

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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September 22, 2014

Start: 1:15 p.m.

Recess: 4:18 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: JUMAANE D. WILLIAMS
Chairperson

COUNCIL MEMBERS:

Rosie Mendez
Ydanis A. Rodriguez
Karen Koslowitz
Robert E. Cornegy, Jr.
Rafael L. Espinal, Jr.
Mark Levine
Antonio Reynoso
Helen K. Rosenthal
Ritchie J. Torres
Eric A. Ulrich

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

Rick Chandler
Commissioner
Department of Buildings, NYC

Thomas Fariello
First Deputy Commissioner
Department of Buildings, NYC

Michael Alacha
Assistant Commissioner
Department of Buildings, NYC

Gus Sirakis
Executive Director of Technical Affairs
Department of Buildings, NYC

Helen Gitelson
Executive Director of Code Development
Department of Buildings, NYC

Joel Oliva, Director of Operations
National Commission for the Certification
of Crane Operators, NCCCO

Angela Pinsky
Real Estate Board of New York, REBNY

Brendan Griffith, Chief of Staff
New York City Central Labor Council,
AFL-CIO

Terrence O'Brien, Deputy Director
Plumbing Foundation of New York City

Humberto Estrepo
Joint Industry Board of the Electrical
Industry

Richard Gruber, Business Representative
Local Union No. 3, International
Brotherhood of Electrical Workers

Peter A. Ronzetti
Vice President of Operations
Welsbach Electric Corp.
College Point, Queens, New York

James Ramsburg
Empire Erectors and Electrical Company

David Brown
Master Sign Hanger and Master Rigger
North Shore Neon Sign Company

Greg Galasso
Executive and Master Rigger
Galasso Trucking & Rigging, Inc.

Robert C. Kirkwood
Robert C. Kirkwood, Inc.
Insurance Specialists

Bobby Mack
Licensed Rigging Foreman

Allen Wright
IUOE Local 14

Ken Clemens
IUOE Local 14

John Powers
IUOE Local 14

Tony Straka
New York Committee for Occupational Safety
and Health, NYCOSH

John Pantanelli, President
New York City's Special Riggers
Association, NYCSRA

Dennis Holloway, Director of Training
International Masonry Institute, IMI
Long Island City]

James Bifulco, Managing Consultant
Total Safety Consultant, TSC

Kenneth Buettner, President
York Scaffold Equipment Corp.
Long Island City

2 [sound check]

3 [gavel]

4 SERGEANT-AT-ARMS: Quiet please.

5 CHAIRPERSON WILLIAMS: Good afternoon.

6 My name is Jumaane Williams, Chair of the Council's
7 Committee on Buildings, and I'm joined today by
8 Council Member Mendez, Council Member Reynoso,
9 Council Member Crowley. I want to welcome the new
10 Commissioner Chandler. Welcome. I know this is your
11 first hearing, and I just thank the First Deputy
12 Commissioner Fariello for his work. I understand he
13 did a very good job, and I'm glad you're still there,
14 and I know you are going to be doing great work.

15 We are here today to discuss six bills,
16 Proposed Intro No. 298-A; Proposed Intro No. 299-A;
17 Proposed Intro No. 472-A; Proposed Intro No. 473-A;
18 Intro No. 474; and Intro No. 476. We've got a lot to
19 cover. I will try to be brief and give an overview
20 of the bills before us. And then, we'll hear from
21 the Administration and members of the public.

22 First, I would like to discuss Proposed
23 Intro No. 472-A and Intro No. 474, both of which I am
24 co-sponsoring with the Mayor. As you may recall, the
25 City updates its Construction Code roughly ever three

1 years to reflect the changes in the International
2 Construction Code or ICC. It was for this reason
3 that at the last session of the City Council passed
4 and the Mayor signed Local Law 141-2013, an almost
5 2,500-page law. Proposed Intro No. 472-A will make
6 various technical edicts to Local Law 148 without
7 making specific changes to the Local Law. An Intro
8 No. 474 will change the implementation date of Local
9 Law 141 from October 1, 2014 to December 31, 2014.
10 These changes will clarify various provisions of the
11 Construction Code, and allow agencies and design
12 professionals additional time to gain familiarity
13 with the new codes. The rest of the bills we are
14 going to hear today are intended to make construction
15 work safe in New York City.

17 Proposed Intro No. 298-A sponsored by
18 Council Member Kallos will limit the circumstances
19 under which a person other than a licensed rigger can
20 supervise the hoisting or lowering of articles on the
21 outside of a building. It would also require that
22 where hoisting or lowering of articles on the outside
23 of a building is performed by or under the
24 supervision of a person who is not a licensed rigger.
25 Such person must complete a DOB training course,

2 rather than having the option of completing an
3 accredited certification program.

4 Proposed Intro No. 299-A also sponsored
5 by Council Member Kallos would, among other things,
6 change the requirements for obtaining a hoisting
7 machine operator license by requiring that applicants
8 for such licenses have qualifying experience in New
9 York City, and successfully complete written and
10 Practical Examinations administered by DOB, rather
11 than an accredited organization.

12 Proposed Intro No. 473-A, which I
13 sponsored, will amend Local Law 141 by reducing the
14 number of situations where someone other than a
15 licensed rigger can install, remove, or supervise the
16 use of scaffolding. Under the 2008 Building Code, a
17 valid special rigger's license was required to hang
18 and operate scaffolds anywhere in the five boroughs.
19 However, Local Law 141 creates several exceptions
20 where licensed riggers will no longer be required.
21 This bill seeks to overturn two of those exceptions.

22 Finally, Intro No. 476, which I also
23 sponsored, increases the experience required to
24 obtain a special rigger license. This would help
25 enhance safety for workers and pedestrians on and

2 around job sites. And I was here last year when we
3 passed that 2,500-page bill. I actually abstained
4 from it. And I believe that many council members
5 were not given enough time to read through it
6 thoroughly, and I believe some of these are in
7 response to some issues that people may have had with
8 the bill as it was passed last year. And I expect as
9 we go forward there may be other proposed corrections
10 that come through, or people proposed to be heard.

11 I would like to thank my staff for the
12 work they did to pull this hearing together including
13 Jim Wilcox, the Counsel to the Committee; Guillermo
14 Patino; and Jose Conde, Policy Analysts to the
15 Committee. Sarah Castlelum, the Finance Analyst to
16 the Committee, and Mick Smith, my Legislative
17 Director. I understand that Council Member Kallos
18 would like to make a brief statement concerning this
19 bill. Is he here? We've been joined by Council
20 Member Kallos and Council Member Cornegy. I would
21 like to invite him to do so, and after that we will
22 have the affirmation for the Administration and they
23 will then give their testimony. Council Member
24 Kallos.

2 COUNCIL MEMBER KALLOS: Good afternoon.

3 I'd like to begin by thanking the Committee Chair
4 Council Member Jumaane Williams for the work he's
5 done on the Housing and Buildings Committee, and his
6 continued focus on crucial important matters to the
7 City such as today's construction and safety. New
8 York City's urban density and unique infrastructure
9 are unrivaled anywhere else in the country.
10 Throughout the city, there are hundreds of locations
11 that at any given time were complicated. And
12 dangerous construction equipment is being operated
13 while millions of people are moving about their daily
14 lives above or below such operations. Due to this
15 environment, it is crucial that New York City have
16 the highest bar for licensing, and training those who
17 operate dangerous equipment. Simply put, when it
18 comes to construction there is no comparison between
19 this city and anywhere else in the country.

20 At the end of last year, New York City
21 saw sweeping revisions to its Building Code, which
22 weakened licensing and training requirements, and
23 reduced safety for those inherently dangerous
24 construction activities. According to a report by
25 the New York Committee for Occupational Safety and

2 Health, construction was the deadliest industry in
3 New York State with half of all deaths being
4 immigrant workers. And the disproportionate number
5 of deaths being self-employed or contract employees,
6 rather than the better trained and more experienced
7 union counterparts.

8 It is frankly irresponsible that we as a
9 city would allow the most critical of construction
10 activities such as rigging and hoisting or crane
11 operations to be conducted or supervised by
12 inexperienced and less competent individuals. The
13 changes to the rigging language included in last
14 year's revisions to reduce competency and oversight,
15 and must be amended to protect public safety, and the
16 safety of our workers. We should not be weakening
17 the training requirements in our deadliest
18 industries. Intros 298 and 299 will restore the more
19 stringent licensing and training requirements to the
20 Building Code, and will update several sections of
21 the code to reflect new technologies being utilized
22 by the construction industry in New York City. We
23 have an obligation to the public as well as to our
24 construction workers to ensure that those operating

2 complicated and dangerous equipment have the best
3 training in the world.

4 I would like to thank my Legislative
5 Director Paul Westrick, as well as the team of
6 Jumaane Williams and Nick Smith for their great work
7 leading up to this hearing.

8 [Pause]

9 CHAIRPERSON WILLIAMS: I would like to
10 remind everyone that would like to testify today to
11 please fill out a card with the Sergeant.

12 [Pause]

13 CHAIRPERSON WILLIAMS: And I would ask
14 everyone who is going to testify to please raise your
15 right hand. Just those over there for now. [laughs]
16 Do you affirm to tell the truth, the whole truth, and
17 nothing but the truth in your testimony before this
18 Committee, and to respond honestly to Council
19 Member's questions. Everyone will get their chance
20 when they come up. I would ask the Commissioner and
21 whoever is going to testify to please begin.

22 COMMISSIONER RICH CHANDLER: Good
23 afternoon, Chairperson Williams and members of the
24 Committee on Housing and Buildings. I am joined
25 today by First Deputy Commissioner Thomas Fariello,

2 Assistant Commissioner Michael Alacha; Gus Sirakis,
3 Executive Director of Technical Affairs; and Helen
4 Gitelson, Executive Director of Code Development.

5 Due to a previous scheduling conflict, I will only
6 have time this afternoon to provide testimony.

7 However, my colleagues here will be able to answer
8 any questions you may have.

9 At the outset, I want to note that this
10 is my first opportunity testify before this committee
11 as the Commissioner of the Department of Buildings.
12 I appreciate working with the Speaker, Chairman
13 Williams, and Council Members as we move forward in
14 partnership and discussion on a number of initiatives
15 including this proposed legislation.

16 Thank you for this opportunity to testify
17 on two sets of bills. The first set includes Intro
18 472-A, which is a clean-up bill for the 2014 New York
19 City Construction Codes. And Intro 474, which is the
20 extended bill for the 2014 New York City Construction
21 Codes.

22 Intro 472-A makes no substantive changes
23 to the requirements of the current or enacted law.
24 The changes contained in this bill are necessary to
25 ensure that on their effective date, the 2014 New

2 York City Council are as air free as possible. As
3 you know, the revisions to the New York City
4 Construction Codes are comprised primarily of Local
5 Law 41 of 2012, and Local Law 141 of 2013. In bill
6 form these revisions consisted of more than 2,500
7 pages. It is inevitable that in legislation this
8 size we would miss typos or instances where we used
9 imprecise language. Subsequent to bill passage,
10 minor non-substantive typographical errors and
11 drafting inconsistencies were identified. This bill
12 proposes to redress those non-substantive defects.

13 This current bill before you will fix
14 amazingly small number, 33 of minor errors. The
15 reason that number is so small is due to the
16 diligence and dedication of all the people that
17 worked on the bill revision including the more than
18 300 committee members, staff from the City Council,
19 the Law Department, and my staff of the Department of
20 Buildings. I would like to extend my thanks to all
21 of them once again for a job well done.

22 I should mention that the first clean-up
23 bill passed by the City Council as Local Law 8 of
24 2008 for the 2008 Codes contains fixes to 295 items.
25 Of the 33 items contained in Intro 472-A, 21 are

2 drafting errors, five are typos, and seven resolve
3 inconsistencies between code sections. We are
4 grateful for the Council's leadership in this effort.
5 We ask that you consider and pass Intro 472-A
6 expeditiously.

7 Intro 474 contains provisions extending
8 the effective date from October 1, 2014 to December
9 31, 2014 of Local Law 41 of 2012; Local Laws 79, 100,
10 101, 108, 110, 130, and 141 of 2013. Local Laws 10,
11 12, 13, 17, and 18 of 2014. All of these bills
12 together make up the 2014 New York City Construction
13 Codes. Intro 474 makes no substantive changes other
14 than to extend the effective date of these Local
15 Laws. The extension would allow additional time for
16 the design professionals to prepare plans and
17 specifications in compliance with the new provision.

18 Representatives of affordable housing,
19 construction, real estate, building owners, building
20 designers, and building contractors had petitioned
21 the agency to extend the effective dates of the 2014
22 New York City Construction Codes to give them
23 additional time to familiarize industry stakeholders
24 with these new provisions. The Department believes
25 that the transition to the use of the new codes

2 should be as seamless as possible. Accordingly, we
3 agree with the need to extend by three additional
4 months the transitional period to continue
5 stakeholder education regarding the improvements that
6 have been incorporated into the 2014 Construction
7 Code by extending the effective date from October 1,
8 2014 to December 31, 2014.

9 The second set of bills include Intro
10 298-A, a bill to amend provisions of the 2014
11 Construction Codes relating to rigging. Intro 299-A,
12 a bill to amend provisions relating to licensing of
13 hoisting machine operators. Intro 473-A, a bill to
14 amend provisions of the 2014 Construction Codes
15 relating to suspended scaffolds. And Intro 476, a
16 bill to amend provisions relating to the licensing of
17 special riggers.

18 The guiding priority of the Department of
19 Buildings is safety. To help ensure all those who
20 live, work, and pass by a construction site are able
21 to do so without harm. Equally, it is vital for the
22 construction industry to continue to build in an
23 efficient manner. The Mayor and the Council are
24 committed to the development of affordable housing,
25 and the growth of quality construction jobs.

2 This legislation proposes substantial
3 changes to the Construction Code. Many of these
4 matters were deliberated over the past few years
5 during the development of the 2014 Construction Codes
6 by a comprehensive group of construction safety
7 experts from industry stakeholders and were
8 subsequently approved by the City Council in December
9 2013. Because the amendments to the 2014 Codes were
10 more than 2,000 pages long, it may be helpful for me
11 to explain in a bit more detail the rigging and
12 hoisting machine processes.

13 The first three bills before the
14 Committee, Intro 298-A, Intro 473-A, and Intro 476-A
15 all relate to rigging. Rigging is the use of ropes,
16 cables, chains, and related equipment to hoist or
17 lower materials. At a construction site, this often
18 takes one of two forms. The first form consists of
19 preparing and attaching materials to the hook of the
20 hoisting machine such as a crane to be lifted or
21 lowered. The second form consists of suspending a
22 scaffold from the top of a building with cables and
23 hoisting or lowering the scaffold along the face of
24 the building. Rigging was extensively discussed
25 during the development of the 2014 Construction Codes

2 by the Department's Construction and Demolition
3 Safety Committee. This Committee consisted of 27
4 industry experts, including two licenses master
5 riggers, four licensed special riggers, a
6 representative from the Crane Operators Union, Local
7 14, as well as architects, engineers, and
8 representatives from construction safety firms,
9 general contractors, real estate, and the
10 construction trades.

11 The goal of the committee was to develop
12 construction safety regulations, including for
13 rigging, but balance safety with practicality in the
14 interest of all relevant stakeholders. Under the
15 1938, and 1968 Building Codes a licensed rigger was
16 not required for construction work. The 2014
17 Construction Codes continued this pattern by
18 mandating a licensed rigger only for certain
19 specialty work.

