is that what it says?

11 ABDUL COKKU-ABU: Yep.

12 COUNCIL MEMBER CROWLEY: And nobody was  
13 killed or died due to a violation on the job site?

14 ABDUL COKKU-ABU: Violation, we don't  
15 have it.

16 COUNCIL MEMBER CROWLEY: Nobody was  
17 killed? I just remind everybody you were sworn in to  
18 tell the truth. So, there were a lot of accusations  
19 going back and forth about the employee that was just  
20 up who I understand to be non-union, and I'd like to  
21 know and the committee to know whether somebody was  
22 killed on a job site that L+M was managing.

23 ABDUL COKKU-ABU: No was killed, but a  
24 guy died by medical issue.

25 COUNCIL MEMBER CROWLEY: Medical issue?

1                   ABDUL COKKU-ABU: Yeah.

2                   COUNCIL MEMBER CROWLEY: What kind of  
3 issue was it?  
4

5                   ABDUL COKKU-ABU: I don't know. We don't  
6 know. It wasn't--

7                   COUNCIL MEMBER CROWLEY: Did he--  
8 Occupational Health and Safety Administration say it  
9 was work-related?

10                  ABDUL COKKU-ABU: What you mean about  
11 that, please?

12                  COUNCIL MEMBER CROWLEY: Is he one of the  
13 people that is accounted for by the federal  
14 government and not accounted for by the City of New  
15 York?

16                  ABDUL COKKU-ABU: I don't understand.

17                  COUNCIL MEMBER CROWLEY: I mean, just--

18                  CHAIRPERSON WILLIAMS: [interposing]

19 Alright, Council Member.

20                  COUNCIL MEMBER CROWLEY: Just in closing,  
21 thank you. Thank you, Chair. Just in closing, I  
22 read in the briefing that there was a report by  
23 Crane's Newspaper that said that the City doesn't  
24 account for all the deaths that the federal  
25 government does, and I think that that might have

2 been the job that we're talking about where the  
3 employer doesn't want to take responsibility.

4 CHAIRPERSON WILLIAMS: Thank you, Council  
5 Member.

6 COUNCIL MEMBER CROWLEY: The federal  
7 government says he's responsible.

8 CHAIRPERSON WILLIAMS: Council Member  
9 Lancman?

10 COUNCIL MEMBER LANCMAN: Thank you. Good  
11 morning. Thank you for being here to testify. I  
12 first have to make the observation that you two  
13 gentleman from L+M took time out of your day to come  
14 and testify and to give us your insight and your  
15 opinion into the workplace and your experience, and I  
16 don't know what could possibly better capture the  
17 importance and urgency of the apprenticeship bill  
18 than the fact that at the moment that you are asked  
19 questions about your experience and offered further  
20 opportunity to tell your story, that your employer  
21 ran over and told you that you couldn't answer the  
22 question. And one has to wonder-- one has to wonder  
23 if you are not able to speak up at a City Council  
24 hearing to exercise your right as New York City  
25 residents to speak your mind, what kind of atmosphere

1 must exist at your workplace if you want to speak up  
2 about a safety problem that could potentially slow  
3 down the job site or actually shut it down for some  
4 period of time. this was exhibit A of why it's so  
5 important for people-- and I understand this is not a  
6 union bill, but why it's so important for people in  
7 your position to be represented by a union so that  
8 you have the safety and the protection and you have  
9 someone in your organization that has your back so  
10 that you can speak your mind. Let me ask you a  
11 question, the gentleman from Local 12, and was it 79?  
12

13 UNIDENTIFIED: Yes, 79.

14 COUNCIL MEMBER LANCMAN: Very briefly,  
15 very briefly. Can you just describe the length of  
16 the apprenticeship program that you had to  
17 participate in before you became a--

18 ALBERT ORTIZ: [interposing] Absolutely.

19 COUNCIL MEMBER LANCMAN: full member of  
20 the union, and what are some of the courses and  
21 training that you received?

22 ALBERT ORTIZ: Well, I took a four-year  
23 apprenticeship program with Union Local Number 12,  
24 the Heat and Frost Insulators, and we received  
25 scaffold training. We did our OSHA, and it was done



1 in a classroom setting where someone was there  
2 explaining things to you. It wasn't just an online  
3 superficial thing that many people do nowadays and  
4 it's okay. Things like I said, scaffold training,  
5 and just you know, always putting the top priority as  
6 safety in every aspect of our--

8 COUNCIL MEMBER LANCMAN: [interposing]  
9 And it was a four-year program?

10 ALBERT ORTIZ: Absolutely. So, it was  
11 done on a weekly basis. It was always instilled in  
12 us to be safe on jobs. Within the program we wear  
13 hard hats, vests, safety glasses--

14 COUNCIL MEMBER LANCMAN: [interposing] And  
15 the gentleman from the Laborers, similar?

16 ULYSSES WILLIAMS: Speaking on behalf of  
17 Local 79, it's a four-year program, hands-on and in-  
18 class training, and you never stop training. It's  
19 forever. As long as you're in the union, you're on  
20 the job, you have to be recertified.

21 COUNCIL MEMBER LANCMAN: So, but before my  
22 time expires, the gentleman from L+M, could you tell  
23 us, before you walked on your first job site, the  
24 extent of the training that you received?

1  
2 JUAN PERETEZ: Well, I personally came  
3 from a Youth Build program which prepared us to work  
4 on a construction site. That was a sixth-month  
5 program before I got hired through L+M.

6 ULYSSES WILLIAMS: But that's not your  
7 employer.

8 ALBERT ORTIZ: That's not the employer.

9 COUNCIL MEMBER LANCMAN: But it's their  
10 opportunity. Sir? Could you just explain what  
11 training was provide to you before you started work  
12 at L+M?

13 ABDUL COKKU-ABU: [off mic]

14 COUNCIL MEMBER LANCMAN: You got to move  
15 the mic closer to you.

16 ABDUL COKKU-ABU: Before I start with L+M  
17 I was worker with MSI [sic], which mean they give us  
18 some program we go to, like one year, and if you do  
19 [inaudible], we see everything, how to make it, and  
20 they train us before you go to a field, make sure we  
21 safe, not to get hurt. Until we see it's not good,  
22 we stop, we're not going. Even the boss say go do  
23 it, we tell him no.

24 COUNCIL MEMBER LANCMAN: Was it a formal  
25 training program, though?

2 CHAIRPERSON WILLIAMS: Council Member?

3 Thank you Council Member. Council Member Kallos?

4 COUNCIL MEMBER KALLOS: Thank you, and  
5 I'll be following along Council Member Lancman's  
6 questions. I just want to thank the Chair for this  
7 hearing, as well as the Speaker for her leadership on  
8 this. So, just across the board, quick yes or no,  
9 did you employer ask you to testify today?

10 UNIDENTIFIED: Yes.

11 ABDUL COKKU-ABU: Yes.

12 UNIDENTIFIED: Yes.

13 UNIDENTIFIED: My testimony is voluntary.  
14 I volunteered.

15 UNIDENTIFIED: I did as well volunteer.

16 COUNCIL MEMBER KALLOS: And are you being  
17 compensated for your appearance today?

18 UNIDENTIFIED: No.

19 UNIDENTIFIED: No.

20 UNIDENTIFIED: Emphatically, no.

21 UNIDENTIFIED: No.

22 UNIDENTIFIED: No.

23 UNIDENTIFIED: I should be.

24 COUNCIL MEMBER KALLOS: And-- [laughter]

25 And if you say the wrong thing today, are you

1 guaranteed to be rehired? Do you have a hiring hall  
2 or another mechanism starting with the--

3 ULYSSES WILLIAMS: Well, I asked to come  
4 here today, because they know what I'm going to say,  
5 and I said what I want to say.

6 COUNCIL MEMBER KALLOS: Next?

7 ALBERT ORTIZ: I've been with my company  
8 13 years. I'm not going anywhere.

9 ABDUL COKKU-ABU: I'm here for the same  
10 thing. We're here for-- we have a family. We're  
11 good [sic].

12 COUNCIL MEMBER KALLOS: And so if you say  
13 something your employer doesn't like, do you have a  
14 hiring haul? Will you get another job, automatically  
15 with a different employer?

16 ABDUL COKKU-ABU: I'm saying the person I  
17 am. You know, my company is guaranteed.

18 COUNCIL MEMBER KALLOS: Next?

19 JUAN PERETEZ: I've been currently  
20 working for 18 years. I have no problem continuing  
21 to work for L+M for the next 18.

22 COUNCIL MEMBER KALLOS: And if you said  
23 something your employer didn't like, is there a  
24 hiring haul? Is there something that would get you  
25

1  
2 another job automatically? Do you have a hiring  
3 haul?

4 JUAN PERETEZ: A what?

5 COUNCIL MEMBER KALLOS: DO you have a  
6 hiring haul? Do you have somebody who will get you  
7 another job automatically?

8 JUAN PERETEZ: A hiring haul--

9 COUNCIL MEMBER KALLOS: [interposing]  
10 Right, so if you're in a union, if you don't like  
11 something your employer is doing and you speak out,  
12 the union has a hiring haul that will get you another  
13 job with another developer or contractor that's  
14 responsible. So do you have that?

15 JUAN PERETEZ: Why would have the--  
16 worrying about getting another job?

17 COUNCIL MEMBER KALLOS: Okay. And what--

18 CHAIRPERSON WILLIAMS: [interposing] So, I  
19 just want to pause for a second and I'll let you  
20 continue. I just want to make sure that people  
21 remember these are workers. We are going to have  
22 some people testifying representing some of the  
23 people they work for. Some of those questions might  
24 be a little more apt for them. You can feel free.  
25 It's your time, but I just want us to remember these

1  
2 are workers who are trying to feed their family, and  
3 we will have some other people that may be able to  
4 answer those questions.

5 COUNCIL MEMBER KALLOS: I appreciate it,  
6 and thank you, Chair. I just think that it's  
7 important that folks know that there's hiring hauls  
8 out there that will empower workers so that they can  
9 speak their mind and speak freely. And just in terms  
10 of what type of work do you do on the construction  
11 site? You've mentioned a lot about OSHA, but what  
12 kind of work do you do on the construction site, and  
13 do you have a license to do that work? Do you have  
14 specific training to do that work before you did it  
15 for the L+M folks?

16 ABDUL COKKU-ABU: Go ahead.

17 JUAN PERETEZ: Can you repeat that?

18 COUNCIL MEMBER KALLOS: Just asked--

19 CHAIRPERSON WILLIAMS: [interposing] He  
20 just asked what type of work were you doing, and then  
21 after you answer that we're going to go to Council  
22 Member Menchaca. What kind of work do you do on the  
23 worksite?  
24  
25

1  
2 JUAN PERETEZ: Currently, I'm an  
3 Assistant Supervisor, Superintendent, and  
4 [inaudible].

5 ABDUL COKKU-ABU: I'm Labor Foreman. We  
6 make sure housekeep, that's number one safety issue.  
7 That's number one for us, L+M labor workers.

8 CHAIRPERSON WILLIAMS: Did anyone--  
9 Council Member Menchaca. That's the last person we  
10 have signed up for this panel.

11 COUNCIL MEMBER MENCHACA: Thank you for  
12 your leadership, chair, and thank all of you for your  
13 incredible work. No matter what, we know that you  
14 are part of a large family of people who are building  
15 this City as we see it today, and so we are in awe of  
16 your service, and I want to say thank you. My first  
17 question is-- we've been talking a little bit about  
18 each of your work experiences before you got onto the  
19 job. Can each of you tell me a little bit about what  
20 certifications you have now? You showed your pile of  
21 certifications, maybe that kind of tells it, but I  
22 want to hear it as well, and if we could go across.  
23 I want to hear what certifications each of you are  
24 holding today as a worker.

25 ULYSSES WILLIAMS: I'll tell you.

2 COUNCIL MEMBER MENCHACA: Thank you.

3 ULYSSES WILLIAMS: Flagger safety, so  
4 when I'm in the street you can't just put anybody--

5 COUNCIL MEMBER MENCHACA: [interposing]  
6 Well, don't explain it. Just give me the  
7 certification.

8 ULYSSES WILLIAMS: Flagger safety--

9 COUNCIL MEMBER MENCHACA: I don't have a  
10 lot of time.

11 ULYSSES WILLIAMS: Scaffold user,  
12 material hoist attendants, fall protection, mass  
13 climbing scaffold user and operator, confined space  
14 entry, basic first aid and CPR, AED, infection [sic]  
15 and patrol risk assessment, 24-hour infection control  
16 risk assessment,--

17 COUNCIL MEMBER MENCHACA: Thank you.

18 ULYSSES WILLIAMS: global harmonizing  
19 [sic] system, 32-hour scaffold building safety  
20 course.

21 SERGEANT AT ARMS: Have a seat in the  
22 balcony please. Don't lean on that railing.

23 ULYSSES WILLIAMS: Sorry, I wear glasses,  
24 and I didn't bring one. Approved swing scaffold,  
25 designated riggers foreman, from the Fire Department



1  
2 I have S92, supervised portable fuel and space  
3 heaters, Fire Department use of ammo activated tubes--  
4 - these are tubes that use 22 caliber bullets. You  
5 can't just put anybody on it. They'll shoot through  
6 sheetrock and kill somebody on the other side. You  
7 have to know what you're doing. So you have to have  
8 a license from the Fire Department. Not only  
9 training from your school or my school in  
10 certification--

11 COUNCIL MEMBER MENCHACA: [interposing]  
12 Got it. I don't have a lot of time. I just want to  
13 make sure I get everybody else, too.

14 ULYSSES WILLIAMS: G97, use of liquid  
15 petroleum gas for concrete drying, G60 fire guard for  
16 torch operation.

17 COUNCIL MEMBER MENCHACA: Okay. You know  
18 what, I'm going to pause you here because I want to  
19 get everybody else, too.

20 ULYSSES WILLIAMS: G91, G60--

21 COUNCIL MEMBER MENCHACA: [interposing] I  
22 have one question for you, sir.

23 ULYSSES WILLIAMS: Hilti [sic].  
24  
25

2 COUNCIL MEMBER MENCHACA: Are all these  
3 mandated by the union, or did you get them on your  
4 own as you grew in your--

5 ULYSSES WILLIAMS: As I stated, they're  
6 mandated by the union.

7 COUNCIL MEMBER MENCHACA: Okay.

8 ULYSSES WILLIAMS: You have to keep  
9 recertifying. So, I have to go to school--

10 COUNCIL MEMBER MENCHACA: [interposing]  
11 Every single one of those cards represents a mandate--

12 -

13 ULYSSES WILLIAMS: [interposing] for the  
14 rest of my life, as long as I'm in the union--

15 COUNCIL MEMBER MENCHACA: [interposing]  
16 Awesome.

17 ULYSSES WILLIAMS: I have to continue to  
18 go to school and recertify my licenses and  
19 certification.

20 COUNCIL MEMBER MENCHACA: Thank you.  
21 Thank you. If we could go to the next worker,  
22 please.

23 ALBERT ORTIZ: I don't have my cards on  
24 me today, but I have an OSHA, the OSHA 10 card that  
25 you-- course that you need. Also, scaffold 32, also

1  
2 CPR and first aid training, I can't think of any  
3 others, but--

4 COUNCIL MEMBER MENCHACA: [interposing]  
5 Okay, awesome. Thank you for that. And also  
6 mandated by the union.

7 ALBERT ORTIZ: Yes.

8 COUNCIL MEMBER MENCHACA: Okay, and paid  
9 for by the union?

10 ALBERT ORTIZ: No.

11 COUNCIL MEMBER MENCHACA: OH, okay.

12 ALBERT ORTIZ: No.

13 COUNCIL MEMBER MENCHACA: So you pay for  
14 your own training?

15 ALBERT ORTIZ: THE union offers free  
16 training--

17 COUNCIL MEMBER MENCHACA: [interposing]  
18 Okay.

19 ALBERT ORTIZ: for a lot of these things,  
20 and if you want to, you know, take it a step further,  
21 you absolutely can.

22 COUNCIL MEMBER MENCHACA: Okay.

23 ULYSSES WILLIAMS: I'd like to clarify,  
24 all the training and education and certification are  
25

1 free except for the Fire Department. When you go  
2 there you have to pay for that.

3  
4 COUNCIL MEMBER MENCHACA: That one, okay.  
5 If we can go to the next worker, is that okay? Go to  
6 the next workers and get your answers to that  
7 question.

8 ABDUL COKKU-ABU: Thank you. [inaudible]  
9 talk. Too much talk doesn't mean anything. These  
10 worker finish talk [sic].

11 COUNCIL MEMBER MENCHACA: Well, can you  
12 tell me what certification--

13 ABDUL COKKU-ABU: I've got OSHA 10, which  
14 mean that is priority number one, OSHA for  
15 scaffolding, OSHA 30, and then plus the insurance to  
16 my company. I'm good.

17 COUNCIL MEMBER MENCHACA: Right, and  
18 that's-- no, those other certifications you have to  
19 do.

20 ABDUL COKKU-ABU: Yeah.

21 COUNCIL MEMBER MENCHACA: Okay, awesome.  
22 And then the next worker, please?

23 JUAN PERETEZ: I have--

24 COUNCIL MEMBER MENCHACA: [interposing]  
25 Can you turn your mic on?

1  
2 JUAN PERETEZ: Hello. I have a few  
3 certifications. I have my 10-hour OSHA, my 30-hour  
4 OSHA, and I have my FDNY certificates.

5 COUNCIL MEMBER MENCHACA: And these are  
6 mandated by--

7 CHAIRPERSON WILLIAMS: [interposing] So,  
8 we have to--

9 JUAN PERETEZ: [interposing] By L+M, paid  
10 by L+M.

11 CHAIRPERSON WILLIAMS: Alright, thank you  
12 very much. I want to thank all of you for coming and  
13 testify. You have to know that it might have been  
14 stressful, so I appreciate you coming anyway and  
15 letting us know your story. And thanks again. I  
16 wish you the best of luck. We're going to now call  
17 up the Administration. We do have a new que [sic]  
18 for members who want to ask questions for  
19 Administration.

20 ABDUL COKKU-ABU: Thank you very much.

21 CHAIRPERSON WILLIAMS: Commissioner Rick  
22 Chandler, Deputy Commissioner Tim Hogan, Deputy  
23 Commissioner Alex Fisher, Victor Olds [sp?], and  
24 Ashley Putnam for Office of Workforce Development.  
25 We've also been joined by Council Member Ulrich.

1 While the Administration is-- and Levine-- setting  
2 up, I want-- we have to make what could seem like an  
3 insensitive pivot, but I just want to mention it.  
4 The Commissioner's job and the Administration's job  
5 is pretty technical to make sure that people are  
6 safe. I don't want it to be taken as any kind of  
7 slight into the real lives that are affected and the  
8 real injuries that occur, but at times we will have  
9 to have technical discussions, and we just came from  
10 obviously a very emotional panel, but I wanted to  
11 make sure I mentioned that from the outset, because I  
12 know we do have to go into a more technical piece.  
13 Is everybody there? We've got Commissioner, Tim  
14 Hogan, Alex Fisher, Victor Olds, and Ashley Putnam.  
15 Can everybody who's going to be testifying please  
16 raise your right hand? Do you affirm to tell the  
17 truth, the whole truth and nothing but the truth in  
18 your testimony before this committee and to respond  
19 honestly to Council Member questions?  
20

21 UNIDENTIFIED: I do.

22 UNIDENTIFIED: I do.

23 CHAIRPERSON WILLIAMS: You can begin.

24 COMMISSIONER CHANDLER: Good morning,  
25 Speaker Mark-Viverito, Chair Williams, members of the

1 Housing and Buildings Committee, New York City  
2 Housing and Buildings Committee, and other members of  
3 the City Council. I am Rick Chandler, Commissioner  
4 of the New York City Department of Buildings. I'm  
5 joined by Deputy Commissioner for Enforcement, Tim  
6 Hogan, and Deputy Commissioner for Legal and  
7 Regulatory Affairs, Alex Fisher. We're pleased to be  
8 here to offer testimony on 21 pieces of proposed  
9 legislation related to construction safety. I'd like  
10 to thank the workers that testified earlier. Please  
11 know that if you are injured or you know someone who  
12 is injured, our thoughts are with you, and that the  
13 Department takes safety very, very seriously. In  
14 2016, our City lost 12 people in construction  
15 accidents whose work is regulated by the Department.  
16 We take these and all construction tragedies to  
17 heart, as I know that you do. The Department is  
18 taking decisive action to make construction sites  
19 safer, and I'm committed to working with the City  
20 Council and others to do even more to support a  
21 culture of safety within the development community.  
22 In recent months, the Department has implemented a  
23 number of initiatives to help reduce construction  
24 accidents throughout the City. The Department has  
25

1 hired 140 new inspectors. The Department has more  
2 than quadrupled penalties for the most common safety  
3 lapses. These penalties are now 10,000 dollars for  
4 each violation with a maximum of 25,000 when certain  
5 aggravating factors are present. The department has  
6 increased supervision by requiring construction  
7 superintendents to be present at more construction  
8 sites under 10 stories. The Department is being more  
9 aggressive in its discipline of bad actors. In 2016,  
10 we issued 56,289 violations, a 23 percent increase  
11 from 2013, along with higher penalties. We are also  
12 issuing a stop-work orders at a higher rate.

13 Stopping work for a period of time can result in  
14 bigger monetary loss to a contractor than even the  
15 most significant penalties. We are regularly seeking  
16 to suspend or revoke the licenses and registration of  
17 professionals who work unsafely and put their lives  
18 and the lives of others at risk. We have  
19 significantly enhanced our information technology and  
20 data analytics capabilities, improving our ability to  
21 target resources where the greatest risk exists and  
22 to identify bad actors. I'm particularly pleased to  
23 announce that the Department is now targeting its  
24 outreach to the most vulnerable populations within  
25



1 the construction industry, namely workers on small  
2 buildings and day laborers. In partnership with day  
3 laborer organizations, the Department will be  
4 providing safety training throughout the five  
5 boroughs on safe construction practices during  
6 scaffold and excavation work, two of the areas with  
7 the greatest risk. We welcome the Council's  
8 participation in this outreach and will be following  
9 up with more information. The Department is also  
10 seeking greater flexibility in hiring inspectors to  
11 meet the demands of construction surges like the one  
12 we are experiencing right now. For example, archaic  
13 provision in the City Charter impede the Department's  
14 ability to hire the inspectors it needs to maximize  
15 our enforcement efforts. The Charter essentially  
16 requires all of our inspectors to have a minimum of  
17 five years of construction experience. This  
18 requirement significantly hampers the Department's  
19 ability to pull from the widest pool of otherwise  
20 available in qualified talent. Legislation has been  
21 introduced at the Council to give the Department the  
22 ability to consider licenses, education and  
23 experiences that are beyond what the Charter  
24 requires, and I would appreciate the City Council's  
25

1 swift consideration of this legislation. The  
2 Department recorded 12 construction fatalities each  
3 of the past two years. Additionally, the Department  
4 recorded 598 injuries last year while issuing 141,000  
5 permits. Last year's injury count is significantly  
6 higher than a 10-year average of 256. The increase  
7 in injuries is due in part to a significant increase  
8 in construction activity, but is also due to  
9 increased reporting resulting from greater  
10 supervision by safety professionals now required by  
11 the Department on thousands of construction sites.  
12 More safety monitors equals more safety-related  
13 reports. While these numbers deserve our attention  
14 and require more work to reduce, context is  
15 important. Construction activity in the City is  
16 occurring at an unprecedented rate. In 2015 we saw  
17 92 million square feet of new construction. By  
18 contrast, at the peak of the last boom in 2008 we saw  
19 65 million square feet of new construction. With our  
20 increased focus on data analytics as committed to in  
21 our Building One City Plan, the Department has  
22 examined the predominant causes of accidents and the  
23 types of construction sites where they occur most  
24 often. The single most common factor causing  
25

1 injuries and fatalities is worker falls. Last year,  
2 nearly 30 percent of all accidents and 50 percent of  
3 all fatalities were caused by worker falls. Also,  
4 last year, 51 percent of all accidents and 71 percent  
5 of all fatalities occurred on building between one  
6 and 10 stories in height. Much has been discussed  
7 concerning the method by which the Department tracks  
8 construction accidents. I'd like to state at the  
9 outset the Department appropriately tracks  
10 construction accidents in New York City and  
11 communicates regularly with the Federal Occupational  
12 Safety and Health Administration, OSHA, concerning  
13 incidents under their purview. Federal law vests  
14 OSHA the authority to regulate worker safety while  
15 the Department is responsible for ensuring the  
16 protection of the public and property. For example,  
17 the Department reports on construction accidents  
18 resulting in a fatality to a member of the public,  
19 whereas OSHA does not because its jurisdiction is  
20 limited to accidents involving workers. Similarly,  
21 the accident data the Department reports does not  
22 include accidents at non-building construction sites  
23 such as bridges and street. Our accident data also  
24 does not capture information about medical  
25

1 emergencies such as a heart attack that is unrelated  
2 to construction safety as governed by the  
3 construction codes. I can understand that there has  
4 been some confusion concerning the different counts  
5 we provide and those provided by OSHA. As such, the  
6 Department will be posting on its website both the  
7 Department's and OSHA's data with an explanation as  
8 to how they differ. All these initiatives along with  
9 our ongoing work to monitor over 40,000 active  
10 construction sites at any one time have prevented an  
11 untold number of accidents. The Department  
12 recognizes that more needs to be done, and has spent  
13 a great deal of time and effort thinking through  
14 additional reforms. The Department has consulted  
15 with a variety of stakeholders, including a meeting I  
16 convened earlier this month with leaders representing  
17 a cross-section of the construction industry. We had  
18 a candid and productive discussion concerning where  
19 the greatest risks lie and suggested ways to mitigate  
20 these risks. I believe some of the participants will  
21 testify this morning, and I thank them for their time  
22 and expertise. Some of the reforms the Department  
23 proposes are included in the package of legislation  
24 before the Committee. Before getting into the  
25

2 specifics of each bill, I would like to share that  
3 the Department appreciates the thoughtfulness the  
4 City Council has devoted to this issue, welcomes your  
5 participation and supports a number of the proposals  
6 outlined in these 21 bills. I will begin with the  
7 bills related to crane safety. Seven of the 21 bills  
8 before the committee are derived from recommendations  
9 issued by the Crane Technical Working Group  
10 established by Mayor de Blasio and me following the  
11 tragic crane collapse on February 5<sup>th</sup>, 2016 that  
12 killed one individual. Comprised of experts within  
13 engineering and the government, the working group was  
14 charged with reviewing crane regulations and  
15 recommending policies to improve crane safety along  
16 with evaluating the circumstances of the February 5<sup>th</sup>  
17 collapse. The Department has been working diligently  
18 through the past year to review and implement these  
19 recommendations along with a myriad of other reforms  
20 to strengthen crane regulations. Introductory Number  
21 443 would prohibit the operation of cranes throughout  
22 the City that are older than 25 years. The bill  
23 would also require cranes to be equipped with load  
24 cycle counters. According to the manufacturers of  
25 tower and mobile cranes used in the City, cranes are

1 designed to safely perform 250,000 cycles. The  
2 consultant hired by the Department determined that at  
3 70 percent utilization and 60 cycles per shift at  
4 eight minutes per cycle, five days per week equates  
5 to roughly 23.5 years of useful life before material  
6 fatigue sets in. Several other jurisdictions  
7 throughout the world place similar age restrictions  
8 on their cranes, and New York City should do the  
9 same. Therefore, the Department supports this bill.  
10 Introductory Number 1403 would require anemometers  
11 with the ability to measure three-second wind gusts.  
12 The bill also would require real-time wind speed to  
13 be displayed in the cab of the crane. While the  
14 Department is supportive of this legislation, the  
15 proposal requires drafting revisions to account for  
16 older and smaller cranes, the scope of the  
17 Department's jurisdiction and a reasonable amount of  
18 time for crane owners to comply with the law. The  
19 Department has been working on a rule which reflects  
20 these issues, and I would be pleased to discuss it  
21 further with the City Council. Introductory Number  
22 1435 would require data logging devices on cranes and  
23 would require that the data recorded be made  
24 available to the Department upon request. While the  
25

1 Department supports this bill some revisions are  
2 necessary to reflect the practical reality of crane  
3 operations in the City. We look forward to  
4 discussing them further with the City Council.  
5 Introductory Number 1421 would require cranes to be  
6 equipped with GPS to track their location and for  
7 this information to be submitted to the Department.  
8 As recommended by the Crane Technical Working Group,  
9 the Department has been evaluating different  
10 technologies appropriate for use on cranes. As an  
11 interim measure, the Department supports requiring  
12 crane operators to notify the Department when a crane  
13 arrives on a site and when it leaves. Introductory  
14 Number 1422 would place additional restrictions on  
15 cranes required to be taken out of service at wind  
16 speeds of 30 miles per hour or less. For cranes  
17 whose out-of-service wind threshold is 20 miles per  
18 hour or less, the bill would effectively ban these  
19 cranes from city streets by restricting their use to  
20 a safety zone that is set back from public spaces and  
21 occupied buildings. For cranes whose out-of-service  
22 wind threshold is above 20 miles per hour but at or  
23 below 30 miles per hour, the bill would require these  
24 cranes be set up within a safety zone or be subject  
25

1  
2 to additional review and monitoring by the Department  
3 of Buildings, transportation and FDNY. The  
4 Department supports this legislation. Introductory  
5 Number 1431 would establish a registration for lift  
6 directors and require them on-site full-time charged  
7 with supervising the overall activity of a crane and  
8 monitoring compliance with crane regulations.

9 Currently, the Department requires cranes to be  
10 operated by a hoisting machine operator licensed by  
11 the Department and for rigging work to be supervised  
12 by a Master Rigger licensed by the Department or in  
13 certain cases by a Rigging Supervisor who possesses  
14 pre-requisite training or certification. While these  
15 professionals focus on specific technical tasks,  
16 there is no one individual responsible for overseeing  
17 the entire operation, including monitoring weather  
18 forecasts and ensuring traffic controls are in place.  
19 The Department supports this bill as it will task a  
20 specific individual to oversee and monitor overall  
21 operations of the crane at a construction site.

22 Introductory Number 1446 would establish an  
23 endorsement for the Class B HMO license for cranes  
24 with complex booms. While this was a recommendation  
25 of the Crane Technical Working Group, further



1 evaluation has concluded that such a proposal is  
2 unworkable. The small number of cranes that would be  
3 subject to this endorsement are quite different from  
4 one another, given that an endorsement on the license  
5 would require standardized training and experience.  
6 Such training and experience would not be able to  
7 capture the highly specialized nature of these  
8 complex cranes. As an alternative, the Department  
9 proposes to generally strengthen the amount of  
10 experience required to receive a Class B HMO license  
11 and to also specifically require that before  
12 operating an extra-long boom crane the operator must  
13 get simulator's time specific to the make, model and  
14 configuration of the crane to be used at the  
15 construction site. At this point, I'll comment on  
16 the eight bills that generally relate to construction  
17 safety and prevailing wage. Introductory Numbers  
18 1429 and 1444 would require workers at buildings four  
19 or more stories to receive task-specific safety  
20 instruction and site-specific safety orientation.  
21 The Department currently requires this safety  
22 training on buildings 10 stories and more. These  
23 bills would also require that the training be  
24 provided in a language in which workers are  
25

1                   proficient. The Department supports these bills.  
2  
3                   Introductory Number 1448 would require a site safety  
4                   manager or site safety coordinator and site safety  
5                   plans for buildings five or more stories. Currently,  
6                   the Department requires such personnel and plans for  
7                   buildings 10 or more stories. The Department  
8                   applauds the Council's desire to have additional  
9                   supervision on smaller construction sites. In fact,  
10                  the Department has recently required more supervision  
11                  on these sites. However, the supervision provided by  
12                  this bill would have the unfortunate consequence of  
13                  stalling construction work throughout the city.  
14                  While the Department shares the goal of requiring  
15                  additional supervision on smaller construction sites,  
16                  unfortunately, there is a limited pool of qualified  
17                  personnel available to monitor these construction  
18                  sites. There are currently 1,093 site safety  
19                  managers and 148 site safety coordinators licensed by  
20                  the Department. Only about half of these  
21                  professionals utilize their license. Currently,  
22                  there are approximately 700 construction sites  
23                  throughout the City that are subject to monitoring by  
24                  a licensed site safety manager or coordinator. The  
25                  proposed bill would require 3,500 additional sites to

1  
2 require licensed supervision, far exceeding the 1,241  
3 licensed safety personnel to do this work. Currently  
4 we have 28 applicants for these site safety licenses,  
5 either under review or awaiting additional  
6 information from applicants. The process generally  
7 takes between three and six months. Given the lack  
8 of interested and qualified applicants, this bill  
9 would force thousands of construction sites to shut  
10 down for lack of safety supervision. We believe we  
11 can have better supervision without this unintended  
12 consequence. Last August, the Department increased  
13 the tax of sites under 10 stories that require a  
14 construction superintendent. Construction  
15 superintendents are required to perform the same  
16 duties as site safety managers and coordinators and  
17 have added responsibility of managing the  
18 construction site and ensuring work occurs in  
19 accordance with the law. More time is needed is  
20 needed to determine if these additional safety  
21 personnel are having the desired effect of improving  
22 site safety on these sites. Introductory Number 1445  
23 would require floor openings used for debris removal  
24 to be protected by safety netting and guardrail  
25 systems. Additionally, the bill would require

1 vertical netting on interior shaft-ways and  
2 horizontal netting two stories below floor openings  
3 and shaft-ways on certain major construction projects  
4 such as the construction of a new building,  
5 enlargements six stories or more in height and  
6 demolitions of exterior walls or a roof. The  
7 Department agrees that netting should be required  
8 around floor openings and at full height and shaft-  
9 ways with appropriate exceptions for any work that  
10 must occur within a shaft-way. Introductory Number  
11 1447 would require all workers on construction sites  
12 to have completed a 10-hour safety course approved by  
13 OSHA every five years. Currently, the Department  
14 requires this training on buildings 10 stories or  
15 more. The Department supports requiring this training  
16 on all buildings with limited exceptions and provided  
17 that there is a reasonable phase-in period for  
18 workers on the smaller buildings that are proposed to  
19 be added to this law. Additionally, this bill would  
20 require workers on all buildings 10 stories or  
21 greater and full or partial demolitions of buildings  
22 four stories or greater to be enrolled in or have  
23 completed an apprenticeship program or commensurate  
24 program as defined by state law. For all other  
25

2 buildings, workers would be required to be enrolled  
3 in or have completed an apprenticeship program, a  
4 commensurate program or a bonafide construction site  
5 safety program to include a minimum number of hours  
6 in safety and trade training, along with training  
7 equivalent of one year of an apprenticeship program.  
8 Introductory Number 1432 would similarly require that  
9 an agreement to participate in an apprenticeship  
10 program be in place with a recognized apprenticeship  
11 program prior to receiving financial assistance. The  
12 Department recognizes the need to improve safety  
13 training for workers on construction sites and as  
14 such supports a number of initiatives to do so.  
15 However, we do not support requiring apprenticeship  
16 programs for all workers. While apprenticeship  
17 programs have safety components, they are primarily  
18 focused on teaching a trade. The Department supports  
19 requiring more safety training for workers such as  
20 expanding the number of workers required to have  
21 OSHA-approved safety training. Apprenticeships can  
22 also pose barriers to workers in smaller firms,  
23 including MWBEs. Most apprenticeship programs last  
24 between two and five years and require GED, English  
25 proficiency, and passing an entry exam. While the

1  
2 Department supports worker training, requiring  
3 registered apprenticeships can prevent local talent  
4 from being able to participate, particularly the  
5 nearly two million New Yorkers who lack English  
6 language proficiency, a high school diploma, or both.  
7 Apprenticeship programs take significant time to  
8 create and register with the State Department of  
9 Labor, and since apprenticeship programs are for new  
10 entrance into the construction industry, their impact  
11 on mid-career workers is limited even though  
12 experienced workers are just as much at risk as new  
13 hires. Safety programs work when they are  
14 continuously reinforced. This occurs through  
15 refresher trainings and establishing a culture of  
16 safety at the job site where supervisors at all  
17 levels treat safety with the seriousness it deserves  
18 and are held accountable when lapses occur.

19 Introductory Number 744 would require that recipients  
20 of financial assistance pay all covered contractors a  
21 prevailing wage on their projects. Currently, all  
22 Public Works' construction projects are already  
23 covered by new prevailing wage requirements, and this  
24 Administration is committed to improving work  
25 standards for all workers across the City. In the

1 context of this hearing, however, we are not  
2 convinced this legislation would improve construction  
3 safety like other measures under consideration by the  
4 City Council today. This Administration has  
5 previously expressed concerns that this bill as  
6 written would create significant challenges for the  
7 development of affordable housing and other essential  
8 city projects and priorities, particularly given the  
9 current fiscal uncertainties around federal funding.  
10 Introductory Number 1442 would establish a process  
11 for the Department to rate the safety performance of  
12 those contractors subject to a safety registration  
13 and discipline them accordingly. This bill would  
14 require the Department to rate contractors based on a  
15 myriad of criteria including violation and stop-work  
16 order issuance, the amount of time to correct  
17 violations, the strength of their safety plans, any  
18 fatalities at their job sites, and their experienced  
19 modification rating which is assigned by insurance  
20 companies to rate some contractor's safety  
21 performance. Every six months, contractors are to be  
22 grouped in one of five tiers and can face suspension  
23 or revocation of their safety registration after the  
24 contractor drops into a lower tier, which would take  
25

1 a minimum of one year. The Department's Safety  
2 Registration applies to general demolition and  
3 concrete contractors and excludes contractors of one,  
4 two, three-family homes who are subject to a  
5 licensing process. For safety registrants who have  
6 demonstrated poor safety records, the Department now  
7 has the ability to require that they submit the plan  
8 demonstrating how they plan to improve safety on  
9 their site. This can be coupled with increased on-  
10 site monitoring at the contractor's expense in  
11 conjunction with additional Department inspections.  
12 While the Department supports being given the  
13 authority to suspend or revoke a general contractor's  
14 safety registration, we believe the process described  
15 in this bill might fail to capture all the problem  
16 contractors who should be subject to discipline,  
17 incorrectly rank them, and take too long for them to  
18 be disciplined. The Department has an effective  
19 process in place for disciplining its licensees.  
20 Safety registrants should not be treated any  
21 differently. We would welcome the opportunity to  
22 work with the City Council to keep the enhanced  
23 discipline provided in this bill while maintaining  
24 the advantages of our current enforcement framework.  
25



1 At this point, I'll turn to the three bills that  
2 propose to increase penalties. As a general matter,  
3 the Department supports increasing penalties to serve  
4 as a deterrent and to more appropriately punish those  
5 who violate the law at the expense of worker and  
6 public safety. Recently, the Department more than  
7 quadrupled penalties for violations for the most  
8 common safety lapses. Introductory Number 1404 would  
9 set the minimum civil penalty for unlicensed plumbing  
10 and fire suppression work at 2,500 dollars for the  
11 first violation and 5,000 for each subsequent  
12 violation. Additionally, the bill would increase the  
13 civil penalty for violations related to the site  
14 safety between 2,000 and 30,000 for immediately  
15 hazardous violations and between 1,000 and 15,000 for  
16 major violations. The Department supports this bill  
17 and suggests the minimum civil penalty provided for  
18 unlicensed work should apply to all licensees, not  
19 just the two license classes included in the bill.  
20 Introductory Number 1437 would double the civil  
21 penalty for construction sites whose violation ratio  
22 exceeds 90 percent of other construction sites in the  
23 preceding calendar year. The violation ratio would  
24 be equal to the number of total immediately hazardous  
25

1 and major violations divided by square footage. The  
2 bill would also give the Department the ability to  
3 establish an alternative method. There currently  
4 exists an alternative and more punitive method for  
5 increasing penalties for bad actors that is simpler  
6 and more effective than what this bill proposes. As  
7 part of its penalty schedule, the Department issues  
8 aggravated violations for repeat offenders of the  
9 law. Aggravated violations increase penalties by two  
10 and a half and five times the basic penalty for  
11 repeat offenders or where there exists a history of  
12 noncompliance with the law. Another significant  
13 concern is that there are often multiple contractors  
14 on a particular construction site. We believe that  
15 this bill would capture and unjustly penalize  
16 contractors for the actions of one bad actor. Like  
17 Introductory Number 1404, Introductory Number 1419  
18 would set the minimum civil penalty for unlicensed  
19 plumbing and fire suppression work at 2,500 dollars  
20 for the first violation and 5,000 for each subsequent  
21 violation. Additionally, the bill would increase the  
22 civil penalty for site safety violations that result  
23 in a fatality or serious injury or where a  
24 significant number of people are affected to between  
25

1  
2 500,000 and 1.5 million with a separate daily penalty  
3 of note more than 2,000 dollars. As mentioned  
4 previously, the minimum civil penalty provided for  
5 unlicensed work should apply to all licensees not  
6 just the two license classes included in the bill. As  
7 to the proposal that would increase the civil penalty  
8 for violations that resulted in a fatality or serious  
9 injury to as much as 1.5 million dollars, one could  
10 imagine the strong likelihood of such a significant  
11 penalty not being paid, which would only serve to  
12 increase the amount of debt that the city is unable  
13 to collect. The final three bills focus on  
14 reporting. Introductory Number 81 would require the  
15 Department to report to OSHA any violations that  
16 endanger workplace safety. It would also require the  
17 Department to submit an annual report to the Mayor  
18 and City Council concerning the number and nature of  
19 violations reported to OSHA. The Department does not  
20 believe this proposal is necessary or practical. The  
21 Department communicates regularly with OSHA and  
22 shares information on violations that we believe  
23 warrant their enforcement. The Department fails to  
24 see the benefit of proposed legislation requiring it  
25 to perform a task it already does and submit a report

1 to the Mayor and City Council on violations that are  
2 already publicly available. Furthermore, we oppose  
3 this bill because it would require the Department's  
4 inspectors to obtain knowledge of OSHA's extensive  
5 and complex regulations in addition to the knowledge  
6 of the City's intricate building code in order to  
7 identify workplace safety violations that are solely  
8 under OSHA's purview. Introductory Number 1433 would  
9 add a number of indicators to what the Department is  
10 currently required to report concerning injuries and  
11 fatalities. The Department supports broadening its  
12 reporting to include injuries and fatalities on  
13 construction sites regardless of whether it violated  
14 a code to the extent the Department is made aware.  
15 Additionally, the Department can provide information  
16 on whether the injured or deceased was a worker or a  
17 member of the public, date and time of the incident,  
18 address, and number of floors. However, for some of  
19 the indicators included in the bill, it's unlikely  
20 that the Department would get access to this  
21 information. This includes the number of years the  
22 worker was employed and the number of hours the  
23 worker worked that day. Similarly, information on  
24 the type of injury and whether the worker is in a  
25

1 union is often times difficult to collect. To make  
2 this provision effective, City Council should  
3 consider requiring employers to provide this  
4 information to the Department. Introductory Number  
5 1436 would require the Department to submit an annual  
6 report to the Mayor and City Council concerning site  
7 safety managers and coordinators. The report would  
8 include the number of active site safety managers and  
9 coordinators at different periods in time, number of  
10 sites requiring these safety personnel, number of  
11 licenses issued, applications filed, metrics on how  
12 long processing takes, and a description of the unit  
13 responsible for processing including the size of the  
14 staff. To the extent that there is a shortage of  
15 safety personnel on construction sites, delay in  
16 processing applications is not the cause. As  
17 mentioned previously, there are currently 1,093  
18 licensed site safety managers and 148 licensed  
19 coordinators. The number who actually utilize their  
20 license is about half. It generally takes the  
21 Department between three and six months to process  
22 applications for these licenses which includes a  
23 rigorous background investigation. At the end of  
24 2016, the Department had 28 applicants either in  
25

1 review or awaiting additional information from  
2 applicants. The Department does not support this  
3 bill because the resources necessary to comply will  
4 be diverted from processing applications as quickly  
5 as possible. As outlined in our Building One City  
6 Plan, the Department is moving toward online filing  
7 of licenses. Once this feature is programmed in our  
8 DOB Now system, most of the information sought in  
9 this bill will be available to the public in real  
10 time. Thank you for your attention and the  
11 opportunity to testify before you today. We welcome  
12 any questions that you may have.

14 CHAIRPERSON WILLIAMS: Thank you very  
15 much, Commissioner, for your testimony and also for  
16 the brevity of it. I know it's a lot to get in a  
17 little bit of time. I think it was done very well.  
18 So, thank you very much. I'm going to-- I'm going to  
19 ask a few questions and then I'm actually just going  
20 to hand it over to some of my colleagues, because I  
21 know they're waiting. With-- I'm going to jump into  
22 the bill that's cause the kind of biggest stir which  
23 is 1447, which is actually the one I am-- one of the  
24 one's I'm prime sponsor on. Actually, before I go to  
25 that, I did have a question. You testified that 51

1 percent of all accidents, 71 percent of all  
2 fatalities occurred on buildings between one and 10  
3 stories. I just wanted to know if you had an opinion  
4 as to why that might be.  
5

6 COMMISSIONER CHANDLER: We think that the  
7 majority of the work is taking place in those size  
8 buildings. Obviously, we think that there's a  
9 supervision problem at some of the worst sites where  
10 we're issuing violations.

11 CHAIRPERSON WILLIAMS: Thank you. So,  
12 with 1447, I wasn't clear if you supported the bill  
13 or didn't support the bill. So, you kind of  
14 reiterated what the bill does. So, I wanted to see  
15 if you had a clear support or non-support of that  
16 bill.

17 COMMISSIONER CHANDLER: Well, I think  
18 what I said was that, you know, we think that  
19 apprenticeship programs do have excellent trade  
20 training and a safety component. We just think that  
21 it's primarily geared toward to training of a trade,  
22 and we think that there are more precise and  
23 beneficial ways to advance safety of all workers, and  
24 that we've implemented several things over the last  
25 couple of years to enhance safety and supervision of

1  
2 construction workers, and we support many of the  
3 proposals as you've heard me say of these other  
4 bills.

5 CHAIRPERSON WILLIAMS: So, just so I'm  
6 clear, I know there's apprenticeship programs for  
7 skills and apprenticeship programs for safety  
8 training, and so I want to focus on apprenticeship  
9 trainings that is focused on safety. You did mention  
10 that it might adversely affect MWBEs, if that was  
11 what was required for everyone. As I mentioned, I  
12 don't think folks in the Council actually want to  
13 pass a bill that requires specifically an only  
14 apprenticeship training. We do want to make sure  
15 that we increase safety training as a whole, but I  
16 did want to understand why do you think if that were  
17 the path we were taking why that would affect MWBEs?

18 COMMISSIONER CHANDLER: Well, I think we  
19 mentioned earlier that there is an extensive system  
20 to set up an apprentice program, and we think that  
21 the enrollment and the ability for people to enroll  
22 is quite challenging. Also, I think there's a  
23 misconception that new workers who would be enrolled  
24 in these programs are mostly impacted by the  
25 construction accidents that we're talking about



1 today, but the data doesn't bear that out. Last  
2 year, more than half of the fatalities for the  
3 workers were age 40 or older, and apprenticeships are  
4 likely not to affect these workers. So we think that-  
5 - we don't think that the apprenticeship program is  
6 going to have major impact on safety.  
7

8 CHAIRPERSON WILLIAMS: Do we know if  
9 there are those people that were injured went through  
10 any kind of apprenticeship program or commensurate  
11 type of program?

12 COMMISSIONER CHANDLER: We don't have  
13 that information.

14 CHAIRPERSON WILLIAMS: Do you think an  
15 additional training program, whether it is  
16 apprenticeship or something bonafide that gives  
17 similar safety training skills would be beneficial  
18 for workers, mandating some amount of safety training  
19 like a training program?

20 COMMISSIONER CHANDLER: So, we do support  
21 the expanded OSHA-10 training. So we think that that  
22 would cover the training that you're mentioning here.  
23 So, I think if we require more OSHA-10 training on  
24 more sites around the City, I think that would  
25 achieve the intended objective of this bill.

1  
2 CHAIRPERSON WILLIAMS: So, you think  
3 mandating OSHA-10 would be sufficient training for  
4 everybody on a construction site?

5 COMMISSIONER CHANDLER: I think that  
6 would achieve the intended objective as compared to  
7 having an apprenticeship program, yes.

8 CHAIRPERSON WILLIAMS: Thank you very  
9 much. Can you describe what is an OSHA-10 program?  
10 What is taught in OSHA-10?

11 COMMISSIONER CHANDLER: That's not  
12 something I have-- I can speak to off my head.

13 CHAIRPERSON WILLIAMS: To your knowledge,  
14 so OSHA-10 is not something that's mandated across  
15 the board on construction sites now?

16 DEPUTY COMMISSIONER HOGAN: Good morning.  
17 OSHA-10 is only required by the Department of  
18 Buildings on buildings 10 stories and higher at this  
19 point. I think our discussion here is that we would  
20 look to expand it to most all construction sites with  
21 a few exceptions. OSHA-10 is designed on helping  
22 people who are in the field understand worker safety  
23 issues, and we think that although it is a five-year  
24 program where your-- when you have training in that  
25 area that--

CHAIRPERSON WILLIAMS: [interposing]

Sorry, OSHA-10 is a five?

DEPUTY COMMISSIONER HOGAN: OSHA-10 is a five-year period that it's good for. One of the restrictions that we're looking to do is make it a three-year restriction so that you would have to take the class more often and put safety more at the forefront.

CHAIRPERSON WILLIAMS: I just want to maybe give you a couple minutes to review, because if you're saying OSHA-10 will cover everything, somebody I'm sure knows what it is in OSHA-10. So, if you want to take a couple of minutes so that we can at least get that on the record if we're saying that that is sufficient to cover the training.

COMMISSIONER CHANDLER: Well, Mr. Chair, I want to just emphasize that we're ready to work with the Council on training and other matters related to these bills and other bills. Also, I think it's relevant that we ask Ashley Putnam of the Office of Workforce Development to speak to what these-- an apprenticeship program is like.

1  
2 CHAIRPERSON WILLIAMS: Okay, sure.  
3 Someone speaking on OSHA-10 or the apprenticeship  
4 now?

5 COMMISSIONER CHANDLER: Apprenticeship.

6 CHAIRPERSON WILLIAMS: Okay, let me get a  
7 witness form. Wait, isn't she-- did I call her?  
8 Yes.

9 ASHLEY PUTNAM: Okay, thank you, Council.  
10 Thank you, Chairperson. So we're really here today  
11 from the Office of Workforce Development to talk a  
12 little bit about what apprenticeship is and maybe  
13 answer some of your questions also about what it  
14 takes to register an apprenticeship. This bill  
15 specifically mandates that they be a New York State  
16 Department of Labor registered apprenticeship which  
17 is very specific. So these require a lengthy  
18 approval process to register with the state,  
19 including an employer sponsor, a recognized  
20 curriculum, a dedicated and experienced trainer, a  
21 plan for supervision, a schedule of progressively  
22 increasing wages. All of the costs for registering  
23 an apprenticeship program are associated with the  
24 employer, but can also be provided by an industry  
25

1 laborer association. So, I believe that answers the  
2 question about MWBE firms and barrier to entry.  
3

4 CHAIRPERSON WILLIAMS: Say that last part  
5 again, please.

6 ASHLEY PUTNAM: The costs of sponsoring  
7 an apprenticeship program are paid for by the  
8 employer. So, one of the concerns is for MWBEs who  
9 are coming into this field, especially on smaller  
10 projects, that that could be cost prohibitive.

11 CHAIRPERSON WILLIAMS: Do we know what  
12 the costs are?

13 ASHLEY PUTNAM: They vary depending on  
14 what the trade is and the length of the  
15 apprenticeship program. The apprenticeship programs  
16 can be anywhere from two years, five years. We do  
17 know that on average it takes one to two years to  
18 register an apprenticeship program depending on how  
19 many other applications there are and the processing  
20 at the New York State Department of Labor.

21 CHAIRPERSON WILLIAMS: Can you speak a  
22 little bit of the difference between teaching a trade  
23 which is different than teaching safety? So, I  
24 assume teaching a trade would include safety. So, if  
25 you could--

2 ASHLEY PUTNAM: Yes, absolutely, and you  
3 are correct that the apprenticeship programs do  
4 provide safety certifications as demonstrated by the  
5 workers who were up here earlier. It depends again  
6 on what the trade is, what the safety certifications  
7 are that are included in that apprenticeship program.  
8 So, I know several include OSHA-10, OSHA-30, the  
9 scaffolding certifications, combined space safety.  
10 Again, these are also all safety programs that can be  
11 made available outside of apprenticeship. So we  
12 currently work with City Tech and other CUNY  
13 branches. They actually have the Academy for  
14 Occupational Health and Construction Safety that does  
15 provide a lot of safety training to workers who are  
16 not in an apprenticeship program.

17 CHAIRPERSON WILLIAMS: Thank you. And  
18 just to clarify, I guess, I don't know if anyone  
19 there can expound on the OSHA-10, but it seems there  
20 was an addition to the response, which is you were  
21 willing to work with us to figure out what the  
22 training should be. Is that correct?

23 DEPUTY COMMISSIONER HOGAN: I just  
24 reviewed the information I have on site, spoke to  
25 some of my safety people. So, OSHA-10 covers acid

1 [sic] recognition, acid avoidance, hygiene, plumbing,  
2 electrical and general construction issues that can  
3 lead to safety, and construction safety in general  
4 and how to protect yourself from the common hazards.  
5

6 CHAIRPERSON WILLIAMS: And that's from 10  
7 stories and up, and I believe if we did it for all--  
8 just and one other chance to answer the question.  
9 Are you saying if we did it for all it would cover  
10 what we're trying to get to? Are we saying that  
11 we're going to include that and continue to discuss  
12 what other trainings would make sense? I just want  
13 to be clear on what the recommendations of the DOB  
14 is.

