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TESTIMONY

PRESENTED TO THE

NEW YORK CITY COUNCIL:

COMMITTEE ON HOUSING

AND BUILDINGS

CONSTRUCTION SAFETY LEGISLATION

Council Chambers – City Hall

May 6, 2008

Presented by
Louis Coletti
Building Trades Employers' Association
President & CEO

GOOD AFTERNOON MR. CHAIRMAN AND MEMBERS OF THE HOUSING AND BUILDINGS COMMITTEE. THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY.

MY NAME IS LOUIS COLETTI AND I AM PRESIDENT OF THE BUILDING TRADES EMPLOYERS' ASSOCIATION, AN ORGANIZATION REPRESENTING 27 UNION TRADE CONTRACTOR ASSOCIATIONS AND OVER 1,200 CONSTRUCTION COMPANIES DOING BUSINESS IN NYC.

THERE IS NOTHING MORE IMPORTANT TO BTEA CONTRACTORS THAN KNOWING THAT EVERY PERSON WHO COMES TO WORK THAT DAY WILL RETURN HOME SAFELY TO THEIR FAMILY THAT NIGHT.

THERE IS NOTHING MORE IMPORTANT TO BTEA CONTRACTORS THAN TO ENSURE THAT ALL NEW YORKERS HAVE FAITH, TRUST AND CONFIDENCE IN KNOWING THEY ARE SAFE AS THEY WALK BY OR UNDER CONSTRUCTION PROJECTS THAT ARE SHAPING THE FUTURE OF OUR GREAT CITY.

BY EVERY STATISTICAL MEASURE AVAILABLE, BTEA CONTRACTORS HAVE ESTABLISHED THE BEST HIGH-RISE CONSTRUCTION SAFETY RECORD IN THE WORLD— BUILDING IN A CITY THAT HAS THE MOST COMPLEX SET OF CONSTRUCTION CHALLENGES OF ANY CITY IN THE WORLD. IN PREVIOUS APPEARANCES BEFORE THIS COMMITTEE I HAVE PROVIDED THAT INFORMATION TO YOU SO I WILL NOT TAKE THE TIME NOW TO REPEAT THEM.

WE COME HERE TODAY PREPARED TO ENDORSE AND SUPPORT REFORMS THAT WILL LEAD TO THE STRENGTHENING OF PUBLIC AND WORKER SAFETY ON CONSTRUCTION PROJECTS OF ALL SIZES IN EVERY BOROUGH OF NEW YORK CITY. RECENT HIGH-RISE ACCIDENTS AND FATALITIES DEMAND WE DO SO AND WE ARE PREPARED TO CHANGE THE CONSTRUCTION MEANS AND METHODS WE CURRENTLY USE AND TO ADOPT THOSE CHANGES TO THE REGULATORY PROCESS THAT WILL DIRECTLY RESULT IN STRENGTHENING PUBLIC AND WORKER SAFETY IN CONSTRUCTION SAFETY.

BTEA CONTRACTORS WANT HIGH SAFETY STANDARDS NOT JUST ON HIGH-RISE PROJECETS BUT ON ALL PROJECTS IN EVERY BOROUGH OF OUR CITY.

WITH RESPECT TO THE PROPOSED LEGISLATION BEFORE THE COMMITTEE TODAY, WE CANNOT SUPPORT INTRO. 688 WHICH WOULD REQUIRE GENERAL CONTRACTORS TO BE REGISTERED. AS THE BILL IS CURRENTLY WRITTEN, THIS REQUIREMENT IN AND OF ITSELF WILL DO NOTHING TO ACHIEVE INCREASED PUBLIC AND WORKER SAFETY ON CONSTRUCTION SITES.

WE ALSO CANNOT SUPPORT INTRO. 760 THAT CALLS FOR APPOINTMENT OF AN INDEPENDENT SAFETY MONITOR. THE APPOINTMENT OF AN INDEPENDENT SAFETY MONITOR WILL NOT IMPROVE PUBLIC OR WORKER SAFETY. EVERY HIGH-RISE CONSTRUCTION SITE ALREADY HAS AT LEAST ONE SITE SAFETY SUPERVISOR WHO HAS PASSED A 40 HOUR SITE SAFETY MANAGER TEST AND BEEN ISSUED A LICENSED BY THE CITY OF NEW YORK TO BE RESPONSIBLE FOR SAFETY ON THAT PROJECT.

THE BUILDINGS DEPARTMENT HAS A SPECIAL UNIT OF INSPECTORS CALLED THE BEST SQUAD WHO ARE SPECIFICALLY RESPONSIBLE IS FOR INSPECTING THOSE PROJECTS 15 STORIES AND ABOVE. ON MANY OF THOSE PROJECTS, INSURANCE COMPANIES OFTEN EMPLOY THEIR OWN SITE SAFETY MANAGER. THE ADDITION OF YET ANOTHER PERSON WILL ONLY LEAD TO INCREASED BUREACRACY AND NOT TO IMPROVING SAFETY.

FINALLY, WE CANNOT SUPPORT INTRO. 763 WHICH WOULD CLASSIFY HOUSKEEPING VIOLATIONS AS IMMEDIATELY HAZARDOUS WHICH COULD LEAD TO THE ISSUANCE OF A STOP WORK ORDER.

QUITE FRANKLY, IT IS DIFFICULT FOR CONTRACTORS NOW TO HAVE A CLEAR UNDERSTANDING OF WHAT CRITERIA BUILDING INSPECTORS ARE USING TO ISSUE STOP WORK ORDERS. WHAT IS IMMEDIATELY HAZARDOUS TO ONE INSPECTOR—IS DIFFERENT FOR ANOTHER INSPECTOR.

INCONSISTENT INTERPRETATIONS BY BUILDING CODE INSPECTORS ARE, IN SOME CASES, LEADING TO STOP WORK ORDERS BEING ISSUED FOR NON-SAFETY RELATED REASONS.

TODAY, THE BUILDINGS DEPARTMENT IS ISSUING NEW RULES AND REGULATIONS, NEW PROTOCOLS AND PROCEDURES FASTER THAN THE SPEED OF A NASCAR RACER. AND WHILE THEY ARE DOING THE BEST THEY CAN WITH THE RESOURCES THEY HAVE, THE BUILDINGS DEPARTMENT IS COLLAPSING UNDER THE WEIGHT OF ITS OWN REFORM.

THE LACK OF AVAILABLE INSPECTORS IS CAUSING DELAYS BOTH IN SCHEDULING PROJECTS FOR RE-INSPECTION AFTER SAFETY VIOLATIONS HAVE BEEN REMEDIATED AND FOR PROJECTS TRYING TO SCHEDULE TOWER CRANE OPERATIONS IN ORDER TO CONTINUE THE PROJECT'S BUILDING CYCLE.

LET ME SHARE WITH YOU THE COMMENTS I RECEIVED BY E-MAIL FROM ONE OF THE MOST WELL-RESPECTED PROFESSIONAL ENGINEERS INVOLVED WITH TOWER CRANE OPERATIONS:

THE SITUATION WITH THE WEEKEND CRANE INSPECTIONS IS UNTENABLE. WE KNOW THEY DO NOT HAVE ENOUGH INSPECTORS AND MOST DON'T WANT TO WORK ON WEEKENDS. THEY HAVE CREATED A LABRYRINTH OF REDUNDANT AND IRRELEVANT PAPERWORK THAT ALLOWS THEM TO ALWAYS HAVE A READY EXCUSE THAT SOME OBJECTION IS NOT SATISFIED EVEN WHEN NO OBJECTION HAS BEEN ISSUED OR THE SO-CALLED OBJECTIONS HAVE BEEN ANSWERED. THEY LEAVE NO PAPER TRAIL SO IT'S EASY FOR THEM TO DENY WHAT THEY HAVE SAID AND WE HAVE NO WAY TO CONFIRM THAT WEEK-END JOBS HAVE THE GREEN LIGHT TO PROCEED.

FOR OVER 40 YEARS THERE HAVE BEEN SPECIAL COMMISSIONS, BLUE RIBBON PANELS AND OTHER WELL MEANING EFFORTS TO REORGANIZE THE DEPARTMENT OF BUILDINGS. THEY HAVE ALL FAILED TO SIGNIFICANTLY IMPROVE THE DELIVERY OF PUBLIC SAFETY AND OTHER REGULATORY SERVICES THE DEPARTMENT IS RESPONSIBLE TO PROVIDE.

**OVER THE PAST SIX YEARS, WE HAVE PUBLICLY
COMMENDED THIS ADMINISTRATION, THIS CITY COUNCIL
AND THE STAFF OF THE BUILDINGS DEPARTMENT FOR THE
DRAMMATIC IMPROVEMENTS THEY HAVE ACHIEVED WITH
THIS AGENCY. BUT THE BUILDINGS DEPARTMENT HAS BEEN
BROKEN FOR FAR TOO MANY YEARS AND SIX YEARS IS NOT
ENOUGH TIME TO MAKE UP FOR THE DECADES OF NEGLECT
THE DEPARTMENT HAS EXPERIENCED.**

**WE ARE FACING A CRISIS WHICH REQUIRES BOLD AND
CREATIVE ACTION. WHAT IS NEEDED IS RADICAL REFORM.**

**IN ORDER TO RESTORE THE CONFIDENCE OF ALL NEW
YORKERS IN THE AREA OF PUBLIC AND WORKER SAFETY ON
CONSTRUCTION SITES, WE ARE PROPOSING THE
ESTABLISHMENT OF A NEW PUBLIC BENEFIT CORPORATION
TO REPLACE THE DEPARTMENT OF BUILDINGS—
THE NEW YORK CITY CONSTRUCTION SAFETY AND
STANDARDS AUTHORITY.**

THIS NEW ENTITY WOULD BE RESPONSIBLE FOR, AT A MINIMUM, CONSTRUCTION INSPECTIONS, ISSUING CERTIFICATES OF OCCUPANCY, PROFESSIONAL LICENSING AND TESTING FOR THE 29 CONSTRUCTION RELATED OCCUPATIONS, AND APPROVALS OF CRANES AND DERRICKS. THIS NEW ENTITY WOULD HAVE GREATER MANAGEMENT FLEXIBILITY TO ACT DECISIVELY; GREATER ACCOUNTABILITY FOR EMPLOYEES IN TERMS OF PRODUCTIVITY; A GREATER ABILITY TO RECRUIT AND RETAIN ENOUGH QUALIFIED PROFESSIONALS AND MANAGERS AT APPROPRIATE SALARY LEVELS. IT WOULD BE FUNDED BY DEDICATING THE FEES AND FINES CURRENTLY PAID BY THE CONSTRUCTION INDUSTRY TO THIS NEW ENTITY.