20 Intro 298-A involves the first type of
21 rigging I described, preparing and attaching
22 materials to the hook of the hoisting machine. The
23 proposed legislation make numerous changes to these
24 types of operations. It may be helpful as the
25 Administration and the Council work with stakeholders

2 to share some of our initial concerns. This
3 legislation would eliminate the option for a National
4 Certification, which may limit the pool of qualified
5 workers when the certification requirement goes into
6 effect in 2016.

7 Intro 298-A prohibits special riggers
8 from supervising industrial rope access, and requires
9 that only a master rigger can supervise such work.
10 Industrial rope access involves the use of ropes to
11 rappel down the side of a building often to inspect
12 facades, as well as to install and repair cellular
13 antennas. Today, approximately 90% of this work is
14 supervised by special riggers. Intro 298-A also
15 requires a licensed master rigger to supervise the
16 hoisting of permanent mechanical, electrical, or
17 plumbing equipment that weighs in excess of 2,000
18 pounds. We are open to hearing any thoughts from
19 stakeholders and elected officials about how this
20 requirement may improve safety.

21 Intro 473-A involves the second type of
22 rigging I described, suspending a scaffold from the
23 top of the building with cables, and hoisting or
24 lowering the scaffold along the face of the building.
25 This legislation requires that a licensed rigger

2 supervise the installation and use of a suspended
3 scaffold and facade work. This would mean only those
4 who are employed by the licensed rigger would be able
5 to install or use the suspended scaffold. This bill
6 warrants further policy discussion. We should
7 consider whether this change may result in building
8 owners deferring necessary maintenance or leaving
9 sidewalk sheds in front of their buildings for
10 extended period of time without any work occurring.

11 Intro 476 amends the experience
12 requirements to obtain a special rigger license from
13 the Department. This experience requirement dates
14 back to the 1938 Building Code, and has remained
15 unchanged throughout the 1968, 2008, and 2014 Codes.
16 Although we are open to hearing any concerns raised
17 in today's hearings by council members and
18 stakeholders, the Department is unaware of any safety
19 issues related to experience requirements. And
20 believes this also warrants further discussion.
21 Intro 476 taken together with Intros 298 and 473
22 would expand the need for a licensed special rigger,
23 and may reduce the pool of eligible licensed
24 applicants.

2 Lastly, I would like to take the
3 opportunity to discuss Intro 299-A, a bill that
4 amends provisions relating to the licensing of
5 hoisting machine operators. Intro 299-A mandates
6 that examinations for Class A and Class B licensed
7 hoisting machine operators be developed and
8 administered by the City. Under Occupational Safety
9 and Health Administration, OSHA, training regulations
10 scheduled to go into effect in 2017, any crane
11 licensing exam offered by the City will have to meet
12 strict criteria. In anticipation of the OSHA
13 mandate, New York City requires hoisting machine
14 operators to hold valid National Crane Operator
15 Certification.

16 Intro 299-A would instead require New
17 York City to take on the cost and liability of
18 developing and administering stand-alone examinations
19 that meet OSHA requirements, and align with National
20 Best Practices. Intro 299-A proposes that Class A
21 Hoisting Machine Operator License applicants obtain
22 their experience within New York City. The City, the
23 Council, and stakeholders should consider that this
24 would prohibit operators from other major cities with
25 similar dense urban environments such as Chicago and

2 Los Angeles from applying to become a hoisting
3 machine operator here.

4 Intro 299-A would prohibit Class C
5 Licensed Hoisting Machine Operators from operating
6 multiple control station cranes. Since 2009, the
7 Department has required Class C licensed hoisting
8 machine operators, who operate a multiple control
9 station crane, to pass a National Certification exam
10 specific to this type of machinery. As we review
11 this legislation, we should consider the relationship
12 between this certification requirement, and the
13 guiding priority of safety for New Yorkers.

14 I first want to thank Chairman Williams
15 and the Council for holding this hearing. The
16 Department is available to work with the Council and
17 all relevant stakeholders from industry to improve
18 the Construction Codes. Our shared goal is to
19 enhance safety, and compliant development while
20 facilitating the construction of affordable housing,
21 and the growth of quality construction jobs. We look
22 forward to studying the legislation further to
23 determine what affect these bills have on our shared
24 vision. Thank you. As I mentioned earlier, I'm
25 unable to stay for questions. However, First Deputy

2 Commissioner Tom Fariello and Assistant Commissioner
3 Michael Alacha will be able to answer any questions
4 you may have. Thank you.

5 CHAIRPERSON WILLIAMS: Thank you,
6 Commissioner. It is allowed [sic] but that you would
7 not be able to say. Thank you for your testimony,
8 and I'm sure we are in able hands to get our
9 questions answered. First Deputy, do you have
10 anything to add or do you want to go directly to
11 questions?

12 DEPUTY COMMISSIONER FARIELLO: No, we can
13 go right to questions.

14 CHAIRPERSON WILLIAMS: All right, just a
15 few moments, sir.

16 [Pause]

17 CHAIRPERSON WILLIAMS: Just for clarity,
18 just for my-- We are joined also by Council Member
19 Levin, Council Member Torres, Council Member Espinal,
20 and Council Member Koslowitz. We are probably going
21 to be voting tomorrow on Intro No. 472-A, and No.
22 474, which are just the fixes, and postponing the
23 start time of the Code. The other bills we will be
24 hearing today has not been scheduled for a vote. So
25 we will have lots of discussion on it.

2 Starting with Intro No. 299-A it will
3 require the requirements for obtaining a hoisting
4 machine operator license by requiring that the
5 applicants for such licenses have qualifying
6 experience in New York City. Just going back to the
7 testimony, under Occupational Safety and Health
8 Administration, OSHA, Crane Regulations are scheduled
9 to go into effect in 2017. Any crane license exam
10 offered by the City would have to meet strict
11 criteria. Can you just explain what that strict
12 criteria is that they'll have to meet starting 2017?

13 DEPUTY COMMISSIONER FARIELLO: Good
14 afternoon, everyone. The criteria created by OSHA is
15 basically that crane operators have to be trained
16 specifically with a device and endorsed by a test to
17 pass the certification for a specific crane. Not one
18 license covers all types of cranes.

19 CHAIRPERSON WILLIAMS: Do you think
20 experience outside of New York would adequately
21 prepare hoisting machine operators for work in a
22 dense urban environment?

23 DEPUTY COMMISSIONER FARIELLO: Well, the
24 test is really given, the actual Practical Test, is
25 given in an area where it's not in the city. But when

2 we ask for that, when we require that test, the
3 endorsement has to be in an area where they have been
4 experienced in adjoining property. And they have
5 operated a crane, and passed an exam in that
6 location.

7 ASSISTANT COMMISSIONER ALACHA: Let me
8 answer that. So there are two parts. There is the
9 experienced part, which we currently are accepting
10 other urban dense environments. Obviously, nothing
11 is like New York City. But, you know, Chicago, Los
12 Angeles, those types of other urban dense
13 environments. And then there's the practical part of
14 the test where you-- Similar to like a driving test,
15 you would operate a crane in an open area. You would
16 listen to the instructor and he would tell you which
17 way to go and how to operate it. And you would
18 demonstrate that you have command of the machine.
19 And so, currently the test is on one type of crane.
20 The OSHA or the OSHA going forward are going to
21 mandate that you do that practical part on the
22 various types of cranes that are out there.

23 [Pause]

24 CHAIRPERSON WILLIAMS: So I know a lot of
25 this has to do with local versus National, and I am

2 not exactly sure where we fall completely. But it
3 does seem to me that there aren't many places like
4 New York City. So why would we not want to make sure
5 that they're tested here specifically here in New
6 York City?

7 DEPUTY COMMISSIONER FARIELLO: Are you
8 referring specifically to the practical test or the
9 actual-- the written test?

10 CHAIRPERSON WILLIAMS: The practical.
11 Both.

12 DEPUTY COMMISSIONER FARIELLO: Well, the
13 National test is technically more connected
14 nationally with regard to safety bulletins. So if
15 there are issues with specific device operation or
16 specific issues, this safety bulletin is faster
17 transferred into a National testing entity as opposed
18 to a test in a local jurisdiction where they may not
19 be aware of issues that happen in Chicago or in Los
20 Angeles.

21 CHAIRPERSON WILLIAMS: So under the
22 system now, could their experience-- The experience
23 can be from anywhere to operate here in New York City
24 now, right now.

2 DEPUTY COMMISSIONER FARIELLO: For the C
3 license yes.

4 CHAIRPERSON WILLIAMS: So it's not just
5 from other large cities, it's from anywhere?

6 DEPUTY COMMISSIONER FARIELLO: For a C
7 license there is no density requirement. For the A &
8 B licenses there are a requirement that you have to
9 have a comparable density to New York City.

10 CHAIRPERSON WILLIAMS: What other cities
11 are comparable to New York City?

12 DEPUTY COMMISSIONER FARIELLO: We do list
13 them actually on the website. It's Chicago, Los
14 Angeles, and Boston. We do have a criteria based on
15 population versus square area.

16 CHAIRPERSON WILLIAMS: All right. I
17 think we alluded to this before. It would also
18 require applicants for Hoisting Machine Operator's
19 License to have successfully completed written and
20 practical exams. Do you object to the examination
21 for hoisting machine operators, or just to the exams
22 administered by DOB?

23 DEPUTY COMMISSIONER FARIELLO: I'm sorry.
24 Can you repeat that?

2 CHAIRPERSON WILLIAMS: Do you object to
3 examinations for hoisting machine operators, or just
4 to exams administered by DOB?

5 DEPUTY COMMISSIONER FARIELLO: Well, I
6 still don't understand the question because today DOB
7 does not administer--

8 ASSISTANT COMMISSIONER ALACHA: So we
9 don't disagree with the idea of doing a lot of
10 testing, if that's the question. We certainly want
11 these operators to be tested. It's our, you know,
12 doing these tests that becomes an issue.

13 [Pause]

14 CHAIRPERSON WILLIAMS: I'm going to jump
15 to Intro No. 473-A. Under the 208 Building Code, a
16 licensed rigger would be required to oversee the
17 installation, removed, and use of suspended
18 scaffolding involved in the alteration, maintenance,
19 or repair of a facade of a major building. Why was
20 that safety feature removed from the updated Building
21 Code?

22 DEPUTY COMMISSIONER FARIELLO: The
23 scaffold-- The nature of the scaffold of the project
24 is that and those sites that you are referring to,
25 those are the sites that are over 15 stories, which

2 are major buildings. And in our new codes require an
3 equal, if not better, safety components to it. For
4 example, those sites would be considered major
5 buildings. They would have a Site Safety Plan
6 requirement that has to be submitted. They would
7 have to have a designated site safety manager. And
8 it would require as well that the general contractor
9 designate a company person with an equivalent
10 training of those that are done under the riggers
11 law, [sic] which would be the rigger's foreman. In
12 the existing code, the riggers jobs are supervised
13 not by the rigger directly. They are supervised by
14 the rigger's foreman. So typically, a rigger would
15 have an average of 19 plus foremen. And those folks
16 would be supervising the jobs.

17 CHAIRPERSON WILLIAMS: Why would a safety
18 site manager be deemed an appropriate replacement for
19 a special rigger when they haven't been trained?

20 DEPUTY COMMISSIONER FARIELLO: The Site
21 Safety Manager is not the replacement. It's in
22 addition. I was just trying to explain that. Those
23 types of sites would have a Site Safety Plan approved
24 by the Department citing all safety hazards. They
25 will have a site safety manager. And in addition to

2 the site safety manager, would have to have a
3 competent person designated by the General
4 Contractor. And that company person would need to
5 have the same requirement, if not better, as the
6 foreman designated by the rigger. Which means they
7 have to a 32-hour training in scaffold. They would
8 have to have a 30-hour OSHA. They would have to the
9 40-hour Site Safety Management.

10 CHAIRPERSON WILLIAMS: Do you know how
11 many incidents have occurred involving two-point
12 suspended scaffolds for the past five years?

13 DEPUTY COMMISSIONER FARIELLO: I can get
14 you that information. We do keep track of incidents.
15 However, our tracking may not have the specific
16 points as to was that scaffold under the jurisdiction
17 of the rigger or somebody else.

18 CHAIRPERSON WILLIAMS: And do you know
19 what the cost would be of maintaining the feature the
20 way it is if we bring it back?

21 DEPUTY COMMISSIONER FARIELLO: You mean
22 the training component to it?

23 CHAIRPERSON WILLIAMS: Yes.

24 DEPUTY COMMISSIONER FARIELLO: Well, the
25 bill I believe talks about training of the rigging

2 crew, and that's a massive number. Because that's
3 every contractor who will have those subs and the
4 actual workers. So we're talking about a very, very
5 large number of crew that would have to be trained
6 within a short time.

7 CHAIRPERSON WILLIAMS: Do you have a cost
8 on that?

9 DEPUTY COMMISSIONER FARIELLO: Not
10 really, no.

11 CHAIRPERSON WILLIAMS: Okay. I want to
12 come back and ask questions. But right now I'll pass
13 it over to my colleagues. First we have Council
14 Member Reynoso, and then Council Member Levine.

15 COUNCIL MEMBER REYNOSO: Good afternoon.
16 Thank you Chairman. I just wanted to ask a couple of
17 questions just to see if I can I guess inquiry of you
18 on a couple of things. Can you give me a specific
19 example of unique construction methods and equipment
20 used in New York City?

21 DEPUTY COMMISSIONER FARIELLO: Unique
22 construction methods?

23 COUNCIL MEMBER REYNOSO: Yes, unique
24 construction methods, and equipment used in New York
25 City.

2 DEPUTY COMMISSIONER FARIELLO: With any
3 or with regarding to rigging?

4 COUNCIL MEMBER REYNOSO: Regarding to
5 rigging.

6 DEPUTY COMMISSIONER FARIELLO: Well, we
7 considering all hoisting and rigging to be unique
8 because they're all-- they would have to follow a
9 specific building. We do have a standard for all
10 types of cites, but when it comes to rigging it's
11 really site-specific. And we can have a site that's
12 more unique than others, but they really all are
13 unique based on the geography and the type of devices
14 they're using. If they are using a crane device, if
15 they're using a derrick, or whatever type of
16 methodology they use.

17 ASSISTANT COMMISSIONER ALACHA: And if I
18 include. The skill of a rigger is when you have a
19 load that needs to be lifted. And it is not so
20 obviously how you can lift it. Meaning if I have a
21 square box, and it has four hooks on it, I just know
22 I hook it up there, and we're going to lift it,
23 right? So it's when I have something that eccentric
24 that I need to use my skills to figure out how we're
25 going to lift it. And how we're going to lift it up

2 level, and how it's going to get to a place where
3 it's intended to get.

4 COUNCIL MEMBER REYNOSO: Now,
5 specifically to the amount of building that is going
6 on here in the City of New York recently and what
7 someone I know caused that. Can you top this
8 mentality that we have. The buildings get taller.
9 The cranes are important in those processes. Do we
10 see where there is going to be a height that really
11 impacts what we need to do here in how specialized
12 the training of a rigger needs to be. And when do
13 you guys fear that there is what I would consider a
14 risk factor? Where would that be in a building or is
15 what you currently have, do you feel comfortable with
16 it across the board no matter what the height of the
17 building is?