15 DEPUTY COMMISSIONER HOGAN: We would  
16 recommend that OSHA-10 be required on all sites from  
17 one story up with certain exceptions, and those  
18 exceptions would more have to do with small  
19 remodeling firm's type situations, but anywhere where  
20 it's a bonafide licensed and permitted construction  
21 site that all employees on those sites are required  
22 to have OSHA-10. That is not in lieu of other  
23 certifications that we may require such as the OSHA  
24 four-hour scaffold user card or the suspended  
25 scaffold training requirements. This would be an

1 addition to those certifications and depending on the  
2 type of work you're doing there may be other  
3 certifications, and depending on the type of work  
4 you're doing there may be other certifications that  
5 would be required either from OSHA or under the city  
6 law, city rules, as to what they would be required to  
7 meet.  
8

9 COMMISSIONER CHANDLER: Mr. Chair, I would  
10 just emphasize again that we have the Construction  
11 Superintendent Rule that's only been in effect since  
12 August, and we are getting that up and running, and  
13 we're paying visits to many sites and making sure  
14 that the word is out there, and we're issuing a lot  
15 of violations to people who are not complying. So I  
16 would urge the Council to remember that that bill or  
17 that provision of our bill from last year has only  
18 been in effect for a few months, and we think that  
19 that still is going to have some impact.

20 CHAIRPERSON WILLIAMS: Thank you. I have  
21 one more broader question, then I'm going to go to my  
22 colleagues who I'll give five minutes each to ask  
23 some questions. So, I appreciate of recent time the  
24 Department has I think been using more of the tools,  
25 increased fines, stop-work orders, criminality, which



1 is appreciated. It seemed before in prior hearings  
2 that there was a feeling that some of those things  
3 can't be done. So, appreciative that it's happening  
4 now. I'm trying to figure out, I guess, why didn't we  
5 do it before or earlier?  
6

7 DEPUTY COMMISSIONER FISHER: So, just a  
8 little bit of background, if I may. The Department  
9 with the Council's help has some of the strongest  
10 construction codes in the world. Part of those  
11 construction codes includes licensing provisions for  
12 about 25 different licenses and registrations.  
13 Included in those provisions is the ability to  
14 conduct background investigations, give examinations  
15 prior to licensure, as well as to sanction licensees.  
16 Some of those licensees include crane operators,  
17 plumbing firms, electrical firms, filing  
18 representatives and certain general contractors. The  
19 agency has over the last three years used those  
20 provision to take action against 179 actors,  
21 businesses and/or individuals. [mic feedback] Thank  
22 you, sorry about that. And part of that process  
23 includes giving the licensees due process, which for  
24 the City means going to the Office of Administrative  
25 Trials and Hearings and conducting a full hearing,

1 receiving a reporting recommendation and then taking  
2 final action. Many of these cases, as you can  
3 imagine are extremely complicated and involve weeks,  
4 months and sometimes years of investigations, witness  
5 interviews and evidence gathering. Once we present  
6 it and we receive a favorable decision, we are then  
7 able to take a final action. We are exploring how to  
8 expand these provisions to all contractors at this  
9 time, and we'd be happy to talk to the Council about  
10 that. As the Commissioner testified, we do support  
11 the enhanced disciplinary provisions discussed in  
12 that oen bill surrounding safety registration.

14 CHAIRPERSON WILLIAMS: Thank you very  
15 much. I'm going to go to my colleagues. This is the  
16 list that we have so far: Cornegy, Grodenchik,  
17 Crowley, Kallos, Lancman, Greenfield, Chin,  
18 Rosenthal-- I'm sorry, Rosenthal and Espinal. And  
19 we'll start with Council Member Cornegy for the first  
20 round. We're going to give the Council Members five  
21 minutes.

22 COUNCIL MEMBER CORNEGY: Thank you,  
23 Chair. Good morning. It's still morning.

24 COMMISSIONER CHANDLER: Good morning.

2 COUNCIL MEMBER CORNEGY: I want to kind of  
3 confine my questions to-- in the interest of time--  
4 to Intro. 1447, the apprenticeship portion of this.  
5 Now, it was mentioned that you thought that it could  
6 possibly not work in the favor of the MWBEs. I'd  
7 like to expand on that, but also drill down a little  
8 deeper to explore how it actually affects  
9 disproportionately actually minority workers, because  
10 there are men and women who have all of the trainings  
11 that you've already spoken about or that were spoken  
12 about previously in a previous panel, plus decades on  
13 the job but for whatever reason haven't been able to  
14 break into the unions, and to now ask them to go back  
15 to apprenticeship programs seems a little, you know,  
16 in the least unfair. So, I want to know if you have--  
17 - if you would think about some carve-outs or some  
18 exemptions for people who could demonstrate years on  
19 the job, plus all of the trainings that you mentioned  
20 should they literally have to go back to an  
21 apprenticeship program. That doesn't seem feasible.  
22 So, would you be open to amending the bill to exclude  
23 people who have demonstrated experience on the job  
24 plus all the trainings that, you know, have been  
25 spoken about-- well, at least the OSHA-10?

2 COMMISSIONER CHANDLER: As I mentioned in  
3 my testimony and in response to the Chair, I think we  
4 are open to other suggestions. I don't think that we  
5 can hammer out any things that we should be doing  
6 right now, but I'm happy to talk to you about  
7 evaluating what workers might have in conjunction  
8 with what trainings might be available. It is a-- it  
9 would be a very major impact on the agency, and I  
10 think in most contractors to put together some kind  
11 of a program as you're speaking about, but we're  
12 happy to talk about it. And I don't know, Ashley, do  
13 you want to say more about that?

14 ASHLEY PUTNAM: Yeah, I think we'll just--  
15 - Council Member Cornegy, we stand with you also in  
16 our concern about equity of access to these jobs. We  
17 do know that from our work that a majority of  
18 apprenticeship programs do require a high school  
19 equivalency or GED. They also require English  
20 language proficiency, work equivalency or  
21 citizenship. And some are actually some advanced  
22 knowledge in terms math and reading comprehension.  
23 So for approximately two million New Yorkers, that  
24 then bars them from being able to enter into these  
25 programs, and particularly for those folks who don't

1  
2 have a GED. So, again, we're interested in creating  
3 safety programs and looking at safety training that  
4 is accessible to all workers.

5 COUNCIL MEMBER CORNEGY: So, I'm just  
6 curious about whether or not in this instance a GED  
7 supersedes all of the training that we have a  
8 gentleman sit here and say he had 20 certifications.  
9 I know people who have that amount and more plus two  
10 decades in the industry, and I still feel like it's  
11 incredible to ask them to now go through an  
12 apprenticeship program. There should be a threshold  
13 that if you meet that threshold it doesn't require  
14 that you participate in apprenticeship program. And  
15 I'm just going to reiterate my suggestion for that.  
16 I know you want to talk about it offline, but that is  
17 my suggestion at this point as not to exclude people  
18 who've been on these jobs for a long time, or force  
19 them into a situation which is-- which would  
20 disproportionately affect them negatively.

21 COMMISSIONER CHANDLER: Thank you,  
22 Councilman. We agree with that, and I think there  
23 are a lot of folks out there that have a lot of  
24 experience and a lot of training. What I'd just like  
25 to emphasize is we see very experienced people taking

2 the risk that they might not otherwise take, and we  
3 would just like to be part of a program that mandates  
4 more training for people who are starting out or  
5 people who've been around for a long, long time.

6 COUNCIL MEMBER CORNEGY: Well, with all  
7 disrespect-- I mean, with all due respect,  
8 Commissioner, those risks as articulated by the panel  
9 before we based on, you know, supervisors and based  
10 on jobs. Those risks weren't necessarily-- they were  
11 risks in cutting corners to some degrees. So, don't--  
12 - I don't know if we should put the onus on the  
13 worker in that regard above the onus being on, you  
14 know, the employer. So, I just want to be very  
15 careful with how we language this.

16 DEPUTY COMMISSIONER HOGAN: So, just  
17 briefly, the reason that we changed. In 2015, we saw  
18 the changes that were going on and we noticed the  
19 increase in accidents that were occurring, and in  
20 doing so we changed the construction super rule to  
21 require them to be on site daily, to require them to  
22 give clear direction on what needed to be done, to  
23 look at the safety issues on those sites, and to keep  
24 a log of what they've done and what they haven't  
25 done. And so, what we feel is that we've been

1  
2 working through and checking on the implementation of  
3 that rule, and we're finding that we're starting to  
4 get more compliance with it, and we're hoping that by  
5 the fact that we have started pushing the companies  
6 and making the construction supers more responsible  
7 for safety on the sites, that we're going to have a  
8 greater level of compliance.

9 COUNCIL MEMBER CORNEGY: So, thank you so  
10 much, and I look forward to my office working  
11 directly with your office, especially as it relates  
12 to 1447 going forward.

13 CHAIRPERSON WILLIAMS: Thank you. Just a  
14 matter of information. So, one, we want to make sure  
15 that we're-- Mr. Council Member, this training  
16 already, whatever comes out as the final bill, people  
17 are not going to have to take training twice if they  
18 have already have. And also, just for clarity we're  
19 not planning on mandating an apprenticeship only. We  
20 are looking and trying to figure out whether we can  
21 mandate training, period. Apprenticeship I'm sure  
22 would fill-- fit that bill, but there would be  
23 another way to get some additional training. So, I  
24 just want to say that for clarity. Council Member  
25 Grodenchik followed by Crowley and then Kallos.

2 COUNCIL MEMBER GRODENCHIK: Thank you,  
3 Mr. Chair. Commissioner, on page three of your  
4 testimony you say that the Department recorded 598  
5 injuries at work sites, 141,000 permits. I'm not an  
6 expert on construction, but I am married to a math  
7 professor, and the number just seems staggering low  
8 to me. If you had 10 persons working on the average  
9 work site, that would be 1.4 million, and I probably--  
10 - on a large site you could have hundreds and  
11 hundreds of people working, and what you're telling  
12 us here this morning is that the average day in the  
13 City of New York you have about two injuries, if you  
14 consider, you know, five-day work week, a day which  
15 just seems incredibly low. Can you tell us how you--  
16 what the definition of an injury is?

17 DEPUTY COMMISSIONER HOGAN: The  
18 definition that we use for an injury on a  
19 construction site is when the person who receives an  
20 injury, the worker receives an injury, requires  
21 medical treatment at an offsite facility. So that  
22 would include if they fell and broke an ankle, if  
23 they receive a gash where they have to go offsite to  
24 receive stitches. Any time that they go out, then we  
25 record that as an accident.



2 COUNCIL MEMBER GRODENCHIK: Are you  
3 required to report those injuries? Is it required  
4 that a medical evacuation, if you will, is required  
5 to be reported to the Department?

6 DEPUTY COMMISSIONER HOGAN: It's required  
7 for all site safety managers, site safety  
8 coordinators and now construction supers that all of  
9 those be reported to us. We think that one of the  
10 reasons that we've seen increases in the numbers of  
11 recent times is the fact that we're requiring more  
12 reporting of incidents that occur at sites. So, the  
13 numbers have been going up, and that's one of the  
14 things that we attribute it to, is that we're now  
15 being informed of minor cuts and abrasions that  
16 previously we weren't receiving, but we--

17 COUNCIL MEMBER GRODENCHIK: [interposing]  
18 I'm going to ask, you know, the construction  
19 professionals later on, but it seems that we're way  
20 undercounting the number of injuries to me. It just  
21 seems that it's impossible to believe with all the  
22 construction going on in the City that there are less  
23 than-- that there are just about two injuries per  
24 day. Are we that safe?

25 DEPUTY COMMISSIONER HOGAN: We can only--

2 COUNCIL MEMBER GRODENCHIK: [interposing]  
3 I don't think so.

4 DEPUTY COMMISSIONER HOGAN: report what's  
5 been reported to us. We think that there are more  
6 incidents that happen out there.

7 COUNCIL MEMBER GRODENCHIK: Has anybody  
8 been cited for underreporting? Have there been  
9 fines, any violations that you could tell me about?

10 DEPUTY COMMISSIONER HOGAN: We have cited  
11 site safety managers and construction supers and site  
12 safety coordinators for failure to notify us of an  
13 injury when we learned about it later.

14 COUNCIL MEMBER GRODENCHIK: Alright.  
15 Some of the injuries that have occurred in this city  
16 have not only been to construction workers, but  
17 they've also been to pedestrians, people walking  
18 about, people in cars. Some of that's been caused by  
19 materials blowing off work site, and I wanted to know  
20 if you believe that that is because of a lack of  
21 safety training? Is it carelessness? What, in your  
22 investigations on these accidents that have occurred,  
23 what-- has there been a common cause found for that?

24 DEPUTY COMMISSIONER HOGAN: We look at  
25 every situation that's occurred. The number of

1  
2 pedestrian injures or non-construction worker  
3 injuries at the sites are not an extremely large  
4 number. We've had a few this year, some with  
5 construction sites that fell, you know, construction  
6 fences that fell. Very few instances of materials  
7 falling that have hit a pedestrian. In most  
8 instances when we have a material fall, it falls  
9 within the site or on the sidewalk shed [sic].

10 COUNCIL MEMBER GRODENCHIK: And on 1447,  
11 if you had a magic wand, Commissioner, and I know you  
12 don't, but if you did, what would be the number one  
13 thing that you could do to improve worker safety and  
14 the safety of all New Yorkers around construction  
15 sites?

16 COMMISSIONER CHANDLER: I think in a  
17 perfect world we would have an inspector on every  
18 active site, and I think that that's an unrealistic  
19 expectation, but you start with there and then you  
20 work what might be a smarter way to assign resources.  
21 And so we don't do that, but we're-- with our  
22 improved data analytics and our ability to identify  
23 bad actors and focus our resources, we think we're  
24 getting better at it.

2 COUNCIL MEMBER GRODENCHIK: Do we have a  
3 requirement currently, excuse my ignorance, on how  
4 many people need to be working on a work site before  
5 we have an inspector? Is it willy nilly? Do you  
6 send them around on a rotating basis? How does that  
7 happen?

8 COMMISSIONER CHANDLER: So, I'll comment,  
9 and Tim, you can supplement me. We have a-- we  
10 monitor all new building and demolition sites knowing  
11 where they are, and then we have our enforcement  
12 safety team scheduled visits, and yes, they're  
13 scheduled proactively, but we're unable to get to  
14 them as often as we would like to, and but those are--  
15 -

16 COUNCIL MEMBER GRODENCHIK: [interposing]  
17 Are there surprise--

18 COMMISSIONER CHANDLER: [interposing]  
19 Other ones we respond to--

20 COUNCIL MEMBER GRODENCHIK: inspections as  
21 well?

22 COMMISSIONER CHANDLER: Yes, of course.

23 COUNCIL MEMBER GRODENCHIK: Okay.

24 COMMISSIONER CHANDLER: Yeah.

2 COUNCIL MEMBER GRODENCHIK: Mr. Chairman,  
3 I yield the remaining 15 seconds of my time.

4 CHAIRPERSON WILLIAMS: That was so  
5 helpful. Thank you. Council Member Crowley followed  
6 by Council Member Kallos and Lancman.

7 COUNCIL MEMBER CROWLEY: I'll take  
8 Council Member Garodnick's 15 seconds, if I can.  
9 Thanks. But in line with Council Member Garodnick's  
10 questions, I'm just going to read some--

11 UNIDENTIFIED: [off mic]

12 CHAIRPERSON WILLIAMS: It's alright.  
13 Nobody's getting an extra 15 seconds anyway. So,  
14 it's alright.

15 COUNCIL MEMBER CROWLEY: I apologize.  
16 So-- I'm focused on my questions. And Grodenchik was  
17 asking questions-- my dear colleague from Queens--  
18 about the numbers that you had in your testimony, and  
19 I'm going to read the numbers that we have in our  
20 Committee briefings, because they're accurate,  
21 they've been checked, and I'm going to go from the  
22 time when the Mayor became the mayor in 2014. The  
23 number of permits issued were 142,840. In 2016 it's  
24 up by over 18,000 to 161,521. It's only up by less  
25 than 15 percent. If you look at the number of

1 incidents, accidents, injuries, you say there are  
2 more being reported today than before, but you have  
3 to understand even the number of fatalities, which I  
4 believe were reported the same way in 2014, are up by  
5 100 percent. The numbers are staggering. The  
6 testimony and the questions keep referring to  
7 accidents, which is completely frustrating, because  
8 so many of these injuries and deaths could have been  
9 avoided. The vast majority in your testimony are  
10 false. Have you made sure that construction workers  
11 were wearing harnesses, and if they fell and they  
12 were wearing a harness, how were they killed? I  
13 know-- I worked on construction sites, and I worked  
14 you know, from scaffolding or high heights, and I  
15 would not be working if I didn't have a harness and  
16 was protected. So, there's no excuses. More  
17 certainly needs to be done, and it's not just because  
18 more permits are being issued. It's because there's  
19 been a lapse of safety standards and supervision on  
20 behalf of the Department of Buildings. And you need  
21 to say we need to do more to bring these numbers  
22 down. One death is not acceptable. And for most of  
23 the focus today has been on Intro. 1447 about OSHA  
24 requirements on demolitions and buildings. When you  
25

1 look at the Department of School Construction, that  
2 authority, they require that standard, that level of  
3 safety training on all of their construction sites,  
4 and they do demolitions before they do buildings, and  
5 all of the buildings that they've done in my district  
6 have been under five stories. Furthermore, NYCOSH  
7 put out a report and they said-- not only did they  
8 say a statistic that I mentioned earlier, 90 percent  
9 of the fatality sites were found to have serious  
10 violations. They also said that on nearly 90 percent  
11 of the sites they were all non-union. So, if you can  
12 answer to me as to why you wouldn't support a bill  
13 that is part of a regulation that our School  
14 Construction Authority does? And by the way, we give  
15 a significant amount of city dollars and resources to  
16 that construction, and it's done efficiently on time,  
17 not like some of the other city agencies, which will  
18 lead me into the second bill that I am a sponsor of,  
19 prevailing wage, and why you don't support that  
20 measure, which all of the School Construction  
21 Authority jobs have prevailing wage as well, and our  
22 schools are built efficiently and safe, and you don't  
23 see those type statistics on school construction  
24 sites.  
25

1  
2                   COMMISSIONER CHANDLER: Thank you,  
3 Council Member. We-- I think there were a lot of  
4 questions in there. First of all, I would like to  
5 just emphasize that the Mayor has said and I have  
6 said as well that there is no one building in the  
7 city worth a death, not one, and so that is something  
8 that we operate on a regular basis. So, I want  
9 everyone to know how seriously we take this. That's  
10 how I started my testimony. That's how I work, begin  
11 and end my work day every day. Additionally, I was  
12 personally at almost every site where there was a  
13 fatality, and in some cases, if it was a confined  
14 space rescue, stood with the first responders as they  
15 were rescuing or recovering the victim. So, we are--  
16 this touches our hearts and we take it extremely  
17 seriously. Regarding the data about permits, I  
18 should clarify that the numbers that I cited were new  
19 building Alteration I, Alteration II and demolition  
20 permits. So there would be some permits that may not  
21 be included in the data that you're citing, but those  
22 are the four major permit types that would result--  
23 that may result in injuries. I have to say that the  
24 minor alterations, the Alteration Type II, are the  
25 majority of the permits that we issue and are



1 typically less susceptible to injuries. So we focus  
2 a large part on the new building and alterations, and  
3 some of the most dangerous work in the city is  
4 demolitions. So, last-- in 2016 there were  
5 approximately I want to say approximately 18,000 of  
6 those permits out of the 141,000. So we could  
7 happily talk about the data that you mentioned, but  
8 you're right that we have to do more, and we're  
9 committed to the bills that we are supporting here,  
10 and I think that the increased supervision that we're  
11 asking for and the support of the bills with the  
12 expanded training I think addresses a good share of  
13 that.

14  
15 COUNCIL MEMBER CROWLEY: Are any of the  
16 job sites that you visited where there were  
17 fatalities were they school construction job sites?  
18 Were they prevailing wage job sites?

19 DEPUTY COMMISSIONER HOGAN: I have been  
20 at School Construction Authority sites where there  
21 were fatalities in the past, not this year, but I  
22 have been at fatalities--

23 COUNCIL MEMBER CROWLEY: [interposing]  
24 Since the Mayor has become the mayor?

25 DEPUTY COMMISSIONER HOGAN: I--

2 COUNCIL MEMBER CROWLEY: [interposing]  
3 School Construction Authority--

4 CHAIRPERSON WILLIAMS: [interposing]  
5 Alright, Council Member--

6 COUNCIL MEMBER CROWLEY: policies have  
7 changed. They didn't always have Project Labor  
8 Agreements.

9 CHAIRPERSON WILLIAMS: Thank you, Council  
10 Member. Council Member Kallos followed by Lancman  
11 and Greenfield.

12 COUNCIL MEMBER KALLOS: Thank you, Chair  
13 Williams, for carrying Introduction 1447 which I'm a  
14 proud co-sponsor. I want to thank you for supporting  
15 Introduction 443 that would require load cycle  
16 counters on cranes and for cranes older than 25  
17 years. I also want to thank you for your support of  
18 Intro. 1433 to improve reporting on injuries and  
19 deaths on and around construction sites. I accept  
20 your suggestion of mandatory reporting by employers.  
21 How long should employers have to report, and what is  
22 your suggestion that criminal or monetary penalty for  
23 failure to report?

24 COMMISSIONER CHANDLER: I'm sorry,  
25 Council Member. We're trying to gather up all the

1 bills. We're trying to figure out exactly which one  
2 you're referring to.  
3

4 COUNCIL MEMBER KALLOS: It--

5 COMMISSIONER CHANDLER: [interposing]  
6 Expanded reporting.

7 COUNCIL MEMBER KALLOS: Yes.

8 COMMISSIONER CHANDLER: And yes, you're  
9 asking how long it would take for us to get the  
10 employer to give us that information?

11 COUNCIL MEMBER KALLOS: How long should  
12 the employer have to report and what should be the  
13 penalty criminally and monetarily for failure to  
14 report?

15 COMMISSIONER CHANDLER: I think that we  
16 would ask for-- we would impose a 2,500 dollar fine  
17 if they didn't report it on our violations. We  
18 haven't thought about the time frame. Typically when  
19 there's an incident that we would want to investigate  
20 that as it relates to the bill, we work very closely  
21 with the Department of Investigation and typically  
22 the District Attorney's Office on these matters, and  
23 we act as quickly as we can after they have done  
24 their investigation.  
25

2 COUNCIL MEMBER KALLOS: Perfect. So, if  
3 you can get us whether we can consider that  
4 misdemeanor or felony, and happy to work with you on  
5 that. With regards to your testimony on Introduction  
6 1432, you omitted any comment on the transparency  
7 mandates of the bill. So, do you support that if  
8 government is paying for new construction that the  
9 City should know who owns the companies doing the  
10 development and construction their outstanding or  
11 pending violations or judgements, and what work  
12 they're actually doing?

13 COMMISSIONER CHANDLER: I think I'm going  
14 to ask-- Victor, can you respond to that in terms of  
15 the prevailing wage? I'm not exactly sure what your  
16 question--

17 COUNCIL MEMBER KALLOS: [interposing] This  
18 isn't about prevailing wage. It's just about  
19 transparency and-- if you were paying somebody to do  
20 work on your home or out of your pocket, do you think  
21 that you should know who is doing the work and what  
22 work they're doing?

23 COMMISSIONER CHANDLER: Of course we  
24 support transparency.

1  
2 COUNCIL MEMBER KALLOS: Great. And then  
3 in your testimony you objected to apprenticeship on  
4 grounds of language access. Does DOB track  
5 apprenticeship programs in the city? And how many  
6 offer English versus Spanish, Chinese, Russian, or  
7 I've heard of so many different languages that are  
8 offered for apprenticeships, do you track those?

9 ASHLEY PUTNAM: At the moment in time in  
10 terms of apprenticeship that does not fall under  
11 Department of Buildings, but at the Office of  
12 Workforce Development we have looked at the programs.  
13 And yes, you are correct, there are quite a few  
14 apprenticeship programs that offer particularly  
15 training in other languages, and we absolutely  
16 support that. Again, would like to make that  
17 training available to all workers, not just workers  
18 who are in registered apprenticeship programs.

19 COUNCIL MEMBER KALLOS: So, I agree about  
20 expanding it, but I guess I'm concerned about your  
21 testimony because in your testimony you said that you  
22 oppose the apprenticeship because of lack of language  
23 access, and unless you're going to do a study or--  
24 and I'll make sure to ask folks who are here today,  
25 but I think it was a misrepresentation as I think

1  
2 you've admitted that. Yes, they are offered in many  
3 languages, and there in fact is more. And then you  
4 also mentioned that certain apprenticeship programs  
5 require high school diplomas. Do you know how many  
6 of them? What percentage of them require a high  
7 school diploma or GED just to even get into the  
8 apprenticeship program?

9 ASHLEY PUTNAM: yeah. Thank you, Council  
10 Member, for the questions. We have done some  
11 research looking across the New York State registered  
12 apprenticeship programs. Some of them are employer-  
13 sponsored and we are not able to find that at this  
14 moment in time as much information. I'd be happy to  
15 get back to you on that.

16 COUNCIL MEMBER KALLOS: I guess it's just  
17 I'm concerned about your opposition to both my bill  
18 and the Chair's bill based on assertions that you  
19 don't have the facts to support. So, I'd ask that  
20 you reconsider your position based on that. And in  
21 your testimony it also states, "Experienced workers  
22 are just as much at risk as new hires." How many  
23 injuries and deaths were new entrance versus mid-  
24 career workers as you classified them?

2 COMMISSIONER CHANDLER: Well, I would  
3 support the Council requiring the employers to  
4 provide that information to us, because we don't  
5 gather that information.

6 COUNCIL MEMBER KALLOS: I guess it's just  
7 going through your testimony, your opposition to both  
8 bills, you've made numerous assertions without the  
9 facts to support them, and I might say they might be  
10 'alternative facts' because based on the facts that I  
11 know, they are available in foreign languages. You  
12 do not necessarily have GED requirements, and there  
13 is more risk when you are new to a job and you don't  
14 know what you're doing, and somebody hands you a  
15 jackhammer or whatnot and you don't have the training  
16 to operate it, and I think that is a safety risk.  
17 Would you agree that operating a jackhammer or other  
18 construction equipment without any training might be  
19 a safety risk?

20 COMMISSIONER CHANDLER: Yeah, as my  
21 testimony, we do support training and supervision,  
22 and that goes without saying for my testimony. Over  
23 half of the deaths last year were people that were  
24 over 40 years of age or older.

25 ASHLEY PUTNAM: And Council Member--

2 COMMISSIONER CHANDLER: So, we do know  
3 that.

4 CHAIRPERSON WILLIAMS: Thank you.

5 ASHLEY PUTNAM: In regards to the GED, I  
6 would refer you to the State Department of Labor  
7 website. The vast majority of registered  
8 apprenticeship programs in the City of New York and  
9 the state of New York do require a GED or some sort  
10 of equivalency for entry, and that is listed on the  
11 public website when you go to apply for an  
12 apprenticeship program.

13 CHAIRPERSON WILLIAMS: Thank you, Council  
14 Member. I did want to follow up on just one part  
15 that he mentioned. So, the answers you gave on  
16 apprenticeship programs were-- did not include  
17 private employee apprenticeship programs. I just  
18 wanted to be clear at what information you have and  
19 don't have.

20 ASHLEY PUTNAM: So, there are several  
21 private-- I don't actually have the list here.  
22 Employers are able to sponsor an apprenticeship.

23 CHAIRPERSON WILLIAMS: I'm sorry. Say that  
24 again.



2 ASHLEY PUTNAM: Employers are able to-- a  
3 private employer is able to sponsor an  
4 apprenticeship. We believe some of the majority of  
5 them are sponsored through industry and labor  
6 associations, but a private employer is able again to  
7 sponsor an apprenticeship by going through that  
8 process I listed earlier, registering, demonstrating  
9 a competent training professional, scheduled wages--

10 CHAIRPERSON WILLIAMS: [interposing] You  
11 say you believe that most of them are associated with  
12 labor-- can you say that part again?

13 ASHLEY PUTNAM: With either an industry  
14 labor association. So, usually--

15 CHAIRPERSON WILLIAMS: [interposing]  
16 Other--

17 ASHLEY PUTNAM: Industry and labor paid  
18 into together.

19 CHAIRPERSON WILLIAMS: Okay.

20 ASHLEY PUTNAM: So, the majority of  
21 workers go through industry labor apprenticeship in  
22 the city.

23 CHAIRPERSON WILLIAMS: Okay. Thank you  
24 very much. Council Member Lancman, Greenfield, Chin,  
25 Rosenthal.

COUNCIL MEMBER LANCMAN: Good morning.

So, you are now the second Buildings Department Commissioner to testify before me on the failure of the City to adequately protect its construction workforce. In a prior life in the State Assembly I chaired a subcommittee on workplace safety, and I remember vividly a hearing we had some years ago, and given the numbers, it's very, very disappointing to see how little progress has been made, and we know when a mayor cares about something because we see it. I was here last week for a hearing on the Mayor's Vision Zero program, and we had commissioners from four of five different agencies, and we are constantly told or offered in our office the opportunity to go out and educate people on Vision Zero, and I've stood in intersections with DOT employees handing out flyers to drivers to tell them to drive safe, etcetera, etcetera. We have simply not seen that level of commitment from this Administration when it comes to workplace safety and particularly construction workplace safety, and that's why we have the number of deaths that we have. It's particularly absurd for a commissioner to tell us that the OSHA-10 would achieve the same objective

1 as an apprenticeship program. On its face, if  
2 anybody knows anything about the OSHA-10, it's just a  
3 generalized kind of introduction to safety course.  
4 And then in the next breath say that he cannot  
5 explain what the OSHA-10 is or how it would compare  
6 to an apprenticeship program. I also have to  
7 question the dismissal of apprenticeship programs as  
8 being mostly focused on teaching someone a trade. To  
9 be safe in the workplace cannot be separated from the  
10 ability to perform one's trade well, whether it's a  
11 carpenter or a laborer or electrician, etcetera. So,  
12 I would like to see the same kind of focus and  
13 intensity that we see in the Mayor's Vision Zero  
14 program, his UPK program, the things that he cares  
15 about. I would like that same demonstration of  
16 support to be shown to construction safety in the  
17 city, and I'm just not seeing it. Now, that's the  
18 forest--

19  
20 COMMISSIONER CHANDLER: [interposing]  
21 Well, I'm happy to comment on that, Council Member.

22 COUNCIL MEMBER LANCMAN: What's that,  
23 sir?

24

25

2 COMMISSIONER CHANDLER: I would like to  
3 comment on that. I think this mayor has not  
4 supported the Department--

5 COUNCIL MEMBER LANCMAN: [interposing] No,  
6 I have a limited amount of time--

7 COMMISSIONER CHANDLER: [interposing]  
8 unlike no other mayor.

9 COUNCIL MEMBER LANCMAN: I have a limited  
10 amount of time, and you had a long time to testify--

11 COMMISSIONER CHANDLER: [interposing] I'm  
12 happy to give you more--

13 COUNCIL MEMBER LANCMAN: [interposing] and  
14 you said what you said. And I guess now you have to  
15 live with it.

16 [audience noise]

17 COUNCIL MEMBER LANCMAN: I want to ask you  
18 a couple--

19 CHAIRPERSON WILLIAMS: [interposing]  
20 Commissioner, you'll be able to respond when he's  
21 finished with his questions.

22 COUNCIL MEMBER LANCMAN: I want to drill  
23 down on a couple of-- that was the forest. I want to  
24 drill down on a couple of the trees. Having to do  
25 with Intro. 1431 and concerns that have been raised

1 with me about some aspects of the bill. This has to  
2 do with, if I'm not mistaken, the lift director  
3 licensing. Why do you think that it's a good idea to  
4 accept accreditation from the National Commission for  
5 Certifying Agencies as opposed to-- or ANSI, the  
6 American National Standards Institute? I've been  
7 advised, and I would like to hear your opinion as to  
8 whether or not the NCCA is appropriate given the more  
9 specific focus, industry focus that one gets and one  
10 sees coming out of the American National Standards  
11 Institute. My understanding is you support 1431. I  
12 wonder if you have any thoughts on that?

14 COMMISSIONER CHANDLER: WE want to  
15 support the strictest standards as possible with the  
16 crane regulations. I think I'd like to get back to  
17 you on how you're comparing the ANSI standards with  
18 the standards that are-- that you I think are saying  
19 that are happening in the industry today. I think  
20 that's what your question was.

21 COUNCIL MEMBER LANCMAN: Well, I'm fine as  
22 long as you can get back to me. The question has  
23 been raised. It seems like a reasonable question  
24 about whether the NCCA accreditation regime is really  
25 as focused and as rigorous as the ANSI regime. If

1 the goal is to ensure that the people who are  
2 qualified to perform these assignments are really  
3 qualified, then we would want to have the tightest  
4 accreditation possible.  
5

6 COMMISSIONER CHANDLER: We agree.

7 COUNCIL MEMBER LANCMAN: Good. Let me  
8 also ask you about 1446, which I think you also  
9 support, and it's a very particular question that's  
10 been raised, and it has to do with the Class B2  
11 license. My understanding is that the purpose of the  
12 Class B2 license is to address longer boom lengths of  
13 300 feet or more, but it seems like the experience  
14 requirement for obtaining that license does not  
15 include some requirement of having experience with  
16 those longer boom lengths. Instead, it's very, very  
17 generalized and open to potentially very loose  
18 standards. In the current bill I think it's  
19 competence in operating cranes with complex booms, as  
20 such term is defined by the Department. Do you know  
21 or do you have an opinion about whether it would be a  
22 good idea to make it more specific and actually  
23 require people who are going to be dealing with these  
24 larger cranes to have experience on cranes of that  
25 size?

DEPUTY COMMISSIONER HOGAN: Council

Member, the concern is is that the-- just in general, when you're dealing with these longer length cranes, using the exact same machine may have 10, 15, 20 different configurations, and each one of those configurations will cause the crane to act differently in its operation. If we were to make a requirement for everyone to get a B2 license to be certified on all these machines, because of the significant number of manufacturers and the significant number of different configurations that could possibly be made even on the same machine, we would never get anyone who's qualified to operate them. what our recommendation is, is that we look to require that if they're going to operate that crane in a particular configuration, that they either have practice doing in an offsite yard where it will have no danger to the public, or that they have training on a simulator that will give them access to how that crane reacts differently from the other configurations and allow them to work on that and understand what the limits of the crane is and the configuration that's going to be used at the site.

2 COUNCIL MEMBER LANCMAN: Well, let me just  
3 say, the detailed that can be in the bill to provide  
4 assurance that the experience necessary to do the job  
5 will actually be what's required for the license  
6 would be helpful. And in particular, if we're  
7 talking about a license that is designed to deal with  
8 these larger cranes, that there be a specific  
9 requirement of experience with those larger cranes.

10 CHAIRPERSON WILLIAMS: Thank you, Council  
11 Member.

12 COUNCIL MEMBER LANCMAN: We can continue  
13 that conversation.

14 CHAIRPERSON WILLIAMS: Did you have  
15 another response?

16 COMMISSIONER CHANDLER: Well, I just  
17 started my response to remind the Council that with  
18 your help and the Mayor's commitment that this agency  
19 has received unprecedented support, and I think  
20 that's indicative of the Mayor's support of safety  
21 all around the city and construction safety. We've  
22 hired over 140 inspectors. We've quadrupled fines.  
23 We've increased our enforcement tremendously, and as  
24 I testified we're issuing violations and stop-work  
25 orders like we've never done before, and we think



1 that has had an impact as compared to the previous  
2 boom. You're right. It definitely-- it's not  
3 enough. It's not enough, and it's got to be more.  
4 With regards to the OSHA training and your comments  
5 about how my expertise on the OSHA training, I'm not  
6 running OSHA. I'll be happy to get in touch with  
7 them, and if they want me to run the place, I'll  
8 learn how to enforce their bills, their rules--

10 COUNCIL MEMBER LANCMAN: [interposing] And  
11 yet you're comfortable relying on their training  
12 program--

13 CHAIRPERSON WILLIAMS: [interposing]  
14 Alright, Council Member.

15 COUNCIL MEMBER LANCMAN: as a substitute  
16 for the apprenticeship program.

17 COMMISSIONER CHANDLER: But-- let me  
18 finish, Council Member--

19 CHAIRPERSON WILLIAMS: [interposing]  
20 Council Member Greenfield?

21 COMMISSIONER CHANDLER: if you'd let me.

22 CHAIRPERSON WILLIAMS: Council Member  
23 Greenfield?

24 COMMISSIONER CHANDLER: We've embarked on  
25 changing our code which has Chapter 33 which deals

1 with safety, and again it's like no other code in the  
2 United States in terms of safety, and we've embarked  
3 on convening that team as of a couple of weeks ago.  
4 So, we're starting to work on that right now.

5  
6 CHAIRPERSON WILLIAMS: Thank you,  
7 Commissioner. Council Member Greenfield?

8 COUNCIL MEMBER GREENFIELD: Thank you,  
9 Chairman. Thank you, Commissioner. Commissioner, I  
10 really want to spend the very few minutes that I have  
11 just focusing on some facts, not sort of engaging in  
12 a political back-and-forth. So, my first question  
13 that I have for you, Commissioner, is do you have  
14 statistics on terms of safety of union workers versus  
15 non-union workers? Do you guys keep track of that?

16 COMMISSIONER CHANDLER: No.

17 COUNCIL MEMBER GREENFIELD: Okay. Would  
18 it be fair to hypothesize, and if Ben Kallos were  
19 here he'd probably hit me for saying this, but I  
20 think we could probably agree that union workers in  
21 terms of an average in terms of the work that they  
22 do, they probably safer work habits. Do you think  
23 that's fair or would you not like to state that?

24 COMMISSIONER CHANDLER: Oh, what I would  
25 state--

2 COUNCIL MEMBER GREENFIELD: [interposing]

3 By hypothesis.

4 COMMISSIONER CHANDLER: is that better  
5 supervision generally results in a better work site  
6 and a safer work site, and I would also say that  
7 there's no segment of the industry that has a  
8 monopoly on safety, period.

9 COUNCIL MEMBER GREENFIELD: Okay. But  
10 it's not unreasonable to-- and I don't think it's  
11 helpful for us to sort of have this union versus  
12 anti-union fight. So, I just want to state that--

13 COMMISSIONER CHANDLER: [interposing]  
14 Couldn't agree more.

15 COUNCIL MEMBER GREENFIELD: unions in  
16 general probably have better practices, they have  
17 more training. They certainly are better experts in  
18 the industry. It's not surprising that you would see  
19 less injuries on the job. Is that fair?

20 COMMISSIONER CHANDLER: Yes.

21 COUNCIL MEMBER GREENFIELD: Okay, great,  
22 excellent. So, I want to actually use-- I don't know  
23 if he's still here-- Council Member Lancman's  
24 analogy, which is the Vision Zero analogy. I'm  
25 actually a big proponent of the Vision Zero, so I'm

1 per-- I'm also a big proponent of safety. If you  
2 look at the Vision Zero, the reality is that  
3 something interesting happened in the last couple of  
4 years. In 2015, there were 249 vehicular-related  
5 deaths in New York City. In 2016 it actually went  
6 down to 236. So that's-- it went down by five  
7 percent. What's interesting, however, is that  
8 cycling deaths have gone up. And so cycling deaths  
9 have actually gone up from 16 deaths in 2015 to 20  
10 deaths in 2016. Now, the reason I'm bringing this  
11 up, and not just because Council Member Lancman sort  
12 of opened the door, but also to point out that the  
13 prevailing hypothesis of why cycling deaths went up  
14 is because we saw an increase in cycling in New York  
15 City. We have more cycling infrastructure in New  
16 York City. More people are cycling in New York City,  
17 and so I really, I'm wondering in terms of an apples  
18 to apples comparison, do we keep a record in terms of  
19 specifically over the course of years that say, okay,  
20 if we have more construction on average, has the City  
21 become safer or less safe? That's really what I'd  
22 like to know. Sort of just focus on the facts and try  
23 to move past some of the rhetoric.  
24

2 COMMISSIONER CHANDLER: What we've done is  
3 look at the fatalities from the last boom compared to  
4 now. It's a little difficult to look at the injuries  
5 because of our increased in improved reporting. So,  
6 it's-- we take--

7 COUNCIL MEMBER GREENFIELD: [interposing]  
8 That's fair, Commissioner. So, on fatalities--

9 COMMISSIONER CHANDLER: [interposing] It's  
10 hard to do.

11 COUNCIL MEMBER GREENFIELD: On average,  
12 would you say if you're comparing apples to apples in  
13 terms of construction versus accidents, is it-- would  
14 you say that the fatalities are going up if your  
15 comparing the amount of work, or is it that the  
16 fatalities are going down, or does it say same? And  
17 I would also add, are there any comparisons to any  
18 other cities in the United States? Sort of see what  
19 the trend is sort of where we're doing.

20 COMMISSIONER CHANDLER: So, as I  
21 mentioned in my testimony, as compared to the last  
22 boom in 2008, the number of fatalities had decreased,  
23 and if you compare that to the number of-- amount of  
24 square footage which has gone from 60-something  
25 million to 92 million and a lower number of

1 fatalities, I think that suggests a very much  
2 improved safety record. Again, it's not something to  
3 celebrate given the fact the number of deaths that  
4 occurred last year, which we need to improve on, but  
5 I think it's--

6 COUNCIL MEMBER GREENFIELD: [interposing]

7 No, I understand, but from my point is,  
8 Commissioner,--

9 COMMISSIONER CHANDLER: [interposing]

10 trending in the right direction.

11 COUNCIL MEMBER GREENFIELD: I'm comparing  
12 this to Vision Zero, alright? We still had 236  
13 deaths last year.

14 COMMISSIONER CHANDLER: Sure. Sure.

15 COUNCIL MEMBER GREENFIELD: We're hoping  
16 to get to zero deaths, and you're saying that based  
17 on 2008. Is there a way-- would you mind just giving  
18 to us perhaps after the hearing, because I think it  
19 would be helpful, sort of let's call it the last 10  
20 years? And if you're comparing apples to apples,  
21 whether you want to do it based on construction  
22 permits or whether you want to do it based on square  
23 feet so that we can all know, because I think it's  
24 helpful just to have sort of a baseline. By the way,  
25

1 I'm more than happy to yell at a commissioner, if you  
2 look at my record. Just, before I yell at a  
3 commissioner, I'd like to know in fact what the facts  
4 and whether we're meeting that same average goal or  
5 not. So that's really the focus of my questioning  
6 today. Is that something that you can perhaps get  
7 for us?

9 COMMISSIONER CHANDLER: Yep, gladly do  
10 that, yes.

11 COUNCIL MEMBER GREENFIELD: Okay. I  
12 appreciate that, and Mr. Chair, I will reserve my  
13 yelling of this commissioner until I am in possession  
14 of said facts so that we can actually make an  
15 objective analysis over whether or not things have  
16 gotten safer or less safe. And just to be clear, we  
17 still obviously agree on the point, Commissioner,  
18 that our goal should be zero deaths just as how it is  
19 on the car Vision Zero perspective as well.

20 COMMISSIONER CHANDLER: Every day,  
21 Council Member, and we come to work every day with  
22 that-- our approach is different than Department  
23 Transportations. We do have an education and  
24 enforcement and a review process as we review plans  
25 by private contractors. I would say, and as I think

1 the Mayor said this, it's not an apples to apples  
2 comparison. You know, the Vision Zero is absolutely  
3 laudable, and I applaud Commissioner Trottenberg  
4 [sp?] and her team. We would just say that, you  
5 know, the Department of Transportation acts as the  
6 contractor and the regulator for streets, and I think  
7 they do a fantastic job of evaluating the engineering  
8 and the safety aspects of how to design and build a  
9 street or an intersection or bike lanes, whereas the  
10 Department is only the regulator, and we're trying to  
11 influence a private owner and private contractor to  
12 meet safety goals.

14 COUNCIL MEMBER GREENFIELD: I appreciate  
15 that. Thank you, Commissioner, and thank you, Mr.  
16 Chair.

17 CHAIRPERSON WILLIAMS: Thank you. And  
18 just for fact's sake, I think there is agreement that  
19 most the accidents happen from 10 stories below. I  
20 think there's agreement that most of the accidents  
21 happen on non-union sites, and non-union sites will  
22 then push back that's because they have more of the  
23 market share. So, I think those are things that  
24 folks agree on. I still, even if it's market share  
25 or not, believe that there should be additional



1 scrutiny there if that's where the accidents are  
2 occurring. As well as just because we are building  
3 more, I don't accept that there means there should be  
4 more deaths. We're still responsible to make sure  
5 it's as safe as possible. We've been joined by  
6 Council Member Rodriguez, and next is Council Member  
7 Chin, Rosenthal and Menchaca.

9 COUNCIL MEMBER CHIN: Thank you, Chair.  
10 Thank you, Commissioner. In your testimony you also  
11 mentioned that it was on February 5<sup>th</sup> last year,  
12 2016, resident of Tribeca was shaken when a 15-story  
13 construction crane came crashing down on Worth [sic]  
14 and Church Street. Tragically, the incident killed  
15 38-year-old David Wigs [sp?], a husband and father  
16 who was on his way to work in lower Manhattan. The  
17 crane collapse also injured three other people. It  
18 traumatized dozens of residents in the area, some of  
19 whom saw the crane fall just outside their windows,  
20 and it made all New Yorkers question the safety of  
21 the cranes being used throughout the City. Intro  
22 1421 and 1422 along with other crane safety  
23 legislation hopes to quell those fears and restore  
24 faith in the system once again and to improve safety  
25 for workers and residents. So, Commissioner, I am

1  
2 glad to hear that the Department do support these two  
3 legislations, 1421 and 1422. I have a couple of  
4 questions. In the past five years, how many crane  
5 accidents occur were related to wind, and how many  
6 accidents occur happen when the cranes were being  
7 assembled or disassembled, and then do you believe  
8 that the wind speed requirement in the legislation  
9 1422 would make a construction site safer?

10 COMMISSIONER CHANDLER: I would just  
11 comment first on the February 15<sup>th</sup> of last year is  
12 that that was not wind-related, other than the fact  
13 that wind did influence the actions of the operator  
14 when he failed to act the day before, and that's all  
15 in the report, but wind played an indirect role  
16 there. Tim can respond to the other one.

17 DEPUTY COMMISSIONER HOGAN: I'm sorry, if  
18 you could just-- the other parts of your question.  
19 As far as wind was concerned, we've had no incidents  
20 directly related to wind that caused crane collapses.

21 COUNCIL MEMBER CHIN: But was it related  
22 to because of the wind speed that people were  
23 disassembling cranes or whatever that caused  
24 accidents?  
25

2 DEPUTY COMMISSIONER HOGAN: I'm not aware  
3 of any, and I've been with the Department almost five  
4 years. I'm not aware of any that were related to  
5 wind and the crane other than the incident from last  
6 year where action was taken that should not have been  
7 taken.

8 COUNCIL MEMBER CHIN: So, how has the  
9 City determined what kind of appropriate wind speed  
10 should cranes be operating?

11 DEPUTY COMMISSIONER HOGAN: We rely on  
12 information that we've developed from basically  
13 national oceanographic [sic] and atmospheric, and the  
14 conditions that we identified as the 30-mile-an-hour  
15 wind cut off specifically has to do with the ability  
16 of people to function in a 30-mile-an-hour sustained  
17 wind, and that it is difficult. That is where the  
18 National Weather Service calls it, you know, gale  
19 force, and that people have difficulty walking, and  
20 realizing that cranes are operating with people on  
21 the ground at the same time, that 30 miles an hour is  
22 a standard-- has been in place since the 1960s to  
23 make sure that that is a level where the cranes  
24 should stop operation in most instances. We have  
25 worked very vigorously over the last year on issues

1 directly related to wind. We worked very vigorously  
2 on making sure that the ability of a crane to remain  
3 either up or laid down or jack-knifed, and each  
4 condition is different, that those wind conditions  
5 are specifically identified in the plans, and that  
6 architects and engineers who are involved in doing  
7 this type of work are aware of what those  
8 restrictions are, and have passed it onto the site,  
9 and the site knows what they're supposed to do. We  
10 have issued violations where we found that cranes  
11 were left in a position that we felt endangered those  
12 numbers. For example, we had a wind even where a  
13 crane was left up that could withstand a wind of 45  
14 miles an hour, and we had a 50-mile-an-hour wind.  
15 They were notified that they should take the crane  
16 down and either jack-knife it or lay it flat. They  
17 failed to do so, and we issued violations to the  
18 engineer for failure to do that and had other  
19 incidents where we knew when storms were coming, and  
20 there was action-- was failed to be taken by the  
21 people that were involved with that crane, and they  
22 were cited for its safety violations.

24 COUNCIL MEMBER CHIN: So, I mean, it's  
25 like right now, especially in lower Manhattan and all

2 throughout Manhattan, there's a lot of construction  
3 going on and there's a lot of cranes out there. And  
4 I think that in terms of training the crane operator,  
5 but the company that are, you know, and the  
6 developers who are responsible for those buildings  
7 need to be more accountable, because God forbid when  
8 an accident happens like what happened last year, it'  
9 such a tragedy to a family and the people who were  
10 injured. I mean, we can't allow those things to  
11 happen. So, what is the Department doing to really  
12 ensure that they understand that this is really  
13 critical, not just, you know, giving them violations?  
14 Accidents can happen and tragedies can happen.

15 DEPUTY COMMISSIONER HOGAN: That's one of  
16 the reasons that we are supporting the lift director  
17 bill, because it puts a person on site that knows  
18 what the issues are related to that crane, how it  
19 affects the public in that area, how it affects the  
20 occupied buildings in that area, and when the crane  
21 needs to be stowed in a proper manner to handle wind  
22 issues. We have a number of sites around the City.  
23 I know two of them are on the lower east side where  
24 we have cranes that go up and down every day because  
25 of the wind restrictions on those cranes, and we're

1  
2 working diligently with the Fire Department and the  
3 Department of Transportation to make sure that that  
4 happens. So, we've taken a lot of actions to make  
5 sure that those cranes are secured and safe for the  
6 public.

7 COUNCIL MEMBER CHIN: Thank you. Thank  
8 you, Chair.

9 CHAIRPERSON WILLIAMS: Thank you, Council  
10 Member. Council Member Rosenthal, Menchaca and  
11 Treyger.

12 COUNCIL MEMBER ROSENTHAL: Sorry, I'm  
13 still working--

14 CHAIRPERSON WILLIAMS: Sure. Council  
15 Member Menchaca, Rosenthal--

16 COUNCIL MEMBER MENCHACA: I'll go, thank  
17 you. Thank you, Chair, again. Thanks to the  
18 Administration for coming out and talking to us at  
19 this public hearing. My first, I guess,-- my first  
20 question is really the kind of status quo. I kind of  
21 want confirmation that where we are today is broken.  
22 We need to fix it, and there's a real problem and  
23 crisis. Is that right, on safety training and  
24 solving something around safety training?  
25

2 COMMISSIONER CHANDLER: No, that's not  
3 right.

4 COUNCIL MEMBER MENCHACA: So, there's no  
5 need to change the world we live in right now?

6 COMMISSIONER CHANDLER: Of course,  
7 Council Member, that's not what I said.

8 COUNCIL MEMBER MENCHACA: Okay, so then  
9 what are you saying?

10 COMMISSIONER CHANDLER: I'm saying that we  
11 have done an awful lot in the last couple of years in  
12 hiring our new inspectors and increasing our  
13 enforcement and our supervision. We're getting  
14 better at it every day, and that we regularly engage  
15 the industry and experts about how we might want to  
16 modify what's one of the strictest and most safe  
17 codes in the country--

18 COUNCIL MEMBER MENCHACA: [interposing]  
19 Got it.

20 COMMISSIONER CHANDLER: in our Chapter  
21 33. We're working on it. So, I could go on if you'd  
22 like.

23 COUNCIL MEMBER MENCHACA: I know, and so  
24 I'll pause you there. Thank you. And apologies for  
25 having to stop you in that. But so essentially

1  
2 you're saying there are things in place, let us do  
3 our job, and we'll see some changes in the future,  
4 but no needs to change-- no need for change now.  
5 Things are place to help. So, I'm going to ask you  
6 some questions throughout this three and a half  
7 minutes. One is, are you tracking the number of OSHA  
8 cards that are coming in through online classes  
9 versus classroom experiences or other ways that--  
10 people are getting it through the phone or on the  
11 market?

12 COMMISSIONER CHANDLER: We don't track  
13 that. We expect the workers to, and then we ask them  
14 to make that available to us upon request.

15 COUNCIL MEMBER MENCHACA: Does the city  
16 have any responsibility in tracking that?

17 COMMISSIONER CHANDLER: No.

18 COUNCIL MEMBER MENCHACA: Okay. Next is  
19 you are-- someone mentioned curriculum, and can you  
20 give us a sense about what that curriculum looks like  
21 right now as far as from city's perspective?

22 ASHLEY PUTNAM: Are you speaking to  
23 curriculum in apprenticeship programs or curriculum  
24 in--

25



2 COUNCIL MEMBER MENCHACA: [interposing]

3 Yeah, the apprenticeship programs. And really what I  
4 want to get to-- and actually, let me pause you there  
5 as you think about the curriculum. I want to ask  
6 some more pointed questions, and we'll leave with a  
7 more verbose answer questions at the end. How will  
8 the safety training laws that we're talking about  
9 right now, possibly-- how will they affect the pace of  
10 development in the City, and will they have an effect  
11 on the pace of development in the City, could they?

12 COMMISSIONER CHANDLER: I think they  
13 could, yes. I think that the apprenticeship program  
14 would definitely have an effect. I can't say how  
15 much, but I think that it would.

16 COUNCIL MEMBER MENCHACA: It will, and  
17 would that be accelerating or decelerating the pace?

18 COMMISSIONER CHANDLER: If you're going to  
19 impose a significant training course that has to be  
20 approved by the state or by my agency that has no  
21 expertise in that-- I'd have to get a lot of  
22 expertise and program up and running from scratch--  
23 yeah, I think it's going to have an impact.

24

25

2 COUNCIL MEMBER MENCHACA: And how will  
3 that affect some of the Administration's goals on  
4 projects?

5 COMMISSIONER CHANDLER: Well, we've heard  
6 that it is-- it will have a significant impact on the  
7 affordable housing construction.

8 COUNCIL MEMBER MENCHACA: And I'm going  
9 to-- we'll follow up later. So, I want to move over  
10 to 1437 specifically. You offered some feedback on  
11 the bill that I am one of the prime sponsors of, the  
12 increases by law the civil penalties. And you  
13 mentioned that there's already-- and the bill also  
14 crafts an opportunity for you to craft your own  
15 opportunities, but we want to baseline increase the  
16 penalties. And then you mentioned that there's about  
17 two and a half and five times greater penalties that  
18 are offered today by the DOB, but no timeline. So, I  
19 don't know if that's in the last month. I don't know  
20 if that's in the last 10 years. Can you give us--  
21 that fact kind of falls flat.