THE CREATION OF THIS NEW CORPORATION UTILIZES AS A MODEL THE ENTITY THAT WAS ESTABLISHED IN ONTARIO, CANADA IN 1996. KNOWN AS THE TECHNICAL STANDARDS

AND SAFETY AUTHORITY, THIS PRIVATE ENTITY HAS BEEN DELEGATED THE ADMINISTRATION AND ENFORCEMENT OF SEVEN OF ONTARIO'S PUBLIC SAFETY LAWS, INCLUDING CONSTRUCTION RELATED ACTIVITIES.

LAST WEEK AT AN NYS ASSEMBLY HEARING ON CONSTRUCTION SAFETY, ASSEMBLYMAN JOSPEH LENTIL STATED HE WAS PREPARING LEGISLATION TO CREATE SUCH AN AGENCY. IN 2000, THE REAL ESTATE BOARD OF NEW YORK AND THE BUILDING TRADES EMPLOYERS' ASSOCIATION SUBMITTED A REPORT TO A MAYORAL COMMISSION ENTITLED PROTECTING PUBLIC SAFETY: PRESERVING PUBLIC TRUST CALLING FOR A NEW AGENCY. TODAY WE ARE JOINED BY THE BUILDING AND CONSTRUCTION TRADES COUNCIL IN CALLING FOR THE ESTABLISHMENT OF THIS NEW PUBLIC ENTITY.

IN 1988, WHEN PROBLEMS WITH THE BOARD OF EDUCATION'S OVERSIGHT IN REBUILDING SCHOOLS WERE

**SO PERVASIVE, CITY AND STATE ELECTED OFFICIALS
DECIDED IT WAS BETTER TO CREATE A NEW AGENCY, THE
NYC SCHOOL CONSTRUCTION AUTHORITY. THAT
EXPERIMENT HAS BEEN SUCCESSFUL AND WE BELIEVE THE
CREATION OF NEW ENTITY FOR CONSTRUCTION SAFETY
WILL ACHIEVE THE SAME RESULT.**

**ANOTHER REASON A NEW AGENCY IS NECESSARY IS BASED
ON HOW CONSTRUCTION SAFETY WILL BE ENFORCED. AS
REPORTED IN LAST WEEK'S NEW YORK TIMES:**

**“ WE (THE BUILDING DEPARTMENT) NEED
TO MAKE IT CLEAR TO EVERYONE AT THE
CONSTRUCTION TABLE THAT WE ARE LIKE
THE POLICE AND FIRE DEPARTMENT AND
WE NEED TO REGULATE LIKE THEM.”**

**IF THAT IS TO BE THE CASE, LET'S TAKE A SNAPSHOT OF
JUST WHAT THAT MEANS: THERE ARE SOME 30,000 POLICE
OFFICERS, 15,000 FIREFIGHTERS AND 450 BUILDING
INSPECTORS. POLICE AND FIREMAN ARE HIGHLY-TRAINED
PROFESSIONALS WHO ARE ON CALL 24 HOURS A DAY;**

BUILDING INSPECTORS RECEIVE VIRTUALLY NO PROFESSIONAL TRAINING, ARE UNDERPAID AND WORK PRIMARILY MONDAY—FRIDAY 8AM—4PM.

THE NEW YORK TIMES ALSO REPORTED THAT:

“DOING OUR JOB (THE BUILDINGS DEPARTMENT) ALONE ISN’T GOING TO REDUCE ACCIDENTS. AND I’M NOT GOING TO TAKE A HIT FOR WHAT THE INDUSTRY DOESN’T DO WELL” LIKE WHAT? “TO OBSESS OVER SAFETY LIKE IT OBSESSES OVER BUILDING.”

MR. CHARIMAN, THE UNIONIZED CONSTRUCTION INDUSTRY HAS ALWAYS BEEN OBSESSED WITH PUBLIC AND WORKER SAFETY. IT IS A GOAL WE SHARE WITH ALL ELECTED OFFICIALS AND THE PUBLIC.

HOWEVER, RIGHT NOW THE ENTIRE PROCESS IS OUT OF CONTROL. THE CONSTRUCTION INDUSTRY NEEDS SAFETY REFORM AND WE ARE PREPARED TO EMBRACE REFORMS THAT WILL DIRECTLY IMPROVE PUBLIC AND WORKER SAFETY BUT GOVERNMENT TOO NEEDS REFORM.

GOVERNMENT NEEDS TO REFORM IN A WAY THAT WILL ALLOW THIS INDUSTRY TO CONTINUE TO BE THE ECONOMIC ENGINE THAT FUELS THIS CITY'S ECONOMY AND DOES SO IN A WAY THAT DOESN'T COMPROMISE SAFETY. THEY ARE NOT MUTUALLY EXCLUSIVE GOALS AND WE NEED, TODAY, TO JOIN TOGETHER AS PARTNERS FOR THE BENEFIT OF ALL NEW YORKERS.

WE HAVE ATTACHED ADDITIONAL TECHNICAL RECCOMENDATIONS TO THIS TESTIMONY WHICH WILL GO A LONG WAY TO RESTORING THE CONFIDENCE OF ALL NEW YORKERS THAT CONSTRUCTION SAFETY IS IN FACT, THE SAFEST IN THE WORLD. THANK YOU FOR YOUR PATIENCE AND FOR THE OPPORTUNITY TO PRESENT OUR IDEAS TO YOU TODAY.



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ATTACHMENT 1
BUILDING TRADES EMPLOYERS' ASSOCIATION
SAFETY RECCOMENDATIONS PRESENTED TO
NEW YORK CITY COUNCIL
HOUSING AND BUILDINGS COMMITTEE
MAY 6, 2008

Legislative Proposals:

1. New York City Construction Safety and Standards Authority. Create a public benefit corporation funded by fees and fines, to take over inspection and licensing responsibilities from DOB.

Building Code Amendments:

1. Site Specific Safety Plan. All contractors pulling permits for new construction projects requiring a site safety manager or construction superintendent must submit a "site specific safety plan" addressing safety issues on the specific site covered by the permit. That plan must include provisions for a safety orientation program for new workers; provisions for weekly tool box talks devoted to safety matters; and provisions for specific safety meetings before unusually hazardous work.
2. OSHA 10 Hour Course. All construction workers must complete a 10 Hour OSHA Training Class.
3. Full-Time Dedicated Site Safety Manager. Construction managers and general contractors must have a full-time, dedicated site safety manager on new buildings higher than 3 stories.
4. Safety Manager: Concrete and Demolition. Concrete contractors and demolition contractors must have a full-time safety managers and safety coordinators respectively, who have completed the 30 Hour OSHA Competent Person Course, who shall monitor safety during pouring and demolition operations.



5. Certification of Workers Responsible for Rigging Operations. All employees engaged in the erection, dismantling or jumping of a tower, climber or crawler crane must complete a 30 Hour Training Program, obtain a certificate of fitness from DOB and refresh it every three years with an 8 Hour Course.

6. Crane Operations. The master rigger must hold a pre-tasking meeting before each crane operation to ensure every person knows his/her responsibilities and that the activities are carried out in as safe a manner as possible. In the event of a “near miss” the master rigger must report it to the DOB.

7. Construction Superintendent. The requirements of a construction superintendent, now in the form of a DOB rule, must be made part of the Building Code.

8. Best Squad Inspector. All Best Squad inspectors shall hold site safety licenses.

9. Falling Objects. The construction manager must report to DOB all incidents involving falling objects and within 24 hours of reporting such incidents submit a written statement to DOB detailing what fell and why.

10. Stop Work Orders. DOB cannot issue a full or partial Stop Work Order unless there is a condition that “poses an imminent threat to the safety of the public and the threat cannot be addressed or eliminated by actions less drastic than a Stop Work Order.” In addition, DOB shall inform the contractor of the specific code provisions it has violated, to state clearly what must be remedied to get the Stop Work Order lifted and to re-inspect four hours after DOB is informed that the unsafe conditions have been remedied. If the DOB inspector does not show up within four hours an independent professional engineer can certify that the remedial work has been performed and work may then continue.

**Testimony of Buildings Acting Commissioner Robert LiMandri,
before the New York City Council Committee on Housing and
Buildings
May 6, 2008**

Good afternoon Chairman Dilan and members of the Housing and Buildings Committee. I want to thank you for this opportunity to discuss the wide-ranging bills that concern safety, enforcement and regulation of the construction industry in New York City. I am here with Stephen Kramer, Senior Counsel, as well as other members of my staff.