18 DEPUTY COMMISSIONER FARIELLO: Well,
19 obviously the taller the building the more risk. But
20 we have seen high-rise going from what used to be
21 30s, the standard to 50 and then 70. But again,
22 before those types of buildings, and we consider them
23 under the Code as major buildings, they have to have
24 a Site Safety Plan. That's the code. In the Site
25 Safety Plan, you have to indicate all your high-risk

2 operation, including hoisting. And that would be are
3 you going to use the tower crane or are you going to
4 use the derrick? Are you going to use the mobile
5 crane. So in that Site Safety Plan you have to
6 reflect the location of the crane, the rotation of
7 the crane. You have to show logistics, neighboring
8 buildings, adjoining property, and conflict. We do
9 approve and plan examine that. That's when we get
10 it. That's the first components of rigging safety.
11 The second is really the operational. And that
12 discusses about the competent person who is charge of
13 the rigging and supervising the rigging.

14 COUNCIL MEMBER REYNOSO: Okay. So I
15 guess what my other question was whether or not given
16 the height of these buildings and how they are going
17 up, whether you think it's substantial. I understand
18 the one plan is how everything gets done, and the
19 other is who gets it done. And it's just making sure
20 that we-- that you're comfortable with the
21 requirements that affect both at the moment, given
22 the height of these buildings are going to start
23 reaching in the next couple of years, in the next
24 decade.

2 DEPUTY COMMISSIONER FARIELLO: My
3 understanding is the bill is referring to the soft
4 project, and that's existing building. I don't
5 believe the believe is discussing rigging in new
6 buildings.

7 COUNCIL MEMBER REYNOSO: Right. Thank
8 you for your time. I appreciate it. Thank you.

9 CHAIRPERSON WILLIAMS: We have one
10 correction. The next to ask questions is Council
11 Member Crowley, and then Council Member Levine.

12 COUNCIL MEMBER CROWLEY: Thank you,
13 Chairman Williams. Good afternoon Deputy
14 Commissioner. I have questions around 299-A and 298-
15 A. First, last year when we voted on the Building
16 Code, like the Chairperson of the Committee I didn't
17 vote in favor of it because I felt that the Bloomberg
18 Administration was trying to push too many changes at
19 the very last minute. And one of those that I felt
20 strongly about was the licensing of crane operator
21 and riggers. And from what I understand in the bills
22 that we are hearing today, we would prevent somebody
23 who hasn't had experience in New York City of working
24 under somebody who is licensed by the Department of
25 Buildings. Is that correct?

2 DEPUTY COMMISSIONER FARIELLO: That's not
3 correct. No.

4 COUNCIL MEMBER CROWLEY: So somebody
5 from what I understand, in order to maintain that
6 somebody who is taking the test to become either
7 Class A or Class B, has to work under somebody who
8 has been deemed eligible to work as a rigger or a
9 crane operator by the City of New York.

10 DEPUTY COMMISSIONER FARIELLO: Are you
11 talking about the practical or the actual experience?

12 COUNCIL MEMBER CROWLEY: Right.

13 DEPUTY COMMISSIONER FARIELLO: Yeah.

14 COUNCIL MEMBER CROWLEY: Hands-on
15 experience.

16 DEPUTY COMMISSIONER FARIELLO: Right, the
17 experience. Yeah, that's the issue where the
18 experience can be New York City or it can be outside
19 New York City as well.

20 COUNCIL MEMBER CROWLEY: So you will
21 allow people from other jurisdictions that didn't
22 work under somebody that you deem eligible in order
23 to sit down and take the test? In order to get the
24 practical experience, and then be able to sit down
25 and take the test, and be considered for a license

2 your agency-- Isn't your agency going to require
3 that somebody who is eligible, has worked under
4 somebody that you deemed eligible or you deemed fit
5 to do that type of work?

6 DEPUTY COMMISSIONER FARIELLO: Well, your
7 questions is moving forward if we are going to allow
8 someone that is trained by a non-New York City
9 license?

10 COUNCIL MEMBER CROWLEY: Right. Like
11 you're going to trust the other jurisdictions'
12 licenses over New York City's licenses? In other
13 words, I'm from Chicago or another town with the same
14 type of concentration of people living in it, which
15 would be a vertical city and so on and so forth.
16 Where you would need people with experience of moving
17 heavy equipment up a number of floors. Now, are you
18 going to trust other jurisdictions because they are
19 giving licenses under their ability to license? Or
20 are you going to trust the jurisdictions that these
21 people like work under those licenses that were given
22 out by other Departments of Buildings in other
23 cities. Not with the standard that you have here?

24 DEPUTY COMMISSIONER FARIELLO: I don't
25 know if I would use the word "trust." It's really if

2 it's a National Exam you're referring to, obviously
3 that entity is licensed and an approved entity to
4 provide the test so it's--

5 COUNCIL MEMBER CROWLEY: But going
6 forward if you were to pass this bill-- I'm under
7 the impression that somebody has to be taking the
8 test to become an operating crane operator or a
9 hoister or rigger who has worked under somebody who
10 has worked in New York City.

11 DEPUTY COMMISSIONER FARIELLO: Yeah, I
12 mean even if you have, if the bill passes, and if you
13 have a New York City trained person, they would have
14 to still go through and get tested by this nationally
15 certified entity.

16 COUNCIL MEMBER CROWLEY: I believe that
17 the intent of the bill was to make sure that anybody
18 sitting to take the test had the experience of
19 working in New York City. And before they had a
20 license, given a license to operate a dangerous
21 machine, a potentially dangerous, if not operated
22 correctly, that they would have the experience needed
23 to operate it safely. And by having them sit down to
24 take the test, we are ensuring by putting this
25 legislation together considering this bill to be

2 passed. And to become law that somebody has to have
3 the experience of working in New York City before
4 they are licensed to operate a crane, or be a rigger.
5 Will this bill ensure that somebody has to have
6 hands-on experience working in New York City?

7 Are there loopholes in the bill where one
8 can go to another jurisdiction and work under
9 somebody who has a license, and another jurisdiction
10 without coming to New York and ever working in New
11 York? And coming here after working another
12 jurisdiction, and they could sit down and take the
13 test. And they could get licensed to be a rigger or
14 a crane operator in New York without ever having
15 hands-on experience in New York?

16 DEPUTY COMMISSIONER FARIELLO: Well,
17 there are two or three components to getting the
18 license. You have to have your practical experience,
19 and as of today it could be in New York City or an
20 equally populated city. And then you have to take
21 the practical and then the actual--

22 COUNCIL MEMBER CROWLEY: But you are
23 opposed to the bill, is that correct or not?

24 DEPUTY COMMISSIONER FARIELLO: We are
25 not. We're interested in discussing what people have

2 to say. The Department had moved toward National
3 certifications on a variety of licenses. Not just
4 cranes.

5 COUNCIL MEMBER CROWLEY: As a New Yorker,
6 from what I know about the building and construction
7 industry, I would not be feeling safe if there were
8 people operating cranes, or acting as riggers without
9 the hands-on experience of working in New York City.
10 There is no other city built as vertical, or as high
11 a density of a population. And there is probably no
12 other city in this country that has the number of
13 cranes working right now in the city at one given
14 moment. So I would hope that we could working
15 together to make sure that we put in the strong types
16 of regulations for these types of licenses.

17 The other thing I wanted to ask was when
18 you look at 298-A, which is a bill that calls for
19 riggers when it's moving types of equipment that's
20 greater than 2,000 pounds, what type of equipment can
21 you classify? Whether it be it-- It said a number of
22 different trades. Can you name a few different types
23 of equipment that is greater than 2,000 pounds.

24 DEPUTY COMMISSIONER FARIELLO: A lot of
25 the cooling towers, the electrical switchboards. You

2 know, there are several components that a new
3 building can have that are over 2,000 pounds,
4 individual pieces, yes.

5 COUNCIL MEMBER CROWLEY: Would you be
6 able to tell me where those equipment go like if it's
7 an electrical switchboard?

8 DEPUTY COMMISSIONER FARIELLO: It goes
9 into various locations of the building. Depending on
10 the type of building it could be in the middle of the
11 building or on top. It could be anywhere throughout
12 the location.

13 COUNCIL MEMBER CROWLEY: You could lower
14 it into a basement or--

15 DEPUTY COMMISSIONER FARIELLO: After the
16 flood issues, not much of them go into a basement.
17 At minimum, they have to be above the third floor.

18 COUNCIL MEMBER CROWLEY: But this bill is
19 looking at equipment being raised a number of floors,
20 correct? Would you classify it as that--

21 DEPUTY COMMISSIONER FARIELLO: Right,
22 correct.

23 COUNCIL MEMBER CROWLEY: --if it were to
24 become a law.

2 ASSISTANT COMMISSIONER ALACHA: Well, a
3 standard high-rise because really you may have a
4 mechanical floor where you'll have the boilers.
5 You'll have the electrical equipment. You'll have
6 similar stuff that most times is in the cellar that's
7 lowered. But then you'll have these floors where,
8 you know, just because of the piping and the
9 distribution of the stuff to get to the user, you'll
10 put it in the middle of the building because it's
11 more effective there. It's more cost-effective to put
12 it there.

13 COUNCIL MEMBER CROWLEY: So the middle of
14 the building if the building is 30 floors would be
15 the 15th floor?

16 ASSISTANT COMMISSIONER ALACHA: Yes,
17 somewhere in there, and other times it's more and
18 they just put it up higher. You know, it varies with
19 the design, but it's not uncommon to have a
20 mechanical floor with very similar equipment. And
21 you may find in another building it's in the cellar

22 COUNCIL MEMBER CROWLEY: Okay, no other
23 questions.

24 CHAIRPERSON WILLIAMS: Thank you. we've
25 been joined by Council Member Ulrich. Just really

2 quickly back to 299. Explain the difference between
3 the A, B, and C.

4 DEPUTY COMMISSIONER FARIELLO: The B
5 license is the top on the food chain. That's the
6 license that can allow an operator to operate all
7 types of tower cranes regardless of the boom length.

8 CHAIRPERSON WILLIAMS: I'm sorry, all
9 type of--?

10 DEPUTY COMMISSIONER FARIELLO: Tower
11 cranes. The A license, however, allows the operator
12 to operate the tower cranes 250 feet boom length or
13 less.

14 [Pause]

15 CHAIRPERSON WILLIAMS: And the C?

16 DEPUTY COMMISSIONER FARIELLO: The C is
17 basically a type of license to operate Carola cranes
18 and it has various endorsement based on the tonnage
19 of a crane. So typically, below 50 tons, but there
20 are various types, a C-1, C-2, C-3 based on the
21 tonnage.

22 CHAIRPERSON WILLIAMS: And only the C
23 license you have to have experience in a dense urban
24 area?

2 DEPUTY COMMISSIONER FARIELLO: No, it's
3 the A and B.

4 CHAIRPERSON WILLIAMS: C, A, and B?

5
6 DEPUTY COMMISSIONER FARIELLO: Yeah.

7 CHAIRPERSON WILLIAMS: I thought you said
8 there was only one.

9 DEPUTY COMMISSIONER FARIELLO: A and B.
10 The C--

11 CHAIRPERSON WILLIAMS: With A and B you
12 have to have from a dense, an urban dense area?

13 DEPUTY COMMISSIONER FARIELLO: Yes. All
14 licenses require the practical and written
15 experience. However, the A and B they're require the
16 experience to be New York City or equally densely
17 populated city.

18 CHAIRPERSON WILLIAMS: But the test
19 currently given is a National one, the practical and
20 the written?

21 DEPUTY COMMISSIONER FARIELLO: Correct.

22 CHAIRPERSON WILLIAMS: So if their
23 experience has to be in a dense urban area, why
24 doesn't the test reflect that as well?

2 DEPUTY COMMISSIONER FARIELLO: Well, the
3 test level was given in the city. Previously when--

4 CHAIRPERSON WILLIAMS: Say that again,
5 sir.

6 DEPUTY COMMISSIONER FARIELLO: The test,
7 the actual Practical Test was never inside the city.
8 Years ago when the City was handling the test with
9 DCAS, the test was in Staten Island at the Sanitation
10 yard, and it was an old mobile crane in an open area.
11 So we never do an actual test inside the city, nor
12 does the National.

13 CHAIRPERSON WILLIAMS: And what about the
14 written.

15 DEPUTY COMMISSIONER FARIELLO: All tests
16 are not done on sites. They're done remotely in an
17 area where someone has a yard, that has the equipment
18 that lends itself for that specific test.

19 CHAIRPERSON WILLIAMS: Okay, thank you.
20 We have Council Member Levine, then Kallos, and the
21 Torres.

22 COUNCIL MEMBER LEVINE: Thank you, Mr.
23 Chair. Thank you, Deputy Commissioner. I just want
24 to clarify one point. When did the City start to
25 allow National testing?

2 DEPUTY COMMISSIONER FARIELLO: I believe
3 2010.

4 ASSISTANT COMMISSIONER ALACHA: 2008 for
5 the C License.

6 COUNCIL MEMBER LEVINE: I'm sorry, 2008
7 for--?

8 ASSISTANT COMMISSIONER ALACHA: The C
9 license.

10 COUNCIL MEMBER LEVINE: And what was the
11 rationale at that time?

12 DEPUTY COMMISSIONER FARIELLO: Well, the
13 rationale was that OSHA, which has jurisdiction over
14 the crane was moving toward testing, National
15 testing. So if you have an issues with safety
16 bulletins, they could be inter-connected quicker, and
17 they know about an issue immediately. And then you
18 have a standardized testing. If anything changes, it
19 feeds back to itself much quicker.

20 COUNCIL MEMBER LEVINE: But has OSHA
21 certified the National test in this case?

22 DEPUTY COMMISSIONER FARIELLO: No, the
23 National testing is modeled after OSHA's
24 requirements.

2 COUNCIL MEMBER LEVINE: So they've signed
3 off on it?

4 DEPUTY COMMISSIONER FARIELLO: And OSHA
5 does accept the National.

6 COUNCIL MEMBER LEVINE: And what are the
7 other building trades that require National tests?
8 Sorry. What are the other building trades that do
9 not allow National tests?

10 DEPUTY COMMISSIONER FARIELLO: That do
11 not allow National tests?

12 COUNCIL MEMBER LEVINE: Yes.

13 DEPUTY COMMISSIONER FARIELLO: I'm not--

14 COUNCIL MEMBER LEVINE: What about
15 plumbing?

16 DEPUTY COMMISSIONER FARIELLO: I'm not
17 really familiar with that.

18 COUNCIL MEMBER LEVINE: There are other
19 building trades that require New York City, correct?
20 This will be unique to this industry?

21 DEPUTY COMMISSIONER FARIELLO: Well,
22 we're talking about code versus licensing. They're
23 actually through the same things. You're saying
24 plumbing licensing?

2 COUNCIL MEMBER LEVINE: Yes. Well, both
3 ways. Tell me both ways.

4 DEPUTY COMMISSIONER FARIELLO: Yeah. I'm
5 not aware of any. I'm not familiar with the Plumbing
6 Code or the plumbing licensing.

7 ASSISTANT COMMISSIONER ALACHA: I think
8 what we do is we license I think 30 something
9 different trades. So I can give you a breakdown of
10 which ones are National, and which ones are not
11 national.

12 COUNCIL MEMBER LEVINE: So this would not
13 be unique then?

14 ASSISTANT COMMISSIONER ALACHA: No. I
15 don't know what their issue is, but there are other
16 ones that we accept National testing for, and there
17 are other ones where it's New York City based.

18 COUNCIL MEMBER LEVINE: Well, can you
19 remember two or three that require New York City
20 licensing?

21 ASSISTANT COMMISSIONER ALACHA: Yeah, I
22 think the plumbing is one, and electrical. So, like
23 I said, I don't know the whole issue around it.

24

25

2 COUNCIL MEMBER LEVINE: And so can you
3 comment on whether the rationale for plumbing and
4 related trades is applicable in this case?