22 DEPUTY COMMISSIONER FISHER: So, I'd like  
23 to address the enhanced penalties. Through our rule-  
24 making we are able to issue both aggravated one and  
25 two penalties to entities or individuals where either

1  
2 you have a repeat offender or there's a serious  
3 accident or injury that occurs or a fatality or there  
4 is the risk of those occurring.

5 COUNCIL MEMBER MENCHACA: Right, right.

6 DEPUTY COMMISSIONER FISHER: We issue  
7 about five percent of the repeat offender type  
8 violations, and we issue about one percent of all our  
9 violations are for the serious risks of injury and  
10 fatalities.

11 COUNCIL MEMBER MENCHACA: I thank you for  
12 defining it. I'm asking for when did the increase go  
13 up. You're touting a, "Oh, we're doing it already.  
14 We're doing it five-- two and a half and five times."  
15 I don't actually know what that means. Is it two and  
16 a half or is it five? And within what time frame did  
17 that go up? It's just super unclear. I have no idea  
18 what this means. It's a false-- it doesn't seem  
19 real. Can you point us into understanding that?

20 DEPUTY COMMISSIONER FISHER: I'm happy to  
21 answer the question. These penalties with the  
22 Council's help, we had broad categories of penalties  
23 imposed through the 08 code, and then over time  
24 through rule-making also in and around 08, we started  
25

1 working with these aggravated type of penalties so  
2 that we could have the--

3 COUNCIL MEMBER MENCHACA: [interposing]  
4 When?

5 DEPUTY COMMISSIONER FISHER: In 2008.

6 COUNCIL MEMBER MENCHACA: 2008?

7 DEPUTY COMMISSIONER FISHER: Yes.

8 COUNCIL MEMBER MENCHACA: So this is a  
9 2000-- two and a half and five times since 2008?

10 DEPUTY COMMISSIONER FISHER: Correct.

11 And we've been issuing these sorts of penalties since  
12 then.

13 COMMISSIONER CHANDLER: Done by rule.

14 DEPUTY COMMISSIONER FISHER: By rule.

15 That was through rule-making.

16 COMMISSIONER CHANDLER: So, the two and a  
17 half to five times was done by rule after the 2008  
18 code was passed by legislation here at Council.

19 CHAIRPERSON WILLIAMS: Thank you, Council  
20 Member. Council Member Treyger and then Council  
21 Member Rosenthal.

22 COUNCIL MEMBER TREYGER: Thank you, Chair  
23 Williams. I want to first just commend Chair Williams  
24 for really running a very thorough and orderly  
25

1 important hearing. I think his leadership should be  
2 commended. And I want to just say to Commissioner  
3 Chandler, I don't sit on the Housing and Buildings  
4 Committee, but I do chair the Sandy Recovery and  
5 Resiliency Committee, and I've learned quite a bit  
6 about your agency through that lens. And let me just  
7 begin by saying this. I think that there is an  
8 inherent contradiction in the structure of the  
9 Buildings Department as-is. The same folks who are  
10 being pulled and tugged to approve permits, cut red  
11 tape, cut corners to get projects up and running  
12 can't be the same folks that we rely upon to enforce  
13 the rules and the laws of the City of New York. I  
14 really believe that there is this conflict, this  
15 struggle, this tension that exists in your agency,  
16 and I am confident that you get tons of calls and  
17 requests and urgings from lobbyists, from power  
18 brokers, from very powerful individuals to say, "Get  
19 this approved. Get this done." And I'm sure you get  
20 calls from the regular folks on the ground who call  
21 311 to report a safety issue. I'm not sure if their  
22 calls are getting the same quick attention as the  
23 calls from the powerful people, but I just want to  
24 say this. There's a series of laws here-- series of  
25

1 bills, sorry, that are in this package, and my  
2 question is as it relates through my experience  
3 chairing the Sandy Committee is capacity. Do you  
4 believe that your agency has the capacity to enforce  
5 all of the bills that you have approved, that you  
6 have signaled your support for today, and the bills  
7 that you have shown a willingness to engage with us  
8 to work with maybe amend and change to eventually  
9 pass? Do you believe that DOB as is right now has  
10 the capacity to enforce these bills into law?

12 COMMISSIONER CHANDLER: So, the ones that  
13 we've supported here we think that we have the  
14 capacity for the most part. We're still evaluating  
15 what new needs we would be submitting for. I don't  
16 think they'll be great, but there might be some new  
17 needs associated with some of these bills.

18 COUNCIL MEMBER TREYGER: Now, you have  
19 mentioned that you've hired, that there's been a  
20 hiring of new inspectors and new-- can you share with  
21 us, have you seen an increase, a decrease, a flat  
22 line of the number of work safety violations and  
23 stop-work orders in the last, I would say, four or  
24 five years?

25

2 COMMISSIONER CHANDLER: Yes, there would  
3 be. Yeah. So, in the 2014 we had-- site safety  
4 complaints went from 1,946 to 2,272. Those are the  
5 number of complaints. We had a corresponding  
6 increase in the violations. We've issued over 56,000  
7 violations, ECB violations, and between 2014 and  
8 today we went from 6,500 stop-work orders to 8,800  
9 stop-work orders. So, we-- I think that there is a  
10 corresponding increase in enforcement.

11 COUNCIL MEMBER TREYGER: so you're seeing  
12 an increase in enforcement. What about compliance in  
13 the sense where when you issue a violation and  
14 there's a monetary penalty, are you keeping track of  
15 those folks who are actually complying, because one  
16 of the other issues with the Buildings Department has  
17 been self-certification, relying on those folks who  
18 are requesting the permits, requesting these things,  
19 to kind of certify on their own that they're doing  
20 all this work and complying with all the rules and  
21 regulations. Are people actually paying the price?  
22 Are they paying for not following the rules? Are you  
23 keeping track of that data?

24 DEPUTY COMMISSIONER FISHER: So by way of  
25 a background, in order to clear a violation at the

1  
2 Department you have to do two things: you have to pay  
3 the penalty and demonstrate that you've corrected the  
4 underlying condition. We do receive some self-  
5 certifications. However, our staff reviews each and  
6 every certificate of correction, and if they're not  
7 satisfied, it goes back. We also audit those  
8 submission, approximately 10 percent, to ascertain  
9 whether or not they're truthful in nature. So,  
10 indeed, we do track all of those. I apologize I  
11 didn't have specific numbers. But however, we do--  
12 that is how you clear a violation at the Department.  
13 You have to demonstrate both of those things, that  
14 you've paid and corrected the underlying condition.

15 COUNCIL MEMBER TREYGER: And just to  
16 quickly add to that, is there a probationary program  
17 that you have that if you get a certain number of  
18 proven violations on a bad actor or there's been an  
19 incident after incident after incident? The  
20 Commissioner testified earlier that you wish you  
21 could put an inspector at every site. I certainly  
22 believe that you should put one at every site that  
23 has a history of bad acting. And do you have such a  
24 program right now?



2 COMMISSIONER CHANDLER: We do, but it's  
3 getting better every day, and that's an iterative  
4 process, and part of our building our new analytics,  
5 our more robust analytics is to be able to identify  
6 those people, where they're located. Often times  
7 they have multiple sites. We have to pair that up  
8 with the adjudicated violations and complaints, and  
9 every day through an iterative process we're getting  
10 better about how we're routing our people and the  
11 sweeps that we're conducting. So we think we're much  
12 better today than we were last year, and I think this  
13 time next year we'll be better as well.

14 COUNCIL MEMBER TREYGER: Thank you,  
15 Chair.

16 CHAIRPERSON WILLIAMS: Thank you. And  
17 now, thank you for pointing out what could be  
18 possible constraints and maybe conflicts. So,  
19 hopefully if there's needed resources that will come  
20 up in the budget, but thank you for pointing that  
21 out, Council Member Treyger. I did want to go back to  
22 something that Council Member Menchaca was talking  
23 about which is the online courses. So, do the-- can  
24 people receive online OSHA training, and does that  
25 include OSHA-10?

2 DEPUTY COMMISSIONER FISHER: To my  
3 knowledge, there is online OSHA training available.  
4 We don't provide it.

5 CHAIRPERSON WILLIAMS: That includes  
6 OSHA-10?

7 DEPUTY COMMISSIONER FISHER: Yes, I  
8 believe so.

9 CHAIRPERSON WILLIAMS: It seems to me if  
10 you want significant training, receiving it online  
11 might not be the best way to get it. I got-- I feel  
12 like hands-on-- I'm not an expert, but I feel like  
13 hands-on training might be a preferable way to get  
14 it. Do you agree?

15 COMMISSIONER CHANDLER: Yeah, we need to  
16 look into that. You're right, I think we should have  
17 more information about that.

18 CHAIRPERSON WILLIAMS: Okay. I think so,  
19 too. So, hopefully we can have that conversation  
20 sooner than later, because that's a big wind shift.  
21 If we don't want to mandate stuff that's only online.  
22 That could be a problem. Just also to follow Council  
23 Member Menchaca, we just wanted to make clear that  
24 all the penalty assessed is for 1437, including  
25

1  
2 aggravated ones would be doubled. Thus, reality  
3 would be higher than existing aggravated penalties.

4 DEPUTY COMMISSIONER FISHER: Sorry, can  
5 you repeat that?

6 CHAIRPERSON WILLIAMS: One second. We  
7 just wanted to make clear that-- in your testimony  
8 and what we have that all penalties assessed,  
9 including the aggravated ones, would be doubled so  
10 that it will be higher than what is existing now.

11 DEPUTY COMMISSIONER FISHER: I think what  
12 we testified to was that our existing aggravated  
13 penalties allow us to increase the base penalties by  
14 two and a half or by five and a half, by five. And  
15 your bill is doubling them.

16 CHAIRPERSON WILLIAMS: Additional on top  
17 of the aggravated?

18 DEPUTY COMMISSIONER FISHER: No, on top  
19 of the base penalty.

20 CHAIRPERSON WILLIAMS: Top of the base.  
21 So, this bill would double the aggravated as well.  
22 Are you supporting that or you're not supporting?

23 DEPUTY COMMISSIONER FISHER: I think in  
24 general we support increased penalties. So, I will  
25 review this again, and--

2 CHAIRPERSON WILLIAMS: [interposing] Okay.  
3 Okay, thank you. Council Member Rosenthal?

4 COUNCIL MEMBER ROSENTHAL: Thank you,  
5 Jumaane, and--

6 CHAIRPERSON WILLIAMS: [interposing] Long  
7 awaited.

8 COUNCIL MEMBER ROSENTHAL: I appreciate  
9 it, and actually I want to pick up on where Council  
10 Member Treyger left off. So, I'd like to start by  
11 saying that we need to move away from the word  
12 'accident.' I think that's spot-on right. Drawing  
13 from the Vision Zero language, how do we ensure that  
14 all work sites, just in the same way we are saying  
15 all roads, are by definition safe? So, can you agree  
16 with me on that?

17 COMMISSIONER CHANDLER: Yes.

18 COUNCIL MEMBER ROSENTHAL: Part of what  
19 Vision Zero and CompStat used by the NYPD does to  
20 focus the agency's resources on the most dangerous  
21 locations, and this is where you left off in response  
22 to Council Member Treyger's comments. We seek-- the  
23 goal is to use all the data we have to make sure that  
24 we're using our resources as wisely as possible.  
25 With Vision Zero we study which intersections are the

1 most dangerous and then look to improve safety  
2 systematically. My bill, Intro. 1442, looks to  
3 ensure that the Department is able to take a similar  
4 approach to construction safety, targeting  
5 inspections to the construction firms with the  
6 history of dangerous activity. It creates a data-  
7 driven analytic process to empower the Department of  
8 Buildings to use its limited inspection resources to  
9 most effectively, and to use the resources most  
10 effectively and to subject the bad actor sites,  
11 contractors, builders, construction firms to the  
12 scrutiny and the threat of the loss of their ability  
13 to do work. The criteria currently included in the  
14 bill for rating safety registration number holders  
15 were drawn from the Department of Building's study  
16 from a few years ago. You raised questions about  
17 these criteria. If they're not the right data that we  
18 should be looking at, what do you recommend as the  
19 basis of a proactive approach for looking at the  
20 history of construction firms?

22 COMMISSIONER CHANDLER: Thank you, Council  
23 Member. I appreciate the question, and you're right,  
24 it did come from a study from a few years ago, and  
25

1 from a consultant that the agency commissioned to  
2 propose such a matter.  
3

4 DEPUTY COMMISSIONER FISHER: I think at  
5 the time we looked at various factor that were  
6 available to us, including things like violations and  
7 stop work orders, but I believe additional work  
8 needed to be done to assess whether that was the  
9 right data.

10 COUNCIL MEMBER ROSENTHAL: I'm happy to  
11 move away for it. What's the right data?

12 DEPUTY COMMISSIONER FISHER: We haven't  
13 been-- we haven't looked at that report recently, so  
14 I'd have to revisit it, and then perhaps--

15 COUNCIL MEMBER ROSENTHAL: [interposing]  
16 No, no, think outside of the box, outside of the  
17 report. What should we-- what are you-- you  
18 mentioned that you were doing things today to move us  
19 in the right direction. The goal of 1442 is to  
20 codify those measures, add more, and to the extent  
21 that you don't have the capacity to do everything  
22 now, perhaps we do-- because of software problems or  
23 data collection problems, how do we phase it in?

24 COMMISSIONER CHANDLER: Let me say first,  
25 we are in the process of building our DOB Now system

1 which is going to be very much an improvement as to  
2 what we're able to collect. And so I urge the  
3 Council to continue their support in our ability to  
4 modernize our agency, because it's very much needed  
5 in order for us to have the data, and slowly we're  
6 getting there. I think when you ask what we could  
7 use, we need to better track our adjudicated  
8 violations and associated with the principals of the  
9 firms that we're issuing violations to, and be able  
10 to track them in better basis when they ask for  
11 permits going forward.

13 COUNCIL MEMBER ROSENTHAL: That makes  
14 sense.

15 DEPUTY COMMISSIONER FISHER: I would also  
16 like to add s I said earlier, I think we'd like to  
17 work and explore on using the existing criteria that  
18 we have in the code for the suspension or revocation  
19 of licensees. It includes factors such as negligence  
20 and confidence, endangering public safety, criminal  
21 acts, and fraud, for example. We'd like--

22 COUNCIL MEMBER ROSENTHAL: [interposing]  
23 So, one of the things I heard in your testimony is  
24 that-- I think I heard in your testimony-- was that  
25 you don't necessarily need the tiered system to

1 immediately stop working with a certain construction  
2 firm, that there might be information to date like  
3 the record of a death that would stop the Department  
4 of Buildings from giving another work permit to that  
5 developer or builder.  
6

7 DEPUTY COMMISSIONER FISHER: So, to the  
8 extent the individuals or entity has a license with  
9 us that is true. If there is a fatality, we will be  
10 able to suspend that individual's license pending a  
11 hearing of the Office of Administrative Trials and  
12 Hearings

13 COUNCIL MEMBER ROSENTHAL: Is there a  
14 tool you need from the City Council to enhance that  
15 work?

16 DEPUTY COMMISSIONER FISHER: So we,  
17 again, we'd like to explore the opportunity to use  
18 what we already have in the code against existing  
19 licensees in our Chapter Four.

20 CHAIRPERSON WILLIAMS: Thank you, Council  
21 Member.

22 COUNCIL MEMBER ROSENTHAL: Thank you.

23 CHAIRPERSON WILLIAMS: So, unfortunately  
24 or fortunately, I have a bunch of questions that  
25 weren't asked by my colleagues, so I'm going to have



1 to get through those. We do have a second round that  
2 has Kallos and Grodenchik and now Menchaca which  
3 we'll give their three minutes each. So I'm going to  
4 ask some questions, go back to them, and then we'll  
5 finish it up since we're having such a good time,  
6 okay? What is the Department doing to ensure that  
7 penalties are not considered the cost of doing  
8 business aside from stop work orders?  
9

10 COMMISSIONER CHANDLER: We're continuing  
11 to increase the penalties. That's why we've  
12 supported what's been put before us today. I think  
13 that following on Council Member Rosenthal's  
14 questions and our answers, I think that we need to  
15 improve our ability to conduct affective sweeps, and  
16 again, we are trying to target those sweeps in a way  
17 that the word gets out to those contractors that  
18 we're going to be visiting them on a more frequent  
19 basis. When we see an accidents or an egregious  
20 violation or when there's a fatality, we make sure to  
21 visit every one of the sites that that contractor or  
22 subcontractor has been associated with, any active  
23 permits or any active permits that they have anywhere  
24 around the City in addition to looking to see if we  
25

1  
2 can take any actions on any licensees affiliated with  
3 those accidents.

4 CHAIRPERSON WILLIAMS: And just a follow-  
5 up question. I forgot which bill it was, but one of  
6 the response in opposition was that it might be too  
7 high and people won't pay it. So, I assume there's a  
8 sweet spot that you have to find. But I did want to  
9 figure out, assuming that there is a price point  
10 where they won't pay, can't you then issue a work  
11 order if they don't pay instead of waiting for  
12 collections?

13 COMMISSIONER CHANDLER: Yeah, I think you  
14 meant a stop work order or maybe withheld a permit,  
15 is that what you're asking?

16 CHAIRPERSON WILLIAMS: Yes.

17 DEPUTY COMMISSIONER FISHER: So,  
18 currently we do withhold renewal of licenses for  
19 those individuals or entities who owe the city  
20 penalties. We collect those penalties prior to  
21 issuing a renewal, so in that way we do collect. And  
22 they cannot pull a permit until they've renewed their  
23 licenses.

24 COMMISSIONER CHANDLER: But if it's not a  
25 licensee, then we have to go through our due process

2 to punish that violator for that particular case, and  
3 we're not allowed to withhold permits on any other  
4 jobs for them. We're not allowed to do that.

5 CHAIRPERSON WILLIAMS: By state law,  
6 federal law?

7 COMMISSIONER CHANDLER: Due process.

8 CHAIRPERSON WILLIAMS: Okay. Thank you.  
9 Department mentioned, you mentioned issuing stop work  
10 orders at a higher rate. How many have been issued?  
11 What is the most common reason for issuing a stop  
12 work order?

13 COMMISSIONER CHANDLER: In 2016 we issued  
14 8,840 stop work orders, either full or partial,  
15 compared to 7,800 in 2015 and 6,500 in 2014. You  
16 want to comment?

17 DEPUTY COMMISSIONER HOGAN: Stop work  
18 orders are normally in most instances issued when  
19 it's related to a Class One hazardous violation. So,  
20 if we go on to a construction site and see an unsafe  
21 condition, we will issue either a partial or a full  
22 stop work order on the site until those conditions  
23 are corrected.

24 CHAIRPERSON WILLIAMS: Can you give some  
25 examples of Class One?

2 DEPUTY COMMISSIONER HOGAN: A shaft-way  
3 without a guardrail on it, materials falling off the  
4 building that weren't properly secured, lack of a  
5 proper construction fence to protect the public,  
6 lacking a sidewalk shed when they're working above  
7 the first floor and they haven't put a sidewalk shed  
8 in to protect the public from anything that may be  
9 falling off the building. Workers working without  
10 being harnessed in when they're working on a leading  
11 edge at the edge of the building, failure to put nets  
12 or safety equipment in place to protect the people  
13 from a worker who may fall.

14 CHAIRPERSON WILLIAMS: Thank you. I was  
15 happy to read that you will begin posting both DOB  
16 and OSHA data. I think that's something we all  
17 wanted. When can we expect that to be posted?

18 COMMISSIONER CHANDLER: I know we're  
19 working on it right now. I can't give you a date,  
20 but I know that it's important to all here and to you  
21 and to the Administration. So we're working to get  
22 that done as soon as possible.

23 CHAIRPERSON WILLIAMS: Alright. Can you  
24 estimate two months, six months?  
25

2 COMMISSIONER CHANDLER: I would say within  
3 a couple-- within a month or two.

4 CHAIRPERSON WILLIAMS: Within a month or  
5 two, okay, thank you. How does DOB make the decision  
6 to refer a construction accident to the District  
7 Attorney for prosecution?

8 DEPUTY COMMISSIONER FISHER: We work-- we  
9 have a unit called Buildings Special Investigations  
10 Unit that works with us, and they liaison with the  
11 District Attorneys whenever there is an accident.  
12 Often times it's usually a fatality. They respond  
13 directly with our staff, and they are part of the  
14 investigative team right from the beginning. And  
15 then, they and I and the District Attorneys discuss  
16 whether the case should be taken over by them. We  
17 give them deference. If they want to bring their  
18 criminal case, that occurs first, and then we take  
19 our administrative case from there.

20 CHAIRPERSON WILLIAMS: I have norther  
21 question, and then I'll go to colleagues, and have a  
22 bunch more. We talked about the penalties a little  
23 bit, can you just discuss how they're collected, the  
24 success rate of collecting it, and are there  
25

1 additional tools that the Council can provide to  
2 improve collection?  
3

4 DEPUTY COMMISSIONER FISHER: I think we'd  
5 like to defer that question to the Department of  
6 Finance, given that that's within their core mission.  
7 We certainly do work with them, but we think they're  
8 in a better position to answer those questions for  
9 you.

10 CHAIRPERSON WILLIAMS: Including the  
11 suggested tools for collection?

12 DEPUTY COMMISSIONER FISHER: Yes.

13 CHAIRPERSON WILLIAMS: Thank you very  
14 much. We have a second round, three minutes for each  
15 question. We have Council Member Kallos, Grodenchik,  
16 Menchaca, and Rosenthal.

17 COUNCIL MEMBER KALLOS: Just to follow up  
18 on Chair Williams. Thank you for issuing so very  
19 many stop work orders and response to request by my  
20 office. I promise I haven't reported any  
21 construction violations so far during this hearing.  
22 Got Patrick to laugh. Now, do you support  
23 apprenticeship and prevailing wage requirements in  
24 city construction contracts?  
25

2 COMMISSIONER CHANDLER: I think that the  
3 concept of prevailing wage is very important, and I  
4 think it's something that the Administration is  
5 supportive of, and I think that-- I don't think that  
6 it has any impact on the safety legislation that's  
7 being discussed today. I mean, I think it would be  
8 important for the Council to understand how it's  
9 working with the City, if you'd like to hear from  
10 Victor at the Mayor's Office of Contracts, he could  
11 share more about it.

12 COUNCIL MEMBER KALLOS: I would love to  
13 learn more, but not in the next two minutes.

14 COMMISSIONER CHANDLER: Two minutes.

15 COUNCIL MEMBER KALLOS: But along those  
16 lines, I guess, what-- how would you distinguish  
17 between government money in a city contract versus  
18 government money subsidizing a private contract? And  
19 I guess we will need a witness slip and for you to be  
20 sworn in, if I can direct Counsel to swear in the new  
21 member.

22 UNIDENTIFIED: I've already submitted--

23 COUNCIL MEMBER KALLOS: Okay.

24 UNIDENTIFIED: I've already submitted  
25 one, and I took the oath with the rest of the

1 members. So, right now prevailing wage covers all  
2 city construction procurements. So, that's basically  
3 all public works contracts that we have here in the  
4 City. We have a lot of agency personnel who are in  
5 place who review the certified payrolls to ensure  
6 that there's compliance throughout the City as  
7 prevailing wage is obviously a priority for the City.

8 COUNCIL MEMBER KALLOS: So, shouldn't  
9 those same requirements apply to city money when it  
10 goes through a private contractor?

11 UNIDENTIFIED: Well, the City is  
12 generally supportive of the payment of prevailing  
13 wage. To the extent that there are other cost  
14 concerns that may be raised in expanding the  
15 applicability of prevailing wage, I think those are  
16 conversations that we can continue to have.

17 COUNCIL MEMBER KALLOS: Great. Now, in  
18 response to my questions, you support expanding  
19 access to training within Introduction 1447. There's  
20 provision for non-major construction sites where they  
21 have a "bonafide construction site safety training  
22 program commensurate with a one-year apprenticeship  
23 program." Does that-- wouldn't that expand access to  
24 training as you're seeking?  
25



DEPUTY COMMISSIONER FISHER: So--

COMMISSIONER CHANDLER: [interposing]

Yeah. But, go ahead.

COUNCIL MEMBER KALLOS: Great. Let me just get to one last question which isn't on the bills, but in response-- with 40,000 active sites, how many inspectors do we have? And then while getting that answer, can you raise the cost to the 141,000 permits to cover those inspectors, and is there an opportunity for DOB to create a pipeline with labor unions and private contractors to recruit inspectors who have retired or leave on partial disability who can't do heavy labor, but could use their lifetime of experience to make sites safer?

DEPUTY COMMISSIONER HOGAN: I guess the first thing is, we in total for doing both development and enforcement inspections, we have approximately 550 inspectors.

COUNCIL MEMBER KALLOS: That's not enough.

CHAIRPERSON WILLIAMS: Council Member.

DEPUTY COMMISSIONER HOGAN: In addition to that, as far as a significant number of people who work as inspectors for the Department are in fact

1  
2 retirees form different areas, especially in the  
3 boiler and plumbing industry. So, we do have a  
4 significant workforce. At one point, our average  
5 inspector age was in the mid-50's. We've now brought  
6 it down a little bit into the 40's. So we've been  
7 trying to get some people in other than people who are  
8 retired. One of the things we have to be concerned  
9 with is making sure that our people are able to  
10 safety navigate the sites and sometimes if you have a  
11 disability issue, you can't work on some of those  
12 sites, high-rise sites, maybe because there's  
13 elevators, but there are conditions where we have to  
14 be cognizant of that. So, we use them in whatever  
15 areas we can, but the important area is that the  
16 amount of construction that's going on right now, the  
17 availability of the significant number of inspectors  
18 as potential candidates is reduced because there is--  
19 the amount of instruction that's going on and the  
20 amount of employment in that industry has reduced our  
21 ability to hire.

22 CHAIRPERSON WILLIAMS: Thank you, Council  
23 Member. Mr. Olds [sp?], I think that was the first  
24 time you spoke. So can you just say your name for the  
25 record, please?

2 VICTOR OLDS: Sure Victor O. Olds.

3 CHAIRPERSON WILLIAMS: Thank you.

4 Council Member Grodenchik, Menchaca, Helen Rosenthal  
5 and Rodriguez.

6 COUNCIL MEMBER GRODENCHIK: Thank you,  
7 Mr. Chair. Commissioner, I'd just like to return  
8 again to page three and read something that you said  
9 in your testimony: "The increase in injuries-- this  
10 is in paragraph two-- is due in part to a significant  
11 increase in construction activity." It seems to me  
12 based on that reading that one could infer that the  
13 Department sees an increase in injuries as inevitable  
14 based up on that, which of course, it shouldn't be,  
15 because in this city since 1990, we have seen over  
16 1,250,000 New Yorkers added to our population, but  
17 yet the crime rate has been driven not down into  
18 extinction, but way down. So, I would like you to  
19 comment on that line and reassure us that you do not  
20 see and that your department does not see, and that  
21 this Administration does not see an increase in  
22 injuries as being inevitable every time we have a  
23 wave of construction in this city.

24 COMMISSIONER CHANDLER: I think that  
25 portion of the testimony was an intuitive statement,

1 and I think that we've seen data from many years past  
2 where it is cyclical, just like the construction  
3 industry itself is cyclical, and I know that from  
4 that data that injuries have gone up, although we  
5 don't think that our data is great, except for the  
6 last few years. By no means does that imply that we  
7 think that it's inevitable or acceptable.

8  
9 COUNCIL MEMBER GRODENCHIK: I'm sorry, I  
10 couldn't hear that.

11 COMMISSIONER CHANDLER: By-- that  
12 statement does not mean that we think in any way that  
13 it is acceptable or inevitable, it's just an  
14 intuitive statement that I think is fairly true  
15 across many industries.

16 COUNCIL MEMBER GRODENCHIK: Okay. Thank  
17 you, Mr. Chairman.

18 CHAIRPERSON WILLIAMS: Thank you. Thank  
19 you for always leaving time. Council Member  
20 Menchaca, Rosenthal, and--

21 COUNCIL MEMBER MENCHACA: [interposing]  
22 Thank you. Thank you, Chair. So, I want to go back  
23 to broadening the question about worker safety and  
24 multiple ways that we're going to get there, not just  
25 through bills but through other mechanisms, and one

1 of them is 311 and reporting. We're getting-- we're  
2 getting word from our partners on the ground, workers  
3 and others, that 311 calls don't really go anywhere.  
4 And so there's two things: what's preventing folks  
5 from coming to 311 and reporting? And then also, just  
6 the culture of workers that are not feeling safe to  
7 report, and if we're not supporting the non-union  
8 workers especially, how do we encourage this culture  
9 of safety? That's one. And then two, I'm thinking a  
10 lot about sanctuary city world that we're living in  
11 now and protecting thousands of workers that we know  
12 are on, and will continue to be no matter what we do,  
13 on job sites. And so how is the Administration  
14 thinking about them and honoring their work as a  
15 vibrant part of this incredible economy that we have  
16 in New York City? I'm going to have some follow-ups.

18 ASHLEY PUTNAM: So, Council Member  
19 Menchaca, I'm happy to speak to the question about  
20 sanctuary cities, and absolutely appreciate your line  
21 of questioning. It's certainly as you know a  
22 commitment of this Administration to protect all New  
23 Yorkers regardless of their work status or  
24 immigration status, and that's something at the  
25 Office of Workforce Development we also remain

1 committed to. And regards to registered  
2 apprenticeships, it is worthy of nothing that because  
3 it is State Department of Labor of funding, in order  
4 to enter and register apprenticeship, you do have to  
5 have citizenship or work authorization. So, those  
6 people would not be able to participate should that  
7 bill go forward as it is written. That said, I think  
8 there are lots of ways that the Department of  
9 Buildings has been engaged in providing additional  
10 safety training to all workers, and again, it's  
11 something we're committed to as well, not just  
12 providing safety training to those in  
13 apprenticeships, but equity of access to all New  
14 Yorkers to be able to learn a skill in a trade, but  
15 also to be safe on the work site.

17 COUNCIL MEMBER MENCHACA: Thank you for  
18 that. And the question on 311-- when 311--

19 COMMISSIONER CHANDLER: [interposing] Yes,  
20 I'm happy to respond to that. We received over  
21 114,000 complaints last year via 311 and other  
22 mechanisms, but 311 is generally the response, and I  
23 don't accept your premise that 311 doesn't go  
24 anywhere. I assure you, I assure you that it does  
25 and I speak to the director of 311 who is--

2 COUNCIL MEMBER MENCHACA: [interposing]

3 Right, it's not my premise. It's the premise of the  
4 people.

5 COMMISSIONER CHANDLER: Well, they're--

6 COUNCIL MEMBER MENCHACA: [interposing]

7 It's the premise of so many folks.

8 COMMISSIONER CHANDLER: So, I would like  
9 to clarify that. We keep track of all 114,000 of  
10 those, the A's-- they're divided into four  
11 categories, but the A's and the B's are the ones that  
12 we paid most attention to. The A's are--

13 SERGEANT AT ARMS: Quite please. Sit  
14 down.

15 COMMISSIONER CHANDLER: are imminent and  
16 we're there within hours of that complaint.

17 COUNCIL MEMBER MENCHACA: Okay. So we're  
18 going to-- I think we're going to pull that in. last  
19 question, what prevents you from shutting,  
20 automatically shutting down a site where a worker has  
21 died and making that a policy for the Administration  
22 as a good faith effort to just shut it down and  
23 beginning an investigation, and not reopen it hours  
24 later after a worker has died? What prevents you  
25 right now from doing that?

2 COMMISSIONER CHANDLER: Well, I can say  
3 that each and every one of these fatalities had a  
4 stop work order, every one, and so that's the first  
5 thing we do is order the job stopped, and then from  
6 there we start our investigations. And sometimes,  
7 depending on the circumstances which vary widely, it  
8 will be a limited amount of time before they can go  
9 back, depending on the circumstances, or in some  
10 cases it's months, many months. There are-- I know  
11 that there are some jobs right now with fatalities in  
12 2016 that are still not back working.

13 COUNCIL MEMBER MENCHACA: Do you have the  
14 data on the average of that, and then--

15 CHAIRPERSON WILLIAMS: [interposing] Thank  
16 you, Council Member.

17 COMMISSIONER CHANDLER: We can try to  
18 find that out for you.

19 CHAIRPERSON WILLIAMS: Thank you.  
20 Council Member Rosenthal and Council Member  
21 Rodriguez.

22 COUNCIL MEMBER ROSENTHAL: Thank you so  
23 much, Chair. I want to follow up a little bit on how  
24 we get to, as everyone's calling it, the sweet spot



1 with Intro 1447. So, you were just talking about how  
2 many 311 calls was it, 108,000? What'd you say?

3  
4 COMMISSIONER CHANDLER: 114,586.

5 COUNCIL MEMBER ROSENTHAL: Of those how  
6 many are A's?

7 COMMISSIONER CHANDLER: 16,926.

8 COUNCIL MEMBER ROSENTHAL: You can round.  
9 How many are B's?

10 COMMISSIONER CHANDLER: Seventy-three  
11 thousand.

12 COUNCIL MEMBER ROSENTHAL: Seventy what?  
13 Seventy-two thousand?

14 COMMISSIONER CHANDLER: Seventy-three  
15 thousand.

16 COUNCIL MEMBER ROSENTHAL: So, with A's,  
17 tell me a little bit about what you do with the A's.  
18 so, immediately there's a-- and here's what I'm  
19 getting at, is there something we can learn from the  
20 A's that can help us determine what that training,  
21 what the requirement should be for safety?

22 DEPUTY COMMISSIONER HOGAN: So, when you  
23 talk about A complaints and you talk about B  
24 complaints, A complaints are immediately hazardous  
25 conditions. They not only include construction

1 sites. An A complaint could include a building  
2 shaking and vibrating, for example, or a structural  
3 stability issue related to a fire that has occurred.  
4 That would be an A complaint, and we have a response  
5 team 24 hours a day, seven days a week that responds  
6 to those incidents on nights and weekends  
7 additionally.

9 COUNCIL MEMBER ROSENTHAL: Tim, let me  
10 ask it a different way. Of the A's, of the 16/17,000  
11 A's, how many could affect a worker, a worker's  
12 safety? And can we then start to think about what  
13 safety training we could do so as not to have had an  
14 A phone call, or frankly, I mean, 72,000 B's-- I  
15 don't know how you define a B, but either A's or B's,  
16 right? There's some-- there's a kernel of  
17 information in there that surely we could use to add  
18 to a site safety program or a construction worker  
19 safety program, right? In addition to the OSHA-10.

20 DEPUTY COMMISSIONER HOGAN: We are  
21 currently working on some programs specifically  
22 looking at the day laborer community to promote some  
23 safety issues related to working on scaffolds to  
24 dealing in excavations etcetera, and we've launched  
25 that program already, but an A complaint may come in,

1 for example, that somebody's doing an excavation and  
2 they don't have-- they're doing a straight cut  
3 excavation and that there's no what's called angle of  
4 repose which is a danger for the worker that it may  
5 collapse on them. In those types of situations, we  
6 do an immediate response and issue a stop work order.  
7 So when we are aware of it, an extremely hazardous  
8 condition that exists on a construction site and it  
9 comes in, it would be classified as an A complaint,  
10 and we normally answer that within a few hours.

11  
12 COUNCIL MEMBER ROSENTHAL: Would you  
13 commit to doing a study--

14 CHAIRPERSON WILLIAMS: [interposing]  
15 Council Member--

16 COUNCIL MEMBER ROSENTHAL: that would lead  
17 us to understanding what the right additional  
18 training should be?

19 COMMISSIONER CHANDLER: I think your  
20 point's well-made, and I think you're right, though,  
21 it's a little bit of a research project, and our  
22 analytics division could undertake that, and I would  
23 probably guess that's it's going to be an iterative  
24 process again if you pick out a few high-risk matters  
25 that might improve training and then see if it has

1 any results. So we will gladly follow up on that.

2 In fact, that's what our analytics division is  
3 working on doing.  
4

5 COUNCIL MEMBER ROSENTHAL: Great. Thank  
6 you very much.

7 CHAIRPERSON WILLIAMS: Thank you. Last  
8 up is Councilman Rodriguez. Since this is his first  
9 question, I'll give him the five minutes that  
10 everyone else had.

11 COUNCIL MEMBER RODRIGUEZ: Thank you,  
12 Chair. First of all, I would like to thank Chair  
13 Williams for his leadership not only on this issue,  
14 but many issues related to housing and issues  
15 overall. I think that no doubt first of all that the  
16 construction, the men and women that work in  
17 construction in our city building our city is a group  
18 of individuals that, you know, we owe them a lot,  
19 because it could be a luxury building or a  
20 residential building or affordable or a luxury or the  
21 twin tower that when we pass by we only see the  
22 beauty of our city, but we always forget who are the  
23 men and the women that took, you know, challenges in  
24 difficult jobs where many times they put their lives  
25 at risk. So, thank you all for the great job that

1  
2 you're doing. You know, before being elected to  
3 office, I used to be a teacher for 13 years. I  
4 started with making 37,000 dollars. After 13 years I  
5 was making 65,000 dollars. I know that construction  
6 jobs, even though it's tough, you have to be strong.  
7 You have to have discipline. I already told my staff  
8 the same discipline that the men and women who are  
9 under construction feel, as you say, half an hour  
10 before you time is to be on time. So, we appreciate  
11 it. And I believe that this is one of those fields  
12 that I also hope that we as a city working with the  
13 private sector and the labor can say, "How can we put  
14 the best pipeline in place for more New Yorkers to  
15 join the locals, to join laborers?" Because I think  
16 that the thousand men and women who work in for  
17 independent contracts and contractors, they doing  
18 those jobs because we have still a lot to do to  
19 create better opportunity to connect more New Yorkers  
20 to those good paying jobs, and again, like we have  
21 40--400,000 disconnected youth in our city from 18-24  
22 neither working or go to school. And you know, as  
23 again, I work with top students, and I know that even  
24 those kids who join the DDP, [inaudible], we can  
25 recruit from that group. And we really, if we bring

1  
2 the opportunity we can connect those youth to be  
3 productive in our society. I think that, you know,  
4 two questions that I have is one, I don't know if you  
5 have the data of what percentage of construction  
6 workers live in the city, because as everything is  
7 local and I love my brothers and sisters who come to  
8 work here, but they don't live in the city, I would  
9 say that the locals, one, should be our first  
10 priorities. Those who live in the five boroughs,  
11 those who live in underserved community, those that,  
12 you know, are living as the Board of Directors say,  
13 making less than-- living under the poverty line. So  
14 how can we put a plan to recruit that percentage,  
15 that group? And--

16 CHAIRPERSON WILLIAMS: [interposing]  
17 Council Member--

18 COUNCIL MEMBER RODRIGUEZ: If you don't  
19 mind just 30 seconds? So, my thing is, how can we as  
20 a city put in place the best system so that we can  
21 protect the union workers without taking away jobs  
22 for those hardworking, hardworking New Yorkers who  
23 work for private contractors?

24

25

2 ASHLEY PUTNAM: Mr. Chair, if time allows  
3 I'm happy to answer the question about talent  
4 pipelines.

5 CHAIRPERSON WILLIAMS: Yes.

6 ASHLEY PUTNAM: And Council Member  
7 Rodriguez, this is actually something our office is  
8 very passionate about doing. I may not have  
9 clarified earlier, we do currently work with  
10 apprenticeship programs and the trades. This past  
11 November we launched the Mayor's Committee on  
12 Construction Opportunity, and that includes several  
13 people who are in the room today, BCTC, BTA, General  
14 Contractor's Association, as well as several  
15 different trades association to specifically talk  
16 about this issue. How do we connect more local  
17 talent to these opportunities that we know are good  
18 career opportunities? So we are also very committed  
19 to out of school disadvantaged youth and looking at  
20 the pipelines for talent. We currently work with the  
21 various Youth Build programs, and I myself work a lot  
22 with community organizations that are helping to  
23 provide some of those introductory how to show up on  
24 time, very important life skills that are needed in  
25 the trades, and any apprenticeship training program.

1 I again, reiterate that our commitment here is to  
2 provide opportunities to as many and local workers as  
3 possible, and we understand that not everyone is able  
4 to access apprenticeships, but we will continue to  
5 work on work inside that is helping as many people  
6 get into those pre-apprenticeship programs to get  
7 trained to be able to access those apprenticeships.  
8 So, that is something we care very deeply about.

10 CHAIRPERSON WILLIAMS: Thank you very  
11 much, Council Member. So we're going to get-- try to  
12 get through some of the additional questions. At  
13 some point when we get back to quorum we're going to  
14 have to pause to do a vote. So, just so folks are  
15 aware. A vote of bills that are not associated with  
16 the construction hearing at all. First question is  
17 for Intro. Number 74. What would be the estimated  
18 cost of the prevailing wage requirement on publicly  
19 funded construction projects?

20 COMMISSIONER CHANDLER: We're happy to  
21 get back to the Council with that information. I  
22 don't have that before me, but we will work with you  
23 to provide that.

24 CHAIRPERSON WILLIAMS: I have Intro.  
25 Number 1403 in relation to requiring anemometers on



1 cranes. How much would it cost to install an anemom-  
2 - anemometer, thank you, on cranes?

3  
4 DEPUTY COMMISSIONER HOGAN: It's going to  
5 vary from crane to crane. It's not an excessive  
6 amount of money. They're anywhere up to a few hundred  
7 dollars to the thousands depending on the size and  
8 type of crane. There are limitations on the types of  
9 crane that they can go on in some instances because  
10 of the type of work the crane does. The anemometer  
11 itself would not physically survive. So there are  
12 some issues that need to be addressed in that  
13 legislation.

14 CHAIRPERSON WILLIAMS: How many cranes  
15 that operate in New York City have anemometers?

16 DEPUTY COMMISSIONER HOGAN: I don't have  
17 the exact number in front of me. We can get back to  
18 you. In the majority of instances we have them on all  
19 the cranes currently operating in the city, and we  
20 also have it on, I believe, all the tower cranes, but  
21 I'd have to double check that.

22 CHAIRPERSON WILLIAMS: In reference to  
23 Intro. Number 1419 in relation to penalties for  
24 aggravated violations of the construction code, does  
25 DOB monitor contractors, owners, professional

1 engineers, and registered architects to see if  
2 there's a pattern of problems with a few bad actors?

3  
4 DEPUTY COMMISSIONER FISHER: We do, and  
5 we've taken action against entities or individuals  
6 who do have a pattern of a bad acts, but we also use  
7 that information to begin our investigation so that  
8 we can bring a strong case against them at OATH.

9 CHAIRPERSON WILLIAMS: How many  
10 aggravated violations of the construction codes did  
11 DOB issue in 2015 and 2016?

12 DEPUTY COMMISSIONER FISHER: I apologize,  
13 I don't have an exact number. I can tell you that we  
14 imposed about 26 million dollars' worth of penalties  
15 that were aggravated ones, and approximately three  
16 and a half million dollars' worth of the aggravated  
17 two's in 2016. We can get back to you with the  
18 specifics.

19 CHAIRPERSON WILLIAMS: Intro. Number 1421  
20 in relation to requiring cranes to be equipped with  
21 global positioning systems or similar devices, how  
22 does New York City Department of Buildings keep track  
23 of the location of cranes?

24 DEPUTY COMMISSIONER HOGAN: Right now, on  
25 the large cranes we have what's called a CN or a

1 Crane Notice for the cranes that are very large and  
2 need to work in the City. In addition, we have  
3 what's called a CD or a Crane Device Number that  
4 registers all cranes that are allowed to work in the  
5 City. We are in the process of trying to develop a  
6 system where we would have the contractors who are  
7 going to use a crane at a particular location, give  
8 us notification that they're starting, and that  
9 they're stopping for each location. Currently, that  
10 system does not exist, but we are in the process of  
11 developing it.  
12

13 CHAIRPERSON WILLIAMS: And you said  
14 that's for large ones?

15 DEPUTY COMMISSIONER HOGAN: All large  
16 cranes. If you fall under what's called a CN, and  
17 that basically is that the crane itself, normally  
18 it's a crawler crane, a very large mobile crane or a  
19 tower crane that requires a safety plan, and they're  
20 extensive to have those cranes put in place. They  
21 either have a high safety area that has to be  
22 involved. The crane's going to be there for a longer  
23 period of time, and they have usually very high  
24 heights that they deal with. For the smaller crane  
25 that go in to do, for example, signs, sign

1 installations or that come in to lift a piece of  
2 mechanical equipment to the roof of a second floor,  
3 we don't track those currently, but we're trying to  
4 develop a system where we may do that in the future.  
5

6 CHAIRPERSON WILLIAMS: How much would it  
7 cost to equip a crane with a global positioning  
8 system?

9 DEPUTY COMMISSIONER HOGAN: We've been  
10 doing research on that, and we're still in the  
11 process of trying to determine what the most  
12 effective method is to track those devices, so we  
13 don't have a dollar cost at this point.

14 CHAIRPERSON WILLIAMS: Intro. Number 1433  
15 in relation to requiring the Department of Buildings  
16 to report on all construction incidents that result  
17 in injury or fatality to a member of the public or  
18 construction worker. The report said that there are  
19 278 accidents from construction-related accidents.  
20 What are the causes of accidents in the other  
21 construction-related category, and has DOB considered  
22 establishing new categories accordingly?

23 DEPUTY COMMISSIONER HOGAN: There's a  
24 significant number of categories, and the reason that  
25 it's put together an "other" category is because

1  
2 there's small instances of them, for example, falling  
3 off a step stool, someone injuring their arm where  
4 they pinch it between a piece of steel and a cart,  
5 someone who trips and falls over a piece of wood on  
6 the floor. So there's a significant number of other  
7 types of injuries, being cut by a circular saw,  
8 receiving slag in their eye because they were doing  
9 some type of construction work and a piece of metal  
10 goes into their eye. SO, there's a variety of what  
11 we consider other type instances, and that's why  
12 they're not broken down because there's of many of  
13 them that you would have a significant number of 0.5  
14 percent or 0.2 percent.

15 CHAIRPERSON WILLIAMS: There's no feeling  
16 now that any of them rise to the amount that you need  
17 a new category?

18 DEPUTY COMMISSIONER HOGAN: If we find  
19 that there's a particular issue that's bubbling up,  
20 for example, last year we were having a significant  
21 number of concrete form failures, and so we  
22 approached that much stronger and had a lot more  
23 oversight to look at the failure of those concrete  
24 forms. They call it a concrete blow-out, and by us  
25 increasing the amount of activity and the amount of

1 violations that were being written, we saw that there  
2 was a decrease in the number of incidents. So, we  
3 don't necessarily pull that out as an additional  
4 number in that number, but as we see these bubble up  
5 and become a larger percentage, then we take  
6 immediate action to try and address those issues.

7  
8 COMMISSIONER CHANDLER: But you are right,  
9 Council Member, and it somewhat speaks to Council  
10 Member Rosenthal's comment is that we are undertaking  
11 a study to figure out what's the best way to  
12 categorize reporting because someone tripping over a  
13 board is not the same as someone falling off of one  
14 slab onto the next slab, or someone falling one or  
15 two steps off of a step ladder is not the same as  
16 another type of a fall. And so we're trying to  
17 figure out the best way to do that reporting.

18 CHAIRPERSON WILLIAMS: Thank you. Intro.  
19 Number 1444 in relation to requiring site-specific  
20 safety orientations for workers at all construction  
21 sites. Does the Department currently provide any  
22 accommodations for non-English speaking workers  
23 related to safety measures?

24 COMMISSIONER CHANDLER: It's not a  
25 current requirement. I don't think we're considering

1 expanding it at this time, but we support this bill.  
2 So we would figure out how to do it if the bill  
3 passes.  
4

5 CHAIRPERSON WILLIAMS: Intro. Number 1445  
6 in relation to requiring safety netting and guard  
7 rail systems to protect floor openings. How many  
8 worker injuries or deaths out of the calendar year 16  
9 or 17 have been the result of a fall?

10 COMMISSIONER CHANDLER: In 2016, it was  
11 29 percent of accidents were worker fell categorized.

12 CHAIRPERSON WILLIAMS: And what about--  
13 that was 16 or 17?

14 COMMISSIONER CHANDLER: Say again?

15 CHAIRPERSON WILLIAMS: That was for 17 or  
16 16?

17 COMMISSIONER CHANDLER: Sixteen.

18 CHAIRPERSON WILLIAMS: And what about 17?

19 Oh--

20 COMMISSIONER CHANDLER: Yeah, we're only  
21 one month in.

22 CHAIRPERSON WILLIAMS: Were any of the  
23 public injuries from debris falling?

24 COMMISSIONER CHANDLER: We don't have  
25 that categorized in our data here, but we're aware of

1  
2 some recent incidents that injuries have resulted  
3 from some falling material.

4 CHAIRPERSON WILLIAMS: So, would that--  
5 would those numbers be captured somewhere? Are they  
6 in another category, or they're just not captured?

7 DEPUTY COMMISSIONER HOGAN: We have them  
8 exported. It would be an accident. So, best example  
9 would be the person who was killed last year in the  
10 village when a piece of construction fence blew off  
11 and came across the street and killed her,  
12 unfortunately. That fell as a construction death in  
13 our book, and it was labeled here as a construction  
14 accident that led to a fatality.

15 CHAIRPERSON WILLIAMS: But you wouldn't  
16 be able to pull whether debris fell on someone?

17 COMMISSIONER CHANDLER: We would have to  
18 go back and look at our accident data and aggregate  
19 just the public members who are injured. We don't  
20 have that right now.

21 CHAIRPERSON WILLIAMS: But there is a way  
22 to do that?

23 COMMISSIONER CHANDLER: Yes.

24 CHAIRPERSON WILLIAMS: Thank you. Intro.  
25 Number 1447 in relation to training and



1  
2 qualifications of persons engaged in the construction  
3 and demolition of building. How many work injuries  
4 or fatalities were involved in oen of these three  
5 categories: the demolition of buildings greater than  
6 four stories in height, the construction of buildings  
7 10 or more stories in height, the construction of  
8 buildings under 10 stories in height?

9 COMMISSIONER CHANDLER: So, in 2016, 47  
10 percent of injuries and fatalities occurred in  
11 buildings one to nine stories, 10-19 stories was 19  
12 percent, 20 and above was-- 20-50 was 21 percent, and  
13 greater than 50 was 13 percent.

14 CHAIRPERSON WILLIAMS: And do you have it  
15 aggregated out with demolition of buildings greater  
16 than four stories?

17 COMMISSIONER CHANDLER: We'd probably  
18 have to go back and pull that out. This was-- this  
19 data that I'm telling you is across the board.

20 CHAIRPERSON WILLIAMS: Thank you. Just a  
21 couple final questions, and then we're going to pause  
22 for the vote. So there was a few mentions of site  
23 safety managers in some of these bills, and it seemed  
24 that there wasn't, from what I can tell, there were  
25 not enough site safety managers for what was needed,

2 and it also seems that we have maybe not enough  
3 inspectors. Are both of things true? What do we do  
4 to get more? Is it an issue of-- actually, if I can  
5 pause for one second? Let me just do the vote now,  
6 because I have quorum, and we're going to ask those  
7 two questions, and then we're going to pause for a  
8 break and come back.

9 COMMITTEE COUNSEL: Good afternoon. This  
10 is the Committee on Housing and Buildings, January  
11 31<sup>st</sup>, 2017. The Committee is voting on Intros 1167A,  
12 1168A and 1171A. We'll start with Chairman Williams.

13 CHAIRPERSON WILLIAMS: I vote aye.

14 COMMITTEE COUNSEL: Council Member  
15 Rodriguez?

16 COUNCIL MEMBER RODRIGUEZ: Aye.

17 COMMITTEE COUNSEL: Council Member  
18 Cornegy?

19 COUNCIL MEMBER CORNEGY: Aye.

20 COMMITTEE COUNSEL: Council Member  
21 Grodenchik?

22 COUNCIL MEMBER GRODENCHIK: Aye.

23 COMMITTEE COUNSEL: Council Member  
24 Rosenthal?

25 COUNCIL MEMBER ROSENTHAL: Aye on all.

2 COMMITTEE COUNSEL: Council Member  
3 Torres?

4 COUNCIL MEMBER TORRES: I vote aye on all.

5 COMMITTEE COUNSEL: By a vote of 6 in the  
6 affirmative, no negative and no abstentions, the  
7 items have passed. Thank you.

8 CHAIRPERSON WILLIAMS: Thank you. We're  
9 going to leave the roll open for other colleagues who  
10 want to come in. Again, those were bills that were  
11 associated with three-quarter housing. None of them  
12 at all were related to construction or construction  
13 site safety. Back to my questions. I'm going to  
14 deal with the site safety managers, first. Is it  
15 that we're having trouble getting the qualified  
16 folks, or what's the issue there?

17 DEPUTY COMMISSIONER FISHER: No, we  
18 believe we have sufficient numbers of site safety  
19 managers and coordinators to handle the current  
20 workload. I think the Commissioner's testimony was  
21 related to the increased or the possible increased  
22 workload based on the proposed legislation. We  
23 believe that our construction superintendents are a  
24 good substitute on those types of sites where  
25 additional oversight is needed. We just need some

1  
2 more time to evaluate how that is working out since  
3 those provision went into effect just in the middle  
4 of last year.

5 CHAIRPERSON WILLIAMS: So, there's not a  
6 shortage problem, you just believe you have other  
7 folks that can fill the need if the bills pass?

8 DEPUTY COMMISSIONER FISHER: We agree that  
9 there is no shortage problem of site safety managers  
10 currently.

11 CHAIRPERSON WILLIAMS: Thank you. And  
12 what about inspectors?

13 COMMISSIONER CHANDLER: We think that we  
14 have enough inspectors now, and we just need to  
15 improve on how we're doing our current sweeps and our  
16 current enforcement strategies. And we do have some  
17 new needs in for this cycle. So there are some new  
18 needs for some more inspectors as we've identified.  
19 I would use-- I'm reminded to just mention again our  
20 proposed legislation to change the charter on being  
21 able to hire. Just put a plug in for that.

22 CHAIRPERSON WILLIAMS: Alright. Thank  
23 you so much for the testimony that you've provided.  
24 We have one more colleague that wants to ask

1 questions, Council Member Torres. We'll put five  
2 minutes on the clock.