As you know, the Department of Buildings is charged with enforcing the Building Code, the Zoning Resolution, and numerous state laws concerning the construction, alteration and maintenance of buildings in New York City. These laws govern both the structural safety of buildings in which we live and work and also govern construction practices. The Building Code's construction rules are designed to protect both the public and those who work in the construction trades. The bills that are the topics of today's hearing are mainly addressed toward improving construction safety, and I am pleased to have this opportunity to discuss a matter that is of such vital concern.

Over the last few years, with the Mayor's leadership and the support of this Committee, the entire City Council, and the State Legislature, many

legislative initiatives have been adopted to improve the Building Code and the Department's enforcement powers which directly impact public safety. These initiatives have given the Department significant additional tools to meet the challenges of regulating the City's large and vigorous construction industry. I want to mention the most significant of what has been adopted as I think it will help to put today's hearing in context. First, last July the Council passed and the Mayor signed the new NYC Construction Codes. These new Codes not only enhanced safety in newly constructed buildings by, for example, including sprinklers and modernized fire alarms in more occupancies. The new Codes also include numerous construction safety enhancements. To name but a few: the new codes increase the number of construction sites where site safety managers are required – now all buildings 10 stories and over will require a Site Safety Manager, compared with the former code's 15 story requirement. Second, adjacent properties have been given enhanced protections: a site survey must be performed of adjacent foundations, prior notice of excavations must be given to adjacent owners, and the 10 foot depth distinction was eliminated, making the developer responsible for protecting adjacent property regardless of the depth of the excavation. Third, the new Codes codify the Department's Rule 52, requiring notice to the Department before certain earthwork operations

can be performed. The notice enables our inspectors to perform spot checks of safety measures at active excavation sites, sites that have proven to be a major source of danger and damage to adjacent properties. Fourth, the Codes require far more intensive review of partial demolitions, including requirements that a licensed engineer file plans where mechanical equipment is used and a requirement that the demolition work be subject to a special inspection.

Additional legislation recently passed has also given the Department new enforcement tools that are a critical component of achieving a safer construction environment in the City. Because the Department cannot have a daily presence at each of the 160,000 sites for which we issue permits each year, effective tools must be in place that improve industry compliance or deter violations. In August 2007, the Mayor signed into law a bill introduced by Council Member Oddo requiring the registration of general contractors for one, two and three family homes. This was truly groundbreaking legislation. For the first time, the Department has a tool to identify and track contractors and to deny them permits for serious repeat violations. In August the governor also signed a bill that gave the Department the power to prevent architects and engineers who have intentionally or negligently filed false documents from filing jobs with the

Department. And finally, the Council also has recently given the Department two significant new enforcement tools. First, the Department was given the power to impose civil penalties against contractors and owners who violate Stop Work Orders – penalties that have proven extremely successful in deterring lawless behavior at sites where significant safety risks have been identified. In addition, the new Construction Codes revamped our violation classes to create a three tier system. The most serious violation – “immediately hazardous” – requires immediate correction, stiffer penalties and additional daily penalties for uncorrected conditions. The code also authorized stiffer penalties against repeat violators for violations that imperil public safety.

I look forward to working with you to develop additional legislative tools that will enhance the Department’s regulatory powers that deter Code violations so that City residents and visitors can rest assured that construction is conducted as safely as possible. As we know too well, careless contractors and bad construction techniques can have devastating results for both workers and passers-by. As far as my staff and I are concerned, construction safety must always be the Department’s highest priority. While construction loans are expensive and owners have an incentive to get jobs completed quickly, public safety must *always* take

precedence over expediency. We have put the industry on notice that unsafe construction practices will not be tolerated and that the Department will do whatever it can to ensure that the costs of non-compliance are significantly higher than the costs of maintaining a safe work site.

Turning to the proposed legislation before us today, I will briefly summarize the Department's position on the twelve bills that have been introduced. First, I will turn to Intro 760, sponsored by Council Member Lappin. This bill would give the Department of Buildings the power to appoint, at the owner's expense, an independent person or company to monitor safety compliance where repeated and serious safety violations have been found at a construction site. The monitor will be required to remain at the site until the Department is satisfied that the monitor is no longer needed or until the construction activities are concluded.

In our view this bill would provide the Department with a meaningful additional tool to improve safety at problematic sites. While the Department theoretically can assign one of our own 400 inspectors to a site that is particularly troublesome, this is a tremendous burden and lessens our availability to oversee other construction sites in the City. This bill would require the problematic contractor to hire an independent person to monitor compliance at the contractor's expense, thereby taking the burden off the

Department and providing the City's residents with a professional yet independent set of eyes and ears at problematic sites. I look forward to working with you to iron out the practical details of setting up a system and creating standards to ensure that the safety monitors are truly independent and accountable to the Department. The new Construction Codes authorize the Department to set up a program to designate authorized agencies to certify certain types of work, and this safety monitor proposal seems well-suited to that program.

The next bill I would like to discuss is Intro 688, sponsored by Council Member Viverito, which amends the legislation that the Council passed last year that authorized the Department to register the builders of one, two and three family homes. Intro 688 would extend that legislation to register all general contractors of new buildings, not just to 1, 2 and 3 family homes.

While conceptually we agree with the basic thrust of this bill, which is to give the Department the legal authority to prevent contractors with bad safety records from working in the City. However the 1, 2 and 3 family bill that you passed last year had a number of consumer protection clauses that are geared specifically to protect the buyers of these homes. Because those provisions are not needed in regulating large commercial builders, we have

been working on a series of proposals that are tailored more to the contractors who are engaged in large projects – commercial, residential and industrial – and that focus on the specific regulatory needs of this segment of the construction industry. Our approach would impose regulation on more types of contractors than just those who build new buildings – for example, demolition and concrete contractors– and would provide different types of regulation for different classes of permits. We look forward to sharing our ideas with you and working toward a solution to what we agree is a major impediment to effective regulation of the construction industry.

Improving construction safety is not a simple endeavor. Our approach to improving contractor safety practices is three fold. First is to raise safety to the forefront of importance by requiring contractors to designate a person on staff who has taken safety training and who is legally responsible for a safe work site. Second is deterrence: to have swift and meaningful punishment for bad practices by imposing stiff economic sanctions on those contractors who break the law. And third is prevention: removing repeat violators from the industry.

The Department has made significant strides on the first two of these approaches. First, the Department has adopted a rule that requires every contractor to designate a construction superintendent, and on major sites a

full time site safety manager, who has primary responsibility for safety compliance. As to the second element in ensuring compliance with safety rules, deterrence of unsafe practices, we have both increased the number of our inspectors and we have focused their efforts on particularly problematic issues such as excavations and suspended scaffolds. We have made the filing of complaints easier by publicizing 311 and posting signs at all sites reminding workers that complaints may be filed anonymously. And we have also substantially increased fines for serious violations and for violations at problematic sites. Under the new Construction Codes that go into effect on July 1, we have increased fines substantially for both egregious infractions and for repeat violators. For example, the Codes divide violations into three categories. Immediately hazardous violations carry a minimum penalty of \$1,000 which can increase to \$25,000 if there are multiple violations, or if there are unreasonable delays in correcting violations, or if a large number of people were put at risk by the violation. And as for the third critical tool in improving the construction industry's safety performance -- getting individuals and companies out of the industry who repeatedly flout basic safety precautions -- passage of legislation that gives the Department the power to track contractors and discipline them for safety violations will give us the final tool we need for more effective

enforcement. The Department cannot ensure safety on its own. All of the many elements of the City's large construction industry – the owner of the site, the architects and engineers who design the foundations and the buildings, the construction managers, the construction superintendents, the foreman and the workers themselves– must partner with my engineers and inspectors and take primary responsibility for ensuring that safe construction practices are followed.

The next bill I would like to discuss is Intro 697, which gives the Buildings Commissioner discretion to deny permits to *developers* who repeatedly violate the building code, zoning resolution or applicable rules. As I indicated in my discussion of Intro 688 concerning general contractor registration, the Department fully supports a grant of power to deny permits to those who flout our code and rules. But we believe it is more effective to focus those efforts on the contractors who actually obtain the permits, rather than on the developers, who generally do not.

The next bill I would like to discuss is Intro 758, sponsored by Council Member Gonzalez. Intro 758 requires the Commissioner to develop, within 90 days of the effective date, a manual setting out best practices regarding construction, excavation and demolition related activities and to determine how to distribute it to all work sites and all Department

offices when permits are issued. It also requires the Commissioner to consult other governmental agencies and industry to create this manual and requires that the manual be revised every two years.

This bill is laudable in that it focuses on an often-overlooked aspect toward achieving construction safety: education of contractors, construction superintendents, foremen and workers regarding safe construction techniques and common construction hazards. Numerous excellent manuals are available in these fields, and extensive guidelines focusing on worker safety have also been published by the Occupational Safety and Health Administration and are available on OSHA's website. The Department of Buildings regularly conducts seminars in these fields. Just last week the Department conducted seminars in proper excavation techniques, safe demolition practices, crane safety, safe concrete operations, and hosted numerous events with industry to encourage safer work practices at construction sites. In addition the Department distributes information on standard procedures both electronically and on paper at work sites, and of course the City's trade unions have excellent training programs for their members. While we do believe that it is part of the Department's mission to help educate contractors and workers about safe work and construction practices, even the best manuals and guides are of little value if they are not

read and followed. Hence while the Department can help identify important handbooks and manuals for contractors and their workers, I would prefer to see the Council increase the Department's enforcement powers to ensure increased compliance with basic safety practices.

The next bill I will address briefly is Intro 718, which requires that architects and engineers using the Department's professional certification program carry liability insurance. We think that this bill is excellent conceptually and we look forward to working with you and members of the construction community to determine what an appropriate amount of insurance is and to refine the language to ensure that it is integrated properly into the new Construction Codes.