5 ASSISTANT COMMISSIONER ALACHA: I think
6 they're totally different. I think as Mike was
7 bringing up before that being National what we've
8 gained is that when something happens in some other
9 jurisdiction it gets implemented much quicker and
10 translated into the test. All right, and so with New
11 York City for us to make a change, it's just going to
12 be a slower process. That's all.

13 COUNCIL MEMBER LEVINE: It seems to me
14 that the rationale for the uniqueness of a profession
15 in a dense urban environment is stronger for the kind
16 of worker that is working with cranes than it perhaps
17 is for any other trade. It may be good arguments for
18 their trades as well, but you're dealing with
19 neighboring buildings and conditions that truly have
20 dramatically changed when you're surrounded this sort
21 of environment.

22 ASSISTANT COMMISSIONER ALACHA: I mean
23 our concern is all about safety. I mean safety first
24 and there is a lot of work, and we foresee more work
25 coming down the pipe. So, that's really-- it's

2 very, very secondary to safety first. So, as we
3 said, we are open to reviewing these bills the
4 Council, and going over it with you.

5 COUNCIL MEMBER LEVINE: Thank you.

6 CHAIRPERSON WILLIAMS: Council Member
7 Kallos and Council Member Torres.

8 COUNCIL MEMBER KALLOS: Thank you for
9 coming before this committee. I wish the
10 Commissioner would have been able to stick around and
11 in the future hope that he is able to. My questions
12 are going to relate to 298 and 299. I represent the
13 Upper East Side of our borough and Roosevelt's
14 Island, and we have unprecedented construction in one
15 of the most dense places in the country. And
16 literally lots are being raised as 21-story buildings
17 and larger are about to come in, and there are 33-
18 story buildings. This is a residential neighborhood.
19 So this is particularly important. With regard to
20 professional certifications, do you have any?

21 [Pause]

22 ASSISTANT COMMISSIONER ALACHA: Um, no.

23 DEPUTY COMMISSIONER FARIELLO: Can you--?

24 COUNCIL MEMBER KALLOS: Do you have any
25 professional certifications, any licenses?

2 DEPUTY COMMISSIONER FARIELLO: The
3 license I'm not aware of, but we are moving in our
4 Code to National Certification on many aspects of
5 implementing construction.

6 COUNCIL MEMBER KALLOS: Does New York
7 City have different building regulations than other
8 jurisdictions?

9 DEPUTY COMMISSIONER FARIELLO: I would
10 say yes, and it's unique, but when it comes to safety
11 there is a common denominator for all densely
12 populated cities.

13 COUNCIL MEMBER KALLOS: So we have no
14 safety regulations in place in New York City that
15 don't exist in other jurisdictions?

16 DEPUTY COMMISSIONER FARIELLO: We do. We
17 do.

18 COUNCIL MEMBER KALLOS: So we do have
19 things that are unique about New York City with
20 regard to our Building Regulations that people
21 working in New York City should know?

22 DEPUTY COMMISSIONER FARIELLO: We do.
23 You know, you have a major city. You have some
24 cities that don't regulate crane licensing. That's
25 unique to New York City, and maybe one other city.

2 COUNCIL MEMBER KALLOS: So I'm an
3 attorney. I'm licensed by the State of New York.
4 There's about I think something on the order of half
5 a million of us in this state, and if I was a
6 criminal lawyer, I'd stand between you and your
7 freedom. Would you feel comfortable if I was not
8 trained in New York City or New York State, and the
9 only standard was that I had to know national law.

10 DEPUTY COMMISSIONER FARIELLO: I really
11 don't know if I can equate the two because there is
12 more standard in construction than law. We all tend
13 to be more specific in the jurisdiction. But safety
14 when you, you know, you are constructing a high-rise
15 building it's the same components. We just in New
16 York City happen to have other components of safety
17 implemented, as I mentioned earlier and that is a
18 Site Safety Plan. That's unique to New York City,
19 and that Site Safety Plan covers all aspects of
20 safety including rigging.

21 COUNCIL MEMBER KALLOS: So what I can
22 just share off the record with anyone in this room is
23 that almost every state except for I think--
24 Actually, every single state has a multi-state
25 compliance of the bar, which every lawyer across the

2 country takes. But every single state has a local
3 component to the bar. You must know your local laws,
4 and that's just something we see across most
5 professions. And then in terms of experience I think
6 we've heard from a number of council members that New
7 York City is unlike any other place in the country.
8 So would you accept experience from Los Angeles
9 versus New York City?

10 DEPUTY COMMISSIONER FARIELLO: I believe
11 Los Angeles is uniquely densely populated and we do.

12 COUNCIL MEMBER KALLOS: Okay, what about
13 Austin?

14 DEPUTY COMMISSIONER FARIELLO: I believe
15 so, but again, it's on website, and it's a matter of
16 numbers and our licensing people confirm that before
17 they approve the experience.

18 COUNCIL MEMBER KALLOS: And what about
19 Boise, Idaho?

20 ASSISTANT COMMISSIONER ALACHA: We can go
21 through the list of all of the--

22 COUNCIL MEMBER KALLOS: I guess my
23 concern is just New York City has a population of 8.4
24 million people over 302 square miles with 27,012
25 people per square mile. That's our density. The

2 next largest city after us is Los Angeles, which pales
3 in comparison. It isn't even half our density. It
4 has 3.8 million people over 468 square miles, and
5 their density is 8,092 people square mile. That's
6 less than a third of our density. And Austin is at
7 885,400 people over 297 square miles. Their density
8 is 2,653 people per square mile. And if you will
9 indulge me on this last one. Boise, Idaho, which
10 have been famously quoted for has 214,000 people
11 living there over 79 square miles, with 2,592 people
12 per square mile, which is on par for density with
13 Austin. And what I've said before and I will say
14 again, I don't want a construction person a crane
15 operator coming from Boise, Idaho, Austin or non-city
16 residents coming here without experience in the city
17 putting up a building using cranes when we've been
18 having problems with crane safety for over a decade
19 now. So for me this is-- In your testimony, you
20 asked whether or not this is related safety. I think
21 we want to stay as far away from the solely national
22 anything when New York City is unlike anywhere else
23 in this country. And numbers don't lie, unless you
24 have different numbers for these locations.

2 DEPUTY COMMISSIONER FARIELLO: We
3 probably have the same number. I just don't have
4 which one is approved, and which one is not.

5 COUNCIL MEMBER KALLOS: Okay. Thank you.

6 CHAIRPERSON WILLIAMS: Council Member
7 Torres.

8 [Pause]

9 COUNCIL MEMBER TORRES: I'm not clear on
10 the Administration's position on the Crane Safety
11 Bill, or DOB's position. Are you opposed or
12 supportive? I don't know.

13 DEPUTY COMMISSIONER FARIELLO: As the
14 Commissioner--

15 COUNCIL MEMBER TORRES: It sounds to me
16 like you're opposed, but I don't know.

17 DEPUTY COMMISSIONER FARIELLO: As the
18 Commissioner mentioned in his statement, we spent a
19 lot of time on the Code. There were numerous
20 stakeholders and we approved it based on the
21 consensus of all stakeholder in construction. This
22 proposed bill is new to us. We were welcomed to
23 review and listen to testimony and work with the City
24 Council. We just have to point out the agency's

2 concern about interjecting change to new code that
3 has been vetted already.

4 COUNCIL MEMBER TORRES: But my impression
5 is that the bill is simply like reincarnation of
6 familiar piece of legislation.

7 DEPUTY COMMISSIONER FARIELLO: Are you
8 talking specifically about the crane licensing--?

9 COUNCIL MEMBER TORRES: Yes.

10 DEPUTY COMMISSIONER FARIELLO: Yeah, the
11 issue with crane licensing the current test now
12 requires site specific, device specific, tests
13 specific for each licenses. We don't have that
14 today. So if you need to get move back to the city,
15 you need to have sites that accommodate all the
16 various tests for all the various cranes. You have a
17 specific Practical Test, a specific site, specific
18 crane, and name almost three types of cranes. It
19 could be 30, and that logistic has to be ironed out
20 to go back.

21 COUNCIL MEMBER TORRES: As my colleague
22 pointed out, I think we realize that New York City is
23 incomparably dense. But you said, there is a list of
24 cities of similar density. Is there an exact defined
25 list, or is the dependent on the discretion of the--

2 DEPUTY COMMISSIONER FARIELLO: There is
3 an example list on our website with regard to
4 licensing. But every license we treat it based on
5 the application. We review it and we do the
6 calculation, and we have a bigger list of cities that
7 qualify.

8 COUNCIL MEMBER TORRES: Is it all--
9 Maybe I'm asking the same question again, but is it
10 ultimately dependent on the discretion of the
11 Commissioner or is up to the Commissioner to decide--

12 DEPUTY COMMISSIONER FARIELLO: No.

13 COUNCIL MEMBER TORRES: --what city is
14 more densely--

15 DEPUTY COMMISSIONER FARIELLO: No, no
16 it's purely numbers. It's based on numbers.

17 COUNCIL MEMBER TORRES: And what's the--
18 is a control--

19 DEPUTY COMMISSIONER FARIELLO: I don't
20 really have it, but we do have our list, and we could
21 share that with you.

22 COUNCIL MEMBER TORRES: How many cities
23 are on that list? Do you have a sense of that?

24 DEPUTY COMMISSIONER FARIELLO: I don't
25 know.

2 COUNCIL MEMBER TORRES: Okay. I'm just
3 curious. Why is there. You said there was density
4 requirement around License A and B. Why is there no
5 density requirement around License C requirement?

6 DEPUTY COMMISSIONER FARIELLO: The
7 typical operation of a licensee is not as high risk
8 as A and B. They tend to be small mobile cranes. It
9 could be a forklift. They are very small type of
10 cranes, and typically used in the outer boroughs. So
11 if you apply density, you know, you would lose half
12 of the applicants.

13 COUNCIL MEMBER TORRES: You pointed out
14 to Council Member Levine that the National Standard
15 has been in place here in New York City since 2010,
16 2008, is that date?

17 DEPUTY COMMISSIONER FARIELLO: 2008.

18 COUNCIL MEMBER TORRES: Okay.

19 DEPUTY COMMISSIONER FARIELLO: For C
20 license.

21 COUNCIL MEMBER TORRES: Do we have a
22 sense of what it's had on crane safety. Have there
23 been more or fewer accidents?

2 DEPUTY COMMISSIONER FARIELLO: For the
3 record, or crane accidents have been low. They have
4 been on the decline.

5 COUNCIL MEMBER TORRES: Do you have exact
6 numbers?

7 DEPUTY COMMISSIONER FARIELLO: No, but we
8 could share that with you.

9 COUNCIL MEMBER TORRES: Okay, and is that
10 decline attributable to the National Standard or are
11 there other regulatory changes that might explain
12 that decline?

13 DEPUTY COMMISSIONER FARIELLO: I can't
14 answer that because we would have to go through every
15 accident, and review the investigations. But my
16 hunch is that because of various factors, because we
17 have been implementing stronger code. We have the
18 Site Safety Plan, we have other restrictions. You
19 know, crane accidents, the operation component is
20 only one safety component. But crane accidents are
21 the results of other reasons. It could be failing of
22 the crane. It could be maintenance. It could be
23 set-up. So the operation of a crane is only one
24 component of safety.

2 COUNCIL MEMBER TORRES: Okay, and I guess
3 my final one is do we have a sense of-- and I don't
4 know if DOB is the right agency to ask this question
5 of, of how any of these bills would interact with the
6 Mayor's Housing Plan.

7 DEPUTY COMMISSIONER FARIELLO: No, we
8 wouldn't be able to answer that, but we can review
9 and get back to you.

10 COUNCIL MEMBER TORRES: Okay. Thank you.
11 That's the extent of my questioning. Thank you.

12 CHAIRPERSON WILLIAMS: Thank you, and
13 we've been joined by Council Member Rosenthal. Back
14 to Intro 473-A, you said a Site Safety Manager would
15 be deemed an appropriate person instead of the
16 special rigger. That Site Safety Manager, that
17 manager would have a certain amount of hours, course
18 hours? Is that what you said?

19 DEPUTY COMMISSIONER FARIELLO: No, what I
20 said is that those type of sites by nature and by
21 code would require a site safety manager. But the
22 site safety manager is not the person replacing the
23 rigger's foreman. It's the competent person that
24 would be replacing the rigger's foreman.

2 COUNCIL MEMBER TORRES: But that company
3 person would have about 70 hours of courses?

4 DEPUTY COMMISSIONER FARIELLO: The
5 competent person would have equivalent if not more
6 than the rigger's foreman. Today, the rigger would
7 have about 20 foremen. They will supervise the job
8 and not the rigger themselves. And those foreman to
9 qualify they would have to have a 32-hour what we
10 call a riggers training.

11 CHAIRPERSON WILLIAMS: But isn't that a--

12 DEPUTY COMMISSIONER FARIELLO: As opposed
13 the competent person would have to have that plus a
14 40-hour site safety course, and a 30-hour OSHA, and
15 32 hours of different types of scaffold training.

16 CHAIRPERSON WILLIAMS: But wouldn't it be
17 better to have somebody who had at least one year of
18 experience as opposed to just 30 hours of--

19 DEPUTY COMMISSIONER FARIELLO: No, the
20 experience is another component. The training and
21 they would have to have I believe three years
22 construction-related experience.

23 CHAIRPERSON WILLIAMS: Okay. Intro 298-
24 A. Under the current Building Code and Updated
25 Building Code, riggers are required to supervise

2 hoisting and lower of buildings and tanks. Why would
3 a rigger not be required when lifting mechanical,
4 electrical, or plumbing equipment of a similar size.
5 I think there was some discussion previously, but I
6 wanted to ask that very specifically.

7 DEPUTY COMMISSIONER FARIELLO: Yeah, I
8 believe that is only boilers and tanks, and that is
9 historically from the 38th Code and the 68th Code.
10 It was changed in the 2008 Code. Now, we brought it
11 back. Typically, those components are manufactured
12 for rigging. They are different than a boiler or
13 tank where they tend not to have hooks. The
14 electrical and mechanical equipment they come from
15 the factory, and they lend themselves to rigging.
16 They have hooks and ears, and a competent person can
17 supervise that just as well.

18 CHAIRPERSON WILLIAMS: Do you think that
19 National courses in general can prepare people for
20 work that has to be done locally in New York City?

21 DEPUTY COMMISSIONER FARIELLO: Are you
22 talking about the Practical Test?

23 CHAIRPERSON WILLIAMS: Both. Tests that
24 are given nationally. One, do you think that the
25 experience [sic] and Practical Test as national in

2 scope is good enough to test someone who has been
3 doing work locally? And do you believe that people
4 who are tested in those that have not had experience
5 in New York City should be able to operate in New
6 York City?

7 DEPUTY COMMISSIONER FARIELLO: I believe
8 the Practical Test is a practical test, and it's
9 given in New York somewhere. And it's the
10 qualification to get the license that gets reviewed
11 based on experience. Even though it's a National
12 test, New York City still does review very thoroughly
13 the experience, and to qualify a person before we
14 consider them for a license.

15 CHAIRPERSON WILLIAMS: But when you say
16 experience, experience could be outside of New York
17 City?

18 DEPUTY COMMISSIONER FARIELLO: Correct,
19 and we thoroughly review that, and we don't just rely
20 on the passage of the Practical Test by the National
21 entity.

22 [Pause]

23 CHAIRPERSON WILLIAMS: For Intro No. 476,
24 do you think increasing the experience required to
25

2 obtain a special rigger license would improve the
3 safety of rigging operations? Why or why not?