3  
4 COUNCIL MEMBER TORRES: Yeah, and if I'm  
5 asking a question that's been asked, I apologize. I  
6 suspect you agree that there is clearly a connection  
7 between safety and training. There are multiple  
8 programs that purport to provide safety, right,  
9 union, non-union. Do you-- how do you go about  
10 evaluating which programs are effective at providing  
11 safety? Do you have any quality control at the  
12 Department of Buildings?

13 COMMISSIONER CHANDLER: You know, our  
14 role is overall safety over all construction actions,  
15 including the public, and it is not a focus on worker  
16 safety. That's a federal mandate, and so we don't  
17 have any programs that evaluate safety training.

18 COUNCIL MEMBER TORRES: But since  
19 training has bearing on construction safety, that  
20 would be of no concern to you?

21 ASHLEY PUTNAM: Council Member, we can  
22 say from the Office of Workforce Development we have  
23 looked at different credentials. This is something  
24 we've very interested, what are industry-recognized  
25 and industry-approved credentials in safety, and I

1 would again refer to the Commissioner's testimony  
2 that we know that the OSHA-10 and the OSHA-30 as well  
3 as credentials around scaffolding, confined space. So  
4 we do have a list of credentials that we see are  
5 industry recognized depending on the type of work  
6 that the individual is doing, and those are how we  
7 evaluate whether or not a safety training program  
8 like the one I mentioned earlier at City Tech and  
9 CUNY is providing good industry-specific safety  
10 training.  
11

12 COUNCIL MEMBER TORRES: Do you assign  
13 grades to those programs, or?

14 ASHLEY PUTNAM: That is not within our  
15 scope of work. I believe that falls in OSHA.

16 COUNCIL MEMBER TORRES: Do you actually  
17 physically visit these programs?

18 ASHLEY PUTNAM: Yes, I've been to quite a  
19 few of them.

20 COUNCIL MEMBER TORRES: Okay. And how  
21 many people do you have in your staff to evaluate  
22 these programs?

23 ASHLEY PUTNAM: It is not the-- under the  
24 Office of Workforce Development to do evaluation of  
25 safety programs.

2 COUNCIL MEMBER TORRES: Okay. Is there any  
3 unit within the city that's specifically dedicated to  
4 evaluating the quality of safety programs or  
5 apprenticeship programs?

6 ASHLEY PUTNAM: Again, I would say--

7 COUNCIL MEMBER TORRES: [interposing] I  
8 take it no, right?

9 ASHLEY PUTNAM: Yeah, I would say that  
10 that falls under OSHA--

11 COUNCIL MEMBER TORRES: [interposing]  
12 Okay.

13 ASHLEY PUTNAM: the federal--

14 COUNCIL MEMBER TORRES: So you feel like  
15 the City has no role in evaluating-- even though it's  
16 relevant to construction safety?

17 ASHLEY PUTNAM: And we are very  
18 interested in providing good safety training, and  
19 again, we--

20 COUNCIL MEMBER TORRES: [interposing] But  
21 you're not interested in evaluating it?

22 ASHLEY PUTNAM: I don't think it's within  
23 our authority to do so.

24 COUNCIL MEMBER TORRES: So your position  
25 is that you lack the legal authority to evaluate the

1  
2 quality of apprenticeship programs or safety programs  
3 which are critical to building safety, is that your  
4 position? Okay, I'm just-- I want to make sure that  
5 I'm not hallucinating.

6 COMMISSIONER CHANDLER: Well, Council  
7 Member, I thinking it's worth noting again that it's  
8 a federal mandate for worker safety just like it is  
9 for any workers working in a factory, a restaurant or  
10 anything like that. It's not something that we check.  
11 We are not in the business of worker safety, per say.  
12 It's the entire site. So there is some overlap  
13 without question, but it's-- that would be an  
14 enormous mandate to undertake, not to mention that  
15 it's very likely that we would be overturned in a  
16 court case if we tried to enforce it because we don't  
17 have the authority.

18 COUNCIL MEMBER TORRES: And what court  
19 case or what law prevents you from evaluating  
20 apprenticeship program, because--

21 COMMISSIONER CHANDLER: So, of course, I  
22 can't cite that administrative code for you, but that  
23 is the New York State Department of Labor to my  
24 knowledge that enforces apprenticeship programs, and  
25



1 then again, it's federal law that institutes worker  
2 safety programs as per OSHA regulations.

3  
4 COUNCIL MEMBER TORRES: Okay. Well, I  
5 would be-- it just seems to me if we agree that  
6 safety training is inseparable from construction  
7 safety and construction safety is within the purview  
8 of the City, it would seem to logically follow that  
9 you have a vested interest in controlling the quality  
10 of safety programs that we have in New York City. So,  
11 I'd be curious to hear, to see something, a legal  
12 analysis in writing, because I'm not clear if I agree  
13 with your interpretation of the law, so.

14 COMMISSIONER CHANDLER: I'll have to  
15 defer to Corporation Counsel for that, but I would  
16 say that the Department of Buildings is extremely  
17 dedicated to safety of construction projects which  
18 includes the overlap, and as I mentioned earlier to  
19 Council Member Lancman, that we have undertaken our  
20 revision of Chapter 33, and I would happily sit with  
21 you or your staff to walk them through which is an  
22 extremely detailed chapter code.

23 COUNCIL MEMBER TORRES: What I would  
24 submit to you is that you cannot be fully committed  
25 to the safety of construction if you're not

1  
2 evaluating the quality of the programs that are  
3 preparing workers. That's--

4 ASHLEY PUTNAM: And Council Member, I  
5 would also say from my earlier testimony that the  
6 apprenticeship programs are evaluated at a state  
7 level and be happy to follow up with some information  
8 about how the New York State Department of Labor does  
9 evaluate what qualifies an apprenticeship program,  
10 including--

11 COUNCIL MEMBER TORRES: [interposing] Do  
12 you feel like-- I just want to be clear, because  
13 maybe apprenticeship is one subcategory. Do you have  
14 the authority to evaluate any safety program, or you  
15 feel like you're completely pre-empted, completely  
16 powerless?

17 ASHLEY PUTNAM: Again, at the Office of  
18 Workforce Development or job is to connect workers  
19 into career pathways and careers in both safety and  
20 apprenticeship programs. Again, I would refer to  
21 the--

22 COUNCIL MEMBER TORRES: [interposing]  
23 Well, it's unfortunate that DOB is powerless to  
24 ensure construction safety. That's the extent of my  
25 questioning.

2 CHAIRPERSON WILLIAMS: Thank you, Council  
3 Member. I would actually also like to get some more  
4 clarity on what your role is in evaluating all of the  
5 trainings. I understand it's the state, but I assume  
6 they send something or you guys check. So I would  
7 like to see what the City is doing also to see how  
8 we're evaluating all the training programs. Thank  
9 you very much for the testimony. I'm looking forward  
10 to continue to work together toward this construction  
11 site safety in this city. I'm sure I speak for all  
12 of us when one death is too much. So I could only  
13 see what 30 means. I do think that we just all  
14 together all of us took a little bit longer than we  
15 should have to really get on the ball with the  
16 construction site safety, but I'm glad we're here  
17 now, and we look forward to moving forward. Thank  
18 you so much. We're going to have this one elected  
19 official, Borough President Gale Brewer, who is going  
20 to testify. We are then going to take a 15 minute  
21 break, and then come back and begin the public  
22 testimony portion.

23 UNIDENTIFIED: Ladies and gentleman, we  
24 are still in session. Please quiet down. Take your  
25 conversations outside. Please exit quietly.

2 CHAIRPERSON WILLIAMS: Call the clerk.

3 COMMITTEE COUNSEL: Council Member Levine  
4 to vote on Intros 1167A, 1168A and 1171A.

5 COUNCIL MEMBER LEVINE: I vote aye.

6 COMMITTEE COUNSEL: Thank you. The  
7 revised vote is 7 in the affirmative, 0 negative, 0  
8 abstentions.

9 CHAIRPERSON WILLIAMS: Thank you. We are  
10 still in session, please. So if people can move  
11 quickly and quietly that will be helpful. Thank you  
12 to the Borough President for being here. I know  
13 you've done a lot of work on construction site  
14 safety, so I really appreciate you being here. I  
15 generally do ask-- thank you. So, do you affirm to  
16 tell the truth, the whole truth and nothing but the  
17 truth in your testimony before this committee and to  
18 respond honestly to Council Member questions?

19 GALE BREWER: I do. Thank you.

20 CHAIRPERSON WILLIAMS: You can begin.

21 GALE BREWER: Thank you. I am Gale  
22 Brewer, Manhattan Borough President. I want to thank  
23 Chair Williams and the Committee. I'm not going to  
24 read the whole testimony, just experts. Identified  
25 by the State Department of Labor as one of the top 13

1 industries to grow faster than the overall economy  
2 through 2022, construction industry is a significant  
3 economic engine as we know for our city. In 2015,  
4 the New York City Department of Buildings authorized  
5 56,528 new residential units across 1,998 new  
6 buildings. That is 180 percent more than in 2014. A  
7 quarter of a million New Yorkers work in this  
8 industry. That's a lot. And of these jobs, in terms  
9 of construction managers and real estate, 80 percent  
10 are engaged in physical construction, and that's what  
11 we're talking about today. The Building Congress  
12 data shows that Manhattan remains the center of  
13 construction activity. Over the next four years,  
14 Manhattan is expected at 23 office buildings and  
15 nearly 20 million square feet of office space. We  
16 know that the most sobering effect of all of this  
17 boom has been the surge in the number of workers hurt  
18 and killed in construction accidents. That's why I  
19 thank you for this hearing and why we brought  
20 together a construction taskforce. Looking at the  
21 data available by the Department of Buildings,  
22 construction related injuries totaled 599 citywide in  
23 2016, 66 percent of which were in Manhattan compared  
24 to 237 citywide in 2014. That's a 153 percent  
25

1 increase in two years, and we heard earlier that  
2 construction related deaths totaled eight in 2014, 12  
3 in 2015, and 12 more in 2016. That's not the  
4 complete story. Obviously we have the DOB and OSHA,  
5 US Occupational Safety and Health Administration--  
6 that's the agency that you heard earlier investigate  
7 workforce issues, accidents and fatalities, and they  
8 have different definition as to what is counted. So,  
9 without going into all the specifics, they need to  
10 have the same numbers and stop this back and forth.  
11 These deaths and injuries occur at a disproportionate  
12 rate among immigrant construction workers,  
13 particularly Latino's. Latino's comprise 30 percent  
14 of the construction workforce, but are 57 percent of  
15 the construction workers who died due to falls, and  
16 we heard earlier that many of them are in smaller  
17 buildings. That's why in 2015, again, summarizing--  
18 in 2015, I convened the Manhattan Construction Safety  
19 Working Group. We had people from the unions. We  
20 had people from NYSFAFH, which is the merit shops.  
21 We had people from the Real Estate Board, REBNY, from  
22 workers' rights organizations, elected officials, and  
23 perhaps most importantly, the Manhattan District  
24 Attorney's office. And we talked about high-risks,  
25

1  
2 whether it is in a small building or a large  
3 building. We talked about public health concerns.  
4 We talked about language access that's incredibly  
5 important and code enforcement. And we broke it down  
6 to the access to safe and proper training, which  
7 you've heard a lot about. We had a lot of discussion  
8 about stronger enforcement measures, and most  
9 importantly DOB needs to find a way of having the  
10 data be something that can be used where it is cross-  
11 agency and something that is able to be used by  
12 everyone. We didn't agree on everything, as you can  
13 see from this list. God help us if we all agree on  
14 everything. That would be too good to believe. But  
15 the bottom line is we have to increase health and  
16 safety and craft training above what is currently  
17 required, and also monetary penalties for safety viol  
18 must become too costly to ignore. That led me, not  
19 the working group necessarily, but me, to co-sponsor  
20 Intro 1404 and 1447 and you know that they are before  
21 you today. We know that 1404 will increase a minimum  
22 and maximum civil penalties for hazardous and major  
23 violations, and 1404 mandates an escalating schedule  
24 of fines to help create strong dis-incentives to  
25 conditions and practices. And then, we also know that

1  
2 somebody from the OSHA testified in Congress, just to  
3 give you an example of how important this is, that  
4 OSHA penalties must be increased to provide a real  
5 disincentive for employers except in injuries and  
6 worker death. So, it's not just OSHA, but the City  
7 of New York. Additionally, enforcement and oversight  
8 of safety violations should be used as an opportunity  
9 to increase outreach to Latino and immigrant workers  
10 particularly on language and other ways in which they  
11 can be protected. 1447, by far the most  
12 controversial bill before you, mandatory  
13 apprenticeship, is a result of decades of experience  
14 working with and witnessing the local impact of  
15 apprenticeship programs that have developed the  
16 country's best trained construction workforce. A key  
17 aspect of these programs is the emphasis on health  
18 and safety, and additional layers of safety training  
19 improve the culture of safety on the job. And I want  
20 to just mention that this issue of safety versus  
21 union, safety is what we're talking about most  
22 definitely and perhaps we need a dialogue about how  
23 to balance private interests and wise oversight. No  
24 question that that's needed. But I just want to  
25 mention that the construction trades must continue to



1  
2 be an avenue of opportunity for people of all  
3 backgrounds. They need to be diverse and we also  
4 need to think about minority and women-owned  
5 construction firms, that they have the resources to  
6 comply with the final version of 1447, and guess  
7 what, I think that is possible. I want to mention on  
8 the state level the great work that is being done by  
9 Jane Thompson [sic]. She's Director of  
10 Apprenticeship Training at the New York State  
11 Department of Labor. My understanding, that position  
12 was vacant for a great deal of time. Maybe she's  
13 testifying today, but the point is that she believes,  
14 the State Department of Labor believes that training  
15 programs that appropriate to what we need for safety  
16 and craft can be taught in a reasonable period of  
17 time and there are grants available to help offset  
18 some of the cost. Without getting into all the  
19 details, it is something that can be done. I also  
20 want to mention that you have a lot of other bills  
21 that are extremely important, and I won't go into  
22 them because I'm sure others will, but they are  
23 certainly something that should be considered.  
24 Another reason that all of these bills are so  
25 important is because experts are already predicting a

2 less aggressive, underfunded OSHA under the new Trump  
3 Administration, and given the fact that this  
4 possibility is something that is very real, the  
5 outcomes can range from re-interpreting or ignoring  
6 existing regulations to using OSHA site visits as an  
7 extension of the Administration's immigration policy  
8 using inspections to search for undocumented works, a  
9 strategy that would be disastrous and undermine the  
10 safety of all workers, another reason to take close  
11 attention, pay close attention to the bills that are  
12 being considered today. So, I can just say that we  
13 also have to worry that the number of OSHA safety  
14 inspectors in New York go down from even the paltry  
15 number that currently exists. Simply, I want to  
16 congratulate the Council on moving to address this  
17 issue. There's no way that 30 people should have  
18 died, and there's no way that there should be over  
19 500 injuries on these construction sites. Safety is  
20 why I am here and why we are all here. Thank you  
21 very much.

22 CHAIRPERSON WILLIAMS: Thank you, Madam  
23 Borough President, for being here and the leadership  
24 and work you've done consistently on this. We have  
25 been joined by Council Member Miller. We do have a

1 Council Member that has some questions, and we'll ask  
2 Council Member Crowley for three minutes.

3  
4 COUNCIL MEMBER CROWLEY: Thank you, Mr.  
5 Chair. Thank you, Borough President--

6 GALE BREWER: [interposing] Thank you.

7 COUNCIL MEMBER CROWLEY: for your  
8 advocacy, your leadership in putting this important  
9 panel together and of course for being here today to  
10 testify. The question I have is-- you mentioned the  
11 Manhattan District Attorney's Office. I don't know if  
12 they'll be here today or any District Attorney's  
13 Office to testimony. But I just don't understand why  
14 we're not holding these contractors that are  
15 blatantly breaking the rules, why we're not holding  
16 them accountable?

17 GALE BREWER: Well, in the dis-- the ADA  
18 who was part of our panel is trying to hold them  
19 accountable. I don't know that other DA's are doing  
20 the same. She has not only herself and other ADA's,  
21 but organizers, bilingual working very, very  
22 effectively. What happened? No surprise to you, is  
23 if you are on a site where you are frightened to come  
24 forward in order to provide information to the  
25 District Attorney's Office, that's what happens. So

1 she's often in finding situations as I indicated in  
2 the smaller buildings, and there's no-- there's a  
3 fear factor that--

4  
5 COUNCIL MEMBER CROWLEY: [interposing] So,  
6 employees are afraid to come forward in that they  
7 might lose their life--

8 GALE BREWER: [interposing] Jobs.

9 COUNCIL MEMBER CROWLEY: I mean might  
10 lose their jobs.

11 GALE BREWER: Yes.

12 COUNCIL MEMBER CROWLEY: And what about  
13 the documentation, is that an issue too? May--

14 GALE BREWER: [interposing] The  
15 documentation on false cards from OSHA, yes. These  
16 are all issues that the Manhattan DA's office can  
17 give you song and verse, and they have done a  
18 phenomenal job of trying to go after the bad actors.

19 COUNCIL MEMBER CROWLEY: And I read in  
20 the NYCOSH report that a lot of the fatalities were  
21 people who were foreign-born. It seems as if these  
22 contractors are taking advantage of somebody who  
23 might not have been educated here.

24 GALE BREWER: Yes.

2 COUNCIL MEMBER CROWLEY: So, what I think  
3 we should do is get the other District Attorneys  
4 involved.

5 GALE BREWER: I think that would be  
6 terrific. I have to say I could not give enough  
7 accolades to the work that's being done by the  
8 Manhattan District Attorney on this topic.

9 COUNCIL MEMBER CROWLEY: And how about  
10 the Department of Buildings, it seems as if-- if the  
11 numbers that you're-- that you've presented to the  
12 committee are accurate and very similar to the  
13 numbers that I've seen. Seems that over the past two  
14 years it's increased so much so that it hasn't  
15 increased at the rate of construction. Construction  
16 isn't happening that much more frequently. What can  
17 the City do more in terms of visiting these job sites  
18 to make sure that the rules are being followed?

19 GALE BREWER: I think you should  
20 certainly visit, and you heard-- I heard some  
21 discussion about how that isn't exactly clear in  
22 terms of the visitation, in terms of the training  
23 programs beforehand, but this training has to exist  
24 in a way that promotes safety and I also think  
25 promotes craft. The electrical and the plumbing are

1  
2 examples of where you really need to craft in  
3 addition to the safety.

4 COUNCIL MEMBER CROWLEY: And what wasn't  
5 said before the City when I was here is that it's not  
6 just for those who are learning an apprenticeship,  
7 but it's the employers that help pay for this with  
8 the union, and there's continued education once  
9 you're working in the field.

10 GALE BREWER: I believe under Jane  
11 Thompson for whom I have great respect as you do, and  
12 that was a vacancy for five years as my  
13 understanding, that we could work on something that  
14 would be both acceptable to those who are concerned  
15 about the cost from some of the merit shops as well  
16 as very heavy duty craft safety training programs.

17 COUNCIL MEMBER CROWLEY: I think that's a  
18 very good point. Thank you again for your advocacy.

19 GALE BREWER: Thank you.

20 COUNCIL MEMBER CROWLEY: And just to  
21 repeat your point there that there are trades that--  
22 most trades can be very dangerous. So, in learning  
23 the tools of the trade, so to say, not just the  
24 safety component, those mechanical trades especially  
25 are dangerous trades.

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GALE BREWER: Right.

CHAIRPERSON WILLIAMS: Thank you, Council Member.

GALE BREWER: Thank you very much.

CHAIRPERSON WILLIAMS: Council Member Rosenthal, three minutes.

COUNCIL MEMBER ROSENTHAL: Borough President Brewer, actually I want to follow up on what Council Member Crowley said. I think the idea of having a program that is developed by someone like a Jane Thompson who has been thinking about this for 40 years.

GALE BREWER: Is she that old?

COUNCIL MEMBER ROSENTHAL: No, you know what I mean, since birth. It's in her bones. She's so thoughtful about this. I'm wondering if you've talked about this idea with Department of Buildings and how far along it is.

GALE BREWER: We haven't talked about it specifically with DOB, but we hope to have some that comes out of this legislation so that we could make it happen.

2 COUNCIL MEMBER ROSENTHAL: And do you  
3 think there are the kernels of such a program  
4 currently exist in CUNY, and--

5 GALE BREWER: [interposing] Yes, I think  
6 we can figure it out, yes. Answer [sic] yes.

7 COUNCIL MEMBER ROSENTHAL: And would you  
8 recommend that workers on all buildings with some  
9 exceptions, you know, the department-- Commissioner  
10 Chandler talked about some exceptions, you know,  
11 small alterations or whatever, but that all buildings  
12 regardless of how many stories how hard they are go  
13 through it.

14 GALE BREWER: Yes, because it's the under  
15 10 where most--

16 COUNCIL MEMBER ROSENTHAL: [interposing]  
17 That's right.

18 GALE BREWER: of the deaths have taken  
19 place.

20 COUNCIL MEMBER ROSENTHAL: Okay, thank  
21 you very much.

22 GALE BREWER: Thank you.

23 CHAIRPERSON WILLIAMS: Thank you, and  
24 thank you--



2 GALE BREWER: [interposing] Thank you very  
3 much, Mr. Chair.

4 CHAIRPERSON WILLIAMS: Thank you.

5 Alright, before we go on a 15-minute break, I'm going  
6 to call the two panels that will be coming on when we  
7 come back. First panel will consist of Gary  
8 LaBarbera, from the Building Trades, Carol Pennington  
9 from Building Trades, Lou Coletti from Building  
10 Trades, Carl Hum from REBNY, Greg Sizemore from  
11 Associated Builders and Contractors, Brian Sampson  
12 from ABC, and Jolie Milstein from NYSAFAH. Following  
13 that panel will be Hazel Dukes at NAACP, Martin Abe  
14 Allen from PPEE, Reginald Bolt [sp?] from PPEE, Joe  
15 Coello [sp?], Senior, Dewanna Williams [sp?] from the  
16 Bar Development [sp?], and Charlene Nimmons from  
17 NYCHA Residents. So we're going to take 15 minutes  
18 now. Those will be the two panels when we come back.  
19 Thank you.

20 [break]

21 SERGEANT AT ARMS: Once again find a  
22 seat. Can I have quiet on the floor? We are  
23 beginning again. Please find seats. Quiet on the  
24 floor. Thank you.

2 CHAIRPERSON WILLIAMS: Thank you all for  
3 joining us. Can you all please raise your right  
4 hand? Do you affirm to tell the truth, the whole  
5 truth and nothing but the truth in your testimony  
6 before this committee and to respond honestly to  
7 Council Member questions? Thank you. So, we're  
8 going to-- I said we'd do the public for two minutes,  
9 so we're going to try that. I'll be kind of lenient  
10 with it, and then we have follow up questions, I'm  
11 sure. I know all of you agree on everything 100  
12 percent, so this should be interesting. You can  
13 begin in the order of your preference.

14 GARY LABARBERA: I'd like to start.  
15 Okay. First of all, Good morning, Chairperson  
16 Williams and Committee Members. I would like to  
17 defer from my written testimony for one moment. I  
18 just have to get something off my chest. You know,  
19 earlier today when we heard those two L+M workers  
20 testifying, I was very disturbed that the Vice  
21 President tried to suppress them from answering  
22 questions, and further, I do want to mention Alton  
23 Louis [sp?] working on a project on 149<sup>th</sup> 10<sup>th</sup> was  
24 killed, and it's been considered by OSHA a  
25 construction fatality on an L+M job. I just wanted

2 to make sure the record was clear on that, and that  
3 could be verified through OSHA. Again, good  
4 afternoon, Chairperson Williams, Committee Members.

5 My name is Gary LaBarbera. I am the President of the  
6 Building and Construction Trades Council of Greater  
7 New York and Vicinity. I'm here to testify in  
8 support of Intro. 1447. I thank the Chair and the  
9 Committee for the opportunity to testify regarding  
10 the very important subject of construction safety.

11 The Building Trades and Construction Trades is an  
12 organization of local building and construction trade  
13 local unions that are affiliated with 15

14 international unions in the North America Building  
15 Trades Unions. Our local union affiliates represent  
16 approximately 100,000 construction workers. The

17 Building Trades' mission is to raise the standard of  
18 living for all workers, to advocate for safe work  
19 conditions and to collectively advance working

20 conditions for our affiliates, members, as well as  
21 all workers in New York City. In the two year period  
22 between 2015 and 2016, 30 construction workers died

23 on New York City construction sites. Most of these  
24 workers were minorities and/or recent immigrants that  
25 came to New York for work in hopes of improving the

1 lives of their families. A majority of these workers  
2 were Latino men. Almost all of these deaths occurred  
3 on non-union construction sites. These workers can no  
4 longer speak for themselves. The Building Trades are  
5 here today speaking for them as we did with 35,000  
6 members in the last two hours out in front. We can  
7 no longer tolerate the exploitation and oppression of  
8 our non-union brothers and sisters. Besides wages--  
9 besides wage rates, the main distinction between  
10 union and non-union jobs is the investment in  
11 training. We all know that the construction  
12 industry, the training model is jointly sponsored  
13 apprentice training programs. Contractors and unions  
14 partner together to develop world-class training  
15 programs. Many of you have seen firsthand our  
16 training facilities and you have been irrevocably  
17 impressed by our industry's commitment to training.  
18 Nationally, the Building Trades spends over 1.3  
19 billion dollars annually in training on new  
20 construction workers. These programs not only teach  
21 the skill needed for a particular trade, but they  
22 also teach job site safety. Graduates of our  
23 apprentice programs have been taught in school and on  
24 the job how to recognize dangerous conditions, how to  
25

2 avoid them, how to advocate for their safety, and how  
3 to work safely. They learn what is required of their  
4 employers and the owners of the projects to protect  
5 their safety. These joint labor management programs  
6 are undeniably a national model for workforce  
7 development. The United States Department of Labor,  
8 New York Department of Labor, independent studies,  
9 think tanks, and experts throughout the country have  
10 lauded the apprentice model. Yet, somehow the word  
11 'apprenticeship' has become controversial here in New  
12 York City. The non-union sector of the industry has  
13 engaged in a campaign to convince legislators and  
14 other policy makers that the term 'apprenticeship  
15 program' is just code language for mandating union  
16 labor and depriving the non-union sector of  
17 opportunities. First, it has been widely reported  
18 that the majority of apprentice programs in New York  
19 City are in fact not--

20 SERGEANT AT ARMS: [interposing] Quiet  
21 please.

22 GARY LABARBERA: not sponsored by unions.  
23 However, even more importantly, the non-union  
24 sector's position on training unquestionably places a  
25 priority on their business model rather than their

2 workers' lives. The Building Trades is here today to  
3 emphatically support a bill that unequivocally  
4 revokes, removes the union/non-union controversy from  
5 the debate on training. The bill does not mandate  
6 union labor, but rather mandates that anyone working  
7 on a building governed by the Building Code be  
8 experienced, skilled and trained workforce regardless  
9 of union status.

10 CHAIRPERSON WILLIAMS: Going to have to  
11 ask you if you can give a closing statement.

12 GARY LABARBERA: Okay. Essentially, what  
13 I'd like to tell you in closing is that I think it's  
14 very important to recognize that of the fatalities,  
15 90 percent of these fatalities, 27, have been on non-  
16 union sites. Our bill, as you know, Council Member  
17 Williams, does not mandate it has to be a union  
18 apprentice program. What it mandates is training that  
19 is commensurate with the apprenticeships that is a  
20 recognized model so that all workers in the City of  
21 New York are trained properly so that they go to  
22 work, they work safety and they return home to their  
23 families. Thank you very much.

24 CHAIRPERSON WILLIAMS: Thank you.  
25

2 GREGORY SIZEMORE: Chairman Williams,  
3 Members of the Committee on Housing and Building,  
4 good afternoon, and thank you for this opportunity to  
5 testify before you today on a topic that is number  
6 one priority for Associated Builders and Contractors  
7 and our nearly 21,000 member companies and  
8 construction projects across the country. My name is  
9 Greg Sizemore, and I am ABC National's Vice President  
10 of Safety, Health and Environment, and Workforce  
11 Development. ABC is a nonprofit organization, a  
12 construction trade association whose diverse  
13 membership is bound by a shared commitment to the  
14 merit shop philosophy. The philosophy is based on  
15 the principles of nondiscrimination due to labor  
16 affiliation, and the awarding of construction  
17 contracts through open, competitive bidding based on  
18 safety, quality and value. Along with its 70  
19 chapters, ABC and its members develop people, win  
20 work and deliver that work safety, ethically, and for  
21 the profitability and the betterment of the  
22 communities in which our ABC members work.  
23 Nationwide, ABC network chapters have set up over 800  
24 apprenticeship, craft training and safety programs  
25 across the country. Prior to my role at ABC, I spent

1  
2 30 years in the construction industry beginning as a  
3 laborer and eventually working my way up into leader  
4 where I led and managed a team of craft and  
5 supervisor development specialist to develop a world-  
6 class training and development program. I have served  
7 on a variety of committees and address workforce  
8 development safety training and curricula crafts  
9 related to our industry, and I'm the former national  
10 chair of the Construction Education and Research  
11 Committee. I have led a team that's successfully  
12 designed a 100 percent competency-based training  
13 program. We spent a-- I'm going to take a little  
14 leisure off the agenda, off my script today, but  
15 competency-based being critical, and I've heard that  
16 spoke of several times here today as being absolutely  
17 critical, and I believe that there's a distinction  
18 between a competency-based training program and any  
19 kind of knowledge-based program. I believe competency  
20 is an absolutely verification of an individuals'  
21 skillset and their ability to perform a job, work  
22 safely, and you know, in the confines of what is  
23 required on their job site. ABC New York Empire  
24 Chapter provides a number of high-quality safety  
25 training programs and resources that operate outside



1 the framework of formal apprenticeship training  
2 programs. These include the New York City approved  
3 site safety management, Occupational Safety and  
4 Health Administration 10 and 30-hour training  
5 programs, ABC's own safety academy, and core  
6 competency accredited through the National Center for  
7 Construction Education and Research, which is  
8 approved by the New York State Department of  
9 Education and the New York Department of labor and  
10 serves as a training sponsor for the New York Boards  
11 of Cooperative Education and Services. I'd like to  
12 conclude by saying this. Distinguished Council  
13 Members, if I may, I believe that accidents and  
14 incidents are opportunists. They are only looking  
15 for the opportunity to occur. They are not concerned  
16 with a company that you work for, your labor  
17 affiliation, how long you've been in your craft or  
18 trade, or the project or floor of the building that  
19 you are working. They are simply waiting for an  
20 opportunity to occur, and the way that we can  
21 eliminate those opportunities are by uncompromising  
22 leadership, being a leader that believes that every  
23 incident and every accident on every project is  
24 completely avoidable, and that every employee on  
25

1 every job site goes home in a same or better shape  
2 than when they came to work. Two more points, Chair.

3 CHAIRPERSON WILLIAMS: Going to have to  
4 ask you to give a closing sentence.

5 GREGORY SIZEMORE: Yes, sir.  
6 Uncompromising commitment to ensure safety through  
7 best practice and process, and also an uncompromising  
8 commitment to developing their employees by whatever  
9 means necessary, and ensuring that they have the  
10 skills and competencies to work every day as a  
11 leader, refusing to say that a one-size-fits-all  
12 model happens, and that is the prescription to  
13 success. I'll leave you with this. Associated  
14 Builders and Contractors is ready to go to work.

15 CHAIRPERSON WILLIAMS: Thank you very  
16 much.

17 BRIAN SAMPSON: Good afternoon there,  
18 Councilman Williams. My name is Brian Sampson. I am  
19 the President of the Empire Chapter of Associated  
20 Builders and Contractors and Greg's colleague here in  
21 New York. We applaud you in the Committee for  
22 bringing construction safety to issue here in New  
23 York City. We believe it is long overdue. Like my  
24 colleague, Gary, we believe that one death is one too  
25

1 many and it needs to be addressed. However, we don't  
2 believe that Intro 1447 is the right approach. We  
3 believe that it will have a detrimental impact on the  
4 merit shop community in the diversity of our  
5 workforce. If implemented as drafted, in our  
6 opinion, in our legal opinion, it would put tens of  
7 thousands of workers in jeopardy here in New York,  
8 and unfortunately the bill doesn't address where the  
9 issues are occurring right now. As we heard earlier,  
10 many of the injuries and the deaths are occurring on  
11 buildings that are less than 10 stories. 1447  
12 applies to buildings about 10 stories. So, if we're  
13 really going to be serious about fixing safety here  
14 in New York, we need to focus on putting legislation  
15 in place that addresses 10 stories and below. What  
16 we believe is instead of mandating an apprenticeship  
17 program there should be a safety platform that is  
18 very clearly lined out. It should include things  
19 like OSHA-10. It should include fall protection,  
20 scaffolding, trenching and excavating, rigging, and  
21 many other things that we perform on a regular basis  
22 for our contractors and their employees to keep them  
23 safe. What we want at the end of the day in working  
24 with you, Councilman Williams and the members of the  
25

1 committee, is world-class safety platform in the most  
2 difficult construction market in the world, a market  
3 that doesn't grow horizontally, it grows vertically.  
4 We know we have the capacity working with you and our  
5 industry partners to put a platform in place that  
6 will make New York City the leader in a world-class  
7 safety so that every worker regardless of  
8 affiliation, regardless of they choose to go to work  
9 can remain safe. They can go to work and they can  
10 come home in the exact same way that they went there,  
11 and as Greg said, we're ready to go. Thank you.

12 CHAIRPERSON WILLIAMS: Thank you.

13 CARL HUM: Good afternoon. Good  
14 afternoon, Chairman Williams and the members of the  
15 Committee. My name is Carl Hum. I'm Senior Vice  
16 President at the Real Estate Board of New York, and  
17 we want to thank this opportunity to testify before  
18 you today. REBNY represents over 17,000 owners,  
19 developers, managers, and brokers of real property  
20 throughout New York City, and we again want to thank  
21 you for taking on this very important issue of  
22 construction safety. Our membership's commitment to  
23 construction safety is evident through their long  
24 track records in building New York City's and also  
25

1 the world's most complex and sophisticated sites.  
2 Indeed, many of the bills that are part of the  
3 Construction Safety Act reflect the best practices  
4 that our membership already employ on their sites,  
5 and this includes site-specific orientations, job  
6 talks, netting and guardrails as embodied in Intro.  
7 Numbers 1429, 1444, 1445, and 1448. We are generally  
8 supportive of these bills as they directly promote  
9 construction safety on the site. We were also  
10 generally supportive of a number of other bills on  
11 crane safety, increased civil penalties, and  
12 reporting requirements. They are outlined in the 12-  
13 page memo that I have just distributed to the  
14 committee. The bills that REBNY does not support,  
15 however, are 1447, 1432, 744 because they simply have  
16 nothing to do with promoting safety at the  
17 construction site. On 1447, other than the required  
18 OSHA-10 training, again, 1447 does nothing to promote  
19 safety at the site. I think that we heard early  
20 today from Commissioner Chandler that apprenticeship  
21 training is focused primarily on craft training with  
22 safety as a component, and as you've just heard from  
23 Mr. Sampson that there are many workers that would be  
24 out of work effectively as a result of this bill,  
25

1 because they do not meet any of the stringent  
2 requirements 1447 calls for. And finally, we also  
3 heard the impact to MWBE's and their ability to  
4 participate with apprenticeship programs. On 1432  
5 also requiring apprenticeship programs and city  
6 finance projects will only increase cost in projects  
7 most vulnerable to cost pressures. These include  
8 projects such as those that receive IDA bonding. So  
9 that includes educational facilities and  
10 manufacturing facilities which I know are very near  
11 and dear to this Council's heart. And finally, on  
12 Intro Number 744 on prevailing wages. Again, this  
13 has very little to do with promoting construction  
14 safety on the site. We understand and recognize that  
15 it does not apply to as-of-right incentives, but only  
16 discretionary, and again, I use the example of IDA  
17 projects that fund educational facilities, supportive  
18 housing and manufacturing facilities as being  
19 vulnerable to Intro 744. Thank you again for the  
20 opportunity and I welcome any questions that you may  
21 have.  
22

23 CHAIRPERSON WILLIAMS: Thank you. Before  
24 the next person, I need to call the clerk so some of  
25

2 the members can vote. We've been joined by Council  
3 Member Mendez.

4 COMMITTEE COUNSEL: Continuing the vote  
5 on Intros. 1167A, 1168A and 1171A. Council Member  
6 Mendez?

7 COUNCIL MEMBER MENDEZ: I vote aye.

8 COMMITTEE COUNSEL: Council Member  
9 Espinal?

10 COUNCIL MEMBER ESPINAL: I vote aye.

11 COMMITTEE COUNSEL: The revised vote is  
12 now 9 in the affirmative, 0 negative and 0  
13 abstentions. Thank you.

14 CHAIRPERSON WILLIAMS: And just to  
15 reiterate for those who may have come in, those votes  
16 have nothing to do with construction site safety, it  
17 had to do with three-quarter homes.

18 JOLIE MILSTEIN: Thank you. On behalf of  
19 the New York State Association for Affordable Housing  
20 or NYSFAFH, I'd like to thank Chair Williams and the  
21 members of the Committee on Housing and Buildings for  
22 the opportunity to submit comments on the bills  
23 before the committee today. NYSFAFH is the trade  
24 association for New York's affordable housing  
25 industry, and with over 350 member organizations

1  
2 statewide employing thousands of New Yorkers active  
3 in the development, preservation, management, and  
4 construction of affordable housing. As an industry  
5 we are deeply committed to construction site safety  
6 and applaud this committee for taking up this cause.  
7 Although we are submitting comments on a number of  
8 bills on the agenda, I would like to take this time  
9 to highlight several pieces of legislation, the  
10 damage our collective efforts is to provide  
11 affordable housing while doing nothing to advance the  
12 cause of safety. Intro 1447 and 1432, apprenticeship  
13 bills, embrace the spirit-- NYSAFAH embraces the  
14 spirit of today's hearing and the goal of ensuring  
15 all workers on sites are properly trained, managed  
16 and overseen. The affordable housing industry stands  
17 ready to engage in a dialogue with the members of  
18 this committee and with all the stakeholders here  
19 today about the best way to accomplish this. This  
20 legislation in its current form does not get us  
21 there. NYSAFAH strongly opposes Intros. 1447 and  
22 1432 and their mandates of apprenticeship or  
23 commensurate training for construction workers.  
24 Implementation of these bills would have devastating  
25 effects on the cost of building affordable housing,



1 would shut down our members' longstanding local  
2 hiring initiatives and would greatly harm the non-  
3 unionized construction workforce, which includes  
4 thousands of diverse New York City residents.  
5 Construction site safety is a culture that relies on  
6 trained workers and is enforced by responsible  
7 contractors through vigilance and effective  
8 oversight. The affordable housing industry believes  
9 safety reforms in the less regulated parts of the  
10 building trade are long overdue. NYSFAFH members are  
11 proud of their safety track record and agree that all  
12 workers should be properly trained and all sites  
13 well-managed and regulated. Intros. 1447 and 1432  
14 would require workers on almost all affordable  
15 housing projects to either be a participant or  
16 graduate of an apprenticeship program or to  
17 demonstrate that he or she has received substantially  
18 similar training and instruction. Apprenticeship  
19 training is by definition skills training that is  
20 trade or craft oriented. While apprenticeship  
21 programs are one pathway for skilled workers, they  
22 are also limited in capacity, very costly and time  
23 consuming. Despite efforts by open and merit shop  
24 contractors to build capacity, apprenticeship  
25

1 programs are dominated by the construction trade  
2 unions and the contractors associated with them.  
3 While non-union apprenticeship programs exist, they  
4 are single-employer sponsored and therefore very  
5 small. Union apprenticeship programs are often  
6 multi-employer sponsored and far more widely  
7 available. Intros. 1447 and 1432 threaten to put  
8 thousands of New Yorkers out of work and would be  
9 effective only in ensuring that construction workers  
10 performed almost exclusively by union trained  
11 individuals. Those who learn their trade through a  
12 means outside the apprenticeship path or who are  
13 unable to document their training and experience even  
14 if they have decades of experience and a flawless  
15 safety record would be deemed unqualified to work  
16 within the City. Ironically, making apprenticeship  
17 programs a standard for safety, this legislation  
18 gives priority treatment to a new, inexperienced  
19 apprentice over a-

21 CHAIRPERSON WILLIAMS: [interposing] Going  
22 to have to ask you to give a closing sentence,  
23 please.

24 JOLIE MILSTEIN: construction  
25 professional who may have decades of experience. I

2 also just want to mention briefly that 744 is not a  
3 bill about site safety, and its inclusion in today's  
4 hearing unfortunately diverts attention from the  
5 important topics at hand, and NYSFAFH strongly  
6 opposes this bill which would devastate the Mayor's  
7 affordable housing plan and dramatically slow down  
8 construction in the City.

9 CHAIRPERSON WILLIAMS: Thank you.

10 LOUIS COLETTI: Good afternoon, Mr.  
11 Chairman and members of the Committee. My name is  
12 Louis Coletti. I'm President of the Building Trades  
13 Employers' Association. First, I'd like to commend  
14 the Chairman and the members of the council for  
15 conducting this hearing, and Mr. Chairman, for the  
16 way that you've managed the process, and for the  
17 questions that have come from the members. They've  
18 been very good and very detailed. I appreciate that.  
19 I'm going to take a little different tack today and  
20 go-- and just sort of summarize some of my concerns.  
21 I'm going to take a look at the-- and make some  
22 comments on the crane regulations. In general, as  
23 drafted the way the legislation that establishes the  
24 crane wind restrictions actually make construction  
25 and crane operations even more dangerous than they

1  
2 are today. As drafted, the lift director position  
3 lacks clarity as to who is responsible and  
4 accountable for the crane operations on the site.  
5 Intro 1442 that talks about the tiered system just  
6 can't be achieved. I think that's the council and  
7 the industry came to that conclusion a couple of  
8 years ago. And the last one is that without adequate  
9 enforcement, any efforts to really regulate  
10 construction safety are just empty words, and in  
11 order to achieve that goal, we're going to be  
12 recommending that the Council consider creating a new  
13 regulatory agency to enforce construction safety  
14 called the New York City Construction Safety  
15 Enforcement Corporation. Let me go back to the crane  
16 rules. Earlier today you heard Deputy Commissioner  
17 Hogan admit that there are many different types of  
18 cranes, and that's what we have the pictures up here.  
19 The bill is written in a way where one size fits all.  
20 We're not opposed to wind restrictions, but we think  
21 it should be based on what the manufacturer's  
22 specifications call for. They're the experts. The  
23 New York City Building Code already requires, and I'm  
24 quoting from the report on the Worth Street accident,  
25 "The DOB regulations require the crane operator to

1  
2 understand and follow the manufacturer's  
3 recommendations. The operator's manual located in  
4 the cab covered requirements the operator should  
5 follow in the case of wind and weather related  
6 events." Wouldn't we be much safer if you just  
7 followed the crane oper-- the manufacturer's crane  
8 specifications all the way through? Councilwoman  
9 Chin talked about-- this was in her district. In  
10 that district, that crane accident would never have  
11 occurred if the manufacturer's specifications were  
12 followed and that crane was laid down the night  
13 before the accident. Lift director, we've submitted  
14 some recommended language, very minor changes. I  
15 want to close up with talking about the agency. The  
16 Department of Buildings has come a long way, but they  
17 haven't come far enough. Today, enforcement officers  
18 or inspectors are overworked, they're underpaid and  
19 they lack the technical training to regulate a  
20 complicated industry, and the Department just can't  
21 recruit new inspectors. They lack the technology and  
22 the data necessary to identify where the problems are  
23 and then use their resources just like the Police  
24 Department does with CompStat. We can't wait any  
25 longer when it comes to construction safety. They

1  
2 have too many rules and regulations being caught up  
3 as an agency, and that's why we're suggesting that we  
4 create a new agency and begin to give them the tools  
5 to effectively supervise and inspect the sites where  
6 safety violations are occurring in this city. It's  
7 not on high rise construction because those are my  
8 members, and I'll give you the statistics without  
9 showing you that will show you that the safety  
10 accidents and fatalities are not on our jobs. Our  
11 stop work orders get done in five days. Eighty-five  
12 percent of the stop work orders occurred in the hotel  
13 and the residential market. That's based on a study  
14 we-- that Fordham University did for us. We need--  
15 if we're serious about safety, we need to take some  
16 radical change and let the DOB have the resources and  
17 get the people that are competent enough to go after,  
18 use the data and make the construction site safety.  
19 Thank you.

20 CHAIRPERSON WILLIAMS: Thank you very  
21 much, and for all the testimony. I think Mr. Hum,  
22 Ms. Milstein and Mr. Coletti are the only ones who  
23 spoke about anything other than 1447. So I don't know  
24 if any of the folks who testified had anything, any  
25 other comments on the other bills besides 1447.

2 JOLIE MILSTEIN: NYSFAFH submitted  
3 testimony with comments on a number of other bills.  
4 I just didn't have time to go over everything.

5 BRIAN SAMPSON: Yeah, we did the same as  
6 well.

7 CHAIRPERSON WILLIAMS: Okay. Alright.  
8 So, obviously 1447 is our point of contention. So, I  
9 want to try to see if we can-- and drill down to some  
10 of those. I'm going to start with Mr. LaBarbera,  
11 because my understanding, and I think there's been a  
12 lot of talk about the bills, I believe that we're  
13 trying to craft it in a way that it is not mandating  
14 necessarily union and not mandating apprenticeships,  
15 but apprenticeships would find-- would fulfil one way  
16 of doing it. I just want to get your opinion on  
17 apprenticeships and possible training that's  
18 equivalent to the training portions in the  
19 apprenticeship.

20 GARY LABARBERA: Okay, thank you very  
21 much, Council Member. So, it's our view what the  
22 bill actually says is that it is either to qualify  
23 you are either a registered apprentice or a graduate  
24 of an apprentice program or a skilled trained worker,  
25 or have training commensurate with standards that are

1 set forth in our apprentice program, and the reason  
2 we reference the apprentice training is because we  
3 see it not only as a benchmark, but as the standard  
4 for safety training. And the curriculum that is used  
5 in apprentice programs is DOL approved. The reason  
6 we refer to apprentice program training is because we  
7 don't want to have a training program that it would  
8 be utilized, or a curriculum that would be utilized  
9 that would be meaningless. Again, the apprentice  
10 programs are the gold standard of training and that  
11 is what the bill says. And as you are aware, the  
12 bill does not mandate that you have to be a union  
13 apprentice to qualify. And I've heard again today  
14 from Mr. Hum and Ms. Milstein that they are opposing  
15 apprenticeship bill, as if we're saying that in order  
16 to work on a job you have to be a union apprentice.  
17 That is not what this bill says, and I think we  
18 should move away from that argument because it's  
19 incorrect, and we should focus on the training  
20 component. There are many training modules that could  
21 be used, and all we are saying and what we are  
22 supporting is that every worker should be trained in  
23 a manner that is commensurate with the training we  
24 have. Now, why do you say that? Well, I think we  
25



1 can demonstrate, despite the height of the building,  
2 we can demonstrate that the 30 fatalities, 27 of them  
3 were on non-union job sites; that's 90 percent. You  
4 can no longer argue that there's not a distinction  
5 between safety training in apprentice programs and  
6 the training that non-union workers are receiving, if  
7 any. So that is why we believe that we need to have  
8 these standards put in place, and that's what we've  
9 discussed, that's what we support, and there reality  
10 is that we in the unionized construction industry are  
11 advocating for non-union workers. So, the argument  
12 may be we're trying to keep non-union workers out.  
13 It's just the exact opposite. We're trying to help  
14 the non-union worker so that he receives training so  
15 that he or she when they go to work return home.

17 CHAIRPERSON WILLIAMS: Just so I'm clear,  
18 are you talking-- are you referring to apprenticeship  
19 programs, are you referring to the entirety of  
20 apprenticeship programs or you're referring to the  
21 safety trainings that are in--

22 GARY LABARBERA: We are discussing safety  
23 training, safety training. In different trades there  
24 are different levels of safety training we all know  
25 that. Some trades have more and some trade have

1 less, but there is a core curriculum that is used  
2 that is frankly resulting in union job sites being  
3 safer. It's undeniable.

4 CHAIRPERSON WILLIAMS: But you are-- but  
5 you're being clear that there's going to have to be--

6 GARY LABARBERA: [interposing] Not a  
7 skills training we're requesting.

8 CHAIRPERSON WILLIAMS: And it doesn't  
9 have to be an apprenticeship program for you to  
10 support it.

11 GARY LABARBERA: Commensurate with.

12 CHAIRPERSON WILLIAMS: Okay. To anyone  
13 else who is on the merit shop side, help me  
14 understand what is wrong with one, apprenticeship  
15 programs that focus on safety training; two, what is  
16 wrong with programs that are commensurate or equal to  
17 some that are in the apprenticeship programs even if  
18 they don't have to be apprenticeship programs?

19 BRIAN SAMPSON: So, I'll address that,  
20 Councilman. So, our curriculum just like Gary's is  
21 DOL and State Ed. approved. In order to be a merit  
22 shop apprentice or a union apprentice you have to  
23 meet the same criteria, the same hours on the job.  
24 There's no differentiation. So, for our contractors  
25

1 that do have an apprenticeship program, we provide  
2 them with that same level of training and expertise.  
3 The difficulty with the bill is that it says--

4 CHAIRPERSON WILLIAMS: [interposing]  
5 Sorry, because everybody's seeing this, so I just  
6 want to-- I want to make sure. Is that-- so, with  
7 the training he provides in your mind, Gary, suffice  
8 what we're trying to do here?

9 GARY LABARBERA: I would actually have  
10 to-- I'd have to look at their--

11 CHAIRPERSON WILLIAMS: [interposing] Speak  
12 into the mic, please.

13 GARY LABARBERA: I would have to actually  
14 look at their single employer apprentice training  
15 program.

16 CHAIRPERSON WILLIAMS: Okay.

17 GARY LABARBERA: I know some of, in  
18 fairness, I do know some of the core curriculum is  
19 the same.

20 [cross-talk]

21 BRIAN SAMPSON: Yeah, and so the issue  
22 with the bill, when it says commensurate experience,  
23 as we've heard from DOB earlier, they do not have the  
24 knowledge nor the expertise to determine what is or  
25

1  
2 isn't commensurate experience. Our preference would  
3 be working with you and other members of the  
4 committee in working with Gary and others would be to  
5 see if we can identify some very clear requirements,  
6 very clear training, very clear experience lined out  
7 in a bill, and if we can do that, I think we would be  
8 able to come to a spot where both the merit shop and  
9 the union community agree that safety is now going to  
10 be the priority on construction in New York City, but  
11 leaving it open as just commensurate is problematic.  
12 And again, we're concerned that the bill just applies  
13 to 10 stories and up. We want to have a conversation  
14 about ground to nine stories. That's where the bulk-  
15 -

16 CHAIRPERSON WILLIAMS: [interposing] I  
17 would say the bill now does refer to that as well.  
18 People keep skipping over. I don't know if it's  
19 enough.

20 BRIAN SAMPSON: it's not clear enough  
21 yet.

22 CHAIRPERSON WILLIAMS: Okay.

23 BRIAN SAMPSON: I would agree. But  
24 that's where we want to focus it. That's where the  
25 deaths are, and you know, again, one death is one

1 death too many. Then let's focus in on where they're  
2 occurring so that we can make that part of the  
3 construction safe, because clearly 10 stories and up  
4 is safe. There's a different culture there. There's  
5 a different requirement there. Let's have those same  
6 requirements on the ground and nine floors.  
7

8 CHAIRPERSON WILLIAMS: Anything you said  
9 that--

10 GARY LABARBERA: Oh, we would be more  
11 than amenable to having every-- from the ground up,  
12 have the requirements in terms of safety training.

13 CHAIRPERSON WILLIAMS: And figuring out  
14 what commensurate means, seems like we can figure  
15 that out together.

16 GARY LABARBERA: I think that's the  
17 discussion that we could have in terms of-- again, we  
18 are referring to the apprentice programs because we  
19 believe that they are the benchmark and that training  
20 program and the modular should be commensurate with  
21 what we have because we know it's tried and true, and  
22 it's considered the gold standard and recognized by  
23 the state of New York.  
24  
25

2 CHAIRPERSON WILLIAMS: Sure. Anyone else  
3 want to just talk about what the concerns are so we  
4 can have--

5 GREGORY SIZEMORE: [interposing] I don't  
6 really have a concern, Councilman, but again, thank  
7 you for allowing me the opportunity to speak. But  
8 you know, this is-- when we start talking about a  
9 cultural transformation that needs to occur in our  
10 industry, this is that first step. And so I'm  
11 commending you. Everyone sitting in this room,  
12 everyone sitting on that committee, everybody sitting  
13 on this panel here of taking this first step to say  
14 it's a leadership transformation that's got to  
15 happen. And you open that book and have that  
16 dialogue and things will begin to change in our  
17 industry. As I said a moment ago, I believe that  
18 three things are critical to eliminating those  
19 incidents and accidents in our projects, and first  
20 and foremost is leadership. The company, the union  
21 hall, the employees on the project, leadership is not  
22 a rank. It's a mindset, and we have to teach  
23 leadership. In addition to that, we must have those  
24 processes, those policies and procedures in place to  
25 make sure those people are healthy and can do this

1 work. I've heard it said here today that there's a  
2 fear of retaliation and I'm sorry to hear that. I  
3 hate that anyone would ever work in that environment  
4 to where they feel like their supervisor or anybody  
5 else on that project is going to say you shouldn't  
6 because. That's a lack of leadership, and you have  
7 to have those processes in place to make sure that  
8 every employee on every project has the open door to  
9 say what they need to say. See it, say it. You can  
10 climb on a subway today and see that same thing when  
11 you're stepping over those doors. And lastly, I go  
12 back to this, it's about training, and I commend what  
13 Brian and Gary just said. If we can open up a  
14 dialogue on what the standard is, I absolutely  
15 believe that we could have a safe workforce in New  
16 York City and be, for lack of a better word, that  
17 beacon on a hill of how construction work is  
18 performed on a regular basis, safely.