Intro 511 also concerns the professional architects and engineers, and requires the Department to formally notify the State Department of Education of any individuals whom we have disciplined. This is the Department's current practice and I fully support codifying the practice into the Codes.

Turning to Intro 754, introduced by Chairman Dilan, which would require the Department to prepare and publish a report of fatalities and accidents at construction sites. This bill would require DOB to submit a report to the Council by March 31 of each year listing every injury or fatality

on a construction site that occurred during the preceding calendar year. The Department currently assembles this data and I will be glad to work with you to make sure it is published and updated on our website in a format that is easily accessible to you and the public.

The next two bills I will discuss briefly are intro 761 and 759, concerning signs at construction sites. Intro 761 provides for posting of signs at all construction, excavation or demolition sites informing workers of their right to report safety issues and the creation of a new phone number for these reports other than 311. As I am sure you are aware, the Department currently requires that contractors post signs in English and Spanish, and we are willing to discuss with industry the feasibility of posting in other languages as well. However we cannot support a separate number for registering safety complaints other than 311. 311 is operated by DOITT, and the operators there have been trained to quickly route construction violations to DOB specialists. DOITT has staff fluent in the languages mentioned in the bill. The whole concept behind 311 was to have a single number to report problems and questions about municipal services. We believe that a separate telephone number for this discrete set of issues is not warranted. For the same reason, we must also oppose Intro 759, which requires DOB to

establish a toll-free construction industry whistleblower hotline for reporting unsafe conditions. 311 is the appropriate vehicle for fielding these calls.

Intro 763, sponsored by Council Member Palma, would add all housekeeping violations (excessive debris, broken safety fences, and improper storage of construction materials) to the list of violations considered immediately hazardous. While many housekeeping violations at construction sites may be immediately hazardous and inspectors have the authority to so designate them under the new Construction Codes, others are not. I would be glad to discuss with you particular examples with which you are concerned and see if there are specific instances that should be included in this category.

Turning next to Intro 547-A, which relates to supported scaffolding. This bill amends several sections of the Administrative Code that were added by local law 52 of 2005 and that were carried over into Local Law 33 of 2007, the new Construction Codes adopted by the Council last year. The bill clarifies the language of the Building Code by specifying that only workers with the required training may erect, modify or use a supported scaffold and imposes liability on anyone who knowingly allows an untrained person to work on these scaffolds. It further allows the Department to approve providers of required training for scaffold workers. The proposed

local law will strengthen the provisions of Local Law 52 of 2005 by requiring that any person working with or on a supported scaffold be properly trained. The amendments would clarify the required training and would make clear that the Department will review and approve all courses. We fully support its adoption.

The final bill on for a hearing this afternoon is Intro 753, introduced by Council Member Dilan, would require that the Department's inspectors be provided with training in the fields in which they specialize. This bill would codify our current practice of providing training to the Department's inspectors on all laws and rules we enforce as well as construction and fire safety standards, and also requires an 8-hour course equal to or better than the 8-hour site safety coordinator course.

One of the programs we initiated several years ago was the establishment of "Buildings University". Buildings University provides includes technical certifications for inspectors of all disciplines, satisfaction of required continuing education credits for licensed professionals, and career counseling and integrity training for all employees. Our inspectors receive certifications as Qualified Elevator Inspector and Site Safety Manager, and take courses offered by the Applied Technology Council and the National Association of Amusement Rides. We also have enrolled

inspectors with Special Patrolman status in Peace Officer certification classes at John Jay University, which provides them with the capability of writing criminal court summonses. We spent 27% of our \$695,000 training budget in FY 07 and 36% of our \$720,000 training budget this year on inspector training, and anticipate continuing this effort to improve and retain our work force. For training not only improves the skill levels of our employees, it is a morale builder and helps define career paths for our most talented workers.

In order to increase inspector training, we have recently partnered with the Fire Department. The Fire Department, as you know, has an extensive and highly varied training program. 100 of our inspectors and engineers are being trained at the Fire Department's training academy on safe rigging practices. We are also in discussions with FDNY for giving our inspectors training in the Citywide Incident Management System (CIMS) protocol, which is used to comply with federal emergency management mandates. And as the Mayor has now grouped the Buildings Department with the Police and Fire Departments as a public safety agency, we hope to establish comparable training programs to provide opportunities for our staff to become as well-trained as the employees of those city agencies.

In conclusion, the wide-ranging nature of the bills under discussion this afternoon underscores the complexity of the task that we face in achieving a safer and more compliant construction industry in New York City. While additional regulatory tools are critical, it is worth reiterating that we need industry's full cooperation and attention. All elements of the construction industry -- property owners and developers, contractors, construction superintendents, trade unions and non-unionized workers -- must participate. We must provide strong incentives to make safety everyone's first and highest priority -- at every construction site every day. I look forward to working with you and with industry to achieve a safer and more robust construction environment in New York. Now I'd be happy to answer any questions you may have.



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
Borough President

Manhattan Borough President Scott M. Stringer
Statement Before The
New York City Council Committee on Housing and Buildings

May 6, 2008

Good afternoon Chairperson Dilan and members of the committee. Thank you for the opportunity to testify today. I want to commend all of the Council Members in attendance, and Speaker Quinn, for confronting the problem of construction safety with a range of important bills and this public hearing.

Two weeks ago today, Acting Commissioner LiMandri took over the helm of the Department of Buildings (DOB). He immediately announced—

- A comprehensive review of the way DOB does business;
- A plan to hire an additional 20 engineers to carry out that review; and
- A willingness to implement reforms on an ongoing basis rather than wait for a final report months down the road.

All of these are positive developments.

To succeed, DOB must look in the mirror and ask the hard questions:

- Is there a conflict between the agency's dual missions of protecting the public and promoting development?
- Must self-certification be abolished or scaled back?
- During boom times, when the private sector is hiring, what must DOB do in order to retain experienced inspectors and provide the industry with consistent inspections?

Yes, change at the Department of Buildings is critically important.. But it is only a starting point.

Since last August, when a fire at 130 Liberty Street, the former Deutsche Bank building, claimed the lives of two New York City fire fighters, I have been talking to experts in the construction field—labor leaders, developers, architects, and regulators.

I have learned much from them, and on one point they speak with a single voice: construction oversight is a group effort. No one agency, no one policy, no one reform will get the job done.

This year, thirteen lives have been lost as the result of construction accidents in New York City. In 2007, injuries on construction sites occurred at the rate of almost one per day.

To fix this problem, government agencies beyond DOB, labor leaders, developers, local residents, and Washington, D.C., must all be part of the solution.

To borrow a phrase from Senator Clinton, it takes an entire city to have a safe construction industry.

- First, the Police, Fire Department, Department of Sanitation, and Department of Transportation are essential partners in maintaining safe construction sites.

Even after the tragedies of the past months, we are still directing contractors to erect cranes in the middle of the night, so as not to disrupt traffic. Sidewalks next to active sites remain open even when common sense says to close them. Step one must be to make public safety the top priority of each and every city agency. And step two is to insist that active dialogue among agencies is a standard and regular part of our oversight system.

- Second, labor is our greatest ally in this fight.

Anyone who has talked to labor officials, or who attended the memorial service at St. Patrick's last week, doesn't need to be told about labor's deep and passionate commitment to safety. Unions spent \$40 million last year on safety and training. The value of this investment is borne out by statistics: last year, 42 injuries occurred at high-rise projects dominated by union labor. At smaller, low-rise projects, that routinely employ untrained non-union workers, there were 294 injuries.

- Third, developers control construction sites and have a critical role to play.

As I have said over and over, a closed construction site is a sign of government failure—and a breakdown in oversight. Local residents, builders, construction workers and government all have a common interest: to finish the job and move the construction cranes onto the next site as quickly as possible. "Please go" is the refrain I hear from residents. But the market pressures and financial incentives that drive developers to

move quickly must be balanced with the sober reality that on a construction site, speed can kill.

- Fourth, active local engagement can improve construction safety.

Earlier this year, I created Borough Construction Watch to involve concerned Manhattan residents in their own safety. Elected officials, labor representatives, and Community Board members are participating. Now we've taken it the next step, and engaged Community Boards at the district level. This means that on a regular basis potential construction hazards will receive careful scrutiny first from District Managers and then the District Service Cabinet.

- Fifth, Washington must do its part by reversing the gutting of OSHA that has occurred under the bush administration.

Both New York senators and members of our congressional delegation support the *Protecting America's Workers Act*—which reverses the harm done to occupational safety oversight at the federal level. The bill numbers are H.R.2029 and S.1244.

Funding for OSHA has been cut by more than \$25 million in real dollars since 2001, and 141 enforcement staff have been lost in that time. Here in New York City, OSHA safety inspectors collaborate with their DOB counterparts, focusing exclusively on the dangers faced by workers. The federal legislation will restore funding, increase penalties, and update whistleblower protections.

In light of the construction safety crisis in New York City, I urge this Council to state its support for the *Protecting America's Workers Act*. In the coming days, I will be working with the New York Committee on Occupational Safety and Health, and with members of the Council to introduce a resolution for this purpose.

For all of us, there is no responsibility greater than protecting the public we serve. New York City's construction safety problem is not a group of isolated incidents, fixable with a piecemeal response. The tragedies of the past months describe a system-side failure requiring a system-wide remedy.

Thank you for considering the ideas I have offered here to respond to this problem.