4 DEPUTY COMMISSIONER FARIELLO: As the
5 Commissioner mentioned, we are willing to review
6 that. However, it would today, as the Commissioner
7 mentioned again, it will create-- There's an issue
8 of shortage of riggers. It will probably decrease
9 the numbers of applicants. This requirement of one
10 years has been in effect since 1938.

11 CHAIRPERSON WILLIAMS: So just so I
12 understand, these particular bills, there is not a
13 direct opposition, but a willingness to sit down with
14 the Council to talk about them? Is that correct?

15 DEPUTY COMMISSIONER FARIELLO: That's the
16 consensus.

17 CHAIRPERSON WILLIAMS: Okay, thank you.
18 I don't have any other colleagues that want to ask
19 questions. I want to make sure. Council Member
20 Kallos has asked for a follow up if we can try to
21 keep it brief so we can continue on with the public
22 testimony.

23 COUNCIL MEMBER KALLOS: I just want to
24 follow up on a question from Council Member Torres.
25 If the new restrictions that we've rolled out as a

2 Council and as a city, in your testimony is partly a
3 reason for why we've seen more safe construction
4 throughout the city, why change it? It's something I
5 was raised with, the saying, If it' ain't broke,
6 don't fix it.

7 DEPUTY COMMISSIONER FARIELLO: Well, the-
8 - I'm not sure that I understand your question, but
9 the numbers of decline in construction accidents I'd
10 have to see the time when we went National, and
11 inject that into the explanation.

12 COUNCIL MEMBER KALLOS: I believe most of
13 this legislation is around stopping us from going
14 National and avoiding what would come with that.

15 ASSISTANT COMMISSIONER ALACHA: As Mike
16 said earlier, I think at best it's a piece of the
17 puzzle, right. So we don't-- You know, we're happy
18 that the accidents are going down. I think they are
19 trending down, but we certainly don't want to go the
20 other way with the accidents. So this is a piece of
21 it. We don't know all the answers as to why it's
22 going down.

23 COUNCIL MEMBER KALLOS: No problem. So I
24 think that's the hesitancy we're seeing. And then on
25 Intro 298, which replaces the requirement for a

2 licensed rigger with somebody who has completed and
3 accredited course to do a critical pick of something
4 heavier than 2,000 pounds. I'm concerned. Do you
5 share concern about having somebody who is taking an
6 accreditation course for 40 hours handling critical
7 picks of over 2,000 pounds?

8 DEPUTY COMMISSIONER FARIELLO: Just to
9 clarify, a critical pick, and I'm not sure you're
10 referring to that. That phrase is by definition a
11 specific to certain picks as opposed to maybe you
12 meant it's a hazardous pick. Because critical pick
13 is well defined by us, and it has a criteria. For
14 example, it has to be 90% capacity of a crane. It
15 has to be an asymmetrical load, and it has to be a
16 lot of weight. It's not 2,000 pounds.

17 COUNCIL MEMBER KALLOS: And do you feel
18 comfortable with letting somebody who has taken an
19 accredited course supervise a critical pick.

20 DEPUTY COMMISSIONER FARIELLO: Today, a
21 Critical PICK can only be run by a master rigger, or
22 a professional engineer, who typically designs the
23 pick and has to show us a drawing. And he has to
24 produce it to us as plan examined, and he has to
25 have-- he has to be either on site himself, or a

2 licensed engineer has to supervise the pick. Either
3 or.

4 COUNCIL MEMBER KALLOS: Doesn't Intro
5 298-A preserve that standard?

6 DEPUTY COMMISSIONER FARIELLO: I don't
7 recollect. Not initially it was in it. I believe it
8 was backed out of it, but I'm not sure. As of now,
9 critical pick may not be in the new proposed bill.

10 COUNCIL MEMBER KALLOS: So, again, my
11 understanding is that the law that you just said is
12 about to change based on the Building Code that was
13 passed and is about to go into effect. And that 298
14 would preserve the standard that we're speaking of.

15 DEPUTY COMMISSIONER FARIELLO: With
16 regard to critical pick, the 2014 Code will allow in
17 addition to the rigger supervising a critical pick,
18 will allow the design engineer, so to speak, the
19 engineer that calculated and drew a plan for a
20 specific critical pick to supervise it himself or
21 herself.

22 COUNCIL MEMBER KALLOS: So where does the
23 Accredited Certification Program come in?

24

25

2 DEPUTY COMMISSIONER FARIELLO: I don't
3 believe there is an accreditation issue with critical
4 pick.

5 COUNCIL MEMBER KALLOS: Or with lifting
6 something over 2,000 pounds?

7 DEPUTY COMMISSIONER FARIELLO: Unless
8 you're talking about non-critical pick that the
9 training of the rigging crew, I'm not clear I
10 understand your question.

11 COUNCIL MEMBER KALLOS: Okay, so for a
12 non-critical pick where it's 2,000 pounds, and it's
13 89% of the crane's capacity. Somebody who takes an
14 accreditation, certification program could do that
15 instead of a master rigger under-- without 298?

16 DEPUTY COMMISSIONER FARIELLO: Correct.

17 COUNCIL MEMBER KALLOS: And that
18 accreditation course is a 40-hour course?

19 DEPUTY COMMISSIONER FARIELLO: No, I
20 didn't say that. The accreditation courses require
21 more than that. There is a 30-hour OSHA. There's a
22 32-hour scaffold. It depends on what accreditation
23 you're looking for because we have various ones. We
24 have accreditation for the rigging crew, and we have
25 and an accreditation for the foremen.

2 COUNCIL MEMBER KALLOS: Okay, so I have
3 no experience. If I go and get the accreditation I
4 spend the next week and a half in a course, would you
5 feel comfortable with lifting a 2,000-pound--

6 DEPUTY COMMISSIONER FARIELLO: You
7 wouldn't be qualified. You would have to have
8 construction experience, and these certifications in
9 addition to construction experience.

10 [Pause]

11 COUNCIL MEMBER KALLOS: So, I guess that
12 the quick thing is for 298 are you supportive of
13 trying to keep a situation where we have master
14 riggers with people with experience or--?

15 DEPUTY COMMISSIONER FARIELLO: We
16 certainly are looking to sit down and listen and
17 talk, as the Commissioner, mentioned. But, to
18 quickly agree or disagree on plan that we have
19 established, it's not wise because then you may be
20 doing a quick fix in one of the components, and the
21 rest of it may impact the industry. Or it may be
22 just as safe. However, it may create a bottleneck to
23 an industry.

24 COUNCIL MEMBER KALLOS: I'm just terribly
25 afraid of somebody taking a course, and then showing

2 up and then lifting something 2,000 pounds over
3 someone else's head and--

4 DEPUTY COMMISSIONER FARIELLO: So are we,
5 and that person would not be qualified just by taking
6 the courses. Most of the certification are just the
7 academic requirement in addition to practical
8 experience, which as to be there.

9 COUNCIL MEMBER KALLOS: Thank you and
10 thank you, Chair.

11 CHAIRPERSON WILLIAMS: Thank you very
12 much and thank you all very much for your testimony
13 today. I would ask that someone from the
14 Administration remain so that we can hear what the
15 public and other folks have to say. Assemblyman, who
16 would that be. Okay.

17 [Pause]

18 CHAIRPERSON WILLIAMS: The next panel
19 will be Joel Oliva on Intro 299, National Commission
20 for Certification of Crane Operators. Angela Pinsky,
21 REBNY. Terrence O'Brien 474 and Intro 298-A of the
22 Plumbing Foundation, Brendan Griffith our of CLC,
23 Central Labor Council, AFL-CIO and Intro 299-A. If
24 they can come up now. Everybody will have three
25 minutes to give their testimony. The next panel

2 after them just so you're ready, Humberto Estrepo,
3 Peter A. Ronzetti, David Brown, James Ramsburg, Frank
4 Lederer, and Richard Dougal. You will be following
5 this current panel here.

6 [Pause]

7 CHAIRPERSON WILLIAMS: Is the Sergeant
8 around?

9 [Pause]

10 CHAIRPERSON WILLIAMS: Would just the
11 people who are about to testify please raise your
12 right hand. Do you affirm to tell the truth, the
13 whole truth, and nothing but the truth in your
14 testimony today before the committee, and to respond
15 honestly to the Council Member questioning?

16 PANEL: Chorus of ayes.

17 CHAIRPERSON WILLIAMS: Thank you.

18 [Pause]

19 CHAIRPERSON WILLIAMS: I did see Council
20 Member Gibson here. I want to make sure I recognize
21 her. Somebody set the time, and you can begin.
22 Thank you. So whoever is going to be first, you can
23 start and you have three minutes to give your
24 testimony. You don't have to take all of it if you
25 don't want to.

2 [Pause]

3 JOEL OLIVA: Good afternoon, Chairman
4 Williams and members of the Committee on Housing and
5 Buildings. I'm Joel Oliva, Director of Operations
6 with the National Commission for the Certification of
7 Crane Operators, or better known as NCCCO. We're a
8 non-profit organization dedicated to improving crane
9 safety, the development of performance standards for
10 personnel involved in and around cranes. Since 1995,
11 NCCCO has been committed to providing the crane
12 industry with the means to ensure crane operator
13 confidence through a fair, valid, reliable, and daily
14 defensible certification programs. In our history,
15 we have certified over 100,000 individuals.

16 I'm here today to speak on behalf of
17 NCCCO in regards to Intro Bill 299 on Hoisting
18 Operator Licensing. And to highlight some of the key
19 benefits of the Third-Party Certification Program
20 that was adopted by New York City for its Class A and
21 B licenses, and recommend to this committee to
22 continue with the current licensing requirements in
23 New York City.

24 First off, Accredited National
25 Certification is a proven method in ensuring safety

2 for crane operations. We are an organization built
3 on a foundation of improving safety for the
4 sophisticated, expensive, and complicated business of
5 cranes. Employers, operators, and regulatory bodies
6 who have adopted the National Certification Program
7 have experienced a reduction in accidents and
8 incidents, a more skilled and better trained
9 workforce; and a reduction-- I'm sorry. An increase
10 in productivity, and reduction in maintenance and
11 repair costs. For example, the State of California
12 conducted a research study regarding the effects of
13 certification on fatalities and incidents
14 attributable to cranes in the state. California
15 adopted NCCCO in 2005, and in 2008 compared to 2002
16 to 2005 versus 2005 to 2008 data, three years on each
17 side. The study conducted by Cal OSHA illustrated an
18 80% decrease in fatalities, and a 57% decrease in
19 injuries over that time period.

20 Several other studies including those
21 published by Center for Construction Research and
22 Training and even New York's own High-Risk
23 Construction Oversight Study in 2009 endorsed
24 National Certification as a model for improving crane
25 safety. Next, accreditation certification is

2 applicable to Industry Standards and Practices.

3 Working with over 100 subject matter experts all of
4 whom have dedicated their lives to crane safety. And
5 bring experience that spans all facets of industry
6 such crane rental firms, construction companies, and
7 labor organizations. NCCCO ensures its written and
8 practical exams remain relevant to the knowledge and
9 skills necessary for today's crane operations.

10 The latest ASME Industry Construction
11 Standards and Fed OSHA Regulations are the foundation
12 for the exam, and are reviewed continuously by our
13 committees on a regular basis. Of critical
14 importance, NCCCO tests individuals on the specific
15 type of crane they operate. The operational
16 characteristics of a ladder lift [sic] crane versus a
17 tower crane are vastly different, and require
18 completely separate testing protocols, which will
19 fall under the Class A and B licenses.

20 With my limited time in closing, I offer
21 the New York City to maintain the highest standard of
22 crane safety in the industry, it must continue its
23 National Certification requirement as part of the New
24 York City license. Seventeen states and six cities
25 have adopted National Certification, and the safety

2 benefits are well documented. Thank you again for
3 the opportunity to comment today. NCCCO remains at
4 the service of New York City and its efforts to
5 improve crane safety.

6 CHAIRPERSON WILLIAMS: Okay, you are
7 opposed or for 299?

8 JOEL OLIVA: We are opposed.

9 CHAIRPERSON WILLIAMS: Opposed. Okay.
10 Thank you.

11 ANGELA PINSKY: Good afternoon,
12 Chairperson Williams and Members of the Committee on
13 Housing and Buildings. The Real Estate Board of New
14 York representing over 15,000 owners and developers,
15 managers and brokers of real property in New York
16 City. Thank you for the opportunity to testify on
17 these bills. For 472, the technical corrections, we
18 are in support of the proposed changes in the
19 Construction Codes. We have included two additional
20 points, which I won't go into specifically, but are
21 in regard to technical corrections for the code.

22 And for Intro 474, we are in support of
23 this, and delay the effective date to December 31st.
24 That would provide much needed relief to the industry

2 regarding complying with the new codes before they
3 are widely distributed.

4 For Intro 299, we strenuously object to
5 the proposed changes to the crane operating licensing
6 in New York City. For a background, the changes come
7 from after-- following the two fatal crane accidents
8 in 2008, when the city had convened the High Risk
9 Construction Oversight Study Advisory Committee.

10 Which was a committee of over 40 representatives from
11 the real estate and construction industry including
12 members of city, state, and federal government.

13 After seven months of inspection and
14 interviews, the Advisory Committee made 66
15 recommendations, many of which had to do with crane
16 safety and operations, and two of them were regarding
17 the crane licensing including the adoption of the
18 NCCCO [sic] training and testing are currently in
19 place. The Advisory Committee's recommendations to
20 improve safety have since been corroborated by
21 several other studies, including the investigation by
22 California OSHA, which was just mentioned.

23 Attributing the 62.5% decrease in crane related fatal
24 accidents and injuries. Similarly, the Research
25 Center of the National AFL-CIO with the support of

2 the Greater New York Building Trade Council and the
3 International Operating Engineers Union recommended
4 NCCCO Certification in 2008. We have submitted both
5 of these reports along with our testimony, as well as
6 a press release supporting the study.

7 The City's training-- One point that was
8 brought up that I will also add is that in addition
9 to the Practical and the written exam, New York City
10 also requires a 40-hour specific New York City class
11 that speaks to New York City regulations that are
12 unique to this jurisdiction.

13 CHAIRPERSON WILLIAMS: Can you repeat
14 that again, please?

15 ANGELA PINSKY: In addition to the
16 written and the practical exam, which have been
17 outlined, there is an additional 40-hour New York
18 City specific course that you have to take in order
19 to receive the license in New York City. So it's
20 above and beyond the NCCCO. So the City's past
21 training and testing program has demonstrated that
22 the city administered license can easily be obsolete
23 risking the safety of the operators and other
24 construction workers in process. Prior to the
25 adoption of the NCCCO Standards, the City had not

2 updated the written examination in decades. It
3 tested the applicants on a single decades old
4 outmoded crane for all of its certifications. And,
5 only offered one written and one practical test
6 during all of 2011. By contrast NCCCO continually
7 updates its written exams, offered 131 exams in the
8 New York area within the first four months of the
9 City's adoption and requires equipment-specific
10 training and testing on modern cranes. We have
11 objections to the remaining bills. I ran out of time
12 so--

13 CHAIRPERSON WILLIAMS: Did you submit
14 written testimony.

15 ANGELA PINKSY: Yes.

16 CHAIRPERSON WILLIAMS: Do you have a
17 summation of them?

18 ANGELA PINSKY: So they are pretty
19 similar. Intro 298 we think that the expansion of
20 the picks to everything being critical would increase
21 the demand for those positions. It's a very
22 expensive proposition, and we believe that the
23 competent person is enough. We all believe that all
24 three of the bills were discussed heavily during the
25 Building Code revision process. And out of the

2 committees, and out of DOB, and out of the City
3 Council it was determined that these changes should
4 be-- remain as is.