19  
20 CARL HUM: Mr. Chair, I just wanted to  
21 add and commend you for managing this process, and  
22 you already pointed out earlier during this hearing  
23 is that this is obviously not the last discussion  
24 we'll be having on this bill. And I just wanted to  
25 add that I believe that REBNY and our membership will

1  
2 be open to participating and identifying what that  
3 safety platform looks like furthering and refining  
4 and creating a bill that's going to protect all.

5 CHAIRPERSON WILLIAMS: Okay. So, it  
6 seems to me that there is a lot more agreement on  
7 this panel than the noise outside might leave people  
8 to believe. And so, it seems like everybody agrees  
9 that there needs to be additional training and there  
10 needs to be additional mandated training. And so, I  
11 think that's a good starting point to start from. I  
12 don't think even with apprenticeships, and anyone  
13 could disagree that the modules there refer to safety  
14 are good, and it sounds like the modules that you  
15 have, Brian, are good as well. So, I think we're on  
16 some good footing to move forward, and this is really  
17 about training. That's what we've been trying to get,  
18 we've tried to get across for quite some time.  
19 Anybody who's working on any shop should have  
20 mandated training, and that 30 deaths imply that  
21 we're not doing enough. So, I do have some questions  
22 from-- oh, I'm sorry. We have to call the clerk for  
23 a vote.

24

25



2 COMMITTEE COUNSEL: Continuing the vote  
3 on Intro's 1167A, 1168A and 1171A. Council Member  
4 Salamanca?

5 COUNCIL MEMBER SALAMANCA: Aye.

6 COMMITTEE COUNSEL: Thank you. The  
7 revised vote is now 10 in the affirmative, 0 negative  
8 and 0 abstentions.

9 CHAIRPERSON WILLIAMS: And again, for  
10 those who just came, that vote had nothing to do with  
11 construction site safety. It's about three-quarter  
12 houses. Call Council Member Kallos for questions.  
13 Five minutes.

14 COUNCIL MEMBER KALLOS: Thank you, Chair  
15 Williams for leading this long hearing. I also want  
16 to welcome some of the folks who came in from  
17 outside. There are over 35,000 workers who are out  
18 in the cold for more than two hours. So, thank you  
19 for coming in. I also want to do a special welcome  
20 for oen of my friends from high school who is a  
21 plumber over at the-- is a plumber and she's  
22 currently hiding under her shirt. Thank you for all  
23 the great work, Erin, in building our city as well as  
24 all the other workers here. So, I want to thank  
25 everyone for this. This was actually perhaps the

1 most tamed panel. I just appreciate that. So, I just  
2 wanted to go into certain things that came across in  
3 some of the testimony, specifically, I just wanted to  
4 just touch on. So, Merit Apprenticeship Alliance,  
5 how many non-union employers are participants?  
6

7 BRIAN SAMPSON: So, the Merit Apprentice  
8 Alliance is a different organization. We're  
9 Associated Builders and Contractors.

10 COUNCIL MEMBER KALLOS: Okay.

11 BRIAN SAMPSON: We administer the related  
12 instruction on behalf of individual merit shop  
13 contractors that would have an apprenticeship  
14 program. Currently--

15 COUNCIL MEMBER KALLOS: [interposing] How  
16 many members do you have?

17 BRIAN SAMPSON: So, we have 21,000 across  
18 the country.

19 COUNCIL MEMBER KALLOS: How many in New  
20 York State, in New York City?

21 BRIAN SAMPSON: We have a little over 400  
22 in New York State and a little over about 130 that  
23 work in the City.

24 COUNCIL MEMBER KALLOS: And if I were to  
25 have an MWBE and wanted to engage in training, how

1 would I go about offering training through your  
2 association?

3  
4 BRIAN SAMPSON: So, they can become a  
5 member of our organization, and we provide them with  
6 everything from our safety training to their  
7 classroom to project management, foreman training,  
8 there's a whole host of things.

9 COUNCIL MEMBER KALLOS: So, the testimony  
10 from two of the folks on your panel indicated that  
11 organizations couldn't, that it was too costly, that  
12 it was not possible. What are the real-- what are  
13 you not telling me? Is it like do I have to pay you  
14 10 million dollars to do it? Or how do I get--

15 BRIAN SAMPSON: [interposing] No.

16 COUNCIL MEMBER KALLOS: How do I get my  
17 workers trained in order to accommodate this  
18 legislation?

19 BRIAN SAMPSON: Are you talking about  
20 from an apprenticeship standpoint?

21 COUNCIL MEMBER KALLOS: In order-- it  
22 sounds like you're very close to satisfying the  
23 requirements under this-- under the proposed 1447 and  
24 1432. So, if I wanted to join as an MWBE, what are  
25 the real barriers? How much does it cost if I have

1  
2 10 or 20 people who are laying concrete or putting  
3 down pipe?

4 BRIAN SAMPSON: So, let me, before I get  
5 to the cost of it, let me-- there are other issues  
6 that have to go into it. So, what is the particular  
7 type of trade that the MWBE is, and because there's  
8 not an apprenticeship program for every trade.

9 COUNCIL MEMBER KALLOS: Okay.

10 BRIAN SAMPSON: And if you are a niche  
11 contractor, you can't necessarily get an  
12 apprenticeship program because you don't have the  
13 depth and scope of work that Department of Labor  
14 requires.

15 COUNCIL MEMBER KALLOS: Okay. So, if you  
16 could just share which specific contracts you're not  
17 covering? But it seems like you do offer in a  
18 majority of trades.

19 BRIAN SAMPSON: We do, but again, so we  
20 cover about-- we currently do 17 different trades.  
21 There's 43 different trades that we provide.

22 COUNCIL MEMBER KALLOS: Perfect. So, I  
23 have a different question. So, if I was an MWBE,  
24 this law passes, could I go to a union, multiemployer  
25 training hall and say we'd like to sign the

1  
2 collective bargaining agreement, we'd like to be a  
3 part of this and take full advantage of that?

4 BRIAN SAMPSON: Absolutely, if they  
5 choose to.

6 GARY LABARBERA: Yes, absolutely.

7 COUNCIL MEMBER KALLOS: So, there's--

8 BRIAN SAMPSON: [interposing] But it's a  
9 choice--

10 COUNCIL MEMBER KALLOS: [interposing] Is  
11 there a--

12 BRIAN SAMPSON: by the MWBE firm what they  
13 want to do.

14 COUNCIL MEMBER KALLOS: Do you know of  
15 any to--

16 GARY LABARBERA: [interposing] Okay, so I  
17 don't know. I think you're directing your question  
18 to me.

19 COUNCIL MEMBER KALLOS: Yeah.

20 GARY LABARBERA: Thank you, Council  
21 Member. Yes, and it happens all the time. It  
22 happens all the time in particular as a result of  
23 project labor agreements. We have this all the time,  
24 and the trades will sign a collective bargaining  
25 agreement, and then all of the training, everything

2 that is available will be made available to their  
3 employees.

4 COUNCIL MEMBER KALLOS: And can a-- can a  
5 multiemployer plan, say-- multiemployer training  
6 program say no to somebody based on their status as a  
7 women or a minority--

8 GARY LABARBERA: [interposing] Absolutely  
9 not. If they're willing to sign a collective  
10 bargaining agreement, we cannot and we will not say  
11 no to anyone.

12 COUNCIL MEMBER KALLOS: Okay. So--

13 GARY LABARBERA: [interposing] I might  
14 add, Council Member, that the average cost per hour  
15 for a joint apprentice training funds is 74 cents an  
16 hours. It's less than 30 dollars a week.

17 COUNCIL MEMBER KALLOS: Okay. So, just  
18 turning back to those who are testifying against 1447  
19 and 1432, if you could just-- if REBNY or any others  
20 want to just explain. So, I'm-- in your testimony  
21 you're affirming that it's not possible for MWBE's or  
22 other small contractors to access it, but I have two  
23 panels here saying that it is accessible. So, if you  
24 can help me understand why it's not accessible.

2 CARL HUM: I mean, that's assuming that  
3 they are, that they want to do that partnership. If  
4 they do not want to do that partnership, the cost of  
5 entry are fairly high with regards to the time  
6 commitment and also the resources that are expended  
7 to do that.

8 BRIAN SAMPSON: So, Councilman, if I can  
9 elaborate. When a contractor, when a single-employer  
10 contractor chooses to want to engage in apprenticeship  
11 program, there's a long process that they have to  
12 follow through the Department of Labor. There's an  
13 application they have to fill out. There is a  
14 process that they have to go through. They have to  
15 guarantee that for each apprentice that they would  
16 put in the program, that they would be able to fulfil  
17 the type and scope of work as prescribed by DOL. In  
18 many instances, that's not possible because the  
19 company may not be big enough. They may not have the  
20 depth of contracting experience, because they are a  
21 niche contractor.

22 GARY LABARBERA: Council Member, let me  
23 just try to clarify something. I think it's an  
24 important point to make. The issue of niche  
25 contractors may not be big enough or whatever it may

1 be, look, the reality is, is that if a-- what we're  
2 saying in this bill, what this bill is saying if they  
3 don't want to join ABC and they don't want to sign a  
4 collective bargaining agreement, this bill would  
5 still require that their workers receive training.  
6 That's the whole purpose. That's the problem now.  
7 There is no training for many of these workers  
8 working for these smaller companies, and they're  
9 dying. They're dying, sir. They're dying. You  
10 know, the subcontractor CRV that the man Alton Lewis  
11 worked for on the L+M project, this past few months  
12 ago in Briarwood, those two workers were killed--  
13 CRV, okay? There are contractors that may not want  
14 to be a part of the Association of Building  
15 Contractors or union signatories. They want to work  
16 under the radar. We're saying that those are the  
17 workers that are being killed. The city must mandate  
18 training that is commensurate with apprentice  
19 training so their workers don't die. How anyone can  
20 argue with that? So, I don't know.

22 BRIAN SAMPSON: And we would agree that--

23 COUNCIL MEMBER KALLOS: [interposing]

24 Thank you.

25



2 BRIAN SAMPSON: those are the contractors  
3 that we have to address, absolutely 100 percent  
4 agree.

5 COUNCIL MEMBER KALLOS: Thank you.

6 CHAIRPERSON WILLIAMS: Did anybody have  
7 any disagreement with-- thank you, Gary, for  
8 mentioning what your cost is for training. Do you  
9 have a framework of what the cost is now for you?

10 BRIAN SAMPSON: So, our contractor  
11 members pay for the cost of the apprenticeship  
12 program. Again, it depends on the type of work that  
13 they're doing, how many apprentices they have, and  
14 there's also on-the-job requirements that they have  
15 to take. So, I couldn't give you-- I can give you a  
16 roundabout answer, but it would certainly depend on  
17 the trade.

18 CHAIRPERSON WILLIAMS: And I will say  
19 this, I would imagine if we can get to a point that  
20 we need to to pass this, there will be some  
21 additional cost, but what was just mentioned is  
22 correct. Cost cannot be the preventive thing here.  
23 Cost, you cannot say we cannot pay for this training,  
24 so we're going to allow people to die. So, we've  
25 spent a lot of time talking about union and non-

1 union, but I know that cost will not be the issue  
2 that prevents us from moving forward. While we do  
3 our best to try to keep cost low for any additional  
4 mandate, we will do that. We don't want to hurt  
5 small people-- small business owners who are doing  
6 the right thing, but we can't let that be the  
7 preventive measure of that save-- we need to save  
8 lives, that's what we need to do. So, I want to say  
9 thank you to Council Member Kallos. I do want to say  
10 one thing, and that we try hard to get this panel--  
11 Councilman Greenfield has a question. Councilman  
12 Greenfield for five minutes.

14 COUNCIL MEMBER GREENFIELD: Thank you.  
15 Thank you, Mr. Chairman. Thank you to the panels,  
16 all the panels for coming out today. I guess I'm  
17 just trying to clarify a point. I think the chairman  
18 pointed out something very interesting sort of  
19 happening here at this panel, which sort of hasn't  
20 happened up until this point which is I don't really  
21 see a whole lot of disagreements. I sort of just  
22 want to focus on that point, right? Because up until  
23 now you've had a lot of contentious conversation.  
24 Now we have the reps from across the industry. So  
25 everybody agrees, right, that we need more safety

1 training, right? Is there anybody on the panel-- I'm  
2 going to make this easy. Is there anybody on the  
3 panel who says that we do not need more safety  
4 training? Okay, good. So everyone agrees that we  
5 need more safety training, good. So then, we're not  
6 disagreeing on that. So, we're disagreeing, I guess  
7 just to be clear, on how that safety training should  
8 take place? I just want to clarify. Is that really  
9 the issue? So you're saying the best way to--

11 GARY LABARBERA: [interposing] My  
12 understanding is--

13 COUNCIL MEMBER GREENFIELD: [interposing]  
14 do it is apprenticeship?

15 GARY LABARBERA: that is the issue. What  
16 I-- as I've said in my written testimony, I think  
17 that unfortunately the way the opponents of 1447 have  
18 couched this bill is that it mandates union  
19 apprentice programs, that you must be a union  
20 apprentice. It is not what the bill says. Again, to  
21 be very clear, we believe based on the data that  
22 we've experienced in the last two years that the  
23 benchmark-- I believe it's the standard-- for safety  
24 training is found within the apprentice programs. So

1  
2 when we refer to apprentice programs, we believe  
3 that's a benchmark that we should work--

4 COUNCIL MEMBER GREENFIELD: [interposing]  
5 Sure.

6 GARY LABARBERA: work off of. I'm going  
7 to be very candid. You know, we can't have a  
8 building skills, you know, 10-hour course and then--  
9 where, you know, workers come together and they sit  
10 in a room for 10 hours and they get no instruction  
11 and are handed a 10-hour OSHA card, and that's what  
12 happens. Okay? I'm here to tell the truth, alright?  
13 I don't pull any punches. That doesn't work. It has  
14 to be real. It has to be enforced, and that's how  
15 we're going to save lives.

16 COUNCIL MEMBER GREENFIELD: Okay, but  
17 just to be clear-- that's good. But just to be  
18 clear, you also said that for those contractors you  
19 refer to that, you know, we'll call them the 'x-  
20 factor contractors' because they sort of get lost in  
21 the middle, that you're asking that they have an  
22 equivalent safety training, right?

23 GARY LABARBERA: Yes.  
24  
25

2 COUNCIL MEMBER GREENFIELD: So, just to  
3 be clear, you're not saying that everyone has to go  
4 through the apprenticeship program.

5 GARY LABARBERA: Correct.

6 COUNCIL MEMBER GREENFIELD: You're saying  
7 that there needs to be equivalent safety training.

8 GARY LABARBERA: Correct.

9 COUNCIL MEMBER GREENFIELD: Okay.  
10 Whatever that is. So it may not necessarily-- we  
11 don't have to resolve that right now.

12 GARY LABARBERA: Right.

13 COUNCIL MEMBER GREENFIELD: So to the  
14 folks on the-- from my side, the left side, of the  
15 table over here, so how is that different from your  
16 position? Seems like everyone can agree. We can all  
17 go home right now, Mr. Chairman.

18 [laughter]

19 CARL HUM: I just wanted to make a point,  
20 Councilman Greenfield, is that while, you know, Mr.  
21 LaBarbera makes a point about mandating  
22 apprenticeship programs and the union apprentices,  
23 union sponsorship apprenticeship program. When you  
24 take a look at the figures, I mean, I think that it's  
25 evident that the market with regards to

1  
2 apprenticeship programs in the construction trade is  
3 dominated by union-sponsored apprenticeship programs.  
4 So, you know, the figure that was bandied [sic] about  
5 earlier this panel was something like in regards to  
6 of all the apprenticeship programs that have been  
7 approved by Department of Labor, it's somewhere in  
8 the 40-something odd percentile with regards to union  
9 sponsorship. But if you dig a little deeper, though,  
10 you isolate those trades that have to do with  
11 construction, the number actually increases to 59  
12 percent. Then when you isolate even further with  
13 regards to high-risk construction trades and the  
14 apprenticeship programs are associated with it, which  
15 are 16 trades in total, the penetration rate is  
16 around 88 percent. So, it becomes a de facto  
17 mandate, if you will, in regards--

18 COUNCIL MEMBER GREENFIELD: [interposing]

19 Okay, but Carl, Gary just told me that his goal is  
20 not to get everyone in the apprenticeship program.

21 GARY LABARBERA: Right.

22 COUNCIL MEMBER GREENFIELD: It's to get  
23 the safety, and in theory--

24 CARL HUM: [interposing] Agreed.  
25

2 COUNCIL MEMBER GREENFIELD: Just to be  
3 clear, so we may not be agreeing on this bill per  
4 say, right?

5 CARL HUM: Yeah.

6 COUNCIL MEMBER GREENFIELD: But just on  
7 the concept. I just think it's an important--

8 CARL HUM: [interposing] On the concept.

9 COUNCIL MEMBER GREENFIELD: meeting of  
10 the minds that we have, right? You're okay with that  
11 as well from your perspective if there's a program to  
12 increase safety?

13 BRIAN SAMPSON: Indeed.

14 COUNCIL MEMBER GREENFIELD: Okay.

15 GARY LABARBERA: So, may I?

16 COUNCIL MEMBER GREENFIELD: Yes.

17 GARY LABARBERA: I think Mr. Hum, my  
18 colleague Mr. Hum has just supported our position.  
19 He points out that 88 percent of the more dangerous  
20 or the-- yes, more dangerous trades are union  
21 apprentice programs. Well, there's a reason for that.  
22 It's because of our training. What we're saying is--  
23 we're not saying you have to come into-- that's their  
24 fear. Their fear is that, "Oh, this is going to  
25 mandate that I have to use a contractor that's a

1 union contractor. It doesn't give me the ability to  
2 have, you know, market competition." What we're  
3 saying is that the training of all workers must be  
4 based on our apprentice training as a benchmark,  
5 because it works. That's all we're saying.

7 COUNCIL MEMBER GREENFIELD: But the  
8 safety portion of that.

9 GARY LABARBERA: Safety portion of that.

10 COUNCIL MEMBER GREENFIELD: Okay, so--

11 GARY LABARBERA: [interposing] That's all  
12 we're saying.

13 COUNCIL MEMBER GREENFIELD: Good.

14 GARY LABARBERA: I mean, we can't make  
15 stuff up.

16 COUNCIL MEMBER GREENFIELD: I understand.

17 GARY LABARBERA: I mean, we have  
18 something that's tried and true.

19 COUNCIL MEMBER GREENFIELD: So everything  
20 else is a plus, right? Meaning you want certain  
21 things, and you want certain things, but I think we  
22 do have some general agreement, right, that if we  
23 don't necessarily pass the exact text that we're  
24 discussing here today, but if we come away and we  
25 passed significant safety training, that's a place



1 where we could get broad agreement that everybody  
2 could be roughly in a comparable-- let's call it a  
3 happy space.  
4

5 BRIAN SAMPSON: It's quite possible,  
6 absolutely, yeah.

7 COUNCIL MEMBER GREENFIELD: What's that?

8 BRIAN SAMPSON: Of course, it's quite  
9 possible.

10 COUNCIL MEMBER GREENFIELD: Okay, very  
11 good.

12 CHAIRPERSON WILLIAMS: Thank you.

13 COUNCIL MEMBER GREENFIELD: Mr. Chairman,  
14 can we be excused now?

15 CHAIRPERSON WILLIAMS: [laughter] Well,  
16 actually, if people don't realize there's actually 21  
17 bills here, and we've only spent most of the time on  
18 one of them, but there's actually an entire package  
19 focused on this. I apologize. I inadvertently  
20 skipped Council Member Miller twice.

21 COUNCIL MEMBER MILLER: Uh-huh.

22 CHAIRPERSON WILLIAMS: My deep and  
23 sincerest apologies. So we'll call Council Member  
24 Miller for five minutes.

1  
2 COUNCIL MEMBER MILLER: Exactly. Thank  
3 you, Mr. Chair. Thank you for holding this hearing.  
4 Thank you for everyone who's taken the time to be  
5 here in this inclement weather who was outside and  
6 thinks that this is a really important issue. Also,  
7 to the panel, so as the Chair of the Labor Committee  
8 I'm very much concerned about construction site  
9 safety or the lack thereof and the lack of attention  
10 that has been paid to it outside of those within the  
11 industry. So, while I applaud you for being here  
12 today and really coming to the table to address this  
13 issue, I am disheartened to think that absence of  
14 1447 in this comprehensive package of legislation  
15 being put forth, we wouldn't be addressing this  
16 issue, that we wouldn't be addressing construction  
17 site safety and certainly wouldn't-- we had not  
18 addressed the more than two dozen deaths that have  
19 occurred within industry. Again, as the Chair of  
20 Labor, you know, and one that I think that this  
21 Council has demonstrated time and time again that we  
22 value workers throughout the city, but we cannot  
23 cherry-pick which industry we want to support, and it  
24 has been a travesty. So, while we have every-- all  
25 the players at the panel there, I would like to know-

1  
2 - there was a mention earlier about the lack of  
3 enforcement. And so while there is a lack of  
4 enforcement and each of you represent organizations  
5 that have tremendous resources and large numbers,  
6 what have you-- what response have you done in  
7 response to these deaths and these accidents that  
8 have occurred? And has any occurred specifically on  
9 sites that you represent?

10 LOUIS COLETTI: Mr. Councilman--

11 COUNCIL MEMBER MILLER: [interposing] For  
12 anyone.

13 LOUIS COLETTI: Lou Coletti from the  
14 Building Trades Employers' Association. Fortunately,  
15 for us, because of a lot of the training we're  
16 talking about, 90 percent of the deaths are not on  
17 the sites, on the jobs that my members do, and my  
18 members do about 30 billion dollars' worth of work a  
19 year. What we do is almost self-enforcement. We  
20 have a monthly meeting, and we're fortunate to have  
21 the cooperation of the Buildings Department, Fire  
22 Department and OSHA, and many of my contractors, and  
23 we go over on a monthly basis what trends are they  
24 seeing, who is not playing by the rules in my  
25 membership, and we have conversations with them. I

1  
2 can send you at a later time the statistics that bear  
3 out the safety record of the BTA contractors, but  
4 we're extremely vigilant because we don't just leave  
5 it to the regulatory agencies. We enforce it upon  
6 ourselves.

7 COUNCIL MEMBER MILLER: Anyone else want  
8 to add anything to that?

9 GREGORY SIZEMORE: I can speak to it,  
10 Councilman. Just from an association-wide  
11 standpoint, Associated Builders and Contractors, we  
12 have similar to that. We have members from our  
13 contractor community that make up our National Safety  
14 Committee where they get together and define trends  
15 and/or best practices that we can then branch out  
16 into our various chapters that are out there, and  
17 then each chapter would have a safety committee  
18 established as well that's part of that local make-  
19 up. So,--

20 COUNCIL MEMBER MILLER: [interposing] And  
21 specifically, how is that translating to actions on--  
22 in the New York City sites there?

23 BRIAN SAMPSON: So, Councilman, I can  
24 share with you that earlier this month, we kicked off  
25 a four part series about creating a safety culture

1 from the top down because like you we were frustrated  
2 and unhappy with what was going on in the industry.  
3 So that first series kicked off. There will now be a  
4 series of three safety academies where we bring in  
5 the presidents, CEO's and owners of our companies and  
6 we'll bring in national experts who will talk to them  
7 about what is going on across the country and across  
8 the globe. We'll give them best practices so that we  
9 can start to drive a safety culture from the top  
10 down, because if the top believes in it, it will work  
11 its way through the organization. So we will work  
12 from the top down, and we will train from the bottom  
13 up, and where they meet we will have contractors that  
14 meet that world-class safety standard that you want.

15 COUNCIL MEMBER MILLER: Okay, thank you.  
16 You gave me a lot to chew on there, but I have very  
17 little time to chew. So, there was another mention  
18 of workers who had been historically left out of the  
19 process because of the fact that they had maybe been  
20 working in the industry and they may have not  
21 received some form of valid training and/or there was  
22 no way to validate their workforce history. Is that-  
23 - someone testified to that effect? I don't want to  
24 call them out, but I know I heard that.  
25

1                   BRIAN SAMPSON: I'm not sure if--

2                   [off mic]

3                   COUNCIL MEMBER MILLER: And how does that  
4 happen? How did-- you specifically aid that there  
5 were folks that were not qualified because in order  
6 to qualify you needed certain amount of hours and it  
7 had not been documented. So, am I to understand that  
8 people are working on these sites and their work that  
9 was performed was not documented, and therefore,  
10 they're unable to move forward because of that?

11                   GREGORY SIZEMORE: If I can speak to that  
12 just a moment. There was a comment in my statement  
13 with regard to the industrial community along the  
14 gulf coast as an example. Their apprenticeship  
15 models don't necessarily come into play, and it's  
16 more of a craft-based model. It's still very  
17 comprehensive and robust, but in that example, if--  
18 as it was stated prior to us coming to agreement, if  
19 it was just purely an apprenticeship model or bust, a  
20 lot of those contractor employees couldn't work in  
21 that.

22                   COUNCIL MEMBER MILLER: So that's not  
23 something that we see here in the City?  
24

2 CHAIRPERSON WILLIAMS: Thank you, Council  
3 Member. But I do want to say, it wasn't-- it was  
4 other-- there was some other folks that mentioned--

5 JOLIE MILSTEIN: So, the comment was  
6 really regarding the language that's stated in the  
7 bill that doesn't recognize experience and training  
8 on the job as qualifying you as competent. So, that--  
9 - if you're referring to my testimony--

10 CHAIRPERSON WILLIAMS: [interposing] Uh-  
11 hm.

12 JOLIE MILSTEIN: I mentioned that people  
13 who have a long history of safety on a construction  
14 site in the current language as drafted bill 1447.

15 COUNCIL MEMBER MILLER: So you're saying  
16 that they did not have specific training that was  
17 consistent with the language there.

18 JOLIE MILSTEIN: What I'm saying is given  
19 their track record, their experience, their longevity  
20 at their trade, and their site safety record, they  
21 still, given that they may be at the top of their  
22 trade and have a perfect safety record would still  
23 not qualify under 1447.

24 COUNCIL MEMBER MILLER: Okay.  
25

1  
2 JOLIE MILSTEIN: So, that has to be  
3 considered in any language allowing people who have a  
4 perfect safety record and a high level of skill on  
5 their job to be refreshed in their safety training,  
6 but not have to go through an apprenticeship program.

7 COUNCIL MEMBER MILLER: Okay. So, I'm  
8 going to use a really bad gold analogy, alright? And  
9 having that bad swing or never had taken lessons and  
10 playing for 20 years and never getting better.

11 GARY LABARBERA: Right.

12 COUNCIL MEMBER MILLER: because you need  
13 training, and I don't think that we could substitute  
14 training for just having a bad swing. Swing is going  
15 to be bad forever.

16 JOLIE MILSTEIN: I just--

17 CHAIRPERSON WILLIAMS: [interposing] Thank  
18 you, Council Member.

19 JOLIE MILSTEIN: I don't want it  
20 misrepresented [sic]--

21 GARY LABARBERA: [interposing] Council  
22 Member, I think it's--

23 JOLIE MILSTEIN: We're-- no one  
24 suggesting that people don't need training. I think



1  
2 we all agree on the panel that more training is  
3 needed.

4 GARY LABARBERA: One comment.

5 CHAIRPERSON WILLIAMS: Okay.

6 GARY LABARBERA: I want to be respectful  
7 of your time, but with all due respect, I think it's  
8 an admission that they're concerned about 10,000  
9 workers not qualifying is an admission that their  
10 workers are not trained.

11 BRIAN SAMPSON: I-- but--

12 CHAIRPERSON WILLIAMS: [interposing] Go  
13 ahead. Go ahead.

14 BRIAN SAMPSON: As Chair of the Labor  
15 Committee, I would also caution that during a  
16 previous conversation there was, "Do you need a high  
17 school diploma, GED or equivalent to qualify for a  
18 New York State apprenticeship program?" And the  
19 answer is yes, you do. So, before we walk down this  
20 path, we need to make sure that that's an  
21 understanding that there could be a large segment of  
22 our workforce, both current and future that may not  
23 qualify for an apprenticeship program.

24 CHAIRPERSON WILLIAMS: I'm going to walk  
25 away with the beautifulness that we spoke about

1 before. I think-- but I do think the issues that are  
2 coming up now will be discussed as we're moving  
3 forward. I will say in one little nudge, so both  
4 have talked about the diversity that employed by the  
5 workers. That's a very big issue for us. We tried  
6 the particular panel that represented lots of people.  
7 I hope as we move forward the decision makers in  
8 these areas would also reflect the diversity that  
9 we're trying to do as well. Thank you.

11 LOUIS COLETTI: Mr. Chairman, may I say  
12 oen more comment, and the Councilman's-- I mean, as  
13 much as we both sit here and say we all have programs  
14 where we assess our self, that does not underestimate  
15 the need to have a strong governmental regulatory  
16 body, because there will be contractors that despite  
17 our best efforts that are just not going to play by  
18 the rules, and the perfect example of this is why is  
19 high rise construction safe in New York City?  
20 Because our workers are trained, because our  
21 corporate culture has it, but because we have a best  
22 squad, the Department of Buildings constantly comes  
23 to our sites. What we don't have in this City is a  
24 worst squad, and that's 10 stories and below where  
25 everybody's getting killed because they don't have

1  
2 the people to visit. And I've said this to the  
3 Commissioner, I'd say this to the Council, doing  
4 sweeps every three months doesn't make it anymore.  
5 There's too many people dying on those job sites. So  
6 you do need a strong regulatory--

7 CHAIRPERSON WILLIAMS: [interposing] Sure.

8 LOUIS COLETTI: component of it to  
9 complete the steps of the rule.

10 CHAIRPERSON WILLIAMS: Sure. Just to  
11 clarify my-- I'm going to drive home the point. So  
12 when we have a panel like this, my hope is that  
13 diversity will reflect the people--

14 GARY LABARBERA: [interposing] It will.

15 CHAIRPERSON WILLIAMS: who are working  
16 for you. Also, I think we've all agreed that we're  
17 going to come back together and try to hash this out.  
18 So, I think it was good that we have that on the  
19 record.

20 GARY LABARBERA: Yes.

21 CHAIRPERSON WILLIAMS: Yes?

22 GARY LABARBERA: Yes, absolutely.

23 CHAIRPERSON WILLIAMS: Okay, thank you  
24 very much for your testimony.

2 GARY LABARBERA: Thank you, Councilman  
3 and the Committee. Thank you very much.

4 CHAIRPERSON WILLIAMS: Thank you. The  
5 next panel: Martin Abe Allen, Reginald Bolt [sp?], I  
6 think Mr. Carello [sp?] left, Dewanna Williams [sp?],  
7 Charlene Nimmons. The next panel after this panel I  
8 just called will be Selina Scamari [sp?], Ramona  
9 Sandoval [sp?], Davon Lomax, Thomas Gordon, Allen  
10 Wright [sp?], and Richard Streeter [sp?]. We have  
11 Martin Allen, Reginal Bolt, Ms. Nimmons, and Dewanna  
12 Williams. I think that's-- Dewanna Williams? Can  
13 everybody please raise their right hand? Do you  
14 affirm to tell the truth, the whole truth and nothing  
15 but the truth in your testimony before this committee  
16 and to respond honestly to Council Member questions?

17 UNIDENTIFIED: Yes.

18 UNIDENTIFIED: I do.

19 CHAIRPERSON WILLIAMS: You each have two  
20 minutes for your testimony. You can begin in the  
21 order of your preference.

22 CHARLENE NIMMONS: Good afternoon. My  
23 name is Charlene Nimmons. I'm a resident of Wyckoff  
24 Gardens in Brooklyn and a former President of Wyckoff  
25 Gardens Tenant Association. First, I would like to

1 submit-- oh, I did, sorry-- submit the record, a  
2 letter with signatures of more than 60 New York City  
3 Housing Authority Tenant Association Presidents  
4 representing over 100,000 residents. I am also a  
5 founding member of People for Political and Economic  
6 Empowerment, a community-based organization that  
7 works with underserved and disadvantaged individuals  
8 including NYCHA residents, the homeless and formerly  
9 incarcerated men and women. We assist with referrals  
10 for GED programs and offer safety training for 10-  
11 hour OSHA, four-hour scaffolding and flagging classes  
12 and many others, 30-hour OSHA classes as well, 16  
13 hours suspending scaffolding-- I won't keep going  
14 with the list. I am also a founder and Executive  
15 Director of Public Housing Communities Incorporated,  
16 PHC, a nonprofit organization established with other  
17 New York City Housing Authority resident leaders in  
18 2003. PHC supports the economic development and  
19 individual's self-sufficiency of residents and  
20 businesses within and around public housing  
21 neighborhoods. We offer OSHA training for  
22 construction jobs and have certified approximately  
23 3,500 NYCHA and community residents. In 2004, PHC was  
24 instrumental in negotiating the Community Benefits  
25

1 Agreement for the Atlanta Yards Project in downtown  
2 Brooklyn, and we continue to coordinate and manage  
3 the public housing component of that CVA. I am here  
4 today to urge you to withdraw your support for Intro  
5 1447 for two primary reasons. Number one, the  
6 proposed bill is not about worker safety on  
7 construction sites. Nothing about it sets forth  
8 regulations for ensuring construction workers are  
9 adequately trained to meet the requirements of the  
10 federal occupational safety and health  
11 Administration. Number two, Intro. 1447 is written  
12 to serve only one community. The construction union  
13 apprenticeships are virtually all run by construction  
14 unions that have a history of racial discrimination  
15 and lack of diversity of New York's non-union  
16 contractors. The Building and Construction Trades  
17 has a proven record of failing to meet requirements  
18 to hire a significant number of public housing  
19 residents. The City and the unions have failed to  
20 rectify the problem.

22 CHAIRPERSON WILLIAMS: Going to have to  
23 ask you to give a closing sentence.

24 CHARLENE NIMMONS: Okay. It's really  
25 just a little-- just--

2 CHAIRPERSON WILLIAMS: [interposing] If  
3 you can just-- just close it out please.

4 CHARLENE NIMMONS: Okay. Adding an  
5 apprenticeship mandate to a legislation would create  
6 yet another barrier to employment for people of color  
7 living in NYCHA communities. A government mandate  
8 requiring apprenticeships would exclude many black  
9 and Hispanic public housing residents from  
10 construction jobs, particularly those created by  
11 NYCHA, ongoing capital improvement projects. A  
12 construction apprenticeship mandate does not align  
13 with a commitment of racial equity-- equality, sorry,  
14 opportunity for all. Furthermore, all  
15 apprenticeships may teach a skill. They do not teach  
16 or equate the adequate safety training--

17 CHAIRPERSON WILLIAMS: [interposing]  
18 Thank you.

19 CHARLENE NIMMONS: as it stands.

20 CHAIRPERSON WILLIAMS: Thank you very  
21 much.

22 CHARLENE NIMMONS: Okay.

23 MARTIN ALLEN: I would like to thank the  
24 panel for allowing us to give our side of the story  
25 about safety, number one. We're all about safety.

1 My name is Martin Allen. I represent People for  
2 Political and Economic Empowerment. As you heard the  
3 young lady to my left says, we also-- we work with  
4 the inner city people, you understand? I'm also a  
5 ninth-- a Local 79 worker, right? I have a union  
6 book in my pocket, and when the union sits up here  
7 and say that safety is so great on their jobs, I've  
8 worked on them jobs. And when they say that all this  
9 is so safe, you allowed a man to walk right out of  
10 the penitentiary on to a union job without an OSHA  
11 card, and that's me, and you could check the records  
12 to prove it. You say tell the truth? Tell the  
13 truth. That's my union book right here. I'm Local  
14 79, but I also-- it's a lot of-- I support the union  
15 in one sense, but I hate for when people get up here  
16 and lie like you're perfect. You want control of  
17 everything. And what about the people that I grew up  
18 with, that I live with, that doesn't have the  
19 opportunity to get into apprenticeship programs, you  
20 understand? I've been sending people to the  
21 apprenticeship programs since I've been out of the  
22 prison, you understand? How many of my people did  
23 you accept out of the thousands that I sent? Only  
24 37 of them, and sent over 10,000 people to the union  
25



1  
2 to try to get them, all locals when they open they  
3 books. You call me and tell me that your book is  
4 open, but when I send my people or when they get on  
5 the phone because you use the technology now,  
6 everything is full at eight o'clock in the morning.  
7 So if you're opening up your books at 8:00 a.m. on  
8 Monday, why is all of them always full? Because  
9 you're using people outside this city. You're  
10 looking out for your friends and your cousins and  
11 your buddies. If y'all got a problem with what I'  
12 saying, you can take this book and do what you have  
13 to do with it, but you're lying, and you're not  
14 looking out for the people. yeah, you bring some  
15 people of color in here and it's all well and good,  
16 and I'm happy that y'all got a union job just like  
17 me, but what is it doing for us when they put you on  
18 a job for two or three days, but they put their  
19 cousin or their nephew or their best friends on a job  
20 for five years where they'd be able to buy a house,  
21 open up another bloods on the side? That's not  
22 happening to the people inside the City of New York.

23 CHAIRPERSON WILLIAMS: Going to ask you  
24 to give a--

25

2 MARTIN ALLEN: And all you workers that's  
3 right there, you know I'm telling the truth.

4 CHAIRPERSON WILLIAMS: Going to have to  
5 ask you to give a closing sentence. Do you have a  
6 closing sentence?

7 MARTIN ALLEN: Yes, I'm closing in one  
8 second. Half of the workers that you see outside  
9 marching up and down, they got paid to be here.

10 [crowd noise]

11 CHAIRPERSON WILLIAMS: Alright, alright.

12 MARTIN ALLEN: Yeah, you did.

13 CHAIRPERSON WILLIAMS: Hold on one  
14 second. We've been doing well.

15 MARTIN ALLEN: Because we all get paid to  
16 show up on any--

17 CHAIRPERSON WILLIAMS: [interposing]  
18 We're doing this and this.

19 MARTIN ALLEN: for any rally in New York.

20 CHAIRPERSON WILLIAMS: Mr. Allen, I got  
21 to ask you to give a closing sentence if you have  
22 one.

23 MARTIN ALLEN: Okay. My closing sentence  
24 is this, is that I'm asking everybody that speak here  
25 and to the committee, listen to the facts, you

1  
2 understand? Remember that the people that you  
3 represent is right here in this city, and remember  
4 that a lot of these people, man, got to feed their  
5 families just like everybody else.

6 CHAIRPERSON WILLIAMS: Thank you.

7 MARTIN ALLEN: Thank you.

8 REGINALD BOLT: Good afternoon. My name  
9 is Reginald--

10 [off mic comments]

11 REGINALD BOLT: Good afternoon. My name  
12 is Reginald Bolt. I'm also a union worker, but I'm  
13 also from PPEE. Initially, I also did a bid, and I  
14 came home, and I initially got jobs from PPEE as a  
15 non-union worker. It took me two years to get my  
16 book, and I actually had to go through it the old  
17 fashioned way. That means rough it off, go on a site  
18 with certain individuals and sit on that site until  
19 they was willing to give me my book. Now, by having  
20 working non-union, I had the skills to work with damn  
21 near any trade, because I took the time to learn the  
22 necessary things that was needed to work with every  
23 trade. In the same breath, my OSHA card, my flag-in,  
24 I got it from PPEE. We have the ability to teach  
25 anything that any union is teaching, and we have

1 certified workers for every one of them positions.

2 You understand what I'm saying? A lot of times these  
3 guys is telling, they teaching these trades, they  
4 cheating all the safety. They not. You understand?  
5 They teach you OSHA. They give you the scaffold  
6 class, but it's not in-depth. You understand what  
7 I'm saying? It's a four-hour class. Ninety percent  
8 of the time we drinking coffee and we breaking.

9 UNIDENTIFIED: Telling the truth.

10 REGINALD BOLT: You understand what I'm  
11 saying? The other times, they postpone the class or  
12 whatever. Now, I'm not saying that we don't need  
13 safety. That's mandatory, but there's just as much--  
14 it's just as much unsafe things happen on union jobs  
15 and non-union jobs. I got pictures to show it. Last  
16 job I was on I took pictures of a site on the various  
17 things that was taken [sic] that was-- and the  
18 pictures are sitting right here. And I told it to  
19 the shop steward. I explained it to the foreman.  
20 Two days later they brought a cat in talking about  
21 he's the site safety manager. When I question him,  
22 he telling me he used to be a foreman at another job,  
23 and I asked him what does that have to do with site  
24 safety. I took some more pictures. The next day I  
25

1  
2 got laid off. You understand what I'm saying. I was  
3 lied [sic] up with a bunch of apprentices. I'm a  
4 journeyman, and I know-- I know my field. Anybody in  
5 here that know me, they know I know my work and I  
6 take care of my workers. I've been a foreman. I've  
7 been a shop steward. I've been the general foreman  
8 for some of the major corporations in the industry  
9 from Skavoni [sp?] to Urban, and basically like I  
10 said, the thing is about-- we not really concerned  
11 about how it's done. We just want the safety done.  
12 We want it done where our community gets it. It's  
13 easy for their communities. We go to most of the  
14 union-- you go to most of the construction sites  
15 right now, and you see, you add-- like the brother  
16 said, you card them, they're not from New York.

17 CHAIRPERSON WILLIAMS: Thank you.

18 REGINALD BOLT: From New Jersey,  
19 Connecticut, and guess what, where's that tax money  
20 going? It's not coming back to our communities.

21 CHAIRPERSON WILLIAMS: Thank you. The  
22 Sergeant at Arms is going to give you a card. You  
23 said you had some pictures. We'd love to see them.  
24 So you can-- that email goes to me. I'd love to see  
25 them if you have pictures that you want to share.

1  
2 One, I want to say thank you very much all of you for  
3 sharing your testimony. We want to make sure your  
4 voice is heard, and we want to make sure you have  
5 access to employment, and so it's very, very critical  
6 that we hear your voice and your experiences. So, I  
7 want to say thank you. I do want to-- I know the  
8 opposition has been based on what you heard about the  
9 bill previously.

10 REGINALD BOLT: I've read it.

11 CHAIRPERSON WILLIAMS: I think from what  
12 we heard the really-- the push is not to mandate an  
13 apprenticeship. It is to get mandated training of  
14 which we have to figure out what that is. Is there  
15 anything that you heard that changes any part of your  
16 testimony in regards to 1447?

17 REGINALD BOLT: No, not really because  
18 honestly the first day I ever worked on a  
19 construction site I ran into a dude, he had 17 years  
20 on the industry. I was a foreman, job right there on  
21 the other side of-- what's that-- South Ferry when  
22 they was doing the rotunda, 731 cat. I said, "Yo,  
23 I'm a foreman. I don't really know what to do." The  
24 first thing he told me, "You going to run across cats  
25 that said they've been in the industry for five

1 years, 15 years, 18 years. The key to it is, if they  
2 learned everything wrong the very first year, they  
3 teaching everybody that they're teaching wrong." For  
4 the 15 and 20 years they're doing everything wrong.

5 CHAIRPERSON WILLIAMS: Yes, that's why  
6 for clarity we're talking about training not  
7 necessarily experience. It could be experience, but  
8 we're talking about--

9 REGINALD BOLT: [interposing] But  
10 experience is more necess-- I mean, the training is  
11 needed, but the experience, being on the site and  
12 learning is really going to teach the experience.

13 CHAIRPERSON WILLIAMS: Sure.

14 REGINALD BOLT: Because as you see--

15 CHAIRPERSON WILLIAMS: [interposing] I  
16 don't disagree.

17 REGINALD BOLT: Huh?

18 CHAIRPERSON WILLIAMS: I don't disagree.  
19 Mr. Allen and Ms. Nimmons?

20 MARTIN ALLEN: Basically, what I want--  
21 [off mic] Basically, what I want to add to that, see  
22 they say it's not about apprenticeship programs.  
23 Then why is it in the bill? It's in the bill because  
24 want to make money. They want to control things.  
25

1  
2 You understand? I'm saying safety is a must, and  
3 safety should be taught on every level, you  
4 understand? But what does that have to do with  
5 apprenticeship? Apprenticeship is when you learn the  
6 trade. Safety is a complete different animal. You  
7 always got to look for human error, and that's what  
8 causes accident and death on jobs. Now, of course  
9 these low jobs, the jobs that they speaking about,  
10 and that's a true fact. These jobs that's two and  
11 three stories, they take a lot of risks, and guys is  
12 not going to stop taking the risk because they got to  
13 feed their family, you understand? But you shouldn't  
14 penalize them. You should penalize the contractor or  
15 the owner of that property that's allowing that to  
16 happen. They should not only be fined. They should  
17 be thrown out the industry, and that's the real deal.  
18 Nobody--

19 CHAIRPERSON WILLIAMS: [interposing] So,  
20 just for clarity, because it's my bill and I've  
21 repeatedly said I'm not going to mandate just  
22 apprenticeship. My understanding, by-- and I keep  
23 repeating. This bill is introduced. We have some  
24 changes that have to be made. My understanding is  
25 apprenticeship there in particular as referenced on



1 the safety portion of it, not on the skills training,  
2 but I just wanted to clarify that.

3  
4 MARTIN ALLEN: Just let me add one more  
5 thing.

6 CHAIRPERSON WILLIAMS: Sure.

7 MARTIN ALLEN: Everybody act like non-  
8 union don't teach training. I work with Homeland  
9 Safety when I first came out of prison. They taught  
10 over 6,000 people, and you could ask the politicians  
11 in your district, in Coney Island, Sheepshead Bay,  
12 Brighton, Bedford Stuyvesant, Brownsville, East New  
13 York. We taught them classes for free. I got these  
14 people to teach them for free. OSHA, scaffold--

15 REGINALD BOLT: [interposing] Flagging.

16 MARTIN ALLEN: flagging, Hazwa [sic],  
17 lead, mold, confined space, all these classes are  
18 done for free in the program.

19 REGINALD BOLT: [interposing] By  
20 certified instructors.

21 MARTIN ALLEN: We didn't even charge  
22 them.

23 CHAIRPERSON WILLIAMS: Thank you.

24 MARTIN ALLEN: You understand?  
25

2 CHAIRPERSON WILLIAMS: Thank you very  
3 much. We have questions from two Council Members.  
4 We'll do three minutes each. Council Member Kallos  
5 and Council Member Mendez.

6 CHARLENE NIMMONS: Can I just--

7 CHAIRPERSON WILLIAMS: [interposing] I'm  
8 sorry, Council Member Kallos and Council Member  
9 Menchaca.

10 CHARLENE NIMMONS: I just wanted to  
11 answer what you-- it's clear that safety needs to  
12 happen across the board, but it is real imperative  
13 that the employers also play a role in making sure  
14 that that site is safe. And so it has to be a  
15 balance. That's what I would like to see in that  
16 bill, that it's not just about the employee, but the  
17 employer has to have a responsibility, and that could  
18 be, you know, monthly meetings that, you know, that  
19 could be discussed on how that's done, but it has to  
20 be a balance between management and employee.

21 CHAIRPERSON WILLIAMS: Thank you.  
22 Council Member Kallos, Council Member Menchaca, three  
23 minutes.

24 COUNCIL MEMBER KALLOS: I want to thank  
25 the three of you for coming out and sitting through a

1 very long hearing, whatever time you had to take off  
2 work or not. Just thank you for that, and thank you  
3 to everyone who sacrificed today, because on the  
4 first panel I actually asked who was here by  
5 compensation and who wasn't, and everyone-- a lot of  
6 people were here voluntarily. Some folks were asked  
7 by their employer. Wouldn't comment further than  
8 that, but I think a lot of the folks are here  
9 voluntarily, and I just want to thank you. And I  
10 think what you've brought up are serious concerns,  
11 and a little bit of the things that we hear around  
12 it. So, just big piece because I'm a labor lawyer  
13 and I believe in this stuff. Apprenticeship and  
14 getting folks into unions is regulated by the New  
15 York State Department of Labor. You can go on right  
16 now to their website and sign up for their job bank,  
17 and that's where you should send folks, and the fact  
18 that 38 people you know got jobs is huge, because  
19 right--

20 [applause]

21 COUNCIL MEMBER KALLOS: No, no, it's  
22 okay. Because right now, we have-- so boiler makers  
23 has an opening. Brick layers having an opening.  
24  
25

1  
2 Carpenters have an opening, but they don't have  
3 10,000 openings. They have 10 or 40.

4 CHARLENE NIMMONS: So that's--

5 COUNCIL MEMBER KALLOS: [interposing] And  
6 if you send 10,000 people at 40 slots, then a lot of  
7 folks are going to feel upset about it, but I promise  
8 you, it's regulated by the DOL, and you're doing the  
9 right thing, but we-- part of this legislation is  
10 employers would now start to offer training. I think  
11 you said it best yourself as you were talking about  
12 folks who are working on some of those projects where  
13 they have to choose between money and safety, and we  
14 don't want anyone to have to choose between that. We  
15 want people to just have a choice between do I want  
16 to work on a site that offers training and safety, or  
17 do I want to work on a site that invests in my career  
18 and will help me get additional certifications that  
19 will help me further along. And I see the gentleman  
20 nodding next to you, so I think that's what we're  
21 trying to fight for. And then I think last but  
22 certainly not least, there are certain paths into  
23 unions through federal contracts, Section Three  
24 through NYCHA, and I have found in my district at  
25 Stanley Isaacs and working with Ms. Berg [sp?] and

1  
2 the President there and trying to get tenants into  
3 Reese and from Reese onto jobs on sites, that that  
4 process is broken, and happy to work with you and the  
5 NYCHA Chair to get that working, but I think if  
6 you're able to come with photos, as you have sir, or  
7 specific examples, we'll work with you to make sure  
8 that the DOL is following the proper rules, and if  
9 folks feel like somebody-- that there's nepotism,  
10 you've got the person here who is after nepotism like  
11 you wouldn't believe. So, just happy to work with  
12 you.

13 MARTIN ALLEN: Alright, but let me say  
14 this to you. I'm saying this because they're using  
15 apprenticeship as a backbone. To apprenticeship  
16 program, when you take a sh--

17 REGINALD BOLT: [interposing] Journeyman.

18 MARTIN ALLEN: a journeyman, and you put  
19 him on a job and you give him five apprentices, you  
20 understand? Of course, you're going to have a  
21 problem. And but you're putting-- you're putting the  
22 other journeyman out of work, because they sitting  
23 home. And you taking apprentices to save cost by  
24 putting them on the job, because you only have to pay  
25 them 17 and 18 dollars. Where the journeyman, you

1 got to pay anywhere from 35 to 40 dollars an hour.  
2 That's just-- you talk about safety, that's unsafe,  
3 to me. You're putting the burden on journeyman, and  
4 you're putting five apprentices. It's just like when  
5 he's on the job right here in Staten Island, you've  
6 got about 25 apprentices and maybe about four or five  
7 journeyman. You're telling me that's safe? It's  
8 unsafe. That's why that union worker that said here  
9 this morning, told you he was the only union worker  
10 on the job and he working with non-union workers, but  
11 he's the only one that fell the hole.  
12

13 COUNCIL MEMBER KALLOS: And I--

14 MARTIN ALLEN: [interposing] How safe can  
15 that be?

16 COUNCIL MEMBER KALLOS: So, I think  
17 that's exactly what we're hoping to address, which is  
18 making sure that folks with-- that everyone gets  
19 training so no one's the one person--

20 REGINALD BOLT: [interposing] I know the--

21 CHAIRPERSON WILLIAMS: [interposing] Thank  
22 you, Council Member.

23 COUNCIL MEMBER KALLOS: Thank you.

24 CHAIRPERSON WILLIAMS: We have Council  
25 Member Menchaca.

1                   REGINALD BOLT: How many are getting B  
2  
3 scale [sic]?

4                   SERGEANT AT ARMS: Quiet on the floor,  
5 quiet.

6                   REGINALD BOLT: How many of y'all getting  
7 B scale? I'm not.

8                   COUNCIL MEMBER MENCHACA: Thank you all  
9 for coming today.

10                  REGINALD BOLT: [inaudible]

11                  COUNCIL MEMBER MENCHACA: And I also want  
12 to say thank you for taking time off of your day,  
13 your workday. So, I have questions for each of you,  
14 and I only have three minutes. So, Ms. Nimmons,  
15 we'll start with you. You've done a lot of work in  
16 the community training. Tell me, who is ultimately  
17 responsible for training our workers, and  
18 specifically our NYCHA residents? Who's responsible  
19 for doing that, and who has been doing that up until  
20 this point?

21                  CHARLENE NIMMONS: So, we've been  
22 fortunate through tenants' participation dollars.  
23 We've been able to hire consultants to come--

24                  COUNCIL MEMBER MENCHACA: [interposing]  
25 Tenant participation dollars, okay.

2 CHARLENE NIMMONS: That comes from HUD,  
3 right. And that money has been used to hire  
4 consultants, and if you know anything about the New  
5 York City Housing Authority, you know that we have to  
6 submit their resume, their credentials, their  
7 training credentials. So-- and their insurance. So,  
8 it's not just anybody coming into our classrooms and  
9 training. They have to be approved by the New York  
10 City Housing Authority before they could enter a  
11 classroom with us.

12 COUNCIL MEMBER MENCHACA: So, this is a  
13 rigorous process.

14 CHARLENE NIMMONS: Yes.

15 COUNCIL MEMBER MENCHACA: And in this  
16 rigorous process there's a-- people are talking a lot  
17 about OSHA-10 being a base, and so tell me--

18 CHARLENE NIMMONS: [interposing] So, we--

19 COUNCIL MEMBER MENCHACA: is OSHA-10  
20 enough?

21 CHARLENE NIMMONS: In 2009, that was  
22 like-- it became the mandatory, right, that you had  
23 to have a OSHA-10. That's when we started hearing,  
24 you know, you couldn't go onto a construction site  
25 without it, especially in public housing. I'm not



1  
2 even going to speak for the general population, but  
3 it was-- they made it mandatory. But we saw that we  
4 should not just go with the basic, and so we started  
5 doing more than OSHA-10. So we do OSHA-30. We have  
6 the scaffolding, the four-hour user scaffolding, and  
7 then based on the fact that there's roof work, we're  
8 now getting ready to go into the suspended  
9 scaffolding. We also know that they need the 32-hour  
10 scaffolding. So, to me, it's real important for the  
11 not so much an apprenticeship program. And let me  
12 just say, nobody is sitting here saying that we're  
13 not pro-union or that we don't want union. That's not  
14 the case here. We're not here to be argumentative  
15 against. We're just saying that this particular  
16 bill, it's not just about safety, and we're asking  
17 that it be safety be considered across the board.