**BUILDING &
CONSTRUCTION
TRADES COUNCIL
OF GREATER NEW YORK**

EDWARD J. MALLOY
PRESIDENT

AFFILIATED WITH THE
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BUILDING AND CONSTRUCTION TRADES COUNCIL
OF NEW YORK STATE
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AMERICAN FEDERATION OF LABOR OF CONGRESS
OF INDUSTRIAL ORGANIZATION

**TESTIMONY OF
GARY LABARBERA
ON BEHALF OF THE
BUILDING AND CONSTRUCTION TRADES COUNCIL OF GREATER NEW YORK**

**COUNCIL OF THE CITY OF NEW YORK
COMMITTEE ON HOUSING AND BUILDINGS**

**PUBLIC HEARING ON
INTRODUCTIONS REGARDING BUILDING SAFETY**

MAY 6, 2008

Good afternoon, Mr. Chairman and Members of the Committee. My name is Gary LaBarbera. I am the president of Local 282 of the International Brotherhood of Teamsters and, by virtue of this position, I serve on the executive board of the Building and Construction Trades Council of Greater New York, an organization consisting of local affiliates of 15 national and international unions representing 100,000 active and retired members in the five boroughs. I am pleased to testify on behalf of the BCTC today.

The building and construction industry in New York City is one of the most vital to our economy, annually accounting for more than \$25 billion of activity and 120,000 jobs. When combined with the design and real estate sectors, we annually account for \$60 billion of activity, which is second only to healthcare.



With the historic boom our industry has experienced over the last decade have come significant challenges, one of the foremost among them being the ability to maintain acceptable safety conditions. Events of recent months have brought this particular challenge to greater light than had previously been the case.

It must be stated, however, that labor and management in the unionized sector of the industry have been privately and publicly urging government officials and the media to focus more attention on this issue for the past several years, when it became apparent that a number of clearly identifiable trends negatively affecting building and construction safety were developing.

Recent media reports and comments from government officials have indicated that the urgency now being brought to this issue is in response to a recent phenomenon. While it is perfectly appropriate that events of recent months have brought a sense of urgency to this issue, it is not accurate to suggest that this problem is new or a revelation.

The Occupational Safety and Health Administration has reported that industry fatalities in New York City were 25 in federal fiscal year 2002, 14 in FFY 2003, 23 in FFY 2004, 18 in FFY 2005, 29 in FFY 2006 and 22 in FFY 2007. The federal fiscal year runs from October 1-September 30. Findings of OSHA, as well as research by others on the subject, have consistently pointed to the following factors being associated with industry fatalities:

- Lack of training;
- Immigration and language barriers;

- Employees of smaller firms; and
- Workers not unionized.

It is also worth noting that falling from heights is consistently reported by OSHA as the leading cause of death in the industry in New York City, followed by being struck by falling objects, being crushed and electrocution, with the latter three causes of death listed in no particular order.

This record plainly speaks to the fact that the most serious safety deficiencies in the industry and their causes have been evident for some time now and deserving of an effective mitigation plan. The response to the recent spate of incidents in the industry, however, has largely ignored this multi-year record and is not improving safety.

It has instead consisted of stopping work, at times for what appear to be arbitrary, unjustified or inadequately explained reasons, and refusing or being unable to allow work to resume when hazards have been abated. The purpose of stopping work is to prevent accidents and correct safety problems. It is not to throw hundreds and thousands of working men and women into unemployment – which is precisely what is happening – when issues are either relatively minor and easily correctable or when more serious hazards have been abated and no longer exist.

In considering the public policy response to building and construction safety concerns, we urge this Committee and the Council to be guided by well-documented and long-term trends which will allow us to identify the most effective means by which we can reverse these trends to improve safety for workers and the public.

We urge this Committee and the Council to reject measures which, no matter how well-intentioned, fail to address safety deficiencies due to haste in their conception and implementation, and which may create unintended problems while diverting attention from the most serious and longstanding problems we face and must correct. It is on the basis of this approach that we oppose Introductions 688, 760 and 763.

Int. 688 would require general contractors to be registered. As currently drafted, this legislation would not contribute in any meaningful way to improved safety and compliance with the Building Code. It does not provide adequate definition of the information to be collected and the purposes for which such information will be collected. It also does not identify the resources necessary to have the information used for a productive purpose.

Int. 760 is a well-intentioned attempt to address two deficiencies evident in our long-term and more recent experience with efforts to enforce the Building Code. First, it attempts to address the longstanding deficiency of subjecting contractors to heightened scrutiny when they repeatedly commit the most egregious violations. Second, it attempts to provide a means by which contractors with violations can be assured that, when adequate action has been taken to abate hazards, work can resume in a timely fashion.

We do not believe that the particular language of this legislation sufficiently limits its application to only those contractors which repeatedly commit the most egregious violations. We also do not believe that independent monitors are the best or appropriate means by which additional scrutiny and oversight can be imposed. We firmly believe that safety enforcement is a government

responsibility which should not be outsourced.

We do, however, share the goals of this legislation to focus more resources on the worst contractors and to allow contractors which have abated hazards to resume work and not have their projects subject to unnecessary delays. We look forward to working with the sponsor of Int. 760 to produce legislation which labor and management in our industry can support with the Council to achieve these goals.

Int. 763 would classify housekeeping violations as immediately hazardous, which is a severe classification and could therefore lead to an issuance of a stop work order. Housekeeping violations do not typically rise to this level of severity and do not warrant such action.

An approach to building and construction safety which considers the long history and body of evidence bearing on this issue clearly indicates that to improve safety and the ability of the Department of Buildings to efficiently and responsibly enforce code requirements, there must be a commitment to:

- Require contractors to retain trained supervisory personnel on a full-time basis, including on projects where a significant number of workers are employed or present, and on projects involving concrete pours and demolition operations;
- Require all workers to complete a safety and health training course of at least 10 hours which is approved by OSHA;
- Require all contractors and workers engaged in crane erection, jumping and dismantling

to be sufficiently trained and certified or licensed, as may be relevant for their particular positions; and

- Require all building inspectors to receive adequate training and to hold relevant safety certifications and licenses.

Finally, it would be impossible and irresponsible not to address the limitations and failures of the Department of Buildings and the need for significant change there.

According to a March 19, 2008 article in The New York Times, DOB had 426 inspectors on its payroll earlier this year. It should be acknowledged that this level of staff is a substantial improvement over the negligently low level of 277 inspectors which the current administration inherited.

It must also, however, be acknowledged, that even this improvement is insufficient for the volume of work occurring. In the early 1990s, when industry activity and employment bottomed out amidst a national and local recession, the number of inspectors was approximately 800. It is simply indefensible that at a time when we now have approximately 40,000 more men and women working the industry – a 40-50% increase over the situation in the early 1990s – we have 40-50% fewer inspectors on staff at DOB.

The fact of the matter is that arguments over giving DOB the structure, resources and independence it needs to succeed have been ongoing for decades without resolution. Our industry has lost patience with these arguments and therefore believes bolder action is required to

create lasting solutions. DOB is beyond repair and must be reconstituted in a way which will allow it to fulfill its mission.

We therefore join with the Building Trades Employers Association in calling for the creation of a new public benefit corporation, the New York City Construction Safety and Standards Authority, to assume the responsibilities of DOB. Central to the ability of this entity to succeed will be dedicating all revenue it collects from building permits, fees and fines to its mission. Doing so will allow the current managerial and civil service work force at DOB to be increased, better compensated and better trained in a manner which demonstrates a genuine commitment to safety in our industry.

We thank you for the opportunity to testify and look forward to working together to engage in the difficult but necessary work of addressing this important issue.



**MASON TENDERS' DISTRICT COUNCIL
OF GREATER NEW YORK
POLITICAL ACTION COMMITTEE**

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**Testimony of Michael J. McGuire
Before the Committee on Housing and Buildings
Regarding Proposed Int. No. 547-A; Int. No. 688; Int. No. 697;
and numerous unnumbered proposed introductions
regarding construction site safety
May 6, 2008**

Good afternoon Chairman Dilan and distinguished committee members. My name is Michael McGuire and I am the Director of the Mason Tenders' District Council of Greater New York and Long Island. The Mason Tenders' District Council is comprised of some 15,000 members in six local unions of the Laborers' International Union of North America. We represent a diverse workforce that includes building construction laborers, mason tenders, high school teachers, professional and specialty personnel, demolition workers, recycling plant employees and asbestos and hazardous material abatement laborers.

Intro 547A: We fully support this legislation as it clarifies certain issues with the supported scaffold erectors and users law of which we were among the original proponents.

Intro 688: Regarding the registration of general contractors. We support this legislation. However, we would suggest it be amended to include the names of all principals associated with the contractor; and, that this information be made cross-searchable on the Department of Building's website. The reason for this is that unscrupulous contractors often operate alter-egos, double breasted companies, and frequently change the name of their companies when they run afoul of the law. The knowledge of who is actually involved in these companies, and the ability to easily search for other companies these individuals are involved in, could make this a very effective law.

Intro 697: Regarding the denial of permits to companies with bad safety records. Again we support this legislation, but with the same caveat: it needs to be amended to include not just companies, but all principals of those companies, in order to be effective.

Intro regarding the creation of a best practices manual for the construction industry. This is another good bill, and one that has the potential to make construction sites safer for workers and the general public. I would encourage clearer language to ensure that representatives of workers are included in the drafting of this manual. Currently, the Intro reads: "...persons knowledgeable in all aspects of the construction industry..." I would contend that the people in the industry most willing to embrace safety protocols are union representatives, making them an essential component in the drafting of the manual. Further, I would suggest that at some point in the future, willful failure to follow the manual should be made a violation.