5 CHAIRPERSON WILLIAMS: Okay. Do you have
6 a cost estimate?

7 ANGELA PINSKY: So this is a possible
8 full-time person and including overtime, but it was
9 \$904,000 per rigging person per year.

10 CHAIRPERSON WILLIAMS: \$904,000?

11 ANGELA PINSKY: Per rigging position for
12 a year.

13 CHAIRPERSON WILLIAMS: Per rigger. Okay,
14 thank you.

15 ANGELA PINSKY: It's including overtime.

16 CHAIRPERSON WILLIAMS: Okay. Thank you.

17 BRENDAN GRIFFITH: Good afternoon. My
18 name is Brendan Griffith and I'm the Chief of Staff
19 at the New York City Central Labor Council AFL-CIO.
20 I will be reading the following testimony just for
21 clarification in support of Intro 299-A on behalf of
22 Central Labor Council President Vincent Alvarez.

23 Safety in the construction industry is of
24 the utmost importance to the city labor movement.
25 Thanks to the work of the New York City Building and

2 Construction Trade Council and its affiliated unions,
3 our city's construction workers represent the best
4 trained, most skilled, and safest in the nation. The
5 safety of workers is paramount in the construction
6 industry. And to ensure the safety of workers in the
7 public, New York City has maintained its own system
8 of testing and licensing standards for crane
9 operators. This decades old system is reflective of
10 the increased level of training and skill required to
11 operate cranes and other heavy machinery in such a
12 densely populated city.

13 Unfortunately, over the last few years,
14 certain changes to existing industry regulations were
15 proposed as a way to increase safety standards, but
16 have failed to do so. In fact, some of these
17 standards would work to reduce safety oversight in
18 the construction industry and for the surrounding
19 public. These changes have worked to expand the
20 private business interest of certain real estate
21 owners at the expense of the safety of everyday New
22 Yorkers. I urge you to consider the danger caused by
23 attempts to weaken the examination and licensing
24 process by using National Standards to regulate the
25 crane operators here in New York City.

2 The National model proposes cost-saving
3 tools like third-party administration of
4 examinations, which would essentially remove the
5 requirement to evaluate certain operational skills
6 and the use of safety standards. Instead of
7 implemented the error-ridden National model, the New
8 York City Labor Council, AFL-CIO supports Intro 299-
9 A, a measure that would require applicants to
10 demonstrate competency and skill in operating the
11 equipment for which they seek licensure. The measure
12 would also require criminal background check,
13 physical fitness examinations, compliance with the
14 substance abuse policy, and an eight-hour refresher
15 course. None of which will be required under the
16 National mode.

17 Through Intro 299-A, New York City's
18 crane operators will be judged by the highest
19 possible standards and trained in a way that reflects
20 the heightened level of training, skill, and
21 professionalism. We need to operate such machinery
22 while protecting the safety of workers, and residents
23 here in New York City. Thank you.

24 [Pause]

2 TERRENCE O'BRIEN: Good afternoon. My
3 name is Terrence O'Brien. I'm the Deputy Director of
4 the Plumbing Foundation of New York City. The
5 background of the Plumbing Foundation is a clearing
6 out and educational forum for the entire plumbing
7 industry. The Plumbing Foundation is a non-profit
8 association of licensed contractors, engineering
9 associations, manufacturers, and supplies whose main
10 mission is to ensure public health through the
11 enactment of safe plumbing codes in New York City.
12 In connection with that mission, we regularly meet
13 with legislative and regulatory bodies that pass laws
14 and promulgate regulations and laws, which affect the
15 plumbing industry.

16 I'll start off with Intro 474, which we
17 talked about previously extending the effective date
18 of the 2014 code revisions. We only have one comment
19 on this matter. After two years of extensive work of
20 revising the Plumbing with the City Council, as many
21 of you know, and many of you were here, passed and
22 signed that law in May 2012. Pursuant to Local Law
23 141 of 2013 enacted in December of last year, the
24 effective date of the Plumbing Code is October 1.
25 The industry prepared and spent countless time over

2 the summer educating hundreds of licensed plumbers of
3 the pursuant changes taking effect.

4 On September 8, just three weeks ago
5 before the new code took effect, we got notification
6 that DOB, the Department was going to get legislation
7 seeking to delay the effect for three months. No one
8 explained why. No one gave any reasons for the
9 effective changing in Construction and Plumbing Code.
10 It is interesting to note that indeed City Books, the
11 ones that actually make the code books hadn't signed
12 the print version, which stated the effective date of
13 October 1. We are by far ready for the
14 implementation. However, we strongly suggest in the
15 future there be consultation in the industry before
16 any of these major changes.

17 Regarding 298-A, and I'll paraphrase
18 because of the signature. [sic] Right now, we don't
19 seek to support or oppose Intro 298, but ask the
20 Council for more time to evaluate the impacts
21 regarding these changes. We are in no position on
22 this bill because the original Introduction 298 made
23 no reference to plumbing or plumbing equipment. It
24 was only four days ago on September 18 when the new
25 version was printed was Plumbing added to Section

2 3316.16.991, [sic] Subsection 3.4.2. It is not
3 reasonable to think that only given two working days
4 gives me or any trade enough time to contact their
5 members and see how and if the impact will affect
6 their industry. It is only fair that this bill be
7 laid over to give more than two working days in order
8 for an entire industry to gauge the impacts of any
9 legislation. Thank you very much.

10 [Pause]

11 CHAIRPERSON WILLIAMS: Hi. We were
12 joined by Council Member Ydanis Rodriguez, and I know
13 that Council Member Crowley has questions.

14 COUNCIL MEMBER CROWLEY: Thank you,
15 Chairman. My question is for the Plumbing
16 Foundation. Can you tell me if there is plumbing
17 equipment-- I'm referring to the 298-A that I
18 haven't taken a stance on yet, and I understand your
19 industry's frustration with only being notified that
20 there was a change. And the thing is that there is
21 no scheduled vote on this bill. So there is time.
22 And so, I would like to talk to you about the
23 plumbing equipment that either your contractors or
24 the workforce would move without a rigger. Is there
25 such heavy equipment. I don't know how much a boiler

2 weighs, or the types of equipment a plumber uses that
3 is heavy.

4 TERRENCE O'BRIEN: To the best of my
5 ability, and I'm not a plumber myself, but the
6 threshold of 2,000 pounds by in my preliminary only
7 engaging on a handful of plumbers in the last 48
8 hours, there is some level of equipment that we deal
9 with. Especially with the business of a major
10 component. I'm not sure what that means. Is that in
11 terms of you have a stack of pipe that is permanent.
12 Right now, it's use is stacked. But to lift that up
13 with a forklift, could that exceed 2,000 pounds?
14 Probably. So the answer is yes to some degree, but
15 with the vagueness of the bill, or without having
16 more time, I can't see the severity and know exactly
17 what level of equipment we do. But to make an
18 educated guess, yes, there is some level. But to that
19 extent, we also outsource. And I guess to a major
20 degree we don't have the expertise. But the
21 arbitrary 2,000 number we don't know where that came
22 from. It will affect us.

23 COUNCIL MEMBER CROWLEY: I'm concerned
24 about that area of the bill as well, and if your
25 industry, the Contractor's Association, or any

2 particular plumbing group wants to talk about it
3 further, I'd like to do that. Because my name is on
4 the bill as the lead sponsor. The intent of the bill
5 is protect those who do rigging, and move equipment
6 that is very heavy, and not to make the job of a
7 plumber that much more difficult. Or the plumbing
8 contractors that are bidding on work not to put in
9 undue burdens. It's really to protect the rigging
10 industry, and the equipment that is quite heavy that
11 wouldn't normally be moved by a plumber.

12 TERRENCE O'BRIEN: Which we figure that
13 is the intent, but the way it's currently written
14 doesn't really give us much wiggle room to say one
15 way or the other.

16 COUNCIL MEMBER CROWLEY: I totally
17 understanding. Thank you. No further questions.

18 [Pause]

19 CHAIRPERSON WILLIAMS: Joel, so you don't
20 think there should be certain places that would need
21 extra attention, for lack of a better word, because
22 they differ from what would be happening nationally?

23 JOEL OLIVA: Well, I think the National
24 Standards that exist currently for crane operators
25 are well established in general terms. That is to

1 say a minimum level has been set. I think New York
2 City like several other environments have their own
3 nuances and unique elements. As Angela pointed out
4 before, the City has taken it upon itself to have an
5 additional requirement, a 40-hour training course to
6 address those issues. And that is not something many
7 other areas have done, to be totally honest with you.
8 Many of the states and local jurisdictions that have
9 adopted a national program have done so without any
10 additional components. New York City, in fact, has
11 two. One is the specific experience requirement, and
12 granted there is some discussion about whether that's
13 New York City specifically or dense areas. In all
14 honesty, that's not NCCCO's expertise. On the
15 testing, though, that is an area that we do discuss,
16 and the additional training component of 40 hours.
17 While I have never attended that course, I don't know
18 how good it is. It certainly is a step in the right
19 direction as far as the City taking a proactive step
20 to address those specific elements within the
21 constructs of New York City.

22
23 CHAIRPERSON WILLIAMS: Council Member
24 Torres and then Council Member Kallos.

2 COUNCIL MEMBER TORRES: Thank you.

3 First, I do want to note, Mr. O'Brien that your point
4 about the lack of notification is well taken. I do
5 feel everyone has a right to have an opportunity to
6 review legislation before testifying. So I think
7 that's a fair point, and if that is an error on our
8 part, we should make sure that we don't repeat it in
9 the future.

10 I think it won't come as a surprise to no
11 one that I'm hardly an expert on the Building Code.
12 None of us have a background as far as I know in
13 Building Code enforcement. And the struggle here is
14 that we seem to be receiving contradictory
15 information. One side is telling you that the
16 National Standard is more vigorous. The other side
17 is telling you the Local Standard is more vigorous.
18 So I feel like I'm leaving this hearing today more
19 confused than I was before. And so, I'm hoping that
20 each of you can explain to me in the simplest
21 possible terms, as if I were a 5-year-old-- from the
22 Denzel Washington photo hear -- which standard is
23 truly the more exactly, and which is the more
24 reliable one. Because I've heard contradictory
25 information, and I have no clarity on it.

2 ANGELA PINSKY: Well, again, I think that
3 it's important to note that where this started was
4 after a couple of crane accidents that happened in
5 New York City that we are all very much aware of
6 because there were fatalities involved. And the
7 putting together of the industry experts, and having
8 this committee come up with recommendations that
9 include the new International Crane Licensing is an
10 important thing to know. The question is not whether
11 is it better to train in New York versus is it better
12 to train nationally? Because I think that there are
13 issues with New York specific construction that
14 everyone has a valid point on. But the more
15 important overarching issue for us is in dealing with
16 construction safety, there are conditions that are
17 unique to that. So the buildings are very close
18 together. It's very high-rise construction. There
19 are lots of people on site. You have a lot of people
20 from the public walking very closely to a
21 construction site. And those are all things that
22 should be taken into account when learning how to
23 operate a crane in New York City.

24 But the other important part is it's
25 important to learn how to operate the crane that you

2 are getting licensed for. It's important to learn
3 what the newest technology is, and when the City had
4 control of this, and fully acknowledges this by
5 moving to the National Crane License, it was
6 incapable of keeping up with those types of things.
7 So the written test was very, very outdate. It
8 didn't have any of the questions updated in several
9 decades. It was testing on a machine that I don't
10 think anybody would argue is not the highest of
11 technology. And there is a question about whether or
12 not that crane was even in operation in New York City
13 at any modern construction sites.

14 And there were a couple of instances
15 where in particular around the World Trade Center
16 they had brought in a crane, and nobody in New York
17 knew how to operate it. So no existing license
18 holder was able to operate the crane. So they had to
19 bring someone in to train that operator to operate
20 the crane in New York. And we don't want to fall
21 back on all these safety standards and technologies.
22 And as we move from Local Standards to National
23 Standards as we do with the Building Code, the Energy
24 Code or our Sustainability Policy, everything is
25 moving towards more national standards. So we don't

2 want to fall behind that trend by keeping the test
3 local. So that's the basis of our argument for
4 moving toward the National Standards for Crane
5 Licensing.

6 COUNCIL MEMBER TORRES: So if I
7 understand correctly, you're saying that the local
8 test is lagging behind technology?

9 ANGELA PINSKY: Yes, the local test, and
10 the City had the-- I don't know how long it had the
11 purview, but up until 2010, it was administering
12 these tests. And it fell behind substantially on
13 being able to test on modern technologies.

14 COUNCIL MEMBER TORRES: Can I have
15 someone from the CLC can you respond to that or no?

16 BRENDAN GRIFFITH: I have never taken
17 either test. I really can't speak to the particulars
18 of either test specifically. I can say, and I think
19 several council members, forgive the construction
20 pun, but hit the nail on the head in describe New
21 York City as a very, very different jurisdiction and
22 locality than any other place. And the idea of a 40-
23 hour additional training to me seems inadequate.

24 COUNCIL MEMBER TORRES: Can you address
25 that point?

2 ANGELA PINSKY: Yes.

3 COUNCIL MEMBER TORRES: The inadequacy of
4 the 40-hour training?

5 ANGELA PINSKY: So the 40-hour training
6 is to talk about regulations and laws, and so it's a
7 in-classroom training. It's to speak to the
8 specifics in New York City, but the requirements for
9 a comparably dense urban environment is what we find
10 to be critical for gaining the experience in the lot-
11 to-lot line construction, and in your public-- like
12 the proximity to the public. And we find that the
13 limitations to the comparably dense city and also the
14 individual review by the Commissioner to make sure
15 that the projects that they're working on are not in
16 the rural suburbs of that town. But actually in high
17 density environments is, is a sufficient comparable.

18 JOEL OLIVA: I can address the question
19 regarding what we do. You know, the New York City
20 Program is one that has now adopted the National
21 Certification. As far as NCCCO is concerned, this is
22 our business. Our business is crane safety. That's
23 what we're entirely committed to doing. That's what
24 we have done for 20 years. The basis of that
25 expertise falls on the subject matter experts that

2 volunteer their time. They're not compensated
3 whatsoever by NCCCO, and these individuals bring I
4 would say on average 20 years of experience per
5 individual. There are over 100 of them from all over
6 the country, and from all facets of industry. Former
7 operators, union representatives, non-union
8 representatives, insurance providers.

9 Really, anybody who touches cranes or who
10 has some involvement with cranes. We bring them to
11 the table, if you will, and pull from them all of the
12 knowledge that they have in conjunction with the
13 standards that exist to create a fair and reliable
14 assessment delivered through a very secure and
15 highest level of integrity method across the entire
16 United States.

17 COUNCIL MEMBER TORRES: Now, you noted
18 earlier that there was a range of industry activity
19 that formulated these recommendations. Like what was
20 the diversity of those experts? Were the building
21 trades represented? Were the simply--

22 ANGELA PINSKY: Well, no, the--

23 COUNCIL MEMBER TORRES: --representing--

24 ANGELA PINSKY: In the High Risk
25 Inspection, and obviously we can provide you a copy

2 of it, they list the actual participating
3 organizations which the building trades were part of
4 it. And speaking to the NCCCO the building trades
5 are the-- the international unions are represented
6 on the committees and advisory committees in updating
7 the exams. And when these recommendations came out,
8 there was an endorsement of this-- And there was a--
9 - when these recommendations came out, there was an
10 endorsement of this new move to the NCCCO by the both
11 the local building trades and by the international
12 building trades.