18 COUNCIL MEMBER MENCHACA: Got it.

19 CHARLENE NIMMONS: And instead of having  
20 a minimal--

21 COUNCIL MEMBER MENCHACA: [interposing] I  
22 hear you. So--

23 CHARLENE NIMMONS: [interposing] I'm  
24 sorry.

25

2 COUNCIL MEMBER MENCHACA: I have a few  
3 last questions, but point made. Mr. Martin, you  
4 mentioned fines, or it was mentioned that fines were  
5 really a way to get to it. Tell me a little bit about  
6 how companies right now are getting around the fines  
7 that are being levied to them when we're attacking  
8 both-- not attacking, but we're keeping both the  
9 employer and the worker accountable. Is there a way  
10 that you can kind of-- because a lot of these bills  
11 actually, including one of my other bills, is really  
12 asking for doubling the fines. Can you give us a  
13 sense about companies going around that?

14 MARTIN ALLEN: Yes. [off mic]

15 COUNCIL MEMBER MENCHACA: Either one, I  
16 don't know. Whoever has a story to tell?

17 REGINALD BOLT: Well, I know--

18 COUNCIL MEMBER MENCHACA: [interposing]  
19 We're trying to get the sense about the culture  
20 that's happening.

21 REGINALD BOLT: Well, at one point you  
22 could smoke cigarettes. Not, you know, you could  
23 smoke cigarettes on the site. When initially OSHA  
24 and DOB decided that that was inappropriate to do,  
25 they levied the fines. The fines were supposed to be

1  
2 against the person that smoked and the company.  
3 Initially [sic], they wasn't rough on it, so they  
4 didn't really-- but what happens was the first fine--  
5 I'm hypothetically with the numbers. The first fine  
6 they would charge catch them, they would give them a  
7 warning. The second one might be 2,500 for the  
8 worker, 2,500 for the company. The second fine would  
9 be the second time they caught, would be 5,000 and so  
10 on and so forth. But a lot of times after the fine  
11 goes in at certain times they might stop writing it  
12 up. You understand what I'm saying? They might stop  
13 submitting, stop letting it be known and just pat on  
14 the back. You know what I'm saying? But if the  
15 worker-- and that goes safety across the board. IF  
16 the money's coming out the worker's pocket, he's  
17 going to be more conscious about what he's doing. If  
18 the money's coming out the company's pocket at the  
19 same time, he's going to make sure the worker's  
20 conscious of what he's doing. You understand what  
21 I'm saying? And that's basically--

22 MARTIN ALLEN: [interposing] But it  
23 should be more coming out of the company than the  
24 worker, because the company is the one making all the  
25 money. The worker is there trying to protect his

1 family, you understand? And the worker, I mean the  
2 company basically gets around the majority of them  
3 fines. It's because when you work on a construction  
4 site and it says "no smoking," they got signs that  
5 say "no smoking." So he's saying that he's-- he's  
6 making it bluntly clear that he don't allow smoking  
7 on his site. So, the only one that going to really  
8 get punished out of that is the guy that caught  
9 smoking. So, but that's no good.

11 COUNCIL MEMBER MENCHACA: Thank you.  
12 That's all my time.

13 CHAIRPERSON WILLIAMS: Thank you again for  
14 your testimony. I appreciate it. So we announced  
15 earlier that we would probably have to move. That  
16 time has come. We're going to have to move across  
17 the street at 250 Broadway. Do we have a room-- [off  
18 mic] on the 16<sup>th</sup> floor? We're going to reconvene at  
19 4:00, because folks are going to have to go through  
20 security again. We apologize. We will make sure  
21 that everybody who has waited will be heard. If we  
22 can hold on for one second. I want to say who the  
23 next two panels will be when we get over to 250.  
24 It'll be Selena Scamari [sp?], Ramona Sandoval, Davon  
25 Lomax, Thomas Gordon, Allen Wright, Richard Streeter,

1 and following that panel would be Ligia Guallpa,  
2 Gregorio Palestina, Antonio Sanchez, Eduardo Redwood,  
3 and Omar Hendricks-- I'm sorry, Henriquez. Those  
4 will be the next two panels. See you over at 250 at  
5 4:00.  
6

7 [break]

8 CHAIRPERSON WILLIAMS: Thank you everyone  
9 for coming over, including those in the overflow  
10 room. I saw you guys, I know you thought you were  
11 going to get out before we moved. I apologize.  
12 Thanks for being here. Selena Scamari, nope.

13 [off mic]

14 CHAIRPERSON WILLIAMS: Oh, the chairs. I  
15 don't know, but they should all go up. We'll just  
16 start-- yeah. So, all of these people please come  
17 up. So, Thomas Gordon, Alan Wright, Selena, Ramona  
18 Sandoval, Richard Streeter, Davon. The next panel  
19 after this will be Ligia Guallpa, Gregorio Palestina,  
20 Antonio Sanchez, Eduardo Redwood, and Omar Henriquez.  
21 [off mic comments] Yeah, it's alright, you got it.  
22 Did we call six people up or seven? Should we-- we  
23 called six, right? So-- I don't understand what  
24 you're saying.  
25

2 UNIDENTIFIED: Did he fill out a witness  
3 slip?

4 [off mic comments]

5 CHAIRPERSON WILLIAMS: Gus?

6 UNIDENTIFIED: Yep.

7 CHAIRPERSON WILLIAMS: Gus Diamantis.

8 Okay, we got you. Can you each raise your right  
9 hand, please? Do you affirm to tell the truth, the  
10 whole truth and nothing but the truth in your  
11 testimony before this committee and to respond  
12 honestly to Council Member questions? You'll each  
13 have two minutes and you can begin in the order of  
14 your preference.

15 THOMAS GORDON: Good afternoon, Chairman  
16 Williams and the members of the City Council. Thank  
17 you for all your efforts to make our construction  
18 site safer for workers and for all New Yorkers. My  
19 name is Tom Gordon. I am the Co-training Director of  
20 the International Union of Operating Engineers Local  
21 14 and 14B. Prior to assuming my position at the  
22 training center, I operated heavy equipment at Tower  
23 Cranes for nearly 30 years, most recently operating  
24 many of the tower, slider and crawler cranes at the  
25 World Trade Center. I'm a member of the New York

1  
2 City Crane Rule Advisory Committee and I serve on  
3 numerous other local and national safety and rules  
4 committees. In the interest of time, I will submit a  
5 copy of my CV along with my testimony. I'll also  
6 limit my comments to two specific pieces of  
7 legislation, Intro 1431 which addresses the  
8 qualifications for registration as a New York City  
9 Lift Director, and Intro 1446, which would create a  
10 new B2 Hoisting Machine Operator License. Let me  
11 begin by addressing the registration and duties of a  
12 lift director. I'll focus on section 28-424.3  
13 qualifications. As in any profession, success begins  
14 with the proper, schooling, training, practice, and  
15 experience. In fact, the where, the when and how did  
16 that schooling training and experience has been  
17 obtained and approved is as critical as the training  
18 and the experience itself. For example, did you know  
19 that there are schools where for less than 1,000  
20 dollars anyone can obtain a lift director  
21 certification in just two days? As you can see, the  
22 certifying body is as critical as the certification  
23 itself. If we want to ensure only the most qualified  
24 candidates are registered as lift directors in New  
25 York City, we must check all these certifications.

1                   The current language allows for certification from  
2 either the National Commission for Certification  
3 Agencies, NCCA, or the American National Standards  
4 Institute, ANSI. While we respect the NCCA, it's a  
5 self-governed with no third party overview or review  
6 of its process. Conversely, ANSI standards require  
7 outside review and are reviewed annually. There are  
8 numerous and significant other differences to how  
9 each of these agencies award their accreditations.  
10 Rather than going through them all, I will submit a  
11 point by point comparison with my testimony. Along  
12 with the ANSI accreditation, we believe anyone  
13 seeking to register as a lift director must have had  
14 tower crane training. In paragraph three, we believe  
15 that all candidates must have successfully completed  
16 the New York City 32-hour lift director course and  
17 have successfully passed an ANSI-approved test. In  
18 paragraph 3.1--

19  
20                   CHAIRPERSON WILLIAMS: [interposing] Going  
21 to have to ask you to make a closing statement,  
22 please, closing sentence.

23                   THOMAS GORDON: We think that in  
24 paragraphs 3.1 and 3.2 for the experience factor,  
25 they should both be put in for five years. That is



1 for the rigger and also for the hoisting machine  
2 operator's license. We also think that it should be  
3 required that it should be an A Hoisting Machine  
4 Operator while having a C Operator. C Licensed  
5 Operator could potentially be overseeing tower crane  
6 operations. That does not make sense, and could  
7 become inherently dangerous. In fact, it would  
8 permit exactly what Intro 1446 is apparently  
9 attempting to prevent with the introduction of the B2  
10 HMO. While we have no problem with the concept, the  
11 wording of Intro 1446 is too vague, and in fact,  
12 reviewing the language, we could not find anyone who  
13 could explain what was meant by operating cranes with  
14 complex booms. Yes, we do need a new standard for  
15 operating cranes with extraordinary boom  
16 combinations. A B2 license established at a new  
17 threshold at 300 feet could accomplish that goal  
18 while maintaining the integrity of the existing B  
19 license. We're prepared to assist and work with the  
20 City in the development of the criteria in  
21 establishing a B2 license. Thank you for your time,  
22 and I'd be happy to answer any questions.

24 CHAIRPERSON WILLIAMS: Thank you very  
25 much. Someone?

1  
2 RAMONA SANDOVAL: Good afternoon. My  
3 name is Ramona Sandoval. I am a second-year painter  
4 apprentice with DC9. In 2014 I received DACA, which  
5 allowed me to join the union. As we all know, it is  
6 a process. You stand in line, sign the application,  
7 and it goes by lottery. So, you know, this is to  
8 show that is an equal opportunity employer. So, in  
9 regards to what was said before, which made no sense.  
10 I am undocumented, and the reason why I am saying  
11 this is to emphasize the power in the apprentice  
12 program which only-- it helps not only in showing you  
13 the safety rules and regulations, but it also gives  
14 you hands-on training. Not only in the training  
15 centers but on site in the jobs. Working on a daily  
16 basis and seeing the, you know, the ins and outs of  
17 the trade, it is hard and it is difficult, and it is  
18 insane to not want to support, you know, 1447,  
19 because every day you're risking your life. Not  
20 only, you know, you're putting your sweat, you're  
21 putting everything into this, and at this point for  
22 me it's about that we're human beings and that we  
23 should be able to work. We should be able to learn.  
24 We should be able to have a space that is safe, an  
25 environment that is safe, an environment that is not

1  
2 only safe for union members, you know, but for any  
3 person that is working within the trades. My, you  
4 know, my future here in this country is unknown.  
5 It's not certain, but I am a firm believer in the  
6 program. I'm a firm believer in the unions, and  
7 that's why I am here testifying because I stand in  
8 solidarity with my brothers and sisters from all the  
9 trades. And you know, just trying to keep it short,  
10 this program does help, and the apprentice program  
11 helps within hands-on and safety. Just wanted to  
12 emphasize that. Thank you.

13 CHAIRPERSON WILLIAMS: Thank you.

14 SELENA SCAMARI: Good afternoon  
15 everybody. My name is Selena Scamari. I am a New  
16 York City Housing Painter Apprentice. This is my  
17 third year as an apprentice. I started this program  
18 basically with nothing. You know, last week I read  
19 an article in the paper, and it was entitled "NYCHA  
20 Tenants Oppose Apprentice Pay [sic] for Construction  
21 Workers." But at the same time, this apprentice  
22 program will help some of our youth that's in the New  
23 York City Housing Authority developments, which they  
24 do need a chance to get a job, and they're first  
25 come-- they are the first to be in line to get these

1 jobs. They try to help everyone that lives in NYCHA  
2 developments. District Council Nine of the  
3 International Union of Painters and Allied Trades  
4 worked with the City for years to attain first ever  
5 fully funded civil service apprenticeship program  
6 last year. You know, over 26 million apprenticeship  
7 programs funded by the New York City Council provides  
8 entry into civil service construction work for New  
9 York City Housing Authority residents. Me, I started  
10 this program at the age of 26. You know, now I'm the  
11 31 years old, and I feel like this has gotten me far.  
12 I learned a lot of things in this trade. I started  
13 off as a maintenance worker. You know, that was only  
14 four years long, but I didn't let that just deceive  
15 me from moving on. They offered a painter  
16 apprenticeship program, and I took it upon myself to  
17 do that job, and I feel like at four years later look  
18 at where I'm at now. I have my own place. I have my  
19 own car, and I'm just moving on and furthering  
20 myself, and I'm helping taking care of my son, my  
21 nine-year-old son, which this job has helped me  
22 benefit a lot, you know? So, I feel like the  
23 apprenticeship program helped train me to do the  
24

1 things that I know how to do as a woman in male-  
2 dominated environment. Thank you for your time.

3  
4 CHAIRPERSON WILLIAMS: Thank you. Next?

5 DAVON LOMAX: Good afternoon. Thank you,  
6 Councilman Menchaca and Williams for, you know,  
7 putting safety legislation as a first priority. I'm  
8 not going to take up a lot of your time, but I do  
9 want to address issues that really were disturbing  
10 me. For the last couple of weeks where you have  
11 individuals and these institutions coming out and  
12 claim to speak for minority workers when it comes to  
13 apprenticeship programs who have never sat or never  
14 went on a construction site, maybe walked by one one  
15 time, never even visited a training facility before.  
16 And I beg either one of you two to talk to your  
17 colleagues in City Council to visit one of these  
18 training programs so you can see who we are, what we  
19 are, what we do when it comes to safety. DC9  
20 represents 10,000 men and women in construction, and  
21 we have some of the most dangerous jobs in New York  
22 City. So, I think it-- for everyone to understand  
23 about an apprenticeship program, they should  
24 absolutely come see a real one at any time, and I'm  
25

1 going to defer the rest of my time to Gus Diamantis,  
2 our Director of training.

3  
4 CHAIRPERSON WILLIAMS: Thank you. Just  
5 for the record, I've been to several.

6 DAVON LOMAX: Come to mine.

7 GUS DIAMANTIS: Thank you. My name is  
8 Gus Diamantis. I'm Training Director for DC9,  
9 Painters and Allied Trades. Basically, I just, you  
10 know, hearing everything first of all, I whole  
11 heartedly support 1447. I think it's long past-due  
12 safety and training regulation, and you know, going  
13 from that it's-- you know, this is what I love doing,  
14 and that's why you know, when Lomax spoke to me, this  
15 is what I do for a living. I'm Training Director,  
16 but a big part of it is safety, and I think what we  
17 do in these programs is not just teach an OSHA-10,  
18 which I keep hearing over and over. That's  
19 wonderful, but that's called the general introduction  
20 into, you know, any kind of construction world, and  
21 into a general introduction into safety. It's far  
22 below what the standard should be for training or  
23 someone working on the job site, because they are a  
24 danger to themselves, everyone else and the public,  
25 and I think that's why people aren't' getting that

1  
2 it's a whole program that needs to be taken care of,  
3 and I know there's a lot sides to it, but basically  
4 you need something as comprehensive as an apprentice  
5 program, be it you know, from any other trade or  
6 something that they could show that they're going to  
7 do a full-- you know, a full type of safety program  
8 because you need that training. You need that's  
9 skills training along with that safety training to  
10 develop and build someone so they know what they're  
11 doing on the job sites, and they could identify  
12 what's unsafe, what's safe. And usually we do have a  
13 lot of our apprentices starting this in training, and  
14 they're able to see something unsafe that maybe a  
15 journey worker has been out there for years, had been  
16 doing it the wrong way for years. They just weren't  
17 trained at the time, and we've seen that happen.  
18 Along with anything else, I mean, we-- you know, we  
19 are monitored by the Department of Labor. So, anyone  
20 that comes in-- every six months we do get a  
21 [inaudible] and they monitor all our compliance  
22 regulations, and we far exceed everything that's  
23 asked for in diversity and female and minority  
24 participation, and especially with their NYCHA  
25 apprentices. That program was-- right now is 96

1 painter apprentices that before there was no-- there  
2 was nothing set for them. They were custodians. We  
3 didn't know where they agree going to get from there,  
4 and we actually-- no title, no anything. And we  
5 actually did develop something with NYCHA that  
6 enabled them to do this and have an apprenticeship  
7 and safety training program.

9 CHAIRPERSON WILLIAMS: Thank you.

10 GUS DIAMANTIS: Thank you.

11 CHAIRPERSON WILLIAMS: Do you-- do you  
12 have testimony? No testimony? Oh, okay. Well,  
13 thank you all for your testimony. I think my  
14 colleague has questions, particularly Selena and  
15 Ramona. Did I say it right? Thank you for sharing  
16 your personal testimony. We always want to hear  
17 particularly on the ground what's happening, and  
18 especially you, Ramona, in this day and age. I'm  
19 sure it's not a comfortable position that you're in.  
20 So I give you an extra kudos for coming out and  
21 speaking to people who are in this situation. And  
22 then we go Council Member Menchaca for three minutes.

23 COUNCIL MEMBER MENCHACA: Thank you.

24 Thank you, Chair, again, and welcome to this new-- to  
25 the near hearing space. I want to go to DC9, and Mr.



1  
2 Lomax, I want to ask you a little bit about tracking  
3 for the different populations and specifically  
4 looking at this-- you kind of hit it right on about  
5 NYCHA residents. And how does DC9 think about its  
6 own kind of goals around NYCHA residents, low income  
7 residents, people of color, Section Three Compliant,  
8 and Section Three? Can you give us a sense about  
9 that? And then I want to ask a question to the two  
10 workers.

11 DAVON LOMAX: I mean, DC9 has had a  
12 history since the 1960's of working. I mean, we have  
13 articles that show what we were doing for men and  
14 women that were on welfare and recruiting them into  
15 DC9 and making them journey, you know, men and women,  
16 and a lot of them are retiring as we speak. And so,  
17 you know, when we approach, you know, recruiting, you  
18 know, we-- I mean, who are we to discriminate, right?  
19 You know, construction has always been an immigrant  
20 industry no matter where you were from or what you  
21 were doing. It was a dirty job. It is a dirty job.

22 COUNCIL MEMBER MENCHACA: How do you track  
23 it? Like, how do you-- what's the-- do you even  
24 track it? Is that something--

2 DAVON LOMAX: [interposing] While our-- as  
3 far as NYCHA apprentices and even apprenticeships  
4 that are old--

5 COUNCIL MEMBER MENCHACA: [interposing]  
6 Like section three in--

7 DAVON LOMAX: [interposing] I can't say  
8 that we do track it. You know, in different  
9 populations such as Sandy Build-it-Back there's local  
10 hiring, you know, new initiatives like that. There's  
11 also Sandy Built-it-Back. It was-- and even in the  
12 new NYCHA project labor agreement, 10 percent of all  
13 new apprentices have to come from NYCHA. There's  
14 tracking in that sense, and all of our apprentices  
15 are tracked, but as far as the journey workers we  
16 have, you know, we have addresses that are NYCHA re--  
17 NYCHA complexes.

18 COUNCIL MEMBER MENCHACA: Right.

19 DAVON LOMAX: And so we can track our  
20 members that live in NYCHA that way.

21 COUNCIL MEMBER MENCHACA: Got it. Got it.  
22 This is going to be helpful for later as we kind of  
23 dig deeper. And Ms. Sandoval, I want to just again  
24 to both of you really say thank you too like the  
25 Chair did. And Ms. Sandoval, you talked a little bit

1 about status and being undocumented, and so I want to  
2 applaud your courage. There are so many undocumented  
3 folks in this industry as well. And I just want to  
4 get clarity on the apprenticeship. The DACA status  
5 allowed you to get into the apprenticeship, is that  
6 right?  
7

8 RAMONA SANDOVAL: Yes.

9 COUNCIL MEMBER MENCHACA: Can you tell us  
10 a little bit about that, and were you trying-- had  
11 you attempted to get into the apprenticeship before?  
12 And then really the only thing that mattered-- and  
13 really I think a lot of people might not know about  
14 this as well.

15 RAMONA SANDOVAL: Okay.

16 COUNCIL MEMBER MENCHACA: Can you inform  
17 us about that?

18 RAMONA SANDOVAL: Well, actually, when I  
19 graduated high school I wanted to try out for NEW,  
20 which is Non-traditional Employment for Women. I was  
21 not allowed.

22 COUNCIL MEMBER MENCHACA: What made you  
23 not be allowed?

24 RAMONA SANDOVAL: I don't-- I didn't have  
25 no legal form of status to show, so I couldn't apply.

1 I had my high school diploma, but that's all I had.  
2 So, pretty much 2014 rolled around. I applied and I-  
3 - for DACA. I got my work permit. I got my social  
4 security number, but then 2015 is when I stood in  
5 line for the application, and then I had my ID. I  
6 had my social. I had my high school diploma, which  
7 is what-- how it allowed me to enter the program.  
8 And then in line I saw one of my instructors. I ended  
9 up doing NEW, which is Non-traditional Employment,  
10 which I couldn't do it before. I ended up doing it at  
11 that point because I was able to.

13 COUNCIL MEMBER MENCHACA: Awesome. Thank  
14 you for sharing that.

15 RAMONA SANDOVAL: No problem [sic].

16 COUNCIL MEMBER MENCHACA: And for  
17 everybody, this is a sanctuary city. I mean, this is  
18 what-- this is a critical component of how we're  
19 thinking about expanding opportunities, and you were  
20 so lucky that you had DACA to make that an  
21 opportunity. I'm not sure this is going to be an  
22 opportunity in the future. So, it's a good point to  
23 just bring up. So, thank you.

24 CHAIRPERSON WILLIAMS: Thank you very  
25 much for your testimony. I really appreciate it.

1 Ligia Guallpa, is Ligia Guallpa here? Ligia Guallpa?  
2 I heard Ligia Guallpa is in the overflow, so if  
3 somebody's sitting next to her, come on down. Ligia,  
4 I apologize. I'm probably jacking up. Ligia  
5 Guallpa. Is Ligia here? Gregorio-- Gregorio  
6 Palestina? That's you. Antonio Sanchez? Okay.  
7 Thank you. The left? Carlos, they left? Eduardo  
8 Redwood? Eduardo Redwood? Eduardo's here? He's  
9 here? [off mic comments] Gonzalez-- Gonzalo--  
10 what's the last name, Mercado? Mercado, Gonzalo  
11 Mercado? Is that you? Now we're still waiting on  
12 Ligia? [off mic comments]. Our next will be-- it's  
13 possible that's Matt Cadillo [sic]? Caruso, Matt  
14 Caruso. Mark Jacaruso? James Bifulco, Greg Wolyniec  
15 from Human Condition Safety, Lorenzo Gallo [sp?],  
16 from the Safety Group, Michael Arvanites, from Safety  
17 Professional Association. They'll be up next after  
18 this panel. I think you were supposed to be on the  
19 last panel, the last panel that just came we had you.

21 UNIDENTIFIED: [off mic]

22 CHAIRPERSON WILLIAMS: I remember  
23 Henriquez, because I couldn't pronounce it. Alright,  
24 can you-- you can come up, and let's get another  
25 slip. And Ligia Guallpa is not here. Come on down.

1 Can everybody please raise their right hand? Do you  
2 affirm to tell the truth, the whole truth and nothing  
3 but the truth in your testimony before this committee  
4 and to respond honestly to Council Member questions?

5 UNIDENTIFIED: Yes.

6 UNIDENTIFIED: Yes, we do.

7 CHAIRPERSON WILLIAMS: You'll each have  
8 two minutes for your testimony, and you can begin in  
9 the order of your preference. Start here.

10 LIGIA GUALLPA: Alright-- Right. Okay.

11 Alright. Well, good morning, Chairman and the  
12 distinguished members of New York City Council  
13 Committee on Housing and Buildings. On behalf of the  
14 Worker Justice Project I wanted to take the  
15 opportunity to testify today on the importance of  
16 creating a work safe environment for all New Yorkers.  
17 My name is Ligia Guallpa, and I am the Executive  
18 Director of the Worker Justice Project. Worker  
19 Justice Project is a Brooklyn workers' center that  
20 represents immigrant workers, primarily day laborers  
21 and immigrant Latino construction workers, and who  
22 are mostly the people that actually do residential  
23 constitution. As a worker center, Worker Justice  
24 Project has been committed to providing workers with  
25

1 space, training, legal services, and resources for  
2 workers to organize and advocate for better jobs and  
3 better-- better jobs and also better their own life.  
4 In the past three years we have been training over  
5 1,500 day laborers on health and safety training, and  
6 creating the space for workers to also organize and  
7 advocate for better working conditions, and I'm here  
8 today to support the principle of 1447 on enhancing  
9 worker safety, and we actually advocate for that  
10 because we realize how important it is for immigrant  
11 workers specifically to be trained and have a safe  
12 work environment. And however, we also have some  
13 concerns and clarifications that I think it's  
14 important to address throughout this bill as we're  
15 thinking how we provide more training to some of the  
16 work-- to actually all workers and all New Yorkers,  
17 and one of our concerns is specifically is to section  
18 33-10.10 of the New York Building Code that will  
19 amend to include Section 33-10.1003 requiring all  
20 workers at major building sites and certain  
21 demolition sites to be a registered apprentice, a  
22 graduate of an apprentice program or a skilled person  
23 that has received training that commensurate with  
24 that required by registered apprentice. And our--  
25

1 well, we have questions about the impact that this  
2 requirement will have on immigrant workers is  
3 specifically on the accessibility on construction  
4 jobs to those outside of the traditional labor  
5 networks, and potentially unintended consequences  
6 this policy will have that are likely to force a  
7 majority of New York construction workers into  
8 informal labor agreements.  
9

10 CHAIRPERSON WILLIAMS: Sorry, going to  
11 have to ask you if you can give a closing sentence.

12 LIGIA GUALLPA: Yeah. So, we want-- we  
13 propose to revise and expand the definition of  
14 commensurate training programs to include alternative  
15 health and safety training programs that we-- that  
16 can be possibly created within workers' rights  
17 organizations, community organizations or  
18 partnerships and to ensure that these programs will  
19 ensure that all workers can easily get access and  
20 that will not be any challenges specifically for  
21 immigrant construction workers to get training  
22 through these programs.

23 CHAIRPERSON WILLIAMS: Thank you.

24 OMAR HENRIQUEZ: I guess I'll go next.  
25 Alright. Since time is the executioner, I'll be



1  
2 brief. I submitted for your review and consideration  
3 written testimony. My name is not as important as  
4 the message that I bring, but I work for the National  
5 Day Laborer Organizing Network. I am very happy and  
6 privileged to be with three organization members,  
7 Worker Justice Project, La Colmena from Staten  
8 Island, New Immigrant Community of Empowerment. I  
9 just want to say a few things. It's a very exciting  
10 time to be an immigrant, especially in New York. I'm  
11 proud to be a New Yorkers. when I go out, I go  
12 around the nation and I'm proud to say I'm New  
13 Yorker, an immigrant New Yorker, because New York is  
14 standing for what is right, and I suppose that you as  
15 representatives are doing what's right. But I would  
16 like to say something. We support this bill, the  
17 enhanced safety in this bill, without reservation,  
18 but we have certain things that give us pause,  
19 particularly what my colleague here mentioned and is  
20 in my testimony. But we have questions about the  
21 impact of this requirement on the accessibility of  
22 construction jobs to those outside of traditional  
23 labor networks and the potential unintended  
24 consequences this policy will have. We propose  
25 revisions that would provide for more inclusive

1 training programs, a phased implementation program,  
2 and the educational resources to lift up  
3 traditionally excluded and exploited members of the  
4 workforce. In my last few seconds, I'd just like to  
5 say that I'm also a certified OSHA training, and when  
6 I tell the workers about their rights, they say, "How  
7 can we have rights if we're illegal?" I say, "Don't  
8 say illegal. You're undocumented and with rights."  
9 They say, "How can we have rights?" And when I tell  
10 them the rights and the responsibilities of workers,  
11 of workers and the obligations of [inaudible], and  
12 when I tell them that they are supposed to give us a  
13 place free of hazards, right, and danger to our  
14 lives, and they say, "If that is the case, why are we  
15 dying in record numbers, Omar?" Why is it that if  
16 they're supposed to give us training, protective  
17 equipment, all of the things that OSHA dictates to  
18 do, they don't. And you know what? I have no answer  
19 for it. I have no answer for it, because the law is  
20 clear. OSHA dictates that every patron [sic], every  
21 employer should give training to the workers and  
22 provide a safety-- a work environment, and it's not  
23 being provided. It's not being provided.

24  
25 CHAIRPERSON WILLIAMS: Thank you.

2 ANTONIO SANCHEZ: [speaking Spanish]

3 Jumaane Williams.

4 TRANSLATOR: Good afternoon, President  
5 Williams. I'm going to translate.

6 ANTONIO SANCHEZ: [speaking Spanish]

7 TRANSLATOR: And distinguished members of  
8 the Building and the City of New York.

9 ANTONIO SANCHEZ: [speaking Spanish]

10 TRANSLATOR: My name--

11 ANTONIO SANCHEZ: [speaking Spanish]

12 TRANSLATOR: My name is Antonio Sanchez.

13 I'm a construction workers and a member of Workers  
14 Justice Program-- Project, I'm sorry.

15 ANTONIO SANCHEZ: [speaking Spanish]

16 TRANSLATOR: I would like to thank the  
17 opportunity to allow me to testify on the proposed  
18 1447 bill.

19 ANTONIO SANCHEZ: [speaking Spanish]

20 TRANSLATOR: The propose is that workers  
21 like myself could be trained--

22 ANTONIO SANCHEZ: [speaking Spanish]

23 TRANSLATOR: in an apprentice specific  
24 training program.

25 ANTONIO SANCHEZ: [speaking Spanish]

2 TRANSLATOR: So I can-- so we can work in  
3 construction and demolition.

4 ANTONIO SANCHEZ: [speaking Spanish]

5 TRANSLATOR: As an immigrant worker, as a  
6 member of an immigrant worker center--

7 ANTONIO SANCHEZ: [speaking Spanish]

8 TRANSLATOR: that represents working men  
9 and women--

10 ANTONIO SANCHEZ: [speaking Spanish]

11 TRANSLATOR: and immigrant workers in the  
12 construction industry--

13 ANTONIO SANCHEZ: [speaking Spanish]

14 TRANSLATOR: I feel happy that you have  
15 taken this place to change the conditions in the  
16 construction industry.

17 ANTONIO SANCHEZ: [speaking Spanish]

18 TRANSLATOR: And your initiative to try  
19 to avoid death and injuries in work places--

20 ANTONIO SANCHEZ: [speaking Spanish]

21 TRANSLATOR: that is so common among  
22 immigrant workers and undocumented immigrant workers.

23 ANTONIO SANCHEZ: [speaking Spanish]

24

25

2 TRANSLATOR: I am an immigrant worker  
3 that has been able to be trained in safety and  
4 health.

5 ANTONIO SANCHEZ: [speaking Spanish]

6 TRANSLATOR: And I'm committed to change  
7 unsafe conditions in my workplace.

8 ANTONIO SANCHEZ: [speaking Spanish]

9 TRANSLATOR: Alongside with my workplace  
10 at my center and my fellow workers--

11 ANTONIO SANCHEZ: [speaking Spanish]

12 TRANSLATOR: we had started safety and  
13 health program that is called Elasis [sp?], which it  
14 would be li--

15 UNIDENTIFIED: [interposing] Safety  
16 liaisons.

17 TRANSLATOR: safety liaisons.

18 ANTONIO SANCHEZ: [speaking Spanish]

19 TRANSLATOR: This program allows workers  
20 such as myself--

21 ANTONIO SANCHEZ: [speaking Spanish]

22 TRANSLATOR: are going to be trained on  
23 safety and health--

24 ANTONIO SANCHEZ: [speaking Spanish]

25

2 TRANSLATOR: and to identify hazards in  
3 our workplaces--

4 ANTONIO SANCHEZ: [speaking Spanish]

5 TRANSLATOR: and to take actions to change  
6 the conditions so we can work safely.

7 ANTONIO SANCHEZ: [speaking Spanish]

8 TRANSLATOR: Also, with this project--

9 ANTONIO SANCHEZ: [speaking Spanish]

10 TRANSLATOR: I have been able to become  
11 an OSHA-10 instructor.

12 ANTONIO SANCHEZ: [speaking Spanish]

13 TRANSLATOR: Every year, we train over  
14 400 workers.

15 ANTONIO SANCHEZ: [speaking Spanish]

16 TRANSLATOR: This program allows that  
17 immigrants, particularly undocumented--

18 ANTONIO SANCHEZ: [speaking Spanish]

19 TRANSLATOR: with little resources--

20 ANTONIO SANCHEZ: [speaking Spanish]

21 TRANSLATOR: and limited education--

22 ANTONIO SANCHEZ: [speaking Spanish]

23 TRANSLATOR: can be trained on safety and  
24 health.

25 ANTONIO SANCHEZ: [speaking Spanish]

2 TRANSLATOR: I would like to have your  
3 support--

4 ANTONIO SANCHEZ: [speaking Spanish]

5 TRANSLATOR: to continue creating  
6 programs of training, training programs--

7 ANTONIO SANCHEZ: [speaking Spanish]

8 TRANSLATOR: that would be accessible to  
9 all workers--

10 ANTONIO SANCHEZ: [speaking Spanish]

11 TRANSLATOR: with or without papers--

12 ANTONIO SANCHEZ: [speaking Spanish]

13 TRANSLATOR: that we know that have  
14 little resources--

15 ANTONIO SANCHEZ: [speaking Spanish]

16 TRANSLATOR: and limited education.

17 ANTONIO SANCHEZ: [speaking Spanish]

18 TRANSLATOR: I support the idea of more  
19 trainings--

20 ANTONIO SANCHEZ: [speaking Spanish]

21 TRANSLATOR: but I as many other  
22 immigrant workers--

23 ANTONIO SANCHEZ: [speaking Spanish]

24 TRANSLATOR: are concerned that this bill-

25 -

2 ANTONIO SANCHEZ: [speaking Spanish]

3 TRANSLATOR: could negatively affect us--

4 ANTONIO SANCHEZ: [speaking Spanish]

5 TRANSLATOR: and limit our ability to

6 work--

7 ANTONIO SANCHEZ: [speaking Spanish]

8 TRANSLATOR: to be able to feed our

9 families.

10 ANTONIO SANCHEZ: [speaking Spanish]

11 TRANSLATOR: The reasons for our concern--

12 -

13 ANTONIO SANCHEZ: [speaking Spanish]

14 TRANSLATOR: of the bills--

15 ANTONIO SANCHEZ: [speaking Spanish]

16 TRANSLATOR: 1447--

17 ANTONIO SANCHEZ: [speaking Spanish]

18 TRANSLATOR: is because it requires that

19 workers such as myself--

20 ANTONIO SANCHEZ: [speaking Spanish]

21 TRANSLATOR: have become graduates on an

22 apprenticeship program.

23 ANTONIO SANCHEZ: [speaking Spanish]

24 TRANSLATOR: Our concern--

25 ANTONIO SANCHEZ: [speaking Spanish]



1  
2 TRANSLATOR: is that we know that  
3 programs such as these--

4 ANTONIO SANCHEZ: [speaking Spanish]

5 TRANSLATOR: is not accessible to all  
6 workers.

7 ANTONIO SANCHEZ: [speaking Spanish]

8 TRANSLATOR: On top of, if you are an  
9 immigrant worker--

10 ANTONIO SANCHEZ: [speaking Spanish]

11 TRANSLATOR: undocumented immigrant in  
12 construction industry--

13 ANTONIO SANCHEZ: [speaking Spanish]

14 TRANSLATOR: we know that it's very  
15 competitive--

16 ANTONIO SANCHEZ: [speaking Spanish]

17 TRANSLATOR: and very hard--

18 ANTONIO SANCHEZ: [speaking Spanish]

19 TRANSLATOR: and to come in is very  
20 expensive.

21 ANTONIO SANCHEZ: [speaking Spanish]

22 CHAIRPERSON WILLIAMS: [interposing]

23 Going to have to ask if-- you can ask him to give a  
24 closing sentence.

25 TRANSLATOR: [speaking Spanish]

2 ANTONIO SANCHEZ: [speaking Spanish]

3 TRANSLATOR: I am worried to know that  
4 the city--

5 ANTONIO SANCHEZ: [speaking Spanish]

6 TRANSLATOR: will want to limit my ability  
7 to work--

8 ANTONIO SANCHEZ: [speaking Spanish]

9 TRANSLATOR: and to be able to provide for  
10 my family.

11 ANTONIO SANCHEZ: [speaking Spanish]

12 TRANSLATOR: I support the idea to create  
13 more trainings for work, safety and health training--

14 ANTONIO SANCHEZ: [speaking Spanish]

15 TRANSLATOR: in particular to immigrant  
16 workers--

17 ANTONIO SANCHEZ: [speaking Spanish]

18 TRANSLATOR: who are confront more  
19 dangers of being killed--

20 CHAIRPERSON WILLIAMS: [interposing]

21 Alright.

22 TRANSLATOR: or injured on the job.

23 CHAIRPERSON WILLIAMS: Thank you. He  
24 called me President, so I gave some extra time.

25 [laughter]

2 CHAIRPERSON WILLIAMS: But we have to go.

3 TRANSLATOR: [speaking Spanish]

4 CHAIRPERSON WILLIAMS: Thank you.

5 ANTONIO SANCHEZ: Thank you. I should  
6 have called you President. Let's all call him  
7 President.

8 GREGORIO PALESTINA: Okay. Hi, good  
9 afternoon Mr. Jumaane and all the rest of member on  
10 the New York City Council Committee. My name is  
11 Gregorio Palestina, and I have been working in  
12 construction for 10 years. I am a member for the  
13 [inaudible] Community Center, which is part of  
14 Workers Justice Project. We appreciate the  
15 opportunity to speak to the-- about the bill 1447  
16 that propose that we should all be trained in  
17 certificate [sic] on apprenticeship program if we  
18 want to work on mayor [sic] buildings, construction  
19 workers [sic] rights [sic] on demolition or general  
20 labor. That bill is not really clear for me. I am a  
21 member of Workers Justice Project and I have trainer  
22 in health and safety also. I've recently become a  
23 health and safety trainer as well. [inaudible]  
24 center we have lot of skilled workers and we have  
25 been working in the industry for many years. Every

1 day we are looking for rare [sic] opportunities that  
2 will allow us to provide better lives to our  
3 families. The Worker Justice Project is working so  
4 hard to help us and train us in becoming better  
5 leaders in our community so we can use our voice in  
6 [inaudible] to change the unsafe culture that exists  
7 in the construction. Most of the workers in the  
8 constructions are immigrants from different  
9 countries. I am worried about this bill because it  
10 mainly feels as if you're trying to exclude immigrant  
11 construction workers from working in construction  
12 unless if now the unions try to open the doors for us  
13 to undocumented immigrant workers, and you are  
14 [inaudible] that will be able to get into these  
15 apprenticeship programs. We are grateful [inaudible]  
16 are all part of an organization that is training us  
17 in OSHA-10 and gave us the opportunity to health and  
18 safety instructors so we can educate more workers.  
19 Last year we trained more than 400 workers in OSHA-  
20 10, and we are also working with Department of  
21 Buildings to educate more workers. As you can see  
22 it, we want to be trained on and want [sic] more  
23 [sic] health and safety trainings to be available to  
24 us. Please, before you approve this bill and exclude  
25

1  
2 us from working in construction, take time to think  
3 about who's really building this city. Who are the  
4 workers--

5 CHAIRPERSON WILLIAMS: [interposing] Going  
6 to have to ask you to give a closing sentence.

7 GREGORIO PALESTINA: [inaudible] plan to  
8 protect us. We are just fathers and mothers who want  
9 to support our families and work in construction.  
10 It's our right to work and be able to provide to our  
11 families. I want to support us and [inaudible]  
12 joining our union worker with them, shoulder to  
13 shoulder in creating of new safety programs that will  
14 make sure all workers have access and organizations  
15 [sic] better conditions especially immigrants  
16 undocumented construction workers.

17 CHAIRPERSON WILLIAMS: Thank you.

18 GREGORIO PALESTINA: We will--

19 CHAIRPERSON WILLIAMS: [interposing] Going  
20 to have to-- thank you very much for your testimony.  
21 Appreciate it.

22 GREGORIO PALESTINA: Alright. Thanks.

23 CHRISTINA FOX: Hi, my name is Christina  
24 Fox. I'm going to be interpreting for Eduardo  
25 Redwood. My name's-- I'm with New Immigrant

2 Community Empowerment. We're also a worker center  
3 located in Jackson Heights, Queens. We work with  
4 immigrant workers, largely non-union. Our community,  
5 we appreciate the bills being proposed, and so we're  
6 glad to-- our member leader Eduardo Redwood give his  
7 testimony, and we hope that our inclusion will be  
8 considered.

9 EDUARDO REDWOOD: [speaking Spanish]

10 CHRISTINA FOX: Good morning, my name is  
11 Eduardo Redwood. I'm a member leader of the  
12 organization NICE, based in Queens.

13 EDUARDO REDWOOD: [speaking Spanish]

14 CHRISTINA FOX: I'm here today to give  
15 testimony on how workplace accidents have  
16 disproportionately affected me and my community and  
17 the construction industry.

18 EDUARDO REDWOOD: [speaking Spanish]

19 CHRISTINA FOX: Today, I can tell you  
20 some of the reasons that such a high percentage of  
21 accidents and deaths in construction occur within the  
22 Hispanic and immigrant communities.

23 EDUARDO REDWOOD: [speaking Spanish]  
24  
25

2 CHRISTINA FOX: It's because we largely  
3 lack opportunities to join the unions, often due to  
4 lack of adequate documentation and language.

5 EDUARDO REDWOOD: [speaking Spanish]

6 CHRISTINA FOX: Without the support of  
7 the unions we seek out organizations like NICE, who  
8 support us and offer us trainings and legal advice,  
9 and like in cases of wage theft, our OSHA licenses or  
10 any other licensure we need to do our work.

11 EDUARDO REDWOOD: [speaking Spanish]

12 CHRISTINA FOX: Also without the unions  
13 our communities are exposed to risks of communities  
14 seeking to exploit us.

15 EDUARDO REDWOOD: [speaking Spanish]

16 CHRISTINA FOX: These same employers are  
17 those that don't-- that never provide adequate  
18 personal protective equipment at work. For example,  
19 in my person experience I've had employers that have  
20 given me used or-- used harnesses or harnesses that  
21 have been exposed to water, sun and rain. In order  
22 to be able to buy a newer and safer one, I would have  
23 to buy it out of my own salary, a salary far less  
24 than I can make in a union.

25 EDUARDO REDWOOD: [speaking Spanish]

1  
2 CHRISTINA FOX: We hope that whatever  
3 bill approved regarding accidents and deaths in  
4 construction prioritize Hispanic and immigrants  
5 and/or the organizations that work with us. It is  
6 important to recognize that the labor industry  
7 includes workers with different immigration statuses,  
8 and for that reason these new measures should protect  
9 everybody.

10 EDUARDO REDWOOD: Thank you.

11 CHRISTINA FOX: Thank you.

12 CHAIRPERSON WILLIAMS: Thank you.

13 GONZALO MERCADO: Good afternoon. My  
14 name is Gonzalo Mercado, Executive Director of La  
15 Colmena Community Job Center New York Coordinator of  
16 the National Day Labor Organizing Network. I want to  
17 thank Chair Council Member Jumaane Williams and  
18 Council Member Menchaca for holding this very  
19 important hearing. La Colmena Community Job Centers  
20 is a community-based organization that works with day  
21 laborers, domestic workers and other immigrant  
22 workers in Staten Island. We provide a space for day  
23 laborers to learn about their rights, access to  
24 health and safety trainings, and access to work.  
25 Many of our members work in the construction industry



1 and we commend this committee for holding this  
2 hearing to find real solutions for the staggering  
3 numbers of injuries and fatalities that are  
4 disproportionately affecting Latino and immigrant  
5 construction workers in New York. Occupational  
6 health and safety is one of the top priorities for us  
7 as an organizations. We have been proactive in  
8 making sure day laborers and immigrant construction  
9 workers can have access to OSHA-10 trainings. Two of  
10 our own day laborer's members have been trained as  
11 OSHA-10 instructors and are providing monthly OSHA-10  
12 classes in Spanish and on weekends when workers can  
13 access them. Access to culturally competent  
14 trainings is of utmost importance, but also we have  
15 to make sure employers are accountable in providing a  
16 safe workplace, and we are happy to see penalties for  
17 employers who cut corners and value profit over  
18 safety. Immigrant workers are currently working in  
19 hundreds or thousands of construction sites in the  
20 five boroughs, and access to appropriate training is  
21 very important, and it has to be done taken into  
22 consideration the current barrier workers have such  
23 as time, cost and language available. We look  
24 forward to work with New York City Council and allies  
25

1 to make sure that we find the best strategies to end  
2 the current epidemic of deaths and fatalities. We  
3 cannot allow for these outrageous number of accidents  
4 to continue to happen in the best city of the world.  
5 Thank you.

6  
7 CHAIRPERSON WILLIAMS: Thank you so much  
8 for all of your testimony. We-- Council Member  
9 Menchaca is co-prime on 1447, so we've had some  
10 discussions about this in particular and how best to  
11 capture everyone including people who don't have  
12 documentation that other do. So, it is important. I  
13 don't know if we have the answer yet, but it's  
14 something we are definitely thinking about. We want  
15 everyone to be safe, and that means everyone,  
16 everyone who's working on the construction site. So,  
17 we do have you in mind. I'm hoping that we can get  
18 to a place where everyone is included, and that's  
19 just our hope for the time being, but thank you so  
20 much for sharing your experience. I think my  
21 colleague has some questions. Council Member  
22 Menchaca, three minutes.

23 COUNCIL MEMBER MENCHACA: Thank you,  
24 Chair. And [speaking Spanish] And I just said thank  
25 you for the incredible work. It's really important

1 that they are here to do the work outside of their  
2 jobs, but informing what we're going to do. I have  
3 one question. Maybe Gonzalo or Ligia or somebody,  
4 what you do is so special in the cultural competency  
5 of the workforce itself, and earlier we were talking  
6 about online courses, people can take OSHA classes  
7 online. What you do sounds so special and important  
8 to really create culture and community around safety.  
9 The reason the centers came up in the first place was  
10 to attack that issue of people getting hurt on jobs,  
11 wage theft and all the things that were-- all the  
12 ills of this industry, and so I guess this is a  
13 statement because I know it's true. And really you  
14 are all the kind of beginning versions of what we  
15 might be seeing in the future when we think about  
16 this bill in a new version or an updated version  
17 about how these centers are going to work. And so  
18 can you answer me that question, if you want to take  
19 this further, what do we need? What resources are we  
20 going to need? It sounds like you're already  
21 building the first versions of what we're talking  
22 about. Tell me what this looks like? What are  
23 these-- what does worker safety look like if you all  
24

1  
2 were in charge of making this happen on the ground  
3 for the City of New York, for everybody.

4 GONZALO MERCADO: I mean, I can start and  
5 Ligia can maybe talk a little bit about her program  
6 with the safety liaisons, but I just want to say  
7 that, you know, I've been working in this industry  
8 for about 10 to 12 years. There was a time that we  
9 did not have any access to OSHA-10, and OSHA maybe  
10 sometimes will send us a training once a year, and  
11 now we-- thanks to a partnership with actually we  
12 have with unions and community groups, we're able to,  
13 all of us, to have the capacity to have those  
14 trainings in-house be culturally appropriate, but  
15 thinking about access for the workers and really be  
16 proactive. And what better than have a peer worker  
17 teach that to another worker like himself, and I  
18 think that has been one of the great things that  
19 we've been able to accomplish. Now, we are now in  
20 OSHA-10. I think it would be great if we could have  
21 access to other trainings like scaffold safety like  
22 other trainings that the workers see that they need  
23 on the job. So, I think we have created a good  
24 network of centers that can provide, have the contact

1  
2 with the community on the ground, that the workers  
3 themselves are asserting their own--

4 COUNCIL MEMBER MENCHACA: [interposing]

5 But what are the barriers to that? So, when you say  
6 access to it that you don't have right now, what are  
7 the barriers?

8 GONZALO MARTINEZ: So, right now, for  
9 example, the access is that we only have access to  
10 OSHA-10 right now, because that's the only access  
11 that we have in terms of funding that is covering  
12 this type of training. So, if we can expand the  
13 number of trainings that our centers can provide to  
14 our members, it would be wonderful.

15 LIGIA GUALLPA: And also, I wanted to  
16 just highlight, I think we have to acknowledge if  
17 we're trying to address the issue of health and  
18 safety within the residential industry, I think we  
19 have to recognize that this industry is primarily  
20 immigrant. It's a new workforce that has not been  
21 organized, and the reason a lot of the members are  
22 relying on worker centers is because one, we  
23 understand really this community really well. We  
24 create programs and customize programs that really  
25 meet the needs of this workforce, creating time

1 accessibility. We-- a lot of our programs are run at  
2 night shifts, weekends, even Sundays, and I think  
3 that's so important to make sure that accessibility.  
4 I think the second part is popular [sic] education is  
5 so important. When we're thinking about online  
6 courses, creating written curriculums, I think we  
7 have to recognize this is a new workforce that might  
8 not even finished first grade, not might be able to  
9 read, not-- have never had access to education. And  
10 language access and creating curriculums that is  
11 accessible to them and is easier to create a culture  
12 of health and safety has to start with that. And one  
13 of the things that we have created with the safety  
14 liaison program is we have created a curriculum where  
15 workers are learning from each other. Build--  
16 creating a sense of community that they know they  
17 don't have in their own workplace, because in their  
18 workplace and in the street corners where they get  
19 picked up, in their own workspace there is a sense of  
20 isolation and feeling that you're alone, and when it  
21 comes to confronting your employer to provide you the  
22 right health and safety equipment, the right-- a safe  
23 workplace. So, one of the things that we have  
24 created is safety liaison program, recognizing that  
25

1  
2 despite the fact that these people may have  
3 educational-- will not have finished education, one,  
4 they have a voice and they can use it in the  
5 workplace, making sure that these people actually are  
6 leaders in their community. We train them not only  
7 to provide training to other workers, acknowledging  
8 that they have a lot of knowledge in their own  
9 workplace, believing that they know better what's  
10 wrong in the workplace, and they can teach and  
11 educate others, and I think that's important to  
12 realize. So, what Antonio and Gregorio mentioned,  
13 they're not only training, but they're also  
14 organizing their co-workers to confront their  
15 employers, and I think that's important, and we want  
16 to see partnerships with unions, and we want to build  
17 something that can create, but I think before that we  
18 need to create a conversation, and that conversation  
19 needs to figure it out now before we think that  
20 creating one pathway that workers can be trained.

21 CHAIRPERSON WILLIAMS: Sure. So, we're  
22 going to have to jump in. I want to say thank you  
23 very much for the testimony and for your perspective.  
24 It's very much needed in this discussion. So, I want  
25 to thank everybody for taking their time to come out.

2 UNIDENTIFIED: Want to thank you.

3 CHAIRPERSON WILLIAMS: Thank you.

4 UNIDENTIFIED: Gracias.

5 CHAIRPERSON WILLIAMS: Can everyone who  
6 is planning to testify please raise your hand? Yeah,  
7 we got it. Keep your hands up, please, those who are  
8 planning to testify. Thank you. Keep them up,  
9 please. Thank you. Next up we have Mark Jacaruso, I  
10 think it is. Jacaruso, I'm sorry. James Bifulco,  
11 Greg Wolyniec, from Human Condition Safety, Lorenzo  
12 Gallo [sp?] Safety Group, Michael Arvanites from the  
13 Safety Professional Association, Matt Caruso, and  
14 after this panel, Michael Apuzzo from Plumber Local  
15 One, Carl Johnson, Carl O'Quinn [sic] O'Connor from  
16 Plumbers Local One, Alex Gleason [sp?] from CLC, Pat  
17 Purcell, Barrie Smith, Charlene Obernauer from  
18 NYCOSH. Please be on deck after this panel. So, we  
19 have Matt Caruso?

20 MATTHEW CARUSO: Matt Caruso.

21 CHAIRPERSON WILLIAMS: Jack. Jack?

22 MARK JACARUSO: Mark Jacaruso.

23 CHAIRPERSON WILLIAMS: Wait, wait.

24 UNIDENTIFIED: There's Matt Caruso and  
25 Mark Jacaruso.



2 CHAIRPERSON WILLIAMS: You're Mark  
3 Jacaruso?

4 MARK JACARUSO: Yes.

5 CHAIRPERSON WILLIAMS: And we have Matt  
6 Caruso.

7 [off mic comments]

8 CHAIRPERSON WILLIAMS: Lorenzo Gallo?

9 UNIDENTIFIED: He had to leave, I'm  
10 sorry. I'll be submitting parts of his testimony.

11 CHAIRPERSON WILLIAMS: Michael Arber--

12 MICHAEL ARVANITES: Arvanites, close  
13 enough.

14 CHAIRPERSON WILLIAMS: Arvanites, Greg  
15 Wolyniec?

16 UNIDENTIFIED: He also had to leave.

17 CHAIRPERSON WILLIAMS: And James Bifulco.  
18 Is Robert S. Altman there? Robert Altman? Joshua  
19 Reap [sp?]. Robert S. Altman is he in the holdover  
20 or anything? Alright can you please raise your right  
21 hand? Do you affirm to tell the truth, the whole  
22 truth and nothing but the truth in your testimony  
23 before this committee and to respond honestly to  
24 Council Member questions?

25 UNIDENTIFIED: Yes.

2 CHAIRPERSON WILLIAMS: You each have two  
3 minutes, and you can begin in the order of your  
4 preference. Oh, Robert Altman's here. Hold on one  
5 second. Yeah. Greg Wolyniec, he left.

6 UNIDENTIFIED: They both left.

7 CHAIRPERSON WILLIAMS: Can you raise your  
8 hand please? Do you affirm to tell the truth, the  
9 whole truth and nothing but the truth in your  
10 testimony before this committee and to respond  
11 honestly to Council Member questions?

12 UNIDENTIFIED: I do.

13 CHAIRPERSON WILLIAMS: Okay, as I said,  
14 you each have two minutes. Please begin in the order  
15 of your preference. And just FYI, we want to try to  
16 get to everyone, so we're going to be a lot-- a  
17 little bit more strict on the time as we move  
18 forward.