Intro regarding the use of independent monitors on dangerous sites. I applaud the intent, but think this bill somewhat reinvents the wheel. There already exists the title of Construction Site Safety Manager. I would suggest that on these dangerous jobsites, an independent Site Safety Manager be assigned in the manner prescribed in the bill for the independent monitor to be assigned. As this Site Safety Manager would be under the direction of the Department of Buildings, he or she would truly be independent of the contractor (even though the contractor would be paying his or her salary). If the jobsite is big enough to already have required a Site Safety Manager, the redundancy of a new and independent Site Safety Manager will hopefully keep the original one honest. The Department of Buildings should also aggressively police Site Safety Managers who allow unsafe conditions to exist on their jobsites to the point of triggering a second independent Site Safety Manager.

Other than that, I have two objections to this Intro as written. First, is the level of violations that trigger the monitoring. Currently, the monitoring gets triggered by "...three or more immediately hazardous or major violations...within a six month period." This will inordinately impact larger construction sites, by the mere fact that a site that takes up an entire city block is more likely to have more violations than one that takes up the standard 25 foot by 100 foot New York City building lot; and because smaller sites by their nature will be completed in less time...often in less than the six months it takes to trigger the monitoring. The reason this is problematic is because, notwithstanding that there have been several high rise accidents this year, the vast majority of construction site fatalities occur on smaller job sites.

The second objection is to the corruption prevention guidelines. I'm all in favor of rooting out corruption in our industry. Those of you who know the history of the Mason Tenders' District Council know that I was part of a group who, with the help of the Department of Justice, ousted organized crime from my organization. And it should be noted that before we undertook that action, the Mason Tenders' District council was referred to in a national publication as "...perhaps the most corrupt labor organization in the United States of America". I am proud to say we are now a model organization. I think the inclusion of anti-corruption measures in a construction safety bill unfairly ties the two together. Further, as someone who spent sixteen years on construction sites and the last twelve working for the union, I believe independent monitors would be ineffectual at this task. The best anti-corruption measure is actually part of the next Intro.

Intro regarding the establishment of a construction industry whistleblowers hotline. This bill should also allow for the reporting of corrupt activities. Those on the site, as part of the work crew, are much more likely to be aware of corrupt activities than an independent monitor. Other than that, on the whistleblowers bill, I'd like to see something that will weed out the inevitable abuse by non-industry NIMBYists (such as posting the whistleblower number inside the sites, not on the exterior fence); and shortening of the 72-hour timeframe for response. Construction sites by their very nature are fluid and dynamic. Conditions are rarely the same from one day to the next, let alone three days later.

Intro regarding on classifying housekeeping violations as immediately hazardous. We couldn't agree more. This is a very good site safety bill, and we support it whole heartedly.

Intro regarding the posting of signs at construction sites. Another good bill, however, having dealt with issues regarding the posting of information in the past, I would encourage a requirement for size and location of the signs as well as making the failure to post such signs trigger a stop work order.

Intro regarding the reporting the number of fatalities and accidents on sites by the Department of Buildings. This is another good bill. The only suggestion I would have

for this is a requirement that the report be made readily accessible on the Department's website.

Intro regarding training for building inspectors. We are all in favor of a better trained workforce, whether it be building trades workers or buildings inspectors. An educated workforce is the best safety protocol you ever put in place. The only question I have about this bill is why does it only require the 8-hour site safety course, and not the full 40-hour Site Safety Manager training?

Thank you for your time, and I'd be happy to answer any questions anyone may have.

Respectfully submitted,
Michael J. McGuire
May 06, 2008



THE GENERAL CONTRACTORS ASSOCIATION OF NEW YORK, INC.

Christopher O. Ward
Managing Director

Testimony of Felice Farber, Director of External Affairs New York City Council Committee on Housing and Buildings May 6, 2008

Good afternoon Chairperson Dilan and Council Members. Thank you for the opportunity to appear before you today. My name is Felice Farber and I am the Director of External Affairs for the General Contractors Association of New York. The GCA is a trade association representing the heavy construction industry that builds New York City's infrastructure. Our members have utilized union labor since 1909 when the GCA was first founded.

The increased number of unfortunate construction accidents in New York City of late has led to a rush to legislate and regulate. It is important to step back, analyze the cause of the accidents, review the role and quality of existing regulations, and use that information to develop laws and rules that will create a safer work environment and not simply result in additional oversight. We believe that through training, good management, and an emphasis on safe working practices, accidents can be minimized.

We have significant concerns about much of the proposed legislation before the council today and its impact on public works projects in New York City. These proposals duplicate existing rules and government oversight and will add additional cost to public works projects. Legislation by itself does not make the industry safer; people do, more specifically professional, focused and well trained people can make the industry safer by fostering and enforcing safe work practices.

Each of the proposals under consideration today have been carefully considered with an eye to redundant legislation and increases to construction cost without beneficial return. We are not opposed in any way to construction cost increases to enhance project safety, lives versus cost has never been a tradeoff for our members. But money spent for no additional enhancement is a luxury the City does not have, especially in light of a possible 20% cut in the City's capital budget and the deferral or cancellation of critical projects to maintain our existing infrastructure and provide other needed public facilities. Therefore, I will discuss each proposal keeping in mind that safety enhancements are priceless and duplication can not be afforded:

Intro 761: Requires the Posting of Signs at Construction Sites

We believe it is important for workers to know their rights and to have an opportunity to report unsafe work conditions. Our priority is safety and we believe that workers should be participants in creating a safe work environment and should report unsafe conditions to their supervisor on the job so that immediate corrective action can be taken.

Providing workers with information on where to report an unsafe condition could be a useful tool. However, this bill requires the establishment of an independent phone number for this sole purpose. It is unclear who is responsible to establish this independent hotline. This requirement duplicates both the City's 311 call center, which is in a better position to manage the call and expedite the response of the appropriate agency, particularly in an emergency, and the whistleblower hotline referred to in Intro 759. The City's 311 call center is the appropriate repository for complaints. If there are issues or concerns with the responsiveness or quality of the 311 system, then those issues should be addressed with the City directly.

It is also excessively burdensome to expect contractors to have the expertise to translate a sign correctly into many different languages when this ability already exists within the City services.

Intro 758: Requires the Identification and Dissemination of Best Practices at Construction Sites

A best practices manual works well when there is uniformity in the work to be completed. However, legislative mandates can not address the extraordinary variety of construction activities engaged everyday to build and rebuild the city. The Department of Buildings can establish best practices for certain types of activities – such as jumping a tower crane or utilizing a hanging scaffolding system. These manuals will be an asset to the industry. The present structure of the City’s public works contracts place responsibility for means and methods of work squarely on the contractor’s shoulders. Extending a requirement for a best practices manual into all aspects of construction activities is problematic as conflicts between “best practices” and the contractor’s means and methods will only serve to increase project costs and benefit negligence lawyers.

Intro 763: Making Housekeeping Violations Immediately Hazardous

The Department of Buildings recently amended the building code by reclassifying violations and substantially increasing the penalties. The new classifications sort violations into three major categories: immediately hazardous, major violations and lesser violations. Violations that are considered “immediately hazardous” require immediate corrective action and can result in a stop work order. If a class 3 “lesser violation” is treated the same as one impacting life and safety, then the Building code classifications lose their meaning. Housekeeping violations are important and should be addressed through fines. There needs to be a distinction between different levels of violations. If everything is treated as immediately hazardous then the very serious violations risk being overlooked.

Intro 760: Requires an Independent Monitor at Construction Sites

The requirement for an independent monitor on public works projects will duplicate the heightened oversight and review that the City already provides on its capital projects, thereby creating confusion, potential for conflicting results, and increased costs. The Department of Investigation oversees public sector projects and requires an independent monitor where they deem it appropriate. Vendex also provides a detailed level of review

of the contractor and includes public agency performance reviews. This proposed legislation adds another layer of review that, while initially paid for by the contractor, will ultimately be paid for by the City in the form of increased project costs with no discernible benefit.

Intro 688: Requires the Registration of General Contractors

Currently, general contractors for residential dwellings of one, two or three family homes must register with the Department of Buildings. The intent of this requirement is to ensure that small residential contractors are properly insured, have a minimum level of capital and are held accountable for their work. Intro. 688 would extend this requirement to all general contractors that obtain a building permit. Contractors working for public agencies are already thoroughly vetted through the City and State vendor review process, and must meet extensive qualification, financial and insurance requirements to be awarded public work. . Requiring public works contractors to register as general contractors duplicates existing levels of review and oversight and should be exempt from this requirement.

Intro 754 Requires DOB to report fatalities and accidents at Construction Sites

Currently accidents on a construction site resulting in lost time must be reported to OSHA and to the City Agency responsible for the public works job. These existing sources of accident data should be used for any new data analysis and reporting requirements. When reporting accident data, the accident should be attributed to the responsible contractor. On a Wicks Law job, for example, there are multiple prime contractors, and each contractor is responsible for implementing its own safety policies. Attributing all accidents to the general contractor will unfairly charge the contractor for failing to prevent an accident when they had no authority to do so and adversely affect the reputation of a company by presenting them as having a greater number of accidents than they were responsible for. This is clearly not the intent of the bill

Intro 753: Training of Building Inspectors

Additional training for building inspectors is a necessity. Given the ever changing implementation of technology and constantly evolving work methods, we recommend that DOB consider supplementing the in-house inspection forces with the services of independent consultants that specialize both in safety and specialty construction practices. Currently there are an insufficient number of inspectors in the crane and derrick unit, and recruiting trained workers in this market is quite difficult. . At the same time, current rules require each crane used in New York City to be inspected annually by DOB.

Without compromising the need for annual inspections, this is a function that could be handled by specialty crane inspection consultants. We are deeply concerned that without increasing the number of sufficiently experienced and trained inspection staff, the cranes and derricks unit in particular will be unable to keep up with the backlog of inspections. The end result will be that a number of major public and private construction projects will be shut down and workers laid-off while contractors wait for their cranes to receive the annual inspection.