13 COUNCIL MEMBER TORRES: Do the
14 international unions have-- because CLC is opposed
15 to it. Do National unions have a position on the
16 National Standard as it pertains to New York City
17 because the argument is that in New York City there
18 is no such thing as a comparably dense city, right?
19 It's incomparably dense. So we're in a class of our
20 own. We brag about it all the time. Do national
21 unions have a position on this standard as it
22 pertains to New York City?

23 ANGELA PINSKY: I mean I haven't asked
24 specifically, but there was the-- the leadership of
25 the local here has moved up to be the head of the

2 International Union, and now currently sits on the
3 NCCCO Board. So there is a connection. I will let
4 Joel talk about it.

5 JOEL OLIVA: Yeah, I mean you have to ask
6 them directly. I wouldn't want to speak on behalf of
7 the local here in New York. But I can tell you in
8 general that we have an excellent relationship with
9 the International Union of Operating Engineers. As
10 Angela mentioned, their general President Jim
11 Callahan, who came from this area, serves on our
12 Board of Directors. We have several unions, local
13 unions from around the country that participate in
14 NCCCO testing whether it's in large city environments
15 or small city environments as well. They make up,
16 you know, they have a 20% stake on our Commission,
17 which is the over-guiding body who makes all the
18 decision within NCCCO. And they are probably
19 responsible for I would say 20 to 25% of all NCCCO
20 testing as an organization in general.

21 ANGELA PINSKY: And they have been sort
22 of a guiding organization in New York. [sic]

23 JOEL OLIVA: Absolutely.

24 COUNCIL MEMBER TORRES: Okay.

2 CHAIRPERSON WILLIAMS: Council Member if
3 you can wrap up, I will just call the other--

4 COUNCIL MEMBER TORRES: Yes, I will wrap
5 up. I'm sorry. Thank you.

6 CHAIRPERSON WILLIAMS: Thank you. I have
7 a couple more questions, and then we're going to
8 wrap. For anyone testifying after, I'm going to keep
9 it at three minutes, but I was just told we actually
10 have to be out of here by 4:00. So I will ask
11 everyone to try to please get through your testimony
12 as quickly as possible. And to the council members
13 to be mindful of the time. The additional 40 hours
14 you spoke about that is in the classroom, and it is
15 not practical 40 hours, is that correct?

16 ANGELA PINSKY: It's in the classroom.
17 As far as I understand it is in the classroom.

18 CHAIRPERSON WILLIAMS: And you said you
19 believe the local testing is lagging behind the
20 national testing, is that correct?

21 ANGELA PINSKY: When New York City was in
22 charge of the exam, they fell substantially high.

23 CHAIRPERSON WILLIAMS: And other times
24 where people passed the National Exam and failed any
25 local exams or practical testing?

2 ANGELA PINSKY: As far as I know, nobody
3 did. [sic]

4 CHAIRPERSON WILLIAMS: Thank you very
5 much.

6 COUNCIL MEMBER KALLOS: Thank you, Angela
7 for your testimony on 298, you spoke about the
8 expansion of lifts and picks to be determined to be
9 critical on the 298-A version, and that should have
10 been clarified. Have you had a chance to review the
11 new language?

12 ANGELA PINSKY: I didn't think there was
13 a change to that, but if there was I'll go back and
14 look at it.

15 COUNCIL MEMBER KALLOS: Okay, perfect.
16 Has you association ever paid any master rigger
17 \$900,000 on a job site?

18 ANGELA PINSKY: We didn't I don't think?
19 [sic]

20 COUNCIL MEMBER KALLOS: Is there any one
21 of your members that has ever paid a master rigger
22 \$900,000 on a single site.

23 ANGELA PINSKY: That number came from not
24 us, but during remediation at DOB, we all submitted--
25 Anybody who was for or against a change in the DOB

2 Code, submitted official testimony, and that came
3 from a construction general contractor. Not from
4 REBNY.

5 COUNCIL MEMBER KALLOS: For the record,
6 it is my understanding that there aren't any master
7 riggers making \$904,000 full time on an individual
8 site. But as with almost all construction, it is a
9 job that comes and goes with new construction
10 projects. And that if there were a person in the
11 construction industry that had a job doing that same
12 thing every single day including over-time that that
13 would be unlikely. So I just feel that that is
14 disingenuous--

15 ANGELA PINSKY: Just to clarify--

16 COUNCIL MEMBER KALLOS: --to put before
17 the body.

18 ANGELA PINSKY: --it's not. That's a cost
19 to the project. That's no in respect-- that's not a
20 received salary for an individual person. So
21 assuming that you had somebody full time, and then
22 they were working shift of overt time a week plus
23 benefits-- I think actually-- Sorry, it was one
24 shift, then the project would be spending an

2 additional \$904,000, not that one person is being
3 paid that.

4 COUNCIL MEMBER KALLOS: On a project cost
5 of \$100 million, a quarter of a billion dollars--

6 ANGELA PINSKY: It's irrelevant to the
7 size of the project. It's according to how many
8 additional riggers that you are required on site.
9 But it is assuming a certain amount of shift overtime
10 per project.

11 COUNCIL MEMBER KALLOS: When you get the
12 specific numbers if they could be your numbers--

13 ANGELA PINSKY: Correct.

14 COUNCIL MEMBER KALLOS: --and vetted by
15 you with citations when they seem to be a little bit
16 outside the scope. Additionally, you're advocating
17 for NCCCO certification because the government fell
18 behind. Is it your general position that we should
19 be privatizing government, or should government be
20 more responsive?

21 ANGELA PINSKY: I don't think the two
22 things are exclusive. I do think that there is a
23 heavy participation from government in the NCCCO. So
24 I don't think it's a full privatization of the test.
25 OSHA sits on the board, and I think there is a number

2 of other government agencies that are represented on
3 NCCCO. So I do think that inclusiveness is
4 important, and the ability to dedicate a number of
5 resources to updating the exam, and making sure that
6 it's current is critical to safety. And I think that
7 the NCCCO has a greater ability to do that than what
8 the City is capable of doing.

9 COUNCIL MEMBER KALLOS: My preference
10 would be to work with you and other industry experts
11 to make sure that the Department of Buildings has a
12 test that is up to date rather than privatizing our
13 government. I would like to just ask a question
14 about NCCCO. How many people setting your standards
15 are from New York City?

16 JOEL OLIVA: Of our hundred experts I
17 don't believe we have any in New York City.

18 COUNCIL MEMBER KALLOS: Do you currently
19 offer NCCCO certification in Boise, Idaho?

20 JOEL OLIVA: In Boise, Idaho well we
21 offer it in all 50 states. So, yes we do.

22 COUNCIL MEMBER KALLOS: Do you believe
23 that somebody who works on a crane in Boise, Idaho
24 has the same experience necessary to work in New York
25 City?

2 JOEL OLIVA: No, I don't

3 COUNCIL MEMBER KALLOS: Okay, what about
4 Austin, Texas?

5 JOEL OLIVA: Well, I suppose to simply
6 say that the individual works in Austin, Texas and
7 then automatically qualifies in New York City, I--

8 COUNCIL MEMBER KALLOS: Well, that's what
9 the law that we're dealing so. So it's a NCCCO
10 person.

11 JOEL OLIVA: Right.

12 COUNCIL MEMBER KALLOS: Someone from
13 Boise gets experience in Austin, and now they're here
14 to work on a crane in New York City. Is their
15 certification good enough?

16 JOEL OLIVA: Well, that's for this
17 Council to decide, of course. But what I can say is
18 just because an individual has experience in New York
19 City that doesn't necessarily indicate that he's a
20 safe operator.

21 COUNCIL MEMBER KALLOS: If somehow we
22 didn't pass this law, would the NCCCO require that
23 the rest of the country have a certification that
24 could allow for somebody to operate in the area with
25

2 a density of 27,000 people per square mile versus
3 L.A. which is 8,000 people per square mile?

4 JOEL OLIVA: We don't--

5 COUNCIL MEMBER KALLOS: Would you hold
6 the rest of the country to our standard?

7 JOEL OLIVA: We hold the rest of the
8 country to our standard, which does not get into
9 density--

10 COUNCIL MEMBER KALLOS: But your standard
11 has no New York City experts involved?

12 JOEL OLIVA: Not specifically no.

13 COUNCIL MEMBER KALLOS: Okay. Thank you.

14 CHAIRPERSON WILLIAMS: Thank you, and
15 thank you for your testimony. So this panel that is
16 going up, it's going to have the three minutes.
17 We'll see how that goes. I may have to drop it to
18 two after that. So I am going to ask everyone to
19 please to try to go as quickly as possible so we can
20 get out. Humberto Estrepo, Peter A. Ronzetti, David
21 Brown, James Ramsburg, Frank Lederer, and Richard
22 Duvall, Jr. Please come up. And right after this
23 panel, will be Robert C. Kirkwood with Andrew Genuses
24 [sp?], Dave O'Connell, Glenn Ferth [sp?], Carol

2 Wilson Elsar [sp?], Greg Galasso [sp?] and Bobby
3 Mack.

4 [Pause]

5 CHAIRPERSON WILLIAMS: So again for this
6 panel we're expecting Humberto Estrepo, Peter A.
7 Ronzonette, Ronzetti, David Brown, James Ramsburg,
8 Frank Lederer, and Richard Duvall, Jr. If I just--

9 COUNCIL MEMBER: [off mic]

10 CHAIRPERSON WILLIAMS: Is this him.

11 COUNCIL MEMBER: [off mic]

12 CHAIRPERSON WILLIAMS: Yes. So last
13 Humberto Estrepo, you can come up now. Peter
14 Ronzetti, you can come up now. David Brown, come up
15 now. James Ramsburg, come up now. Frank Lederer,
16 come up now. Richard Duvall, Jr., come up now.

17 [Pause]

18 CHAIRPERSON WILLIAMS: Is this everyone.

19 HUMBERTO ESTREPO: Yes.

20 CHAIRPERSON WILLIAMS: So everyone who is
21 going to testify right now please raise your right
22 hand. Do you affirm to tell the truth, the whole
23 truth, and nothing but the truth in your testimony
24 before the committee, and to respond honestly to
25 Council Member questions.

2 HUBERTO ESTREPO: Yes.

3 CHAIRPERSON WILLIAMS: Okay. Who is
4 going to start first? All right, and you'll--

5 HUBERTO ESTREPO: I will.

6 CHAIRPERSON WILLIAMS: All right, you
7 have three minutes.

8 HUBERTO ESTREPO: Chairman Williams and
9 distinguished committee members, thank you for the
10 opportunity to testify at this hearing on behalf of
11 the Joint Industry Board of the Electrical Industry.
12 My name is Humberto Estrepo. The Joint Industry
13 Board is a labor management organization founded in
14 1943. The union partner is Local 3 of International
15 Brotherhood of Electrical Workers. The management
16 partners are the New York Chapter of the National
17 Electrical Contractors Association, and the
18 Association of Electrical Contractors, Inc. The JAB
19 is the risk administrator for multi-employee benefit
20 plans serving Local Union No. 3, and its affiliated
21 contractors to the Greater New York City area. Local
22 3 is the largest local union of the International
23 Brotherhood of Electrical Workers. It has 44
24 divisions with approximately 27,000 rank and file
25 members including manufacturing, supply, expediting,

2 street lighting, maintenance, cable, telephone, and
3 eight city administrative and construction divisions.

4 The construction division alone employs
5 over 11,000 A-rated electricians. The JAB is
6 testifying today in opposition to Intro 298, the
7 Rigging Bill. Under the current New York City
8 Administrative Code 28-404-1, rigging is allowed to
9 be performed under the supervision of a competent
10 person pursuant to Chapter 33 of the Building Code.
11 For decades, our skilled workforce and responsible
12 contractors have unloaded and handled our electrical
13 equipment in a safe, responsible and efficient
14 manner. Under this proposed bill, electrical
15 equipment in excess of 2,000 pounds would require a
16 licensed rigger. Historically, this equipment has
17 been handled by a competent person designated by our
18 electrical contractors.

19 We strongly object to inclusion into our
20 traditional scope of work that this bill would create
21 if enacted. The Joint Industry Board of Electrical
22 Industry alone would its partners Local 3 and NICO
23 [sp?]New York stand strongly united against Intro
24 298. Thank you, Chair Williams and your Committee
25

2 for the opportunity to convey our concerns regarding
3 this bill.

4 CHAIRPERSON WILLIAMS: Whoever is next
5 can start.

6 RICHARD GRUBER: Good afternoon,
7 Committee Members. My name is Richard Gruber, and I
8 am a business representative for Local Union No. 3,
9 the International Brotherhood of Electrical Workers,
10 the largest local union over the International
11 Brotherhood. I feel that the inclusion of the
12 electrical equipment or a major component thereof
13 weighing in excess of 2,000 pounds infringes or seeks
14 to claim jurisdiction over work that has typically
15 been done safely by our members for well over 100
16 years. This is what we have been trained to do.
17 Many components of electrical equipment in excess of
18 2,000 pounds do not require rigging or handling by a
19 rigger. Many times it can be handled by
20 electricians, and taken via elevator or another
21 means. When loads in excess-- Well, when loads
22 exceed our competent person's ability, critical
23 picks, our employees hire riggers, and usually work
24 as a composite crew to accomplish the task. Local
25 Union No. 3, and our contractors have very strict

2 requirements a supervisor must meet in order to
3 supervise in our industry. Years of service as a
4 journeyman, OSHA Minimum, CPR, First Aid, and
5 Lockout/Tagout [sic] just to name a few. There are
6 reinforcements available, too, although they are not
7 required. We are prepared to instruct our members as
8 necessary to maintain competent person status on any
9 job site. As a representative of Local Union No. 3,
10 I would like to express my opposition to Intro 298-
11 2014.

12 [Pause]

13 PETER A. RONZETTI: I'm Vice President of
14 Operations at Welsbach Electric Corp. We're located
15 in College Point, Queens, New York.

16 CHAIRPERSON WILLIAMS: Sir, just repeat
17 your name. I'm not sure if the mic caught it.

18 PETER A. RONZETTI: My name is Peter A.
19 Ronzetti. I'm Vice President of Operations for
20 Welsbach Electric Corp., College Point Queens New
21 York. Welsbach is a member in good standing with the
22 New York City Chapter of National Electrical
23 Contractors Association. I am here to testify in
24 opposition to Intro 0298. Currently, Building Code
25 Section 3316.19.1 allows in limited circumstances for

2 rigging to be performed or supervised by a competent
3 person in lieu of a licensed rigger. A competent
4 person is authorized when hoisting or lowering is in
5 connection with (1) construction of a new building;
6 or (2) the full demolition of an existing building;
7 or (3) the vertical or horizontal enlargement of an
8 existing building; or (4) the alteration, maintenance
9 ore repair of a facade of a major building where a
10 site safety plan is required.

11 Intro 0298 would change the Building Code
12 so that only a licensed rigger could hoist or lower
13 certain mechanical and electrical equipment, and only
14 a licensed rigger could perform in connection with
15 the enlargement of an existing building, and the
16 maintenance or repair of the specified facades.

17 The proposed changes are unwarranted.
18 Building Code Section 3316.9.2 includes several
19 paragraphs of requirements to ensure that competent
20 persons are fully capable of performing the permitted
21 tasks. Certification by either the National
22 Committee of Certifying Agencies, NCCA, or American
23 National Standards Institute, ANSI, is required, or
24 in lieu thereof, training through the Building
25 Department must be completed.