19 MARK JACARUSO: Okay, good afternoon,  
20 Council. I'll try to squeeze this in as much as I  
21 can. My name is Mark Jacaruso. That's good? Okay.  
22 I'm actually a Building Inspector for the Department  
23 of Buildings currently, working on 16 years. Along  
24 with my field inspections and the training under  
25 Commissioner Lamanjue [sp?] we had started a pilot

1  
2 program which is now the Excavation Unit as well as  
3 the Scaffold Safety Unit. I played a pivotal role in  
4 trying to get that established, and after that we  
5 went out to-- I was in borough construction, borough  
6 inspections and special operations. In addition to  
7 the vast amount of mandated types of inspections,  
8 special ops was also charged with the Department's  
9 Class One Hazardous Violation Re-inspection Program,  
10 which is also-- I know the question was asked earlier  
11 today how the DOB goes about getting the violating  
12 conditions rectified. That went to a Special Ops  
13 Operations Unit to go back every three months to make  
14 sure that the violations were actually applied, were  
15 corrected. Again, 16 years with the Department of  
16 Buildings. I had applied for my Site Safety  
17 Manager's license and I was denied. We're complaint  
18 driven, so they wanted to see exact addresses that I  
19 was on. I submitted a reconsideration which was also  
20 denied for the same reasons. The whole-- I paid 600  
21 or was it 500 dollars for a background check that  
22 they would actually have all the information already,  
23 but I paid 500 dollars. A 130 dollar fee for a  
24 social security print-out. I was told that that  
25 showed my-- yeah, that was-- I'm all over the place.

1  
2 Where was I? A 130 dollar fee for a social security  
3 print-out which would actually prove where I worked.  
4 Actually, it only says New York City on that. I  
5 could have worked for the Sanitation Department.  
6 They say the Department of Buildings says that they  
7 can't verify my work experience. Meanwhile it's in  
8 every little thing on the online that I found that it  
9 shows what I do, what I've done for the past 16  
10 years.

11 CHAIRPERSON WILLIAMS: So, it sounds like  
12 you have actually a personal issue. We're happy to  
13 take your information and try to figure out if we can  
14 connect you with a Council Member to help follow up  
15 on what you're going through. Okay?

16 MARK JACARUSO: Right, okay.

17 CHAIRPERSON WILLIAMS: Sorry about that.

18 MARK JACARUSO: No, no problem.

19 CHAIRPERSON WILLIAMS: Thank you for  
20 coming by. Next?

21 MATTHEW CARUSO: Good after-- good  
22 afternoon, City Council. My name is Matthew Caruso.  
23 I am the owner of Construction Realty Safety Group,  
24 one of the City's largest construction safety firms.  
25 I'm going to attempt to summarize my testimony which

2 has been submitted, and due to time constraints. I've  
3 provided an opinion on almost all the bills, but  
4 first and foremost, my position is coming from a  
5 place of pure safety. My company provides safety  
6 oversight for union projects, non-union projects,  
7 open shop, merit shop projects, and there's a lot of  
8 focus that has been on this hearing on the  
9 apprenticeship bill, but truthfully it will require  
10 more than just the one bill to change the industry.  
11 Specifically, safety regulations and enforcement is  
12 needed. The REBNY data shows that 75 percent of the  
13 fatalities occurred on under 10 story projects. It's  
14 no surprise that the Building Department's code  
15 requirements fall short when it comes to safety  
16 regulations on those projects. There are no  
17 orientations required for workers. There are no  
18 safety training that's required for workers. There's  
19 no safety plans or programs, and there's no safety  
20 meetings or dedicated safety personnel on those  
21 projects. So, in short, you have to one, train the  
22 workers, which we talked about in the apprenticeship  
23 program, but also increase the penalties and make  
24 sure the contractors are provided due process through  
25 the ECB hearing, and coupled with mandatory safety

2 regulations on those projects for the permit holders.  
3 That will effectuate change in the industry and make  
4 the project safer for all workers. Thank you.

5 CHAIRPERSON WILLIAMS: Thank you.

6 JAMES BIFULCO: Good afternoon Chair  
7 Williams and members of the Committee. I'm Jim  
8 Bifulco, President of the Construction Safety  
9 Advisory Committee of New York or CSAC. CSAC's  
10 leadership and members include over 300 licensed  
11 experienced site safety professionals who have served  
12 as former officials of the New York City Department  
13 of Buildings, Fire Department, New York City Transit,  
14 School Construction Authority. We serve as safety  
15 personnel for both open shop and union contractors as  
16 well as begin consultant for building owners,  
17 developers, agencies and authorities. CSAC's mission  
18 is to advocate for and promote new ways to keep  
19 workers and pedestrians safe. The current epidemic  
20 of construction fatalities is unacceptable and  
21 largely preventable. We commend the Council for  
22 taking proactive steps to stop this alarming trend.  
23 Our experience has shown as many have said today that  
24 the majority of the construction injuries and  
25 fatalities are occurring on sites that are under 10

1 stories. They are-- the workers impacted the most  
2 are non-English speaking, and falls are the leading  
3 causes of fatalities. In order to dramatically  
4 improve construction safety in New York City, CSAC  
5 suggests that a model that has been proven successful  
6 in preventing accidents, injuries and fatalities be  
7 applied to these smaller projects. That includes  
8 mandatory training, and that doesn't mean a training  
9 program you take online or a training program that is  
10 not in the language of the individual, or doesn't  
11 have some hands-on component. It requires pre-  
12 planning, and that means daily pre-planning. That  
13 means orientations. That means site safety plans,  
14 and it means independent oversight and routine DOB  
15 enforcement. These are all things that are not  
16 occurring on these lower sites, and our experiences  
17 have shown if it is not mandated by law and it's not  
18 being enforced by the agency, it does not occur. So,  
19 I want to commend the Council's effort in taking  
20 these proactive steps. Many of the provisions in the  
21 bills that are introduced incorporate the things that  
22 we are advocating for, and will in fact improve  
23 safety in construction throughout New York City.  
24 Thank you.  
25

2 CHAIRPERSON WILLIAMS: Thank you.

3 MICHAEL ARVANITES: Hello, Chair. Michael  
4 Arvanites, the CO of the Safety Professional  
5 Association representing like James, a bunch of site  
6 safety and fire safety, concrete safety managers  
7 along with QSP's across the city and the state. I  
8 did want to also mention I'm on the Mayor's Crane  
9 Taskforce, and today I had with me CEO's from the  
10 Human Condition Safety as well as the Safety Group.  
11 You might reference when Al [sic] was back in the  
12 other room and talked about the 6,000 members that  
13 were trained for Barclay's. That was part-- they  
14 were part in parcel of that. I'm going to be giving  
15 a lot of Greg Wolyniec from Human Condition Safety  
16 was going to be speaking about. There was an  
17 accompanying video which I'll send to staff as well,  
18 and thank you Meg, for all the help you've given me  
19 today dealing with this hearing, and I commend you  
20 guys for taking this. In 2008, I was actually an  
21 analyst for this committee when we did most of the--  
22 the majority of Local Law 33. Human Condition Safety  
23 has a lot of virtual reality training, let's a  
24 trainee actually walk through the construction site,  
25 identifying OSHA hazards without being in danger from



1  
2 those hazards. We have iron worker virtual reality  
3 training modules that place you 30 stories up to see  
4 if you're vertigo, or if you can simply do the job,  
5 and virtual reality modules are coupled with in-  
6 person classroom training, not online training which  
7 we feel is worthless. We have a vocational training  
8 academy through the Safety Group called the United  
9 Safety Academy, and together with the Safety Group  
10 and the United Safety Academy and the Human Safety  
11 Condition, we can end through wearable technology  
12 that they've created and all these virtual reality  
13 trainers, we can end falls, struck by's [sic].  
14 Through safe scan we can eliminate electrocutions and  
15 various other hazards. The Buildings Department  
16 today talked about data analytics and technology to  
17 improve job sites. Intro 1421 speaks to technology  
18 making crane operations safer. Our app has a  
19 personal geo located weather and wind conditioning  
20 for the worker and the machine. That's what it's  
21 called for in that bill. Intro 1429 and 1444 speak  
22 to site-specific orientation, talks and meetings for  
23 job sites. All this tech can save lives, and that's  
24 what we're all trying to do here today, and I commend  
25 you for it.

CHAIRPERSON WILLIAMS: Thank you.

ROBERT ALTMAN: Good afternoon, and thank you for allowing me to testify today. My name is Robert Altman, and I'm the consultant for the Queens and Bronx Building Association. I'd like to say in the interest of worker safety and personal safety, in the future I'd like to recommend-- and this is what I told to Council Member Menchaca-- is that if there is an undocumented alien here, ahead of time you should be giving them the option to have their name withheld or have their name somehow blotted out of the record and also have their face, because this is the age of Trump and who knows what will happen. I'm not going to read my testimony because you have it there in writing in front of you. I do want to bring up a couple of different points. The Queens and Bronx Building Association has been a leader in worker safety. We have a worker safety group as many of our members belong to, and you cannot join it unless you have a very good safety record. Because you have to have a good safety record, you also get lower insurance premiums as a result. So, there's an economic benefit to being safe in this city. Additionally, you know, we have had members, and this

1  
2 is one of the problems about putting State Department  
3 of Labor Program into the apprenticeship program and  
4 the State Department of Labor try to do this, and  
5 they'll-- it costs a lot of money to try to do this.  
6 We had one member in particular try to do this, went  
7 through the whole process. Said it was doing great,  
8 doing great, doing great, got to the end, State  
9 Department of Labor refused to approve them. I can  
10 only speculate as to why, but if I had to bet, I  
11 would bet it's the following. There aren't very  
12 many, if any, apprenticeship programs in New York  
13 City that are not related to a labor union. And as  
14 far as this is concerned in New York City, this is  
15 their monopoly. So, when you limit your safety to  
16 only a program approved by the State Department of  
17 Labor, you're basically limiting it to a monopoly  
18 controlled by the unions. So, be very careful when  
19 you do that.

20 CHAIRPERSON WILLIAMS: Thank you very  
21 much for the testimony. Matt, thank you because I  
22 know you work with both union and non-union.

23 MATTHEW CARUSO: As well [inaudible]

24 CHAIRPERSON WILLIAMS: Say that [sic]?

25 MATTHEW CARUSO: As well [inaudible].

2 CHAIRPERSON WILLIAMS: Okay, alright, so  
3 everyone. I mean, so based on what we've heard we've  
4 kind of figured out, and I think people are  
5 thankfully getting it that it's just not about  
6 apprenticeship, and so I believe we can, for the sake  
7 of argument, saying we just want to have safety  
8 training for everyone. But I just want to know if  
9 there's any response to what Mr. Altman said, because  
10 now there's another angle that we don't even want to  
11 approve if-- please [inaudible] if I'm saying  
12 correctly. Even if we just have it approved by DOL,  
13 the State Department of Labor, you're saying that it  
14 still means it's going to be-- what--

15 ROBERT ALTMAN: Generally speaking--

16 CHAIRPERSON WILLIAMS: [interposing] Yeah.

17 ROBERT ALTMAN: the state, even if you go  
18 through the entire process, which is very expensive,  
19 which one of our members did do--

20 CHAIRPERSON WILLIAMS: [interposing] Well-

21 -

22 ROBERT ALTMAN: the state at the end  
23 usually will not approve you unless you're affiliated  
24 with a labor union.

2 CHAIRPERSON WILLIAMS: Well, we can have  
3 something that is commensurate that is not approved  
4 by the state but still allows--

5 ROBERT ALTMAN: [interposing] I'm not  
6 talking about what the Council--

7 CHAIRPERSON WILLIAMS: [interposing] Okay.

8 ROBERT ALTMAN: would in fact--

9 CHAIRPERSON WILLIAMS: [interposing] I  
10 see.

11 ROBERT ALTMAN: But it's a very large--

12 CHAIRPERSON WILLIAMS: [interposing]  
13 You're just reinforcing--

14 ROBERT ALTMAN: [interposing]  
15 infrastructure that you'll need.

16 CHAIRPERSON WILLIAMS: that if it's  
17 approved by the state it would, practically speaking  
18 on the ground, be union.

19 ROBERT ALTMAN: And you'd also have to  
20 make sure that anything done by the City does not  
21 have this situation. Also, you're going to have to  
22 make sure that it does not inadvertently harm  
23 minority contractors.

24 CHAIRPERSON WILLIAMS: Sure. Is that  
25 accurate?

2 JAMES BIFULCO: So, I would say, you  
3 know, the critical piece is not whether it's union or  
4 non-union, and even the Department of Labor. I do,  
5 as I said earlier, believe that it has to have some  
6 level of related instruction. So, it can't be  
7 something online. It can't be something where there  
8 isn't a hands-on component of it, and it's got to be  
9 substantial. I know that we've advised, you know,  
10 some of our constituents on taking the pieces out of  
11 the DOL apprentice programs and using them as a core  
12 basis for safety training. So, it's not only the pre-  
13 packaged programs whether it be the OSHA 10-hour or  
14 30-hour, but it's related training, and how do you  
15 build a scaffold or how do you physically put on a  
16 harness. And the other, the one last thing I wanted  
17 to say is that any program that's being given must  
18 focus on fall protection and must make sure that it's  
19 in the language of the worker whose being trained.  
20 If he doesn't understand what's being said, then it  
21 provides no value whatsoever.

22 MICHAEL ARVANITES: We do bi-lingual  
23 training with the virtual reality, within classroom,  
24 direct on-site sometimes if the class is large  
25 enough, and that's the key, like he said, having them

2 physically do the job that they're about to do, have  
3 them physically put on the harness, have them seal a  
4 room off if you're doing hazmat or hazwop [sic].  
5 That way, when they actually get to the site they  
6 know what they're doing because they've already done  
7 it before. If you've watched a video online, you  
8 know, you can pass the written test. It doesn't mean  
9 you know how to drive.

10 MATTHEW CARUSO: If I may add comment to  
11 that? I think everyone on the panel here, and as you  
12 said earlier Councilman Williams, that everyone can  
13 agree that increased safety training is good for the  
14 industry. I think there definitely needs to be a  
15 focus. There are other bills being proposed that  
16 focus on safety regulations on the projects that need  
17 them. In our industry, there are good contractors,  
18 there are bad contractors. Workers definitely need  
19 to know what it safe and what is not safe, but the  
20 contractors that are employing them need to be held  
21 accountable through increased regulation, fines and  
22 etcetera, because without that, you're only-- you're  
23 putting the onus on all of the worker and not the  
24 employer and the contractors.

25 CHAIRPERSON WILLIAMS: Okay.

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MATTHEW CARUSO: So, that has to be a part of overall.

CHAIRPERSON WILLIAMS: Thank you. I think Council Member Menchaca has some questions.

COUNCIL MEMBER MENCHACA: Thank you, Chair Williams. I have a question for the panel, and the over-arching question is so let's just dig deeper, let's design this thing here in this public hearing, begin to design it. You're already doing that. You're saying it's going to have to be substantial in I'm assuming in hours. So, help to find that further. How many hours, and--

MICHAEL ARVANITES: [interposing] So, I can say--

COUNCIL MEMBER MENCHACA: [interposing] Let me ask a couple more pieces. So it's hours, you're saying not online, but then I'm hearing virtual reality. So tell me a little bit about what the difference between online and virtual reality. Just hold that question. How much does it cost, for example? And are we talking virtual reality experience for OSHA, scaffolding, everything? What are the limits there? And then the cost per person,



1  
2 and where is it available, and can we go check this  
3 out ourselves?

4 MICHAEL ARVANITES: Sixty-one Broadway,  
5 31<sup>st</sup> floor, it's not-- it's about a five-minute walk  
6 from here.

7 COUNCIL MEMBER MENCHACA: Okay.

8 MICHAEL ARVANITES: If you walk at a  
9 Manhattan pace. And I'll be happy to hook up with  
10 your office and make sure that we get you--

11 COUNCIL MEMBER MENCHACA: [interposing]  
12 Yeah, we should go check this out.

13 MICHAEL ARVANITES: Yeah.

14 COUNCIL MEMBER MENCHACA: I've done some  
15 virtual reality already--

16 MICHAEL ARVANITES: [interposing] If you  
17 ever want the fun of falling off--

18 COUNCIL MEMBER MENCHACA: and it's  
19 incredible.

20 MICHAEL ARVANITES: a 30-story building,  
21 you know, without actually having to do it.

22 COUNCIL MEMBER MENCHACA: What's the  
23 cost?

24 MICHAEL ARVANITES: The cost per person  
25 is negligible, and we also are approved by Department

1 of Labor for OTG grants. We've already introduced it  
2 into a Youth Building network on Staten Island. I  
3 heard Gonzalo Mercado speaking even though I was in  
4 other room. We're working with them as well, but we  
5 can-- it's packagable [sic]. It's mobile, and we  
6 also have for iron worker--

8 COUNCIL MEMBER MENCHACA: [interposing]  
9 For all the certifications we've talking about this  
10 whole-- all day?

11 MICHAEL ARVANITES: Forklift, OSHA-10,  
12 OSHA-30, iron worker, those are the ones that I can--  
13 that are ready for gen two, ready to be released.

14 COUNCIL MEMBER MENCHACA: Alright.

15 MICHAEL ARVANITES: And I'd love to show  
16 you that, and we can do it bilingual, and when you're  
17 walking around the job site, let's say OSHA-10,  
18 identifying OSHA hazards, in any language we can do  
19 pop-ups when you see like an electric cord hanging in  
20 a puddle. If you identify that, then a thing pops up  
21 and says, "Why is this wrong?" in any language you  
22 want. And you're able to-- the person doing that is  
23 able to identify not only what the hazard is, but why  
24 it's wrong, and--

1 COUNCIL MEMBER MENCHACA: [interposing]

2 And for the unions, I'm going to ask y'all later  
3 about what you think about this. And then--

4 JAMES BIFULCO: [interposing] So, a point  
5 I made is if you read through the apprentice  
6 guidelines it looks like, you know, minimum is 177  
7 hours of related training for per year. So, if you  
8 look through some of those as Mr. LaBarbera said  
9 earlier that-- and not a union/non-union issue, these  
10 are posted online. And if you look at the  
11 similarities of the related training related to  
12 safety there's very, very many topics that are  
13 covered on every single one of them, and they could  
14 be looked at as best practices.

15 MICHAEL ARVANITES: And just one more  
16 point, Councilman, I don't want to eat your time  
17 here, but the crane operators and a bunch of the  
18 other unions have embraced simulation and virtual  
19 reality training, so we're speaking to them as well.

20 ROBERT ALTMAN: Can I just say that CUNY  
21 does some of this? I mean, one of the things that  
22 QBBA did a few years back, a number of its members  
23 did, we even give an annual set of scholarships to  
24 students who are in the CUNY system, and they-- CUNY  
25

1 started up a program on this as well. So, just be  
2 aware that not just all private entities. Some of  
3 this comes through our education system.

4  
5 CHAIRPERSON WILLIAMS: Alright. Thank  
6 you very much.

7 COUNCIL MEMBER MENCHACA: You want to  
8 answer?

9 MATTHEW CARUSO: Yeah, absolutely I'll  
10 contribute. I think a collaboration between both  
11 sides of what the safety training is required for the  
12 apprenticeship bill or the training bill is  
13 necessary. Additionally, some of the other members  
14 on this panel have pointed out an interesting point,  
15 which is you don't want to make it too cumbersome for  
16 the Building Department to enforce. So, utilizing  
17 modules that exist within the industry already is a  
18 great way to create something that's not so  
19 cumbersome that it won't happen. So, I know we've  
20 spoken about that before and we should continue to  
21 get that pushed out and together.

22 CHAIRPERSON WILLIAMS: Thank you very  
23 much for your testimony. Michael Apuzzo, is Michael  
24 here? Michael Apuzzo is here. Carl Johnson, is Carl  
25 Johnson here? Carl Johnson is here, yes or no? Paul

2 O'Connor, Plumber's Local One, is Paul here? Alexis  
3 Gleason-- sorry, Alex, Alex Gleason? So, Pat  
4 Purcell, Barney Smith-- sorry, I've been here a  
5 while, Barrie Smith. Charlene Obernauer, is Charlene  
6 here? We're going to try to squeeze one more if we  
7 can, Carmen Yega [sic] Rivera? Vega, Carme Vega  
8 Rivera, Community Actions for Safe? Not here. Thank  
9 you. I didn't see-- Johnathan Wesson [sp?], I don't  
10 think I saw him. He's here? Maritza Ferrell [sp?]?  
11 I don't think I saw her either.

12 UNIDENTIFIED: [off mic comments]

13 CHAIRPERSON WILLIAMS: Did you fill out a  
14 slip?

15 UNIDENTIFIED: [off mic comments]

16 UNIDENTIFIED: No, okay, yeah, you still  
17 need to fill out a slip.

18 CHAIRPERSON WILLIAMS: Are you from  
19 ALIGN? Alright, just fill out a slip. Michael  
20 Apuzzo, Carl Johnson, Paul O'Connor, Alex Gleason,  
21 Pat Purcell, Barney Smith-- I always-- Barrie, well  
22 it looks like Barney here, I'm sorry, but Barrie  
23 Smith? Charlene from NYCOSH, that's you. And Josh  
24 Kellermann from ALIGN. Can you all please raise your  
25 right hand? Do you affirm to tell the truth, the

1 whole truth and nothing but the truth in your  
2 testimony before this committee and to respond  
3 honestly to Council Member questions? You each have  
4 two minutes. You can begin in the order of your  
5 preference.  
6

7 PAT PURCELL: Thank you very much, Mr.  
8 Chairman, Council Member Menchaca. I want to thank  
9 both of you in addition to the Council, but you two  
10 especially for the really just incredible effort  
11 you've put in towards trying to expand the education  
12 of what we're trying to accomplish here and bringing  
13 parties together, and thank you very much for that.  
14 I watched today a lot of-- for a moment there I  
15 thought there was some surreal moments, right? As  
16 you referred to the beautiful panel that we had  
17 there. And you know, there's misinformation. I  
18 think at some point you should bring the Department  
19 of Labor in, and I think you can get a lot of facts  
20 regarding that. But overall, I see a real  
21 understanding that there is a real safety problem out  
22 there and people are eager to address it. We may  
23 have different opinions, but that's where we are.  
24 However, there was a little ugliness, and the  
25 ugliness that I'm going to refer to is the testimony

1 today that was given from this Administration. I am  
2 absolutely outraged, and I can speak on behalf of the  
3 35,000 members that were out there today at his  
4 rally, at the position that was taken by the  
5 Department of Buildings. What I heard is, "What are  
6 we even doing here?" I don't know if it's they were  
7 ignorant or arrogant when it came to the testimony  
8 that they gave. We have 30 workers that have died in  
9 two years. We have one gentleman who did three tours  
10 in Iraq, and then end up coming back here and dying  
11 on a construction site. They're dividing this city  
12 because those who, "We can't do affordable housing  
13 and do safety. We can't pay good wages and do  
14 safety." It's appalling the division of which  
15 they're taking this approach. It's appalling how  
16 they said, "Well, we're trying. We're doing better.  
17 We'll get better." It's appalling when they say  
18 that, "Well, construction's on the rise and that's  
19 where the deaths come from." Despite the fact that  
20 the City grows in residence but crime continues to go  
21 down. This city has taken, this Administration has  
22 taken a position that continues to put the  
23 construction workers in this city at risk, and I  
24 really ask you and implore you to continue to bring  
25

1 parties together, because at the end of the day it's  
2 only going to be that that's going to help us solve  
3 this problem, because no one in this city can count  
4 on this Administration to bargain on their behalf and  
5 to bring real solutions to the construction worker  
6 fatalities that are happening in this city. I just  
7 want to finish by thanking all of my brothers and  
8 sisters and the laborers who have stayed here through  
9 this, at this point I think I'm referring to a  
10 Survivor episode. But I want to thank every one of  
11 them for being here, and I want to thank you again.  
12 You're taking the lead in this city. You're showing  
13 leadership. There is no leadership on this issue  
14 from the other side of City Hall.

16 CHAIRPERSON WILLIAMS: Thank you. I just  
17 want to know if anyone from the Administration is  
18 still here.

19 PAT PURCELL: Shocking.

20 CHAIRPERSON WILLIAMS: Anyone from the  
21 Administration?

22 PAT PURCELL: Yeah.

23 CHAIRPERSON WILLIAMS: So, on the record,  
24 I just want--

25 PAT PURCELL: [interposing] Yeah, exactly.



2 CHAIRPERSON WILLIAMS: to state my wish  
3 would be that there would be somebody from the  
4 Administration to make sure that they're listening to  
5 some of the complaints so they can take that back.  
6 Barrie Smith?

7 BARRIE SMITH: Good evening, Council  
8 Williams, rest of the Councilmen. My name is Barrie  
9 Smith. I'm the Business Agent for Local 79. I'm also  
10 an Executive Board Member, and I'm the President of  
11 100 Black Construction Workers. As I sit before you  
12 now, I am now a union worker, but when I first came  
13 home I'm also re-entry. I was a non-union worker. I  
14 worked under slave conditions, underpaid, never no  
15 training, almost decapitated both of my legs. We've  
16 got 17 deaths, majority of these deaths are Latino.  
17 I'm just being straight and direct. If this would  
18 have been any other race, this would not be going on.  
19 They'd stop at the second one. So, really what are  
20 we doing here? Safety for All. I'm not here to  
21 discriminate against any worker, because we all have  
22 to provide for our family, but safety should be the  
23 first and foremost thing that we do, and construction  
24 is not like working in an office. So you need more  
25 than just an OSHA card. You need confined space fall

1 protection. You need the best training that you  
2 possibly can have. Now, when you become a police  
3 officers, you're trained at the Academy to become a  
4 police officers, correct? So the same type of things  
5 that need to be done in construction. And then when  
6 it comes to lives and profit, we shouldn't sit here  
7 and play games about it. Lives come before profit.  
8 Safety is first. Thank you.

10 MICHAEL APUZZO: Yes, good evening,  
11 Chairman Williams and members of the Building and  
12 Housing Committee. My name Michael Apuzzo, and I'm  
13 the Business Manager of Local One. On behalf of my  
14 6,000 hard working men and women who are unionized  
15 plumbers and members of my organization with 45  
16 percent of them living within the five boroughs of  
17 New York City, I thank you for this opportunity to  
18 testify and express an unequivocal support for  
19 Plumber's Local One in Introduction 1447. We support  
20 this legislation because it saves lives, those of  
21 construction workers and members of public alike, and  
22 because it levels the playing field for all workers  
23 by requiring substantial and rigorous training for  
24 every construction worker, regardless of his or hers'  
25 membership status. We in the building trades and our

1 unionized contractors have long recognized the value  
2 of the necessity of an apprenticeship program  
3 training program. In fact, we invest millions of  
4 dollars each year to ensure our work forces are not  
5 only the best in their craft, but more importantly,  
6 best trained at proper safety protocol. Intro 1447  
7 will make the construction sites safer by ensuring  
8 that every worker receives the same level of safety  
9 training that a union apprenticeship program offers  
10 to their apprentices. The New York State Legislator  
11 has declared it to be public policy of this state to  
12 develop a sound apprenticeship program standards to  
13 encourage the industry and labor to institute  
14 training programs. The New York State Department of  
15 Labor oversees apprenticeship programs to make sure  
16 that they adhere to specific standards for training.  
17 These programs teach our workers how to perform  
18 construction in a safe and productive manner.  
19 Currently, in the absence of an apprenticeship  
20 program, requirements are imposed-- only imposed by  
21 collective bargaining. Otherwise, the employers are  
22 putting profits over safety and do not train workers  
23 sufficiently in maintaining safe worksites. In the  
24 recent show-- in the recent statistics that for the  
25

1 period of 2014 and 2015 safety violations were found  
2 to be up 90 percent. In closing, inclosing, the  
3 workers are treated as expendable and temporary tools  
4 to maximize profits. For this, we have proven  
5 increased construction deaths of this 2015 and  
6 Plumber's Local One believes that this is a common  
7 sense legislation for a complex problem in New York  
8 City, and Plumber's Local One truly believes that all  
9 construction workers' lives matter. Thank you.  
10

11 CHAIRPERSON WILLIAMS: Thank you.

12 PAUL O'CONNOR: Good morning, good  
13 afternoon and good evening Chairman Williams and  
14 members of the Council. My name is Paul O'Connor. I  
15 am the Financial Secretary Treasurer of Plumbers  
16 Local One. I would like to echo the comments of my  
17 colleague, Business Manager Michael Apuzzo, and  
18 express strong support for Intro 1447. This  
19 legislation requires such apprenticeship standard--  
20 safety standard training as well as continuous safety  
21 training regardless of union status of the contractor  
22 or worker. It does so by applying existing training  
23 standards already spelled out by the state legislator  
24 and the Department of Labor regulations, furthering  
25 both state and federal apprenticeship safety training

1  
2 programs with apprentice safety programs as the new  
3 benchmark for sufficient training. The legislation  
4 will protect all workers, including the most  
5 vulnerable workers being exploited which is the non-  
6 union workers all for who have not been trained  
7 properly. This must change. Real and enforceable  
8 standards for robust construction training are  
9 imperative to protect construction workers and all  
10 peoples in and around construction sites. Let us not  
11 forget the tragedies that have brought us here today.  
12 There's been an epidemic in construction deaths in  
13 the City over the last few years. Most of these  
14 deaths have occurred on non-union job sites where  
15 workers have not received the proper training. This  
16 lack of training is contrasted against construction  
17 sites where contractors participate in a New York  
18 State or federal registered apprenticeship program.  
19 Despite what critics might say, this is not a special  
20 interest legislation, unless of course critics should  
21 have us believe that construction workers is special  
22 interest. Thank you for allowing me to testify.

23 CARL JOHNSON: Good evening Chairman  
24 Williams and fellow committee members. My name is  
25 Carl Johnson, and I'm fortunate to be a Business

1 Agent of Plumbers Local Union Number One. Thank you  
2 for this opportunity to testify, and I urge you, I  
3 urge this whole committee to pass Intro 1447. My  
4 colleagues have spoken about the benefits of  
5 apprenticeship programs. I'd like to address some of  
6 the criticisms that have been launched at this  
7 proposal. Critics of Intro 1447 have charged that  
8 this legislation will be a barrier to non-union  
9 construction workers and a barrier to people of color  
10 entering the constitution trades. That's simply not  
11 the case. The only thing that this legislation is  
12 intended to do is ensure that every worker that sets  
13 foot on a construction site, whether union or non-  
14 union, Caucasian, African-American, Latino, Asian, or  
15 other receives adequate training so that he or she  
16 can return home safely from the construction site at  
17 the end of the day. The language of the bill is  
18 clear in that it doesn't require apprenticeship  
19 training of every construction worker. IT also  
20 offers an alternative for construction workers that  
21 have received training commensurate with that  
22 required for registered apprentices. Even if Intro  
23 1447 did require apprenticeship training of all  
24 construction workers, statistics show that this still  
25

1 wouldn't be a barrier. Critics often mistakenly  
2 assert that the vast majority of apprenticeship  
3 programs are sponsored by unions. The New York State  
4 Department of Labor has recently confirmed that in  
5 fact a minority of building and construction  
6 apprenticeship programs in New York City are  
7 sponsored by unions. Of the 8,000 union apprentices  
8 enrolled in apprenticeship programs sponsored by  
9 affiliates of the Building and Construction Trades  
10 Council, 75 percent live in the five boroughs.  
11 Sixty-five percent of these local residents are  
12 people or persons of color. Ultimately we're here to  
13 discuss safety and training. Safety and training  
14 must be universal to every construction worker in New  
15 York City, safety and training that will prevent  
16 fatalities and save lives. This is exactly why  
17 Plumbers Local Union One is proud to support this  
18 bill. Thank you for your time, ladies and gentlemen.

19  
20 CHAIRPERSON WILLIAMS: Thank you.

21 CHARLENE OBERNAUER: Good evening. I got  
22 it. Thank you. Good evening. My name is Charlene  
23 Obernauer. I'm the Executive Director of NYCOSH.  
24 There's been a lot said today, so I hope to just  
25 highlight some of the statistics and correct some of

1 the alternative facts that you have been hearing from  
2 earlier this morning. We come today in the midst of  
3 a crisis, and with the new release of our report  
4 called "Deadly Skyline," our data shows an uptick in  
5 worker fatalities in New York State and New York  
6 City, an increasing number of accidents in  
7 construction, increasing deaths due to falls and  
8 safety violations at 90 percent of the construction  
9 fatalities sites. We see that non-union construction  
10 sites are more dangerous, that there are more  
11 fatalities on non-union sites, and that non-union  
12 sites have twice as many violations as their union  
13 counterparts. I want to, because I don't have much  
14 time, quickly address the bill that we're here to  
15 support, Intro 1447. Apprenticeship programs and  
16 bonafide training programs provide rigorous training  
17 requirements of hundreds of thousands-- hundreds or  
18 thousands of hour's on-the-job learning with  
19 technical instruction and offer industry-recognized  
20 certifications that allow workers to progress in the  
21 industry. There's a clear link between this training  
22 and the representation provided by unionized  
23 worksites which traditionally use apprenticeship  
24 programs and a lower rate of fatalities for workers.  
25



1 New York City should ensure that construction  
2 projects use apprenticeship programs so that working  
3 in construction can provide a pathway to a good job  
4 for more of New York's workers and so that these  
5 workers can come home safely at the end of the day.  
6 I also wanted to speak, you know, about in general  
7 with this program, with all effective programs, it's  
8 imperative that we target employers who fail to  
9 comply with the legislation such as the component of  
10 Intro 1447 that includes the OSHA-10 being mandatory  
11 on all construction job sites. Targeting workers who  
12 don't have OSHA-10 cards is ineffective, and it's the  
13 employer's responsibility to keep workers safe at the  
14 end of the day. Employers should be held responsible  
15 for ensuring that their work sites and their workers  
16 are trained to work safely. Our "Deadly Skyline"  
17 report really does present a grim picture of  
18 fatalities in New York City, but we do believe it's a  
19 problem that can be solved. You know, the final  
20 thing that I'll say on the myths versus facts is, you  
21 know, there were a couple of questions around the  
22 rate of construction fatalities, and New York State  
23 and New York City has gone up over the past five  
24 years. Our reports show that also as Carl said  
25

2 earlier, the apprenticeship programs are not all  
3 union. Fifty-one percent of apprenticeship programs  
4 are actually non-union, and this--

5 CHAIRPERSON WILLIAMS: [interposing]

6 Alright.

7 CHARLENE OBERNAUER: isn't about union or  
8 not. It's about--

9 CHAIRPERSON WILLIAMS: [interposing]

10 Thank you. Thank you very much.

11 CHARLENE OBERNAUER: Thank you.

12 [off mic comments]

13 JOSH KELLERMANN: Hello, my name-- Hello,  
14 my name is Josh Kellermann. I work at ALIGN, the  
15 Alliance for a Greater New York. I managed to lose  
16 my testimony between City Hall and here, so I just  
17 got a couple notes. I'll email it later.

18 UNIDENTIFIED: [off mic comments]

19 Survivor.

20 JOSH KELLERMANN: First off, union jobs  
21 are safe jobs. We all know this. So let's make New  
22 York City a wall to wall union town. In the  
23 meantime, non-union workers need to be trained, in  
24 particularly those who are immigrants, primarily  
25 Latinos who are the majority who represent the

1 majority of deaths in the industry. So, when we pass  
2 the training mandate in New York City we're  
3 protecting immigrant workers. And so I want to  
4 contextualize this in our current moment where Trump  
5 has obviously prioritized attacking immigrants, that  
6 this bill is actually a very specific way that New  
7 York City can fight back against Trump-ism [sic] in  
8 this country, because it will protect immigrant  
9 workers' lives, particularly, if we figure out how we  
10 can devise a program that works for all immigrant  
11 workers, those who are-- regardless of immigration  
12 status. A few other points: other benefits should be  
13 clarified and quantified in this. For example,  
14 trained workers are retained workers. There's less  
15 injury, less turnover, more continuity on the job,  
16 better work done by trained workers, and training can  
17 provide career ladders for workers, and the non-union  
18 industry which is really important for  
19 professionalizing the workplace. I'll leave it at  
20 that. Thank you.

22 CHAIRPERSON WILLIAMS: Thank you very  
23 much for all your testimony. I appreciate you coming  
24 here today. I think-- you're saying you have  
25 questions? Is that right?

1  
2 COUNCIL MEMBER MENCHACA: Thank you. I  
3 know it's been a long day, guys, I know. Thank you  
4 for coming today. Two questions, and one is how do  
5 we solve the workforce of the undocumented workforce?  
6 I didn't necessarily hear that in the testimony, so  
7 I'm curious to hear what you all have to say today.  
8 I know it's not an easy question, and I-- we don't--  
9 I don't even think we have an answer today, but  
10 anything that can point us to that. And then  
11 finally-- well, actually let me pause there. I'll do  
12 a follow-up after that. Anybody want to take that  
13 on?

14 PAT PURCELL: I mean, we've had this  
15 conversation, and obviously this is incredibly  
16 important, because right now the undocumented  
17 workforce are the most abused, most subjected to wage  
18 theft, fatalities, injuries, right? So, the current  
19 system that we have right now is failing undocumented  
20 workers. So, we've had some conversation and we've  
21 talked before about what will be the requirements for  
22 whether it's identification, does the City ID program  
23 play a role here? Like, what is it we do so they  
24 don't fear that? Because I think we heard from both  
25 sides, both supporters and opponents of this that

1 the-- it is those as we would call "bottom feeders"  
2 that are the ones that are really taking advantage of  
3 the undocumented workers. We also have to be  
4 incredibly careful, though, that we don't pass  
5 something that will take the undocumented workers and  
6 bring them into the underground economy.

8 COUNCIL MEMBER MENCHACA: Right.

9 PAT PURCELL: That's incredibly  
10 important. So, I would tell you that I know I could  
11 speak for all of us in labor, and I'll be honest I  
12 think after hearing some of today's testimony there's  
13 a lot of folks both opponents and proponents of this  
14 that want to definitely address that issue, because  
15 there is no arguing that undocumented workers have  
16 been the worst victims of what has happened in this  
17 city.

18 COUNCIL MEMBER MENCHACA: And then the  
19 next question is, will you all accept an invitation  
20 to go see the day laborer centers that just testified  
21 earlier today and go see what they do, how they do  
22 what they do and learn a little bit more about that?

23 PAT PURCELL: We would be thrilled to. I  
24 mean, we would be excited to. In fact, I also want  
25 to extend an invite to other organizations to come

1 see our training facilities. All of my brothers and  
2 sisters here--

3 COUNCIL MEMBER MENCHACA: [interposing]  
4 Across the board?

5 PAT PURCELL: have wonderful training  
6 facilities. We definitely need to ask, invite the  
7 Mayor to come see it and other Council Members.

8 COUNCIL MEMBER MENCHACA: I'll bring the  
9 Mayor.

10 PAT PURCELL: Yeah, bring him over. I'll  
11 get [inaudible] and we'll all talk. But I mean, at  
12 the end of the day, yes, we are welcome and excited  
13 to be a part of anything that educates and brings  
14 this conversation further along.

15 CHARLENE OBERNAUER: And Pat, if I could  
16 also add. You know, when you look at the actual text  
17 of the legislation, it reads a training program  
18 authorized and approved by the Commissioner for the  
19 trade or craft of which a person is employed provides  
20 a minimum number of required hours for completion of  
21 safety-related instruction and a minimum number of  
22 required hours of on-the-job training-- blah [sic],  
23 blah, blah. So, my point in that is that you could  
24 create a training program, a training and safety  
25

1  
2 program with the day laborer organizations, and  
3 frankly the Council could help fund a program like  
4 that that would allow for these organizations to  
5 provide the kinds of training, the kinds of safety  
6 training that is needed in that industry, and that's  
7 something that I believe all of my union brothers on  
8 this panel would also support.

9           BARRIE SMITH: That's one thing I would  
10 definitely like to attend. I attended a couple  
11 already. As I said, I'm the President of 100 Black  
12 Construction Workers which to bring neighborhoods and  
13 communities and unions together. It's really  
14 supposed to be 31 deaths. The 31 would have been me.  
15 For five years I worked non-union. I had carbon-  
16 monoxide poison of 180 percent inside my body. They  
17 called my family in and told my family I wouldn't  
18 make it through the night. They weren't laughing and  
19 smiling about that. See, it doesn't touch base until  
20 it hits a loved one or a family member. This is  
21 construction work that we're doing here. We build  
22 buildings that people work in these offices in. It's  
23 very dangerous work. So we really have to put this  
24 in mind. 1447, we need that.

1  
2 CHAIRPERSON WILLIAMS: Thank you very  
3 much for testifying, and thank you, Mr. Smith, for  
4 your personal testimony. Wish you the best. Thank  
5 you. Carol Raftrey [sic], New York Iron Workers, is  
6 Carol here? Is Carol-- maybe she's in the overflow?  
7 Eli Negrón [sp?]? Eli Negrón, Iron Workers Local?  
8 Eli here? Overflow? Jason Chadi [sp?], Iron  
9 Workers? Justice Favor, Local 79, Justice Favor?  
10 Eli? Oh, Justice, yeah. Jason Chaddi, Justice  
11 Favor. Dorian Diaz? Dorian Diaz here or in  
12 overflow? Tafidar Sarov [sp?], Local 79.

13 UNIDENTIFIED: [off mic comments]

14 CHAIRPERSON WILLIAMS: Sorry? Taf [sic],  
15 okay. Wendy Webb [sp?], Apprentice Program Local 79?  
16 Wendy Webb, is Wendy Webb here? Shi or Shy Green,  
17 Local-- Shy is here? Anthony Lowe-- Love? Lowe,  
18 Anthony Lowe? Let me go back. Eli Negrón? Eli  
19 here? Dorian Diaz? You Dorian? Alright. Carol  
20 Raftrey? Carol Raftrey? Carol's not here, and I'm  
21 going to assume that Eli Negrón is not here. So, up  
22 here we should have Jason Chaddi, Justice Favor,  
23 Tafidor Surov [sp?], Shi Green, Anthony Lowe, Dorian  
24 Diaz, Erika Glenn-Byam?

25 UNIDENTIFIED: She's here.



1  
2 CHAIRPERSON WILLIAMS: Can everybody  
3 please raise your right hand? Do you affirm to tell  
4 the truth, the whole truth and nothing but the truth  
5 in your testimony before this committee and to  
6 respond honestly to Council Member questions?

7 UNIDENTIFIED: I do.

8 UNIDENTIFIED: Yes.

9 UNIDENTIFIED: Yes.

10 CHAIRPERSON WILLIAMS: Thank you all for  
11 waiting this long to give your testimony. You each  
12 have two minutes. You can begin in the order of your  
13 preference.

14 JASON CHADDI: Good afternoon, Council  
15 Members, ladies and gentleman. My name is Jason  
16 Chaddi. I'm a father of two wonderful boys and a  
17 husband to a beautiful wife of nine years. We all  
18 reside in New York City. I'm also the Quality  
19 Assurance Manager and an instructor of the Joint  
20 Apprenticeship Committee of Locals 40 and 361 Iron  
21 Workers. We are here because of our fallen [sic]. I  
22 would like to ask everyone in this room a few  
23 questions. Do we send our firefighters into a  
24 burning building without proper training? Do we let  
25 our doctors or pilots do their job without proper

1 training? Do we have them take 10 hours of classroom  
2 training or even 30 hours of classroom training and  
3 send them to do their job? These jobs require  
4 intense and specific training both in classroom and  
5 on the job. Shouldn't we mandate proper training for  
6 all construction workers also? And what is the  
7 metric used to measure the scale of our workers?  
8 How do we ensure the capability of the workforce to  
9 work safely? The answer is simple. It's  
10 apprenticeship programs. History has proven that  
11 apprenticeship programs benefit employers, employees,  
12 industries, communities, and cities. Apprenticeship  
13 programs teaches safety and skills geared  
14 specifically to jobs that a worker has to do.  
15 Apprenticeship programs allows for the apprentice  
16 worker to have mentors with years of experience and  
17 training who will guide them and not allow them to do  
18 any task that they are not properly trained to do.  
19 Apprenticeship programs allows for the apprentice worker  
20 to be in a learning environment both in the classroom  
21 and on the job. Don't all workers both union and  
22 non-union deserve to be properly trained so they are  
23 not bullied by unscrupulous contractors? Don't all  
24 workers, union and non-union deserve to be properly  
25

1 trained so they can confidently identify hazards and  
2 hazardous conditions?  
3

4 CHAIRPERSON WILLIAMS: Thank you for the  
5 testimony. If you have a last sentence, you can say  
6 it.

7 JASON CHADDI: I just want to say I come  
8 to beg that you guys vote in favor of this bill,  
9 1447, to require apprenticeship programs for all.

10 CHAIRPERSON WILLIAMS: Thank you very  
11 much.

12 WENDY WEBB: Good afternoon, and I want  
13 to thank you--

14 CHAIRPERSON WILLIAMS: [interposing] Can  
15 you just bring the mic closer?

16 WENDY WEBB: Good afternoon. Thank you  
17 for giving me the opportunity to testify today and  
18 thanks for your patience. To the panel, I know it's  
19 been a long day for you as it's been for me and the  
20 rest of us here. My name is Wendy Webb, and I'm  
21 Apprenticeship Co-Coordinator for Local 79. I've  
22 worked with the apprenticeship program for 15 years,  
23 and in that time I've seen the impact and the true  
24 difference training makes in a worker both on a  
25 personal and professional level. Local 79

1  
2 apprenticeship program, yes, it is governed by the  
3 Department of Labor and is certified-- it's a  
4 certified program, both classroom and on-the-job  
5 training, and it's also monitored by the Department  
6 of Labor. We are ordered twice a year where they  
7 come down, they speak to our students. They actually  
8 go on a job site sometimes with me. I do job site  
9 visits that make sure that they're being properly  
10 trained and to make sure that they're being safe as  
11 well. Some of the things that we train in-- we had  
12 one of our brothers speak earlier, Ulysses Williams,  
13 so I don't want to go on with it-- 32 certifications.  
14 Apprenticeship is important to me. Why? Because I  
15 too been in the business 29 years, and I wasn't  
16 always a coordinator. I worked in the field 12 of  
17 those years. So I know what it's like to work in a  
18 condition and not have the proper training, and we  
19 were taught to keep our head down and our mouths  
20 shut. Today, that's not what we're telling our  
21 members. We're telling our members you are trained,  
22 you are educated; it makes you a conscious person,  
23 and you have to make that conscious decision even if  
24 the contractor doesn't feel your life is valuable,  
25 you know it is. And it's your goal to go home every

1 night safely. We have 40 different-- we have members  
2 from 40 different countries. So we're exclusive.  
3 Not-- you know, we include everybody is what I'm  
4 really trying to say here today. And yes, there are  
5 things that you have to do in order to get to there  
6 like a GED. That's the minimum. And you know, I  
7 believe that when you really want something you find  
8 a way of getting in it, and when you don't, you find  
9 an excuse. You know? So, the truth is does it work?  
10 Yes, it works because it doesn't just give them  
11 safety. All our classes are safety regardless of  
12 whether you're a piper, a carpenter, it's all about  
13 safety first. What it does is also gives you the  
14 ability to get a job when that job is over.

16 CHAIRPERSON WILLIAMS: Thank you very  
17 much.

18 Good afternoon. Good evening, panel. My  
19 name is Justice Favor. I'm a member of Local 79.  
20 This is called a real-time response. Safety is most  
21 important, but I'm tired of these people that was up  
22 here creating a narrative, a forced narrative that  
23 was in the present date with outdated facts, outdated  
24 statistics in terms of the union. The union is very  
25 inclusive. I'm a product of that. I'm a product of

1  
2 the apprenticeship. Growing up in housing projects,  
3 Far Rockaway, Queens, everything that you can name  
4 of, though, everything, though, but I was able to  
5 rise above that through the apprenticeship, able to  
6 go back to school, finish my degree. Listen, I  
7 always had aspirations of working in the political  
8 atmosphere, the fact that the apprenticeship provided  
9 that for me. You understand? A lot of people want  
10 to twist what's going on right now, and that's not  
11 the truth. How else are we going to continue to rise  
12 above poverty? You understand? These careers, these  
13 other jobs which is not careers, we're not able to  
14 rise above that. Let's talk about the relevant  
15 facts. This is the membership, rank and file. Let me  
16 ask you a question. We had 42 presidents, 43  
17 presidents prior to Barack Obama, but this still was  
18 the greatest country in the world, right? So, just  
19 because we only had one black man, that didn't make  
20 this country a bad country. But people want to twist  
21 and distort what's taking place. I welcome all you  
22 guys to go on the job sites, come to the training  
23 centers to see who really represent this. We  
24 understand that people aren't [sic] in leadership  
25 positions, but that don't determine who we are. That

1  
2 doesn't-- that's a false narrative that these people  
3 going to continue to race bait, gender bait with  
4 outdated facts. Yes, there was a time. Let's quote  
5 the great W. E. B. Du Bois. In the past 30 years,  
6 there's been no other institution to bridge race  
7 relation other than the trade union, you understand?  
8 We are the token? We are-- we are what the world  
9 want to see in terms of inclusive, though. So,  
10 don't-- let's talk about modern day statistics,  
11 modern day facts. And I have a problem with people  
12 that's twisting that, you understand, all of this  
13 anti-union stuff. Granted, safety what matter. I'm a  
14 pro-union. I was once a non-union worker, but my  
15 life has changed as a result of being in the union.  
16 My life has progressed drastically. I've been able  
17 to afford college. So many endless opportunities  
18 that exist within all locals, though, and I'm a  
19 testament to that. Thank you.

20 CHAIRPERSON WILLIAMS: Thank you.

21 TAFIDOR SUROV: Good morning. My name is  
22 Tafidor Surov [sp?]. I'm 22 years old. I'm from the  
23 Bronx, and I was recently recruited into Laborers  
24 Local 79 through the apprenticeship program. I want  
25 to thank you, Chairman Jumaane Williams, and the rest

1 of the City Council people that are here today for  
2 bearing with us throughout the whole day and for  
3 allowing me to speak today about my experience as a  
4 new apprenticeship in Laborers. So, before working as  
5 a construction worker I was in college for a couple  
6 of years, but after a couple of loans, and you know,  
7 the money piling up, it just wasn't attainable for me  
8 anymore, and I knew a few friends who were in Local  
9 79 as apprentices, and I decided that I wanted to  
10 join, too. After so much college debt, it was really  
11 refreshing to know that I would have-- finally be  
12 able to build a career in the building trades as a  
13 skilled laborer without any debt, because my union  
14 and the signatory contractors made an investment in  
15 me. I applied through the general recruitment, and  
16 have been in the program since January of this year.  
17 So, I started day one of my training with not knowing  
18 anything about the industry. The first three weeks  
19 are spent on ensuring my first time on a job would  
20 not be my last, and the beginning of a safe and long  
21 career as a tradesperson. We went through the  
22 classroom training where we became certified in OSHA-  
23 10, learned how to protect our bodies from injuries,  
24 were made aware of the hazards we face as  
25



1 construction workers, and I just want to add in in  
2 response to some things that were said earlier. The  
3 instructors that we have, they do not skimp on how  
4 they teach us to be safe. They teach us, and they're  
5 some of the best in their field, and they go out of  
6 their way to make sure that we understand and that we  
7 learn what we need to. The safety aspect was  
8 stressed enough that I now have the basics to be able  
9 to determine what to do if I encounter unsafe working  
10 conditions. I have three more years of training  
11 until I reach my goal of becoming a journeyman, and  
12 as a new apprentice, I want to be able to have a  
13 career in construction, and through the safety  
14 training I received and will continue to receive, I'm  
15 confident that I'm going to live a long successful  
16 life. Safety's in our best interest. We all deserve  
17 to go home, and Intro 1447 will protect all workers.  
18 Ours is a dangerous industry. I want to work safe.  
19 I want the whole workforce to work safe. City  
20 Council has to act now to prevent more deaths. Pass  
21 Intro 1447. I'm proud to be Local 79.

22  
23 CHAIRPERSON WILLIAMS: Thank you.

24 SHY GREEN: Good afternoon. My name is  
25 Shy Green [sp?]. I'm a--

1  
2 CHAIRPERSON WILLIAMS: [interposing] You  
3 can introduce the little one also.

4 SHY GREEN: I get to-- he got to be  
5 included in my time? We get extra time [inaudible]  
6 [laughter] This is my son Shan [sic] Green, my second  
7 child. I want to give a huge thank you to Council  
8 Member Williams for the opportunity to testify today  
9 about the importance of safety and training standards  
10 for construction workers in Intro 1447. Having gone  
11 through apprenticeship training-- I'm sorry, if I  
12 stated I'm a fourth-year apprentice. Having gone  
13 through apprenticeship training, I'm fortunate to  
14 receive skills and safety training both in a  
15 classroom and on the job. I've seen and dealt with  
16 some of the harsh realities of the construction  
17 industry such as contractors cutting corners, unsafe  
18 conditions that directly result from a lack of  
19 training. I've worked on an open-shop job where I  
20 worked side-by-side with non-union workers. On these  
21 jobs I've had to use my own training to teach  
22 untrained workers how to protect themselves and  
23 everyone around them from getting hurt, including  
24 myself. On this open-shop job I was in Long Island  
25 City, Queens. There was an untrained worker who was

1 assigned to direct the hoisting machine to lift  
2 materials. It didn't take long to realize that he  
3 wasn't trained with the right hand signals. I was  
4 able to help the worker due to recent training in a  
5 hoisting and rigging class that I took that my  
6 apprenticeship school offered. On the same job there  
7 was a total of three different electrical fires  
8 started by untrained non-union electricians. I don't  
9 put the blame on the workers, because the fault is  
10 with the contractors who allow workers with little to  
11 no experience to do such hazardous jobs. The only  
12 thing that sets me apart from these workers I've been  
13 on the job with and that are here present today is  
14 that I'm trained before actually stepping foot on a  
15 site. That's an edge in knowledge that every worker--  
16 every worker, union and non-union, deserves to have.  
17 We are here today after 31 deaths in the last two  
18 years, 31 preventable deaths, but the problem is much  
19 bigger than those 31 lives lost due to negligence.  
20 There's a silent killer that I bet the majority of  
21 untrained workers know very little about, such as  
22 asbestos poisoning and the dangers of inhaling  
23 materials we work with every day like silica, a  
24 silent killer found on every job site. These are  
25

1 things I would have never been cautious of if I had  
2 not been trained to look for them in my  
3 apprenticeship training. I'm not here to fight for  
4 jobs. I'm here to fight for life and safety, because  
5 to me every life is as important as my own. So, I  
6 challenge you workers who are here present today on  
7 these sites who believe training isn't the answer to  
8 ask yourselves are you prepared for these contractors  
9 to look your wives, husbands, children, and parents  
10 in their eyes after exploiting you for their own  
11 gains to add injury to insult literally, and tell  
12 them that your life isn't equal to a few hours of  
13 training and proper equipment as simple as a dusk  
14 mask after your easily preventable death.