In conclusion, the GCA and the heavy construction contractors that work every day for and in New York City are second to none in their pursuit of project safety. Improved safety does not have a cost too high to pay. However, we also see the economic realities of today and strive to reduce construction costs by strongly advocating against duplication and inefficiency.

FOR THE RECORD



AIA New York Chapter

The Founding Chapter of the American Institute of Architects

Int. No. 511, A Local Law to amend the administrative code of the city of New York, in relation to providing notice to the state concerning disciplinary proceedings against certain professionals.

AIA New York Chapter supports this legislation. Professionals who are registered with the New York State Department of Education should be held to the highest standard of safe practice and training. It is common sense that the Department of Buildings, who monitors their practice in New York City, be informed about proceedings that impact the professional privileges of registered architects and engineers.

Proposed Int. No. 547-A, A Local Law to amend the administrative code of the city of New York, in relation to issuance of a certificate of completion for individuals working on supported scaffolds and design requirements for supported scaffolds.

Int. No. 688, A Local Law to amend the administrative code of the city of New York, in relation to the registration of general contractors.

Because AIA New York supports more, not less formal requirements for training and certification of professionals in the building industry, we support the intent of these bills.

Int. No. 718, A Local Law to amend the administrative code of the city of New York, in relation to requiring all professionals who participate in the professional certification program at the department of buildings to carry professional liability insurance.

Failing to carry a sufficient amount of professional liability insurance is, for an architect, equivalent to risking one's entire livelihood and career. We question that any professional practicing in the City today would do so. This bill would require the Commissioner to put a specific quantity on the amount of liability insurance that design professionals should carry. We are concerned that an arbitrary amount determined for all professionals could place unequal burden on small firms, which are often minority- or women-owned. The amount of liability insurance required should be sure to reflect this understanding—perhaps with the use of a sliding scale for the requirement depending on the size and financial value of the professional's projects.

Int. No. _____, A Local Law to amend the administrative code of the city of New York, in relation to, in relation to creating and disseminating a best practices at construction sites within the city of New York manual.

The AIA NY Chapter strongly supports this bill and urges the Council to include comments from the design industry as well. As we represent over 4,200 architects and public members practicing in New York City, the AIA offers itself as a resource to the Department of Buildings for this manual and would be happy to participate in its preparation.

**Testimony By Hannah O'Grady
Deputy Executive Director
ACEC-NY
Housing and Buildings Committee Hearing
May 6, 2008**

Good afternoon Chairman Dilan and Members of the Housing and Buildings Committee. Thank you for giving me the opportunity to testify before you this afternoon

My name is Hannah O'Grady. I am the Deputy Executive Director of the American Council of Engineering Companies New York Chapter (ACEC-NY).

I am here to discuss two of the items being considered today.

The first item is Intro 547-A, a Local Law to amend the administrative code of the city of New York, in relation to issuance of a certificate of completion for individuals working on supported scaffolds and design requirements for support scaffolds.

ACEC NY believes that the exemption for licensed design professionals included in this bill should be extended to personnel working under their supervision, who are trained as part of their jobs anyway.

The second item is, Intro 760, a Local Law to amend the administrative code of the city of New York, in relation to the appointment of an independent monitor with respect to construction sites.

ACEC-NY is very concerned about this bill. It fails to establish standards for the qualifications for an independent monitor and subjects monitors to chapter 68 of city charter, which would mean that anyone who acted in such a capacity would have to divorce themselves from practicing their profession in any other way.

This would significantly limit the number of qualified individuals doing this work. Additionally, it raises questions regarding additional liability to the city for individual monitors on job sites and the city's liability if accidents occur while monitors are presence at job sites. We also believe that this should be at the discretion of the commissioner.

ACEC-NY applauds this committee for its efforts to reform the New York City Department of Buildings. However, we are deeply troubled that the Housing and Building Committee was not given the opportunity to take up Intro. 755, A Local Law to amend the New York city charter in relation to the qualifications of the commissioner of buildings.

We are strongly opposed to this bill. The job of Buildings Commissioner requires a particular expertise the goes beyond just management skills. It requires the technical

expertise of an architect or engineer who understands the technical issues of buildings and how they operate.

Buildings are complicated. Without expertise and hands on experience the commissioner is at a severe disadvantage.

We have licensure laws and continuing education requirements to assure that those that design buildings are competent. Why would we remove a requirement that the person charged with the responsibility of regulating those who design and construct buildings is technically competent in the art.

We hope that you will also join us in opposition of this bill.

**JOINT TESTIMONY OF THE QUEENS & BRONX BUILDING ASSOCIATION AND
THE BUILDING INDUSTRY ASSOCIATION OF NEW YORK CITY, INC. BEFORE
THE CITY COUNCIL COMMITTEE ON HOUSING & BUILDINGS**

May 6, 2008

GOOD DAY. MY NAME IS ROBERT ALTMAN AND I AM THE LEGISLATIVE CONSULTANT TO THE QUEENS & BRONX BUILDING ASSOCIATION AND THE BUILDING INDUSTRY ASSOCIATION OF NEW YORK CITY, INC., TWO LOCAL CHAPTERS OF THE NEW YORK STATE BUILDERS ASSOCIATION. I SUBMIT THIS TESTIMONY ON THE CURRENT STATE OF THE NYC BUILDINGS DEPARTMENT AND THE VARIOUS BILLS THAT HAVE BEEN INTRODUCED TODAY.

TO REALLY GRADE THE CITY'S BUILDINGS DEPARTMENT, OUR ASSOCIATIONS BELIEVE THAT THINGS MUST BE PUT IN CONTEXT ON HOW THINGS WERE AT THE DEPARTMENT AT THE BEGINNING OF THE BLOOMBERG ADMINISTRATION AND HOW THEY ARE NOW. IN 2002, THE DEPARTMENT WAS BADLY HEMORRHAGING EXPERIENCED STAFF, IT HAD INSUFFICIENT PERSONNEL TO REVIEW PLANS, CONDUCT INSPECTIONS, AND ISSUE CERTIFICATES OF OCCUPANCY; IT HAD PROCEDURES WHICH WERE BOTH REDUNDANT AND OBSOLETE; AND WHAT STAFF WAS LEFT WAS BADLY INEXPERIENCED. TO SAY THAT THE DEPARTMENT WAS A DISASTER WAS AN UNDERSTATEMENT. MEMBERS OF OUR ASSOCIATIONS WERE BITTER OVER THE COMPETENCE OF THE AGENCY AND HAD LITTLE EXPECTATIONS FROM A NEW COMMISSIONER, WHO MOST HAD NEVER HEARD OF. THE NEGLECT OF PRIOR ADMINISTRATIONS HAD FINALLY CAUGHT UP. MOREOVER, THESE CONDITIONS EXISTED IN THE MIDDLE OF A BUILDING BOOM IN THIS CITY.

IS THE BUILDINGS DEPARTMENT PERFECT NOW? OF COURSE NOT. BUT ONE NEEDS TO LOOK AT HOW FAR THE DEPARTMENT HAS COME. MANY REDUNDANT AND OBSOLETE PROCESSES HAVE BEEN ELIMINATED. STAFFING LEVELS, WHILE STILL INSUFFICIENT, HAVE GREATLY INCREASED. THERE IS NO LONGER AN EXODUS OF PERSONNEL. AND THERE IS A NEW BUILDING CODE THAT IS MORE LOGICAL AND LESS BYZANTINE THAN THE OLD CODE. FINALLY, IT ALSO BEARS NOTING THAT THE LEVEL OF TRANSPARENCY THAT HAS BEEN BROUGHT TO THE OPERATIONS OF DOB IS SINGULAR AMONGST ALL CITY AGENCIES. WE CAN ONLY HOPE THAT OTHER AGENCIES CAN SOME DAY, PERHAPS BY 2012, BRING THEIR OPERATIONS UP TO THE LEVELS THAT DOB HAS ACHIEVED SINCE 2002.

THE DEPARTMENT HAS ITS GROWING PAINS. AS IT HAS HIRED MORE STAFF, IT HAS HAD TO TRAIN THIS STAFF, AND WHILE TRAINING IS HELPFUL, NOTHING CAN SUBSTITUTE FOR EXPERIENCE AND MUCH OF THE NEW STAFF NEEDS EXPERIENCE. AS MUCH AS ONE MIGHT SAY THAT THE DEPARTMENT SHOULD HIRE EXPERIENCED STAFF, THE RECENT BOOM HAS UNDOUBTEDLY MADE IT MORE PROFITABLE FOR MORE EXPERIENCED PERSONNEL TO REMAIN IN THE PRIVATE SECTOR THAN TO JOIN THE PUBLIC SECTOR. THUS, WHILE THOSE GROWING PAINS REMAIN, WE ARE HOPEFUL THAT AS THE CURRENT STAFF BECOMES MORE EXPERIENCED, IT WILL UNDERSTAND THE NATURE AND NUANCES OF BUILDING IN NEW YORK CITY.

ALL THIS IMPROVEMENT HAS BEEN ACHIEVED IN A LOGICAL AND ORDERLY FASHION BY THE CURRENT LEADERSHIP OF THE DEPARTMENT OF

BUILDINGS. IT IS CONVENIENT TO LAY THE BLAME ON RECENT EVENTS AT THE FOOT OF THIS AGENCY, BUT TO DO SO WOULD TO BLAME THE CURRENT REGIME FOR THE NEGLECT OF PAST ONES. OUR MEMBERS HAVE SEEN CONSTANT IMPROVEMENT BY THIS DEPARTMENT OVER THE PAST SIX YEARS. CAN IT BE BETTER? YES. IS IT GETTING BETTER? YES. HAS IT COME A LONG WAY? YES. IF WE FELT THE DEPARTMENT WAS HEADING IN THE WRONG DIRECTION, WE WOULD SAY SO? FOR DECADES THE DEPARTMENT WAS HEADED IN THE WRONG DIRECTION. NOW IT IS NOT. THE DEPARTMENT HAS MOVED FORWARD IN A CONSISTENT FASHION TO IMPROVE ITSELF AND WE BELIEVE IT HAS EARNED THE RIGHT TO FINISH THE JOB AS IT SEES FIT.