16 CHAIRPERSON WILLIAMS: I'm going to have  
17 to say thank you for your testimony. If you have a  
18 close out sentence?

19 SHY GREEN: Yes, I do. I am no better  
20 than you. You're no better than me. You're not my  
21 enemy. You're not my competitor. You are my equal,  
22 my peer, my co-worker that I silently watch die in  
23 these streets, that I silently cried for without even  
24 knowing your name, that I silently mourn for your  
25 families. I will be silent no more. Every worker's

1  
2 life matters. How many more must die before you  
3 realize you're in the position to be just another  
4 number, just another death?

5 CHAIRPERSON WILLIAMS: Thank you very  
6 much.

7 ANTHONY LOWE: Hello? My name's Anthony  
8 Lowe. Hello? Can you hear me? Yeah, my name's  
9 Anthony Lowe. I'm a member of Local 79. I'm also a  
10 member of 100 Black Construction Workers. I'm here  
11 today to ask you please can you pass 1447, Intro to  
12 1447. I say that because I was a member of the non-  
13 union world, so I know what it's like. I was in the  
14 trenches. I was there when there was-- they'd throw  
15 us to the wolves. One incident they had-- they told  
16 me to go on a three foot ledge with a harness and  
17 attach it to a stud. I have the harness to one of the  
18 GC contractors. I didn't know what was going to  
19 happen the next day, but obviously I just walked off  
20 the job. And I had mentors, Barrie Smith, Justin,  
21 Linnie [sp?], Chaz [sic], and a few of these guys  
22 here that helped me, you know, go on the right path.  
23 So, I'm just asking you guys to pass the bill because  
24 there's a lot of non-union workers and union workers  
25 that don't know the-- don't actually know what the

1 bill is. So, I'm just here to, you know, be the  
2 vessel, and just ask you to please do it. Thanks.

3  
4 CHAIRPERSON WILLIAMS: Thank you.

5 DORIAN DIAZ: Good evening. My name is  
6 Dorian Diaz, and I'm a proud member and Shop Steward  
7 of Labors Local 79, and I'd like to be brief about my  
8 experiences in the industry. Too many lives have  
9 been lost over the last two years due to contractor  
10 recklessness and greed. That is why as a construction  
11 worker in this city I strongly urge every Council  
12 Member to support and swiftly pass Intro. 1447. I  
13 can attest firsthand how the non-union industry takes  
14 advantage of workers who are desperately looking for  
15 a job. There are not many employment opportunities  
16 for individuals who come home and try to re-enter  
17 society after time in prison. I was one of those  
18 vulnerable individuals looking for a job after I  
19 returned home when a friend introduced me to  
20 construction industry via [sic] Trade Off [sic]  
21 Construction. Before working for Tradeoff  
22 Construction I never had been on a job site working  
23 anything related to construction. I arrived on the  
24 first day on the job ignorant to what would be  
25 expected of me, zero training and with no



1  
2 inconvenience for contractors who seek highest  
3 possible profit margins. Thank you.

4 CHAIRPERSON WILLIAMS: Thank you very  
5 much.

6 ERIKA GLENN-BYAM: Good evening everyone.  
7 My name is Erika Yvette Glenn-Byam, and I'm a member  
8 of Laborers Local 79. Thank you to Council Member  
9 Williams and the Committee for the opportunity to  
10 testify today on Intro. 1447 and importance of safety  
11 and skills training for all construction workers. I  
12 was born and raised in East New York Brooklyn, and in  
13 2006 after my tour with the United States Air Force,  
14 I applied to a nonprofit organization, Non-  
15 traditional Employment for Women, NEW, here in the  
16 City to help women enter the construction industries.  
17 After being accepted into NEW's program I started an  
18 extensive six-week course that was preparing me for  
19 me one day on a construction site. Upon completion  
20 of the course, I applied to be a Laborers Local 79  
21 apprentice. I was accepted into their program. I  
22 started as an apprentice with Local 79, and before I  
23 even stepped foot on a construction site, they were  
24 teaching me the correct and safe ways to do the job.  
25 The first three weeks as an apprentice had me a



1 classroom getting the proper guidance and training on  
2 safety techniques so I could look out for myself and  
3 fellow tradespeople on the job. Those three weeks  
4 changed my life forever because I'm here today as an  
5 advocate, as a sister, as an aunt, a female union  
6 member for over 10 years. We need safety measures  
7 and real training to be implemented on job sites so  
8 people have the same chance to work safely and return  
9 to their families, that I do. I want to see all my  
10 fellow tradespeople go home after a hard days of  
11 work-- hard day of work, but that is a guarantee for  
12 many of us today, and the way it is now, it isn't  
13 fair. How many must die before we understand every  
14 worker needs to be trained so they're safe on the  
15 job? It's simple. An untrained worker is an unsafe  
16 worker. I am the face of the new age construction  
17 worker, taken down the old New York City with its old  
18 construction practices, practices that in part allow  
19 workers to be unsafe on the job because their  
20 employers aren't forced to train and prepare them for  
21 work. Thank you.

23 CHAIRPERSON WILLIAMS: Thank you all for  
24 your testimony. Your voices are critical. We need to  
25 hear from the workers and what they experience and we

1  
2 want to make sure that everybody has access, every  
3 color, shade, religion, affiliation to the prison  
4 system, whatever, the undocumented. We want to make  
5 sure everyone has access. We want to make sure that  
6 everyone access safely. So hearing from your voices  
7 are very important. Thank you very much. Oba  
8 Watson, Local 79? Ricardo Pimmento [sp?]? Ricardo  
9 Pimmento, just listed. He's here? Frederik Munden  
10 [sp?]? Lou Montenegro [sp?], Elevator Constructors  
11 Local One. Lou Montenegro? Are you Ricardo? So, so  
12 far we have Oba, Ricardo, Frederik Munden; no Lou  
13 Montenegro? Lou's not here? Aaron Diaz [sp?]? Tom  
14 Goodwin, is Tom Goodwin here? I think this says  
15 Nicholas Pabosundo [sp?], Steam Fitters Local 638. I  
16 believe it's-- what's your name? What's your first  
17 name? Okay. Martin Green, Carpenters? Ruben Colon,  
18 Carpenters, Ruben Colon? Sinead Wadsworth [sp?],  
19 that's you? Yeah. [off mic comments] Are you on  
20 this panel? So, we should have Oba Watson, Ricardo  
21 Pimmento, Frederik Munden, Aaron Diaz, Tom Goodwin,  
22 Nicholas Pomazino [sp?], sorry, Ruben Colon, Sinead  
23 Wadsworth. I apologize. My name is Jumaane; it gets  
24 jacked up all the time. Can you please raise your  
25 right hand? Do you affirm to tell the truth, the

1 whole truth and nothing but the truth in your  
2 testimony before this committee and to respond  
3 honestly to Council Member questions? Thank you for  
4 waiting. I know it's been a long wait. You each  
5 have two minutes to give your testimony. You can  
6 start in the order of your preference. Thank you.  
7 Sure.

8  
9 OBA WATSON: Do I have to hold onto the  
10 button?

11 UNIDENTIFIED: No, no, no.

12 OBA WATSON: Okay. Am I clear now?  
13 Thank you. My name is Oba Watson. I'm a Shop  
14 Steward for Local 79, and I'm also a proud member of  
15 100 BCW, nonprofit group. I'd like to start off with  
16 good evening, and I definitely appreciate the  
17 opportunity that you guys have provided to address  
18 this issue. I'm a father too, and I also work in the  
19 most dangerous industry there is. I'm fortunate to  
20 have been provided the training needed to work safely  
21 in this industry by my union Local 79. There are  
22 thousands and thousands of construction workers who  
23 are not as fortunate as I am. I'm here today to be  
24 their voice and hopefully introducing this  
25 legislation that will protect all the workers across

1  
2 the City. I have worked in non-union industries, and  
3 I have experienced the dangers of the untrained  
4 worker. I never received adequate safety training or  
5 instructed on the hazards of working on a  
6 construction site when I was doing non-union work.  
7 My safety, unfortunately, was never the primary  
8 concern to my employers. All he wanted to make sure  
9 that we were on schedule and the money kept rolling  
10 in. Unfortunately, ignorance is what kept me in  
11 unsafe working conditions and contractors fed on  
12 this, and I wasn't the only one to be exploited as  
13 non-union workforce. The bottom line is we need to  
14 educate and we need to protect New York City's most  
15 vulnerable workers. Today, as a Local 79 shop  
16 steward, I still see firsthand how these problems  
17 still persist. I'm currently working in which you  
18 would call an open-shop job which is non-union  
19 working side by side with union workers.  
20 Unfortunately, I'm the only union worker within my  
21 crew that deals with mason tending and brick laying.  
22 To be honest, I've seen time and time again guys not  
23 adequately trained, and I have to stop them from what  
24 they're doing as they're performing certain tasks and  
25 have to explain to them exactly what the rules are,

1  
2 not just on the job site, but in this industry on a  
3 whole. So please, I need you to really think about  
4 passing Intro 1447 not just for my continued safety,  
5 but the safety of all construction workers that work  
6 in this city. Thank you.

7 CHAIRPERSON WILLIAMS: Thank you.

8 RICARDO PIMMENTO: Good morning.

9 Alright, good evening now. My name is Ricardo  
10 Pimmento, and I'm here today to urge the entire City  
11 Council to pass Intro 1447. As a Foreman for Trade-  
12 Off Construction, my life and my crew's life are  
13 constantly at risk because my employer has no regard  
14 for human life. Every day corners are cut on safety  
15 to ensure the job is done as quickly as possible. We  
16 currently work with no gloves, no safety glasses and  
17 other personal protective equipment that should be  
18 provided by our employer. There are instances of  
19 people working without a harness or zero fall  
20 protection. I came in as a foreman for Tradeoff  
21 because I was running a 23-man crew for another  
22 union-union contractor, Construction Fort [sic]. The  
23 Tradeoff foreman at the time did not know what he was  
24 doing, so they brought me in to take control. I  
25 started getting paid 20 dollars an hour and promised

1 a raise once I had proven myself. In a week I had  
2 turned around the job, and when I went to get a raise  
3 as promised, my employer said 25 an hour was the most  
4 they could afford. I'm still waiting on that raise.  
5 I knew though from paperwork that my employer was  
6 billing contractors 45 dollars an hour for my work.  
7 We can no longer allow greedy contractors and  
8 subcontractors to continue to exploit the non-union  
9 workforce. That is why I'm here today to be the  
10 voice for many workers who because they need to  
11 provide for their families they are afraid to speak  
12 up against the same people who are abusing their  
13 need. To my non-union brothers and sisters, do not  
14 let your employer continue to keep you oblivious to  
15 the safety protocols they should be following. These  
16 protocols will make sure you come home to your  
17 families and be able to go back to work the next day.  
18 This bill would not take our jobs away because it is  
19 not an apprenticeship mandate. The bill's purpose is  
20 to make sure all contractors and subcontractors are  
21 being held by the Department of Labor. We should not  
22 be on the opposite side of safety. This is not a  
23 union versus union battler. This is a bill that will  
24 keep us non-union workers safe. As a non-union  
25

1  
2 worker, I am asking the City Council to act now and  
3 pass Intro 1447.

4 CHAIRPERSON WILLIAMS: Thank you.

5 DEACON FREDERICK MUNDEN: My name is  
6 Deacon Frederick Munden. I am a Local 15 member, but  
7 I implore the panel that's here, because you guys are  
8 stopping the exploitation and the peonage of the non-  
9 union workers. It's not because they are non-union.  
10 It's because the bottom line of the dollar of the  
11 companies that's nonunion is about to stop.  
12 Knowledge is key, and any time you enlighten a  
13 person, they will have the strength enough to know  
14 what they are valued, and they will not do something  
15 that will cause themselves to end their life. I  
16 support bill 1447. I also support bill 1446 for the  
17 licensing. We have to do more because you have a lot  
18 of heavy equipment that's out there on the job site  
19 that need to be looked at that need to be licensed.  
20 Somebody could have DWI and are not able to drive a  
21 car, but come on a job site and drive a piece of  
22 equipment, and I think that's wrong. I think that we  
23 need to license the pay-loader, the excavator, all  
24 that equipment, because if we don't license the  
25 equipment, how do we know that that person is not

1  
2 permitted to drive a car, but going to drive a ten  
3 ton, 100 ton piece of equipment, to trip a building  
4 and kill hundreds? We need to license these things  
5 to get it correct. And you guys will go down in  
6 history for doing this, because it is not-- if you  
7 look at it, if I'm not able to drive a car, why I'm  
8 going to drive 100 ton piece of equipment?

9 CHAIRPERSON WILLIAMS: Thank you.

10 AARON DIAZ: Good evening, everyone. My  
11 name is Aaron Diaz. I grew up in Harlem, and I'm  
12 currently a resident of Park Chester [sic] in the  
13 Bronx. I graduated the high school Health [sic]  
14 Professions on 14<sup>th</sup> Street, and I'm a second-year  
15 apprentice at Steamfitters Local 638. I'm a proud  
16 New Yorker, life-long, and I recently got engaged in  
17 October. Thank you. You're always hearing sports  
18 people talking about home-grown talent stories about  
19 athletes who dedicated their professional careers to  
20 the city where they learned the game. As a member of  
21 the New York City Building and Construction Trade, I  
22 consider myself home-grown talent. Like, I use my  
23 skills to build and maintain critical piping, fire  
24 sprinklers and HVAC systems throughout the city. The  
25 apprentice program that I'm enrolled is built around



1 the state-approved OSHA safety guidelines. I've been  
2 taught how to protect myself and those around me  
3 every day while working on sites such as the MTA  
4 Eastside Access Project, the Con-Edison on 59<sup>th</sup> and  
5 11<sup>th</sup>, replacing the steam pipes, as well as  
6 installing fire sprinklers, heating systems and AC  
7 units in public schools throughout the five boroughs.  
8 I consider myself fortunate to have been provided  
9 with an opportunity to work in a safety-regulated  
10 environment. Every day, my experiences on the job  
11 site contrast with horror stories I've heard about  
12 non-union work, and they've been killed by improper  
13 safety equipment or just not having safety equipment  
14 at all. One in five deaths in the workplace is due  
15 to the lack of safety equipment or the basic proper  
16 safety-- you might even have the safety equipment,  
17 but not the knowledge how to use it. But like, I've  
18 only-- I've not only been provided with the skills  
19 necessary for my career, but also those needed to  
20 ensure that I could return home to my fiancé every  
21 night. Every worker should have this basic  
22 protection. Safety training should be an educational  
23 standard for every laborer to ensure not only their  
24 safety, but that of everyone around them. Please  
25

1  
2 consider my support and those of my colleagues when  
3 deciding on passing these critical worker  
4 protections. Thank you.

5 CHAIRPERSON WILLIAMS: Thank you.

6 TOM GOODWIN: My name is Tom Goodwin.  
7 I'm the Director of Education for the Steamfitters  
8 Local 638, and I'm the proud director of the young  
9 man to my right, and unfortunately, I think I have a  
10 wedding to go to shortly. I hope I'm invited. I  
11 submitted my 20 pages of testimony. It's basically  
12 what several people said prior to me. So, I don't  
13 want to chew our cabbage twice. However, some of the  
14 speakers disturbed me. I recently applied for a  
15 service apprenticeship program in our union. At no  
16 point did I have to pay for that apprenticeship  
17 application. There was no charge. There was no fee.  
18 That is part of the Department of Labor's facts. You  
19 can go on their site and find it. The Department of  
20 Labor is not your enemy. It's your watchdog and your  
21 eyes and your police department to make sure that the  
22 people of New York City are safe. Earlier, ABC and  
23 Merit spoke about wanting competency-based. Well,  
24 they can, and please do not remove the word "approved  
25 apprenticeship." It's nothing to do with union and

1 non-union. I am one 638 contractor in this trade of  
2 steam fitting. There are nine non-union steam  
3 fitting apprenticeship programs who would not be  
4 precluded from bidding on this work. They could bid  
5 on the work. So, it's not union/non-union. It's  
6 right/wrong. It's safety, and it's watching you.  
7 New York State Department of Labor has three types of  
8 apprenticeship programs: time based, competency  
9 based or hybrid, a combination of both. You can  
10 choose what best works for you. the people that were  
11 worried about NYCHA residents, I recently been  
12 approached to change my affirmative action plan by  
13 filing an AT508 [sic] to include NYCHA residents as a  
14 direct entry where we can preclude or, I'm sorry,  
15 include them direct entry through our open  
16 recruitment to membership. So, nobody should be  
17 precluded. Lastly, OSHA has many regulations.  
18 There's manufacturing and construction. Everyone  
19 needs two hours of basic OSHA training, four hours  
20 with described fall [sic], struck [sic] by, and then  
21 there's another four hours based on your trade. It's  
22 not a cookie-cutter thing.

24 CHAIRPERSON WILLIAMS: Thank you very  
25 much.

2 TOM GOODWIN: Thank you for your time.  
3 Please vote this through.

4 CHAIRPERSON WILLIAMS: Thank you.

5 NICHOLAS PABUSAN: Good evening and thank  
6 you Chairman Williams and the Committee for having my  
7 testimony today. My name is Nicholas Pabusan [sp?]  
8 And I was born in Jamaica and have called New York my  
9 home for the past nine years. I moved to the Bronx  
10 after graduating high school, and got my first job in  
11 construction here in New York City. For nearly a  
12 decade, my work in this industry has enabled me to  
13 live a better life, including being able to support  
14 my sick mother in Florida and family back in Jamaica.  
15 While I've helped build some of the greatest and  
16 tallest buildings in the country, it has not come  
17 with a great risk to my safety. In fact, until  
18 recently, none of my employers have required or even  
19 provided the most basic safety training equipment. I  
20 have worked on countless dangerous job sites  
21 throughout this city. I've worked on job sites where  
22 I was 10 to 15 feet above solid ground without a  
23 safety harness. I have worked without appropriate  
24 tools and have been injured as a result. Just  
25 recently, I worked on a job site where there was

1 asbestos in the ceiling, but my colleagues and I did  
2 not get any extra protection or equipment. Incident  
3 like these ignited my desire to be safer and more  
4 aware of my surroundings. So I enrolled in OSHA  
5 workplace safety courses. The OSHA-10 certification  
6 is mandatory for 638 workers in New York State, and  
7 until recently it was the only safety training I had  
8 ever received. While it provided a valuable  
9 foundation, there is still so much that I can learn.  
10 This has opened my eyes to the fact that so many of  
11 our city's construction workers have so much more  
12 they can learn to ensure they're protected. I  
13 recently approached [sic] Steamfitters Local 638 in  
14 search of a better education and safety opportunities  
15 and to further my career. Upon become a journeyman  
16 in the union, I have already received printed safety  
17 guidelines being informed about crucial safety  
18 protocols and signed up for a welding course that  
19 will include mandatory safety training. I begin my  
20 first job tomorrow knowing that safety is the number  
21 one priority. I want all construction works in New  
22 York to have the same protection I now have. I  
23 strongly support this legislation so that we can help  
24

1  
2 prevent more injuries and tragedies for those who  
3 build our city.

4 CHAIRPERSON WILLIAMS: Thank you very  
5 much. Good luck on your job.

6 SINEAD WADSWORTH: Good evening Chair  
7 Williams and all Council Members present. My name is  
8 Sinead Wadsworth and I am a member of the New York  
9 City District Council of Carpenters. I am a lifelong  
10 member of New York City and as a carpenter, I take a  
11 pride in saying that I build New York. At 19 I was  
12 blessed with the opportunity to become an apprentice  
13 due to New York State Department of Labor. I've been  
14 a member now for five years, and I'm thankful that  
15 I've had the proper training, and thank God every day  
16 that my life is not being put at risk. Union or not,  
17 every worker should share this feeling. On the union  
18 job, I as a union member must comply with their  
19 strict safety protocols at all time, and if not,  
20 we're sent home and dismissed for the day. I took  
21 off today in support of 1447 and the 30 workers that  
22 have died. I'm proud to be a construction worker and  
23 I'm proud of the training that I've received. My  
24 hope is that all workers can be provided with the  
25

1 same opportunity. Thank you for taking the time to  
2 consider my testimony.

3  
4 CHAIRPERSON WILLIAMS: Thank you.

5 RUBEN COLON: Good evening, Chair and Mr.  
6 Menchaca, Mr. Williams. I appreciate the opportunity  
7 to speak with you. I am Ruben Colon. I am an Area  
8 Standards Representative, also known as an organizer  
9 with the District Council of Carpenters of New York  
10 City. We cover nine locals, 25,000 members  
11 throughout the City. I am going to go off-script. I  
12 did submit an actual statement, but I'm going to go  
13 off-script if I may. I heard a lot of talk here  
14 today about union versus non-union. This is not a  
15 union versus non-union issue. It is a life and death  
16 issue. There are many issues that we can throw on  
17 the table, you know? I'm a minority. I live in  
18 Brooklyn. I pay rent. I was a troubled youth. I  
19 suffered from the Rockefeller laws. The union saved  
20 my life. The training in the union has allowed me to  
21 become the best that I can be to reach the pinnacle  
22 of my career. Twenty years later I help run this  
23 organization, and it should not be denied to anybody  
24 out there. Now, there are people that are going to  
25 probably be negatively impacted with regard to this

1 bill. I know a lot of these groups out there. I work  
2 closely with them. I actually donate out-of-pocket  
3 to these groups. I talk to these workers every day.  
4 I know what's going on out there, and there are going  
5 to be workers that maybe because of documentation  
6 issues may be left out. I get that. I understand  
7 that. Some of them are Latinos just like myself.  
8 But we have to consider that 30 people, approximately  
9 30 people died last year. I personally don't know the  
10 exact number because the numbers have been fudged one  
11 too many times. It's something that needs to stop.  
12 Training, it's a basic right that these workers  
13 deserve. You don't go to a dentist that doesn't have  
14 training, you just don't. Yet, in an industry that's  
15 as dangerous as construction we give them the  
16 minimum. We give them a 10-hour OSHA card and say  
17 goodbye. That is unacceptable, and I need the  
18 Council to consider that. We are for 14-- what is  
19 it, 1447? It's all about numbers, right. Mean  
20 nothing unless something is done.

21  
22 CHAIRPERSON WILLIAMS: Thank you so much.  
23 Very much appreciate your testimony and taking your  
24 time off of work and your time and whole day to get  
25 your testimony. We appreciate it. Thank you so



1 much. David Caraballoso? Is David Caraballoso here  
2 from Carpenters? Innis Vines [sp?]? Is Innis Vines  
3 here from Council of Carpenters? Richard Fasala  
4 [sp?], Ironworkers? Richard Fasala from the  
5 Ironworkers? Is anybody in the other room? Lester  
6 Price, is Lester Price here? You Lester Price?  
7 Lester Price is not here. Sam Watson? Sam Watson?  
8 Rick Falasca [sp?], Local 580? Rick Falasca?

10 UNIDENTIFIED: He submitted his  
11 testimony.

12 CHAIRPERSON WILLIAMS: Thank you. Brian  
13 Brady from Ironworkers?

14 UNIDENTIFIED: Submitted his testimony.

15 CHAIRPERSON WILLIAMS: Thank you.  
16 Michael Anderson? Jose Bermudez [sp?]? I know it's  
17 a little chilly, but I think it's keeping all of us  
18 up. So, that's why I didn't ask them to change it. I  
19 didn't-- I was going to ask them to turn it up, but I  
20 said no, it's working. Erin Sweeney [sp?], is Erin  
21 Sweeny here?

22 UNIDENTIFIED: [off mic comments]

23 CHAIRPERSON WILLIAMS: Alma Hardaway  
24 [sp?]? Peter Casigno [sp?], Electrical Contractors.  
25 Is there a Peter Casigno, Casellno [sp?]? Rick

1 Aselno [sp?]. Anybody named Peter from Electrical  
2 Contractors? Jeffery Elmer [sp?], Electrical  
3 Contractors, Jeffery Elmer? Wildon Shasman [sp?]?  
4 Sorry, William, is that William? William Shasman?  
5 William Shasman? David O'Connell? Quambe Price  
6 [sp?], is Quambe Price-- alright. So, up we should  
7 have David Caraballoso, Innis Vines, Michael  
8 Anderson, Jose Bermudez, Erin Sweeney, Alma Hardaway,  
9 David O'Connell, Quambe Price, and I'm going to call  
10 one more time these folks who are not here. William  
11 Shasman, Jeffery Elmer, Peter from New York  
12 Electrical Contractors, Sam Watson, Ironworkers,  
13 Lester Price, Ironworkers. This will be the last  
14 panel unless there's other people who want to testify  
15 and have not signed up yet. This is your last chance  
16 to go to the Sergeant of Arms and get your slip  
17 filled out if you still would like to testify. Those  
18 who are here, please hold your right hand up, please?  
19 Do you affirm to tell the truth, the whole truth and  
20 nothing but the truth in your testimony before this  
21 committee and to respond honestly to Council Member  
22 questions?  
23

24 UNIDENTIFIED: Yes.

25 UNIDENTIFIED: Yes.

2 CHAIRPERSON WILLIAMS: Thank you. I know  
3 this has been a long day. Some of you may have taken  
4 off work. I very much appreciate you waiting. We  
5 want to hear your voice. You each have two minutes  
6 to give your testimony. You can start in the order  
7 of your preference.

8 QUAMBE PRICE: Hello, good evening. I  
9 would like to begin by thanking Council Chair member  
10 Jumaane Williams as well as his fellow Council  
11 Members who are present here today for the  
12 opportunity to address you and speak in support of  
13 Intro. 1447. Please allow me to introduce myself.  
14 My name is Quambe Price. I am here to speak on  
15 behalf of all construction workers. The unfair  
16 conditions on my jobsite is basically the same as  
17 everyone else's the worst thing is when a foreman is  
18 from another part of the continent and doesn't speak  
19 proper English. He is then rushing you in a language  
20 to move faster and faster and not concerned about  
21 hurting yourself at all. You have to follow all  
22 procedures to make ends meet the best way you  
23 possibly can, and since I have two young daughters,  
24 one of them with a heart condition, it is very hard  
25 to give up on the job position right now. I deal

1 with every aspect of rebar and with the unsafe  
2 conditions I face at my job, it is something new  
3 every day. I am steadily using ladders climbing to  
4 tie rebar into place with one partner who is just  
5 holding rebar ranging from sizes six to 11 twenty-  
6 footers. I use no harness during this process. To  
7 work on the rebar itself takes practice skills.  
8 Working amongst the rebar can injure you. We have a  
9 saying, once we instantly see you walk on the rebar  
10 and then your leg starts to wobble, we know that  
11 you're not experienced at all. Foremans [sic] will  
12 continue to still work that employee. Then-- sorry.  
13 This is when it starts effecting everyone else who is  
14 experienced. Like numerous times I lost balance  
15 injuring my legs, shins and back depending on how the  
16 fall would land you because of carrying rebar onto  
17 the rebar itself. I've seen employees damage their  
18 hands by trying to submit rebar into rebar and get  
19 their fingers smashed not using proper tools like  
20 hammers or just anything that could help you out than  
21 just your hands itself. Just the other day, I had to  
22 put out a fire by grabbing the fire extinguisher,  
23 because the person who was cutting the rebar was  
24 cutting rebar with a crack underneath the cutter  
25

1  
2 leaking gas from it causing a fire in the pile of  
3 rebar. This was the second time--

4 CHAIRPERSON WILLIAMS: [interposing] So, I  
5 want to say thank you for your testimony. If you  
6 have a closing sentence, you can say that now.

7 QUAMBE PRICE: These non-union sites do  
8 put a project fast, but guess why? Foremans with  
9 their authority rushes everyone and they're not to  
10 get upset or frustrated because that would be  
11 definitely a quick dismissal from your job site.

12 CHAIRPERSON WILLIAMS: Thank you very  
13 much.

14 DAVID CARABALLOSO: Good evening. Thank  
15 you, Chair Williams for this opportunity to express  
16 what I believe to be the opinion of the majority of  
17 carpenters in New York City regardless of  
18 affiliation. My name is David Caraballoso. I was  
19 born on a very small island smack dab in the middle  
20 of New York Harbor. I'm the President of Local 212  
21 representing 1,000 members, affiliate of the New York  
22 City District Council of Carpenters, representing  
23 nine locals and 25,000 carpenters and tradespersons.  
24 Our members have built the most complicated and  
25 tallest buildings in the city. We've done so safety.

1 We've continued to do so safely and efficiently. I'm  
2 a life-long New York City resident. Prior to being  
3 organized I spent half my career in the non-union  
4 construction sector. Local 212 is in staunch support  
5 of Intro. 1447, a bill mandating safety training for  
6 all construction workers in New York City. While in  
7 the non-union sector I worked with little or no  
8 safety training and next to no safety direction.  
9 Upon being organized I have received cutting-edge  
10 training in a modern facility with professional and  
11 experienced staff. Before joining the union and  
12 being trained, I have-- forgive me. I wasn't even  
13 aware of some of the dangers I was being exposed to.  
14 Today I'm safer and a more efficient carpenter, and  
15 the public at large is safer and less likely to be  
16 impacted by incidents or accidents. So I ask you  
17 today, Council Members, does not every person in this  
18 city deserve safety training? The facts are  
19 indisputable. Construction deaths are on the rise.  
20 Ninety percent of construction fatalities occur on  
21 unorganized non-union jobs. Latinos like myself are  
22 disproportionately being killed. According to 2015  
23 OSHA stats, 57 percent of all deadly fall victims are  
24 Latinos. However, Latinos only represent 30 percent  
25

1 of the workforce. Could have easily been me since  
2 I've worked at those heights, high places without  
3 fall protection. In conclusion, Intro. 1447 has the  
4 potential to save lives. Every day we don't have  
5 Intro. 1447 is another day we are putting  
6 construction workers at risk. Thank you.

8 CHAIRPERSON WILLIAMS: Thank you.

9 INNIS VINES: Good evening Council  
10 Committee. My name is Innis Vines. I'm a member of  
11 the New York City District Council of Carpenters for  
12 16 years. I live in Brooklyn, New York, Kings  
13 County, Flatbush Avenue. Matter of fact, I remember  
14 vividly when some of you politicians used to come in  
15 my barber shop passing out flyers, you know what I'm  
16 saying, starting off in your political dreams or  
17 whatever it may be. But we're here now because I  
18 don't want to reiterate everything what we're saying.  
19 We know it's a dangerous situation out there in the  
20 construction field, but now we getting to the point  
21 of what we're going to do about it. Everybody hearing  
22 the testimony, everybody hearing how it was when you  
23 work non-union and now you're working union. So we  
24 see the production with union and non-union. We see  
25 the numbers. Men lie. Women lie. Numbers don't.

1 So what we going to do about it? How we going to  
2 feel when these brothers is dying, these sisters is  
3 dying, and we know we got the power to do something  
4 about it. You brothers got to realize that right now  
5 the blood is on your guys' hand. The blood is on  
6 your hands. You guys are the front line right now to  
7 stop the madness with these big developers, right?  
8 They don't check harnesses. They don't-- listen,  
9 it's a whole ball game out there that these  
10 developers are getting away with at the expense of  
11 the minority brothers and workers, and it's not fair.  
12 It's not fair. Nobody's speaking up for them. I  
13 mean, like do we go to their funerals? Do we go to  
14 their wakes when they pass away? Like, what are we  
15 doing? We're just sitting here talking about what we  
16 can do. At the end of the day we all see what's  
17 going on. We see it's a dangerous situation. We see  
18 developers getting money out here off the backs of  
19 these Latino brothers, undocumented brothers, and  
20 whatever the case may be, but when is it going to  
21 stop? On my job, foreman can tell me to do something  
22 I don't like a little dangerous, I can tell him, "Yo,  
23 take a walk. I'm not doing that. Yo, shoppie  
24 [sic]." I got a shop steward. You guys know what  
25



1 shop stewards are? Alright, that's what we have in  
2 the union. But at the end of the day, you guys are  
3 the first defense for these workers.  
4

5 CHAIRPERSON WILLIAMS: Thank you.

6 MICHAEL ANDERSON: Good evening Council  
7 Members and thank you for your time on this vital  
8 intro. My name is Michael Anderson, and I'm a  
9 Business Agent of Local 46 Metallic Lathers and  
10 Reinforcement Line Workers and a trustee to the  
11 union's joint apprentice and training committee. I'm  
12 a proud member of 27 years. There has been a lot of  
13 misinformation floating around about this bill, one  
14 being that the proposed training requirements would  
15 limit access to jobs for minorities. I want to tell  
16 you that this is not true. A study put out by the  
17 economic policy institute just this month found that  
18 61.8 percent of New York apprentices are minorities.  
19 The number of African-American black apprentices has  
20 actually doubled since 1994, and this group of work  
21 is now comprised 35 percent of the industry. Not  
22 only that, but over half of all blue collar  
23 construction jobs, 55.1 percent are held by  
24 minorities. As an industry, we are enthusiastic  
25 about promoting diversity and inclusion, and are

1 taking active steps to do so. This bill will only  
2 work to ensure that each new worker would be trained  
3 on how to work safe and in turn would reduce injuries  
4 and death on job sites. In my local apprenticeship  
5 program, our workers log 186 hours of classroom  
6 instruction and over 6,000 hours of field training to  
7 graduate. The construction industry is a field where  
8 we need to specialize training, one being to  
9 recognize and fix unsafe conditions. Intro. 1447  
10 would be a step in the right direction to fix the  
11 lack of training in certain areas of the construction  
12 industry. This kind of training is critical to  
13 saving lives on the job. Right now, minority workers  
14 are dying in disproportionate numbers on construction  
15 sites that do not require safety training. A 2017  
16 NYCOSH study confirmed that minorities, particularly  
17 Latinos, are at an elevated risk of dying due to  
18 safety violations. This bill will help protect the  
19 workers being exploited in unsafe environments. This  
20 bill is a vital step in ending the epidemic of  
21 workplace deaths in the construction industry. To  
22 close, I ask that everyone here joins Councilman  
23 Williams and the Council and support this bold  
24 legislation. Intro. 1447 will save the lives of  
25

1 untrained workers and the innocent pedestrians  
2 walking by these unsafe jobs. Thank you.

3 CHAIRPERSON WILLIAMS: Thank you.

4 JOSE BERMUDEZ: My name is Jose Bermudez.  
5 I'm 24 years old. I live in the South Bronx. I was  
6 born in Honduras. Been here 19 years. Me and my  
7 five brothers and sisters came over here with my  
8 mother, you know, a while ago. And as a construction  
9 worker who has seen a lot of unsafe work sites, I had  
10 a few near misses myself. I'm here to speak in favor  
11 of Intro 1447 which will provide a safety training  
12 for workers like me. When I started in construction  
13 I worked for Parkside [sic]. A worker had died on  
14 the site just a few months before I started, and  
15 another one died just a few months after I left. On  
16 the first day of work they had me flagging with no  
17 flagging certificate, no training. I never even-- I  
18 didn't even know what a flag looked like before that  
19 day, but eventually I started doing steel, no  
20 training. So they made go out and buy my own  
21 harness, my own tools, and they said, "Follow that  
22 guy." And that was basically the training, and I  
23 basically learned everything on the go. The jobs  
24 were sloppy, disorganized. They was always behind.  
25

1  
2 It was like a sweat shop, a lot of workers, and they  
3 liked to hire people that didn't really have like  
4 other opportunities. You know, I was on parole at  
5 the time and I had a son on the way, and there was a  
6 whole bunch of other undocumented people, and you  
7 know, people that didn't have other jobs, that  
8 couldn't get other jobs as easily as others probably.  
9 They basically-- you didn't have a shot to really--  
10 you didn't really have too many options. So I had  
11 to, you know, keep my mouth quiet and work, and  
12 eventually, you know, I got in the union and it  
13 wasn't even about getting in a union. The  
14 apprenticeship program-- I knew how to do certain  
15 things, but it taught me why I was working the way I  
16 was working, and that's what every worker should  
17 deserve. As you might note, learn in a union/non-  
18 union, it doesn't matter, but it's about learning  
19 while you're working and why you're being safe and  
20 what is it important to be safe for all the workers,  
21 ironworkers, carpenters, laborers. And if there's  
22 anything we could to make things better, we should.  
23 After that, you know, once you do everything you  
24 could, it's like at least you tried to make things  
25 better. Don't leave no stone unturned. Thank you.

CHAIRPERSON WILLIAMS: Thank you.

ERIN SWEENEY: Hello? Hi, my name is Erin Sweeney. I'm a lifelong city resident. I currently live in Corona, and I'm a plumber that went for registered apprenticeship program, but I'd like to speak on behalf of myself, not my union. Specifically, I want to speak in support of 1447 or any legislation that supports apprenticeship training, because apprenticeship is overwhelmingly women's pathway into the building trades. You can have a lot of conversation about who has been historically excluded from apprenticeship programs and who might be excluded now, but right now women overwhelmingly get into the building trades through apprenticeship programs, and that's because of the oversight from the Department of Labor to ensure that there is a written plan to recruit women, that there's a written plan to keep them and train them appropriately, and there's a bureaucracy of support and a transparency of wages that just doesn't exist outside of apprenticeships, and I am very grateful for my five years as an apprentice. I had OSHA-10 training before my apprenticeship, and it simply is not equivalent in any stretch of the imagination.



1  
2 there building this city. Two weeks ago I was  
3 working on a job that is part of an open-shop model.  
4 That means we as apprentices and the trained  
5 journeymen we learn from work alongside people from  
6 other trades who do not have access to training. On  
7 this particular day I was working on the 11<sup>th</sup> floor,  
8 I reached down to pick up a heavy piece of steel, and  
9 the wooden platform beneath my feet gave way. I fell  
10 from the 11<sup>th</sup> floor to the 10<sup>th</sup> floor. Luckily, I was  
11 caught by a safety wire. I could have lost my life  
12 that day. It gives me chills right now as you can  
13 hear in my voice thinking about it. The carpenters  
14 who built that unsafe platform work for a company  
15 that doesn't provide apprenticeship or comparable  
16 training. On that day, I learned firsthand how that  
17 lack of training puts us all in danger. In the  
18 apprenticeship programs, we not only learn to work  
19 safely, we become part of a culture that takes pride  
20 in enforcing those measures, and the journeymen, the  
21 foremen, and our shop stewards reinforce that culture  
22 to keep us safe. I believe in everyone having the  
23 right to work, but also the right to work safely. I  
24 have a four-year-old daughter, and my partner is also  
25 a construction worker. The safety and training

1 requirements of this bill will help ensure that our  
2 little girl doesn't have to grow up wondering why one  
3 of us never came home. Thank you.

4 CHAIRPERSON WILLIAMS: Thank you. Mr.  
5 Williams? Are you testifying?

6 DAVID O'CONNELL: Yes, I am.

7 CHAIRPERSON WILLIAMS: You can go ahead.

8 DAVID O'CONNELL: [inaudible] while he's  
9 getting set up.

10 CHAIRPERSON WILLIAMS: I have to swear  
11 him in. You can just go ahead.

12 DAVID O'CONNELL: Good evening. I'm  
13 David O'Connell, Secretary Director of New York City  
14 Master Riggers Association. Thank you, Councilman  
15 Williams and New York City Council. Please consider  
16 this testimony on behalf of the New York City Master  
17 Riggers Association which is a not-for-profit which  
18 consults the city. We have members on the Crane Rule  
19 Committee, the Crane Advisory Board, and we look at  
20 the rules and help the city evolve to pick up on the  
21 evolution of equipment, training procedures, working  
22 habits and that sort of thing. So, my testimony has  
23 been submitted. I'll just breeze through it very  
24 quickly. Intro-- let's see. Okay. Intro. Number  
25



1  
2 443, a load cycle counter should not be required when  
3 not offered by the manufacturer. Intro. Number 1403,  
4 anemometers should not be required when not offered  
5 by the manufacturer and clarify that a handheld unit  
6 can be used. Intro. Number 1421, crane location  
7 device, exclude all limited machines except knuckle  
8 booms. In the Building Code 3319.3 there are  
9 exceptions for all limited use cranes which do not  
10 require HMO operator or a New York City Department of  
11 Buildings CD number so that these units should be  
12 excluded from being required to have the GPS.  
13 Although the knuckle booms themselves should be  
14 included, this is a new heavy-use crane which is  
15 being exploited without the use of licensed  
16 operators. They're on-- they're not on job sites  
17 with CN's. They're skirting all the issues. So,  
18 please include these GPS location devices on all  
19 knuckle booms. Intro. Number 1429, Building Code--  
20 thank you. Test specific site meetings should  
21 include all competent persons and not just licensees.  
22 Intro. 1431 in relation to registration and duties of  
23 lift directors, please clarify that the licensed  
24 rigger shall be the lift director when they are  
25 exempt under the 250 foot rule of Building Code

1  
2 3319.6. Chapter 28 424.2, lift director  
3 registration; licensed riggers are already registered  
4 licensed individuals and should be excluded from  
5 getting an additional lift director registration  
6 identification. Chapter 28 424.3, lift director  
7 qualifications--

8 CHAIRPERSON WILLIAMS: [interposing] Do  
9 you have a closing sentence? I gave you a little time  
10 because not many people--

11 DAVID O'CONNELL: [interposing] Yeah, I  
12 appreciate that.

13 CHAIRPERSON WILLIAMS: talked about  
14 anything else except 1447, but we do--

15 DAVID O'CONNELL: [interposing] Well, you  
16 have my testimony. So, to amend the proposed  
17 introductions would gain NYC MRA full support of all  
18 items, all intro's here in the Construction Safety  
19 Act. Thank you.

20 CHAIRPERSON WILLIAMS: Thank you. Mr.  
21 Williams, can you please raise your right hand? Do  
22 you affirm to tell the truth, the whole truth and  
23 nothing but the truth in your testimony before this  
24 committee and to respond honestly to Council Member  
25

1  
2 questions? Thank you for waiting. You have two  
3 minutes to give testimony.

4           STEVE WILLIAMS: Thank you guys for  
5 allowing me to be here today. I'm a non-union  
6 worker. By the way, my name is Steve Williams. I'm  
7 a non-union worker. I've been on both sides of the  
8 fence. I've worked on union jobs and non-union jobs.  
9 The benefit of me working on a union job prior to me  
10 having my OSHA and flagging certificate and stuff  
11 like that is that I learned. Part of me getting the  
12 union-- being on the union job, I did work on non-  
13 union job sites that didn't provide any protection  
14 equipment, any training. Providing [sic] when I went  
15 to work on a union job, I wasn't a union member; I  
16 was on a union job, and I saw the difference of  
17 getting on the job, sitting in the office, giving you  
18 a training, and this is like every day I go to this  
19 job. We went to the job we would have a 10-minute  
20 meeting on being safe, being aware of what's  
21 happening in the street on that particular street,  
22 traffic closing, who's going to be doing what, what's  
23 going to be happening. So, being on non-union jobs,  
24 I knew that when I'm going on non-union job, I have  
25 to go and get my other closet to get my backpack that

1 has my own supplies, my gloves, my eyeglasses, my  
2 hardhat, my harness, you know, my proper boots. Like  
3 two days ago I'm on a job site, and there was guys  
4 there-- I'm not going to say their race or whatever,  
5 It doesn't matter-- with sneakers on, on the job  
6 site, and we're working in concrete. It's muddy.  
7 It's wet, and the safety guy is walking around like--  
8 there's three guys, I see them with sneakers on, and  
9 it's like they don't care. It's like hurry up, let's  
10 do this faster. And they came to me and was like we  
11 have to pull up a column over a window sill and the  
12 crane wasn't there. So they say let's lift it up. I  
13 said that's like 300 pounds. I'm not lifting it. You  
14 guys could lift it. So I walked away and went back  
15 to the other side of the building and start  
16 continuing cleaning up. I'm basically saying this  
17 bill, if this bill is going to help every non-union  
18 worker, union worker, it doesn't matter to me.  
19 People are dying. We're not even talking about the  
20 people that can't walk anymore that's living that's  
21 crippled, you know?

22  
23 CHAIRPERSON WILLIAMS: Thank you.

24 STEVE WILLIAMS: We got to talk about  
25 that also, and thank you guys for having me--

2 CHAIRPERSON WILLIAMS: [interposing] Thank  
3 you very much. Mr. Williams, I do want to-- how do  
4 you get a union job being non-union? Or is it a  
5 union job where you're just on a site where it's  
6 mixed?

7 STEVE WILLIAMS: I'm on a-- it's  
8 basically getting to work on a union job, but you're  
9 not completely in a union. You can work on a union  
10 job until a certain amount of time--

11 CHAIRPERSON WILLIAMS: [interposing] I  
12 see.

13 STEVE WILLIAMS: with the hours, and then  
14 by time they put you into the union.

15 CHAIRPERSON WILLIAMS: I see. Thank you.  
16 Mr. Bermudez, you said you were working, were you  
17 working on Parkside Avenue or Parkside Company?

18 JOSE BERMUDEZ: Parkside Construction.

19 CHAIRPERSON WILLIAMS: Parkside  
20 Construction. Okay, thank you very much. I know we  
21 have some questions from Council Member Kallos. Put  
22 three minutes on the clock.

23 COUNCIL MEMBER KALLOS: I just wanted to  
24 thank Chair Williams. Any other Chair would have  
25 gaveled out at four o'clock, and it's a 10-hour day

1 for him, too. So, I just-- if we can break the rule  
2 for just one moment, please. [applause] Thank you.  
3 I also want to thank Carlos Menchaca, because usually  
4 committee members don't stick around. I've been here  
5 because I had a bill that I cared a lot about, my  
6 bill, as well as Intro. 1447. So, I want to take a  
7 moment to thank Erin spoke, and just all of you for  
8 being here for about 10 hours today and waiting your  
9 chance and waiting through a lot of questioning, and  
10 just it means a lot and this shows the support that  
11 this has over and above the 35,000 people who came  
12 out today. So, I just wanted to follow up about  
13 access and how the-- how NEW works as well as the  
14 concerns folks had about the open-shop model. So,  
15 how does one get into NEW for folks who are watching  
16 at home on TV or online? How can women who are  
17 unemployed right now or may not be happy in their  
18 career find a career in labor?

19  
20 ERIN SWEENEY: So, I went through NEW as  
21 well did my sister here as she testified. But NEW,  
22 they have regularly occurring information sessions  
23 where they'll detail the program, the application  
24 requirements. You can find information about it on  
25 their website: [www.new/nyc.org](http://www.new/nyc.org), and so they have

2 regularly occurring information sessions. They have  
3 programs that have-- their main program happens  
4 during the day. It's a six-week training program.  
5 It's specifically for people who aren't currently  
6 working. They also have a program that occurs at  
7 night called NEW at Night which is for people who  
8 must continue working while in the program. I  
9 believe they also have--

10 COUNCIL MEMBER KALLOS: [interposing] And  
11 what does NEW stand for?

12 ERIN SWEENEY: Oh, Non-traditional  
13 Employment for Women.

14 COUNCIL MEMBER KALLOS: And how certain  
15 are you to get into a union after going through the  
16 six-week program?

17 ERIN SWEENEY: So, NEW is probably most  
18 qualified to talk about that directly. I know NEW  
19 does have direct entry partnerships with several  
20 unions, mine included, Plumbers Local One, but not  
21 all unions, and that it depends on the overall amount  
22 of apprenticeship spaces available full-stop in the  
23 city. Somebody who's more qualified in the labor  
24 side of apprenticeship can talk about it. They--

COUNCIL MEMBER KALLOS: [interposing]

Sure, and I guess I just wanted to follow up on another question. So, during the hearing some folks testified that we could de-couple safety training from skills training. Does that seem like something that is possible or is it that-- or is there concern that if you're on an open-shop making sure that the person knows what they're doing with the jackhammer or a bolt, or you name it? Open for anyone.

UNIDENTIFIED: My Local specifically is a specialty local. We're responsible for building high-rise construction. I think that when you're at that height you need training doing the craft that you're doing because you're at a place where if you make a mistake it has a greater impact on the public, you drop something off the building or you drop yourself off the building. So, I think the safety training and the skills training go hand in hand in order to make a safe, efficient worker.

: I'm a non-union worker, and we build a high-rise going up to the 22<sup>nd</sup> story, and it's scary, because it's going to be my first time ever going up that high, and yes, we do need training, and yes, you definitely do need to pass a bill because the job



1 that I'm at now is non-union. But a four-- like,  
2 we're on a four-month probation, and after that four-  
3 month probation we consider getting into their local  
4 union, which is still a suspense. Like, at my job now  
5 we don't even know what the name of the union is or  
6 anything like that. And when we do get into the  
7 union-- but I just-- right now, they taking union  
8 dues out of my check, you know what I'm saying? And  
9 that's something that I'm boggled on right now. But  
10 beside the point, we do need training, and we  
11 definitely do need a training. I guess after the 10  
12 stories high, I'm scared. I'm definitely scared, and  
13 we definitely need the proper training.

14  
15 COUNCIL MEMBER KALLOS: If you can come  
16 with a pay stub and contact our--

17 UNIDENTIFIED: [interposing] Yes.

18 COUNCIL MEMBER KALLOS: the Committee  
19 Chair, we'll help you identify who you're working  
20 with and who's supposed to be getting it. Sometimes  
21 there are organizations that claim to be unions that  
22 aren't offering the services that they--

23 UNIDENTIFIED: [interposing] Yes.

24 COUNCIL MEMBER KALLOS: legally should be  
25 mandated. So, we'll work with you on that.

2 UNIDENTIFIED: And then when my four  
3 months' probation is up, we get Medicaid, but we have  
4 to still pay into that. So, it's like not only is  
5 they taking 75 dollars out our check every two weeks,  
6 when that period is up, my probation time, that's  
7 when I'm going to have to start paying for the whole  
8 Medicaid. It's not right.

9 UNIDENTIFIED: One question, brother.  
10 You told him to bring in his pay stub, right, so you  
11 could try to get to the bottom of it. But you got  
12 thousands of workers the same way-- the same position  
13 he's in. So what about them? Can you post something  
14 on a website for him to do the same thing? Because--  
15 you understand what I'm saying to you?

16 CHAIRPERSON WILLIAMS: Thank you. We got  
17 it. I understand.

18 UNIDENTIFIED: Alright.

19 CHAIRPERSON WILLIAMS: Thank you. So we--

20 COUNCIL MEMBER KALLOS: [interposing] I  
21 think anyone watching at home should just go to the  
22 Council website council.nyc.gov, contact their local  
23 member--

24

25

CHAIRPERSON WILLIAMS: [interposing]

Thank you, Council Member, appreciate it. Do you have another comment?

UNIDENTIFIED: Just one comment. I mean, you know, I'm part of our union, Local 46, but out in the industry there's a lot of unions that, you know, don't adhere to the standards that they should.

Taking a guy's union dues and not part of a union, that should be illegal. That should be illegal. You can't take money for something that you're not part of, you know? You got a lot of unions out there that, you know, don't have apprenticeship program. They claim that they have apprenticeship program but they never graduate anybody. That's something that we need to look into. So--

CHAIRPERSON WILLIAMS: Thank you very much for that, and we know some unions are also more diverse than others as well, so those are issues that we are aware of. I think Council Member Menchaca wanted 30 seconds to give a closing statements.

COUNCIL MEMBER MENCHACA: Just a few seconds to say thank you, a collective thank you to all the folks that came out today. I-- every day on this issue, 1447 and all the worker safety bills, I

1 realize how we're deep into the belly of the beast.  
2 This is a beast that we're all describing and all of  
3 us have a perspective. We have a perspective because  
4 we all are part of it. Either you're a worker, you're  
5 a non-union company, you're a part of the union,  
6 you're a day laborer, everybody has a part of the  
7 truth and we are trying to bring this together so  
8 what we can build a better culture. The law that we  
9 passed-- the law that will be passed eventually will  
10 reflect that, but it's going to require more than  
11 that law itself. It's going to require a real change  
12 in shift and understanding and culture, and that  
13 requires people, and that requires probably the most  
14 important one are the workers, the workers to rise up  
15 and do what we're doing here, expose the issues, the  
16 cracks in the system for us to bring in support. And  
17 so I want to thank you for that. This is a beginning  
18 of a longer journey. We're going to follow up on a  
19 lot of different parts of this. Keep inviting us  
20 over, and you do, so keep doing it. We want to see  
21 and be with you arm in arm to understand it, or else  
22 we don't get to do what we do. So, I want to say  
23 thank you for that, and let's [speaking Spanish].  
24 The fight continues. Thank you.

1  
2 CHAIRPERSON WILLIAMS: Thank you so much  
3 for your testimony. I do want to say-- I want to  
4 close out the vote that we had earlier that was for  
5 the bills that were not related to construction site  
6 safety, but for three-quarter housing. We had 10 in  
7 the affirmative and 0 in the negative. I want to  
8 thank everybody. It's seven o'clock. It's been a  
9 long time. It just shows how important, how deep  
10 this issue is for everyone. I really appreciate  
11 everyone coming out. We had close to 70 people from  
12 the public testify. I particularly want to thank the  
13 three or four that testified on things other than  
14 1447. We appreciate that. For the record we have  
15 Association of Electrical Contractors, New York  
16 Electrical Contractor Association, NYU Tandem [sic]  
17 School of Engineering, Joint Industry Board of  
18 Electrical Industry, New York Building Congress,  
19 NAACP, NYS Conference, the Black Institute Community  
20 Action for Safe Apartments, NYC Crane and Hoist and  
21 Rigging LLC. Thank you for my colleagues. Thank you  
22 Councilman Menchaca who stayed all this time. It's  
23 really appreciated. Thank you to the staff. I want  
24 to give it big for the Sergeant of Arms who helped us  
25 out throughout this whole thing.

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[applause]

CHAIRPERSON WILLIAMS: With that, this hearing is now closed.

[gavel]

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COMMITTEE ON HOUSING AND BUILDINGS

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date February 27, 2017