FOR THESE REASONS WE HAVE THE FOLLOWING COMMENTS ON THE LEGISLATION.

INTRO. NO. 511 ON REPORTING TO THE STATE PROFESSIONALS WHO HAVE HAD AN ADVERSE DETERMINATION AGAINST THEM BY THE DEPARTMENT -- WE HAVE NO COMMENT.

INTRO. NO. 547-A ON INDIVIDUALS WHO ASSIST IN THE ERECTION OF SUPPORTED SCAFFOLDS HAVING CERTIFICATES OF COMPLETION -- WE HAVE NO COMMENT.

INTRO. NO. 688 ON REGISTRATION OF ALL GENERAL CONTRACTORS WHO OBTAIN A PERMIT -- HAVING BEEN THE ASSOCIATIONS WHO WORKED ON AND SUPPORTED THIS PROVISION FOR ONE-, TWO- AND THREE- FAMILY HOME BUILDERS, WE SUPPORT THIS LEGISLATION. WE HOPE THAT IT IS NOT USED AS A

POLITICAL DEVICE BY THE ELECTED OFFICIALS TO ATTEMPT TO STOP WORTHY PROJECTS FROM MOVING FORWARD.

INTRO. NO. 697 ON DENYING PERMITS TO DEVELOPERS WHO HAVE BEEN FOUND TO HAVE TOO MANY VIOLATIONS -- WE OBJECT TO THIS LEGISLATION BECAUSE IT IS NAÏVE AND FAILS TO UNDERSTAND THE CURRENT STATE OF VIOLATIONS. LET ME EXPLAIN.

MANY TIMES, DEVELOPERS RECEIVE VIOLATIONS THAT THEY WOULD OTHERWISE OBJECT TO AND FIGHT. BUT FRANKLY, IT IS OFTEN EASIER AND CHEAPER TO SIMPLY PLEAD GUILTY AND PAY THE VIOLATION'S FINE. FRANKLY, THIS IS STANDARD OPEATING PROCEDURE. YOU WILL FIND FEW BUILDERS WHO IN THEIR FRANK MOMENTS WHO HAVE ANYTHING BUT DISPARAGING WORDS ABOUT THE ADMINISTRATIVE TRIAL PROCESSES IN THIS CITY. THAT IS WHY YOU OFTEN SEE SITES WITH VARIOUS VIOLATIONS AND PAID FINES AND CORRECTED VIOLATIONS. OFTEN THERE WASN'T REALLY A VIOLATION TO BEGIN WITH, BUT THE CITY COLLECTED ITS FINE AND THE BULIDER MOVED ON IN THE QUICKEST AND CHEAPEST FASHION. MOREOVER, MANY OF THE VIOLATIONS THAT ARE "IMMEDIATELY HAZARDOUS" ARE NOT, IN REALITY, IMMEDIATELY HAZARDOUS. HOWEVER, DUE TO POLITICAL EXPEDIENCY OR SOME CRISIS IN THE PAST, THE BODY POLITIC HAS DECIDED TO TOUGHEN AND ENHANCE THE VIOLATION SCHEME BY INCLUDING THE EVERYTHING BUT THE KITCHEN SINK AS AN IMMEDIATELY HAZARDOUS VIOLATION. WE HAVE ONE SUCH BILL TODAY ON MAKING HOUSEKEEPING

VIOLATIONS AN IMMEDIATE HAZARDOUS VIOLATION (AND OBVIOUSLY WE OPPOSE THIS BILL).

IN SUCH AN ENVIRONMENT, IT IS EASY TO MAKE ANY BUILDER LOOK LIKE A DISASTER WHEN THEY ARE NOT. INDEED, IF YOU BEGIN TO TAKE THIS TACT THE CITY WILL BE FACED WITH BUILDERS FIGHTING EVERY VIOLATION FOR FEAR OF LOSING THE REGISTRATION WHOSE IMPLEMENTATION WE SUPPORT. THIS WILL CLOG THE ADMINISTRATIVE TRIBUNALS WITH CONTENTIOUS PROCEDURES RESULTING IN LOST REVENUE, HIGHER EXPENSES FOR ADMINISTERING THE SYSTEM DUE THE NEED FOR MORE STAFF, AND GREATER EXPENSE FOR THE BUILDER WHOSE USUAL DESIRE IS TO SIMPLY BE DONE WITH THE MATTER (I WOULD NOTE THAT THE SAME IS TRUE FOR ALMOST EVERYONE WHO HAS A VIOLATION, FROM LANDLORDS TO COOPS AND CONDOS). SO UNLESS THE CITY REDESIGNS ITS VIOLATION SYSTEMS AND DOES NOT CHANGE IT FOR POLITICAL EXPEDIENCY, BILLS OF THIS ILK SOUND GOOD, LOOK GOOD, AND HAVE NO BASES IN PRACTICALITY.

FOR THIS REASON, INTROS. 760 AND 763 ARE OPPOSED. MOREOVER, INTRO. 697 IS ALSO OPPOSED FOR THIS AND OTHER REASONS.

INTRO. 697 SUFFERS FROM SERIOUS ISSUES IN HOW IT DEFINES A DEVELOPER , IN PROVIDING A NARROW ENOUGH INTERPRETATION OF A DEVELOPER AND DETERMINING WHERE THE FAULT ACTUALLY IS. FIRST, IF A CONTRACTOR (THEORETICALLY COVERED BY THIS LAW) IS WORKING WITH PLANS APPROVED BY THE DEPARTMENT, THAT ENTITY OR PERSON DOES NOT INTERPRET CODE OR THE ZONING RESOLUTION AND IS SIMPLY FOLLOWING THE

PLANS. NEXT, IF THE PLANS ARE APPROVED BY THE DEPARTMENT, AND LATER FOUND TO BE IN ERROR, IS THAT THE CITY'S FAULT OR THE DEVELOPER'S FAULT. THIRD, IF THE DEVELOPER RELIES ON AN ARCHITECT AND/OR THE CITY AND EITHER IS WRONG, WHOSE FAULT IS IT. FINALLY, INTRO. 697'S BLANKET NATURE IS AN EXAMPLE OF FAILING TO GET THE HEART OF THE PROBLEM BECAUSE UNDER IT EVERY SINGLE ENTITY THAT DOES ANY CONSTRUCTION IN NEW YORK CITY, INCLUDING COOPS, CONDOS, AND HOMEOWNERS DOING RENOVATION TO THEIR HOMES WILL FIND THEMSELVES VIOLATING THIS LAW. IT SUFFERS FROM A TREMENDOUS AMOUNT OF OVERBREADTH.

WITH RESPECT TO INTRO. 718 WHICH REQUIRES ARCHITECTS AND ENGINEERS CARRY PROFESSIONAL LIABILITY INSURANCE AND SUBMIT PROOF OF THIS, WE HAVE NO COMMENT.

WITH RESPECT TO INTRO. 758 THE LEGISLATION ON CREATING A MANUAL ON BEST PRACTICES, WE HAVE NO OBJECTIONS. BUT KEEP IN MIND THAT THIS MANUAL IS ONLY A GUIDE. BEST PRACTICES CONSTANTLY CHANGE AND MOREOVER, ARE NOT THE BEST OR THE MOST PRACTICAL IN ALL INSTANCES. IT SHOULD NOT BE ANOTHER EXCUSE TO AVOID THE NEED FOR JUDGMENT WHEN DEVIATION FROM THOSE PRACTICES IS REQUIRED OR TO PROVIDE FOR A NEW SET OF VIOLATIONS.

WE HAVE NO OBJECTIONS TO COUNCIL MEMBER DILAN'S BILL (INTRO. 753) CALLING FOR TRAINING OF INSPECTORS IN CERTAIN AREAS, NOR DO WE OBJECT TO THE FATALITIES REPORT (INTRO. 754), ALTHOUGH WE BELIEVE IT MAY BE BEST MADE PART OF THE MAYOR'S MANAGEMENT REPORT.

COUNCIL MEMBER MARTINEZ'S BILL (INTRO. 761) ON LANGUAGES AND SAFETY SIGNS IN AT LEAST NINE LANGUAGES IS ONE WHERE WE SUPPORT ITS SPIRIT BUT FEEL THAT IT MAY BE TOO BROAD IN APPLICATION. WE WOULD BE WILLING TO WORK WITH HIM TO DRAFT A MORE PRACTICALLY TAILORED BILL.

FINALLY, WE DO NOT BELIEVE A SPECIAL CONSTRUCTION WORKER WHISTLEBLOWER HOTLINE IS NECESSARY (INTRO. 759), HOWEVER, SHOULD THE COUNCIL WISH TO ENSURE SAFETY PROTECTIONS FOR WHISTLEBLOWERS WHO ARE CONSTRUCTION WORKERS, THIS IS SOMETHING THAT COULD BE EXPLORED. GIVEN THE POTENTIAL FOR ABUSE, WE DO FEEL THAT THE COMMISSIONER SHOULD HAVE THE DISCRETION NOT TO INVESTIGATE EVERY COMPLAINT WITHIN SEVENTY-TWO HOURS, GIVEN THAT THERE WILL INVARIABLY HARASSMENT FROM SOME EMPLOYEES.

THANK YOU FOR THIS OPPORTUNITY TO TESTIFY.