2 Intro 0298 would inexplicitly dismiss
3 NCCA and ANSI certifications as ways to become
4 qualified. The bottom line is that the safety of the
5 public is ensured by Building Code Section 3316.9 as
6 currently written. We are therefore opposed to Intro
7 0298 in its entirety. In closing, expert determined
8 mechanical and electrical equipment without regard to
9 size can be safely performed by trained, competent
10 persons. I defer to them. Thank you for allowing me
11 the opportunity to provide testimony this afternoon.

12 FRANK LEDERER: Good afternoon. My name
13 is Frank Lederer. I'm the President of the Greater
14 New York Sign Contractors Association. I'm here to
15 oppose Section 3316.9.1 where it states that in lieu
16 of a master sign hanger or master sign hanger. A
17 master rigger can install a sign.

18 CHAIRPERSON WILLIAMS: You're talking
19 about Intro 298?

20 FRANK LEDERER: Yes.

21 [background conversation]

22 FRANK LEDERER: Safety obviously is--

23 CHAIRPERSON WILLIAMS: Sorry. We've been
24 joined by Speaker Melissa Mark-Viverito, Council

2 Member Gibson, Council Member Koo, and Council Member
3 Gentile and--

4 SPEAKER MARK-VIVERITO: [off mic]

5 CHAIRPERSON WILLIAMS: --the Mayor of
6 Taipei, Taiwan, and a delegation from Taiwan.

7 [applause] Welcome, welcome. You've joined us in a
8 very riveting hearing on riggers. Thank you. Please
9 continue, sir.

10 FRANK LEDERER: Obviously safety is an
11 issue. Our personnel have been trained as mater sign
12 hangers and master-- And special sign hangers go
13 through a course, and actually get City certified,
14 and have been doing it for years. Hanging signs is
15 not like hanging or putting up steel. So we feel
16 that the way the wording is stated it should stay the
17 same. Thank you very much.

18 CHAIRPERSON WILLIAMS: Thank you.

19 JAMES RAMSBURG: Good afternoon, Council
20 My name is James Ramsburg with Empire Erectors and
21 Electrical Company. I'm asking you to keep the
22 license requirements that currently exist for riggers
23 and signers in place as they were written. I feel
24 that lowering these standards would a mistake and
25 create a danger to the public. If safety is our main

2 concern, why would you lower that protect the workers
3 and the public. I've worked in these industries for
4 years to obtain the knowledge and experience--

5 CHAIRPERSON WILLIAMS: I'm sorry. I'm
6 not sure that you said your name. Can you repeat it?

7 JAMES RAMSBURG: James Ramsburg.

8 CHAIRPERSON WILLIAMS: From?

9 JAMES RAMSBURG: Empire Erectors and
10 Electrical.

11 CHAIRPERSON WILLIAMS: Okay. Thank you.

12 JAMES RAMSBURG: I've worked in these
13 industries for years to obtain the knowledge and
14 experience it takes to obtain these licenses and
15 perform these tasks safely. I employ union labor,
16 and I personally would not issue a rigging or sign
17 hanging performance certificate to someone just
18 because they passed the 32-hour course. I take my
19 license privileges very seriously. I know that all
20 of my foremen are qualified to do the tasks that they
21 perform because I have worked in the industry for
22 years. And I've been trained at the Union school.
23 All the journeymen that I employ have completed five
24 years of schooling at the Union School. I urge the

2 Council to keep the current licensing codes as they
3 are.

4 DAVID BROWN: Hello, Council. My name is
5 David Brown from the North Shore Neon Sign Company.
6 I'm a master sign hanger and a master rigger, and I'm
7 telling you that the two of the are completely
8 different as far as execution, safety, and there are
9 a lot of parallels but they are different. And me
10 having the first hand experience of doing both, I can
11 say that. So I think it should be kept separate.
12 And as far as a Site Safety Manager being able to
13 tell me what the breaking strength of our half-inch
14 manilla rope is, I don't see it happening. I mean
15 safe practices are safe practices, but common
16 knowledge and the equipment needed to do these jobs
17 is very specific.

18 CHAIRPERSON WILLIAMS: Are you in favor
19 of 298?

20 DAVID BROWN: No.

21 CHAIRPERSON WILLIAMS: Are you in favor
22 of 299?

23 DAVID BROWN: I'm a little mixed up with
24 this. It's 299.

2 CHAIRPERSON WILLIAMS: It's 476. It
3 sounded like you were in favor of it. Okay.

4 DAVID BROWN: No, we're just doing the
5 one now.

6 CHAIRPERSON WILLIAMS: Okay.

7 DAVID BROWN: Thank you.

8 CHAIRPERSON WILLIAMS: I know Council
9 Member Crowley had some questions and then Council
10 Member Kallos. They do both, I believe. Try to keep
11 it brief so we can get out of here.

12 COUNCIL MEMBER CROWLEY: I will. Thank
13 you, Chairman. I know that we don't have much time.
14 From what I understand from Local 3 Contractor and
15 Business Representatives is that the way it works
16 right now not only with the electrical industry, but
17 also we heard from the plumbing industry that there
18 needs no amendments to existing law. And I'm hearing
19 the same thing from the sign hangers. I believe what
20 the intent of our two bills that we're hearing today
21 that we've had much conversation on today, 299 and
22 298, was to try to make the industry safer in the
23 City of New York for those riggers and those hoisters
24 or engineers who moving quite heavy equipment. To
25 make sure that the people doing that have experience

2 working in the city. Clearly, Local 3 and the sign
3 hanger representatives have experience working in the
4 city. I think over the next couple of weeks the
5 Council will revisit those laws with special
6 attention to 298-A. And make sure that it doesn't
7 make the work of be it electrical workers or plumbers
8 or sign hangers any thing more difficult than it
9 needs to be. Because your industry hasn't shown that
10 the laws right now are unsafe. You've been doing it
11 for generations, and you've been moving equipment,
12 lowering equipment. Your members have years of
13 experience before they can do that, and that's what
14 we're looking for in the City of New York. To make
15 sure that when people are working construction that
16 they have the experience and the ability to do that.
17 And so, we'll work together with the Committee to
18 make sure that this is an acceptable bill. I
19 certainly will not co-sponsor a bill that will make
20 the job of your members that much more difficult to
21 do.

22 DAVID BROWN: Thank you.

23 COUNCIL MEMBER KALLOS: I would just like
24 to open by saying that the Union Side Labor Law will
25 not assist any industry or union in any encouragement

2 in the scope of the work of another union. There are
3 other options for unions that want to have that kind
4 of fight. And that is not something I'm interested
5 in getting involved in. Just to deal with the
6 Greater New York Sign Contractors Association, I am
7 looking at Intro 298 and 299, and I see no language
8 that says, In lieu a master or a special sign hanger,
9 a master rigger can hang a sign. I'm seeing no
10 language to that effect. So if you can please just
11 take a look. This should not be a problem for the
12 master sign hangers.

13 DAVID BROWN: [off mic] It's written in
14 Building Code 3316.9.

15 COUNCIL MEMBER KALLOS: So that might be
16 specific language that you might wish us to do in a
17 subsequent bill. But with regard to 298-A, the
18 language you are speaking to is not in our
19 legislation. So I just want to address that, and
20 with regard IBEW Local Law 3, in your testimony you
21 said, For decades our skilled workforce and
22 responsible contractors have unloaded and handled our
23 electrical equipment in quotes "in a safe and
24 responsible manner." Do you believe that the current
25 language of Intro 298-A would forbid electrical

2 workers from handling and unloading and loading
3 electrical equipment from a truck?

4 DAVID BROWN: Yes.

5 COUNCIL MEMBER KALLOS: What language
6 needs to be added to the bill in order to make sure
7 that the only thing that the master riggers are doing
8 is lifting things, multiple stories, or lowering them
9 multiple stories and not on and off?

10 DAVID BROWN: We don't currently see that
11 we have an issue with the riggers. If the equipment
12 is that heavy it we can't handle it. Then for safety
13 reasons, we employ them. And then we have composite
14 crews who handle the equipment. But to put in there
15 electrical equipment right now, that's something that
16 the electrical industry, Local 3 absolutely will not
17 support.

18 COUNCIL MEMBER KALLOS: I understand your
19 concern around the word "electrical equipment." I
20 guess the question is we want to preserve your
21 bargaining unit. We want to preserve their
22 bargaining unit. Unfortunately, the 2014 regulations
23 are going after your brothers and sisters at Master
24 Riggers. And so, the question is just, what language
25 can we add so that the electrical equipment that they

2 touch is only the equipment that they currently
3 touch. And does not affect loading and unloading,
4 and the items that you currently do.

5 DAVID BROWN: Take out the word
6 "electrical equipment" and everything is perfect.

7 COUNCIL MEMBER KALLOS: But if they--
8 But if you in your testimony are acknowledging that
9 they are responsible for it. If it's going to get
10 lifted 20 stores on top of a building then the master
11 rigger is going to do that. So what language can I
12 put there so that that's where that critical picks
13 and other items?

14 DAVID BROWN: That's a critical pick.
15 We're not claiming to lift equipment 20 stories high.
16 This bill right now would-- Technically, they can
17 come and say that you're unloading that equipment
18 from your truck, and it's 2,005 pounds. You're going
19 to need a master rigger.

20 COUNCIL MEMBER KALLOS: So if you have
21 any specific language that--?

22 DAVID BROWN: Yes. Remove the word
23 electrical equipment, and it solves the problem.

24 COUNCIL MEMBER KALLOS: I would love to
25 work with you to just find a way to figure out just

2 the electrical equipment, that you're comfortable
3 with, master riggers, and what have you. But I hear
4 you. I'm just trying to find specific language that
5 we can agree to.

6 DAVID BROWN: Thank you.

7 COUNCIL MEMBER KALLOS: No worries.

8 CHAIRPERSON WILLIAMS: Thank you and
9 there was just some confusion. The language "in lieu
10 of a licensed rigger for the hoisting of or the
11 lowering of a sign may be performed under a direct in
12 the case of a licensed hanger" is not language the we
13 are changing the bill in 298. Just so you're clear.
14 Thank you very much for your testimony.

15 DAVID BROWN: Thank you, Chairman.

16 CHAIRPERSON WILLIAMS: Next we have Glenn
17 Ferth, Andrew Genuses, Robert C. Kirkwood, Dave
18 O'Connell, Greg Galasso, and Bobby Mack. And right
19 after that we'll have Ken Clemens, Allen Wright, and
20 Antonio Straka. So for clarity right now at the
21 testifying table should be Glenn Ferth, Andrew
22 Genuses, Robert C. Kirkwood, Dave O'Connell, Greg
23 Galasso, and Bobby Mack. We're going to try to keep
24 it to three minutes, but you do not have to use all
25 of your three minutes. And whatever you don't use

2 will be hind to the people coming after you. In case
3 we have to leave the room, I want to make sure
4 everybody's voice is heard. Sorry.

5 Everyone who is testifying at the table
6 please raise your right hand Do you affirm to tell
7 the truth, the whole truth, and nothing but the truth
8 in your testimony before this committee, and to
9 respond honestly to Council Member questions?

10 [chorus of yes]

11 CHAIRPERSON WILLIAMS: Whoever is going
12 to start first can start.

13 GREG GALASSO: Good afternoon. [off mic]
14 My name is Greg Galasso and I'm a licensed master
15 rigger. I'm here today to speak to the improvements
16 that Intro 298 makes to the impending enactment.

17 [Pause]

18 GREG GALASSO: Testing, test. Okay. I'm
19 here today to speak to the improvements Intro 298
20 makes to the impending enactment of Local Law 141.
21 Everybody here agrees today that construction sites
22 are far safer places when the tasks are manned by
23 skilled labor who have the proper amount of training
24 for their trade and work. There are a handful of
25 activities at a construction site that require highly

2 specialized workers. One of those tasks in
3 particular is the hoisting and rigging of complex and
4 heavy equipment used to make these structures come
5 alive. These items are items that provide the
6 electrical power, the heating, cooling, circulation
7 of air and its water supply.

8 Over time this equipment has become
9 larger, geometrically more complex and heavier. The
10 Code for close to 50 years has recognized the
11 importance of assigning only those workers qualified
12 and competent to oversee hoisting and rigging
13 activities. Back then critical items were mainly the
14 larger boilers and equipment containing tanks or
15 vessels. Over time, owners, construction managers,
16 safety professionals, and general and subcontractors
17 have adapted to the design evolution of this
18 infrastructure equipment by requiring their sites to
19 involve licensed riggers in the handling and setting
20 process.

21 As a result, today's licensed riggers
22 oversee the installation of emergency back-up
23 generators, electrical switch gear, cooling towers,
24 boilers and much more. Rarely do we get an
25 opportunity to pose legislation that would require

1 very little adaptation as a result of its
2 institution. The primary portion of this bill simply
3 codifies what has already been generally accepted and
4 is common practice. Impact on stakeholders is
5 minimal. This is sensible code development. This
6 proposal will secure and solidify the need for
7 licensed master riggers in the construction process.
8 This proposal pushes back against forces that attempt
9 to make the building process more commercially
10 friendly by watering down safety measures that
11 together as an industry we have introduced and
12 enacted in a manner that is unprecedented anywhere
13 in the world.

14
15 That speaks to the uniqueness of New York
16 City, and the industry's commitment to safety.
17 Specifically, this proposal further strengthens new
18 requirements securing in Local Law 141 that all
19 workers who engage in these activities have at least
20 some stated level of training. We all know the city
21 is unique densely populated urban environment. The
22 enhancements proposed give the city the unilateral
23 ability to vet and approve the individual training
24 and certification courses rather than, as currently
25

2 stated in Local Law 141, the automatic acceptance of
3 a Nationally Accredited course.

4 There is already well documented
5 precedence that credits for previous experience
6 outside New York City for courses offered for
7 training, and certification within the specialized
8 trades account for the City's uniqueness. And I
9 thank you for your time, and this opportunity to
10 speak to you. I hope you consider moving forward on
11 this bill.

12 CHAIRPERSON WILLIAMS: Thank you. Well,
13 you can just go in that order. That will be fine.

14 ANDREW GENUSES: Good afternoon. Thank
15 you for having us. My name is Andrew Genuses, New
16 York City Licensed Master Rigger. What is rigging?
17 According to Cranes Today, rigging is the art of
18 lifting heavy object. Crane rigging is a mentally
19 demanding job that requires considerable foresight
20 and planning. This acute attention to detail is
21 aimed not only at the successful of a job, but also
22 at maintaining a safe work environment. As in any
23 industry involving heavy equipment and heavy loads,
24 crane rigging requires experience and specialization.
25 Now add to the above that you will be working in a

2 unique physical and operational confines of New York
3 City, and you have a licenses New York City master
4 rigger.

5 Discussing the qualifications and the
6 experience requirements, prior to being considered a
7 candidate for licensing as a mater rigger in New York
8 City you must have five years of full-time rigging
9 working experience in New York City. This should
10 remain as a minimum requirement. If you break it
11 down, and think about it, five years of full-time
12 employment at 50 weeks per year at 40 hours a week,
13 it works out to 10,000 hours of experience. Compare
14 that to other standards that are being considered,
15 it's much bigger. It's noteworthy to say that this
16 is the same standard that is applied to
17 apprenticeship programs in many skilled trade unions
18 and trade licensing programs.

19 After achieving the 10,000 hours of
20 experience, a person interested in pursuing the
21 license must first pass a written exam practical
22 exam. After that, the candidate must clear their
23 background examination. Then you will qualify for
24 licensing as a master rigger in New York City.
25 Really this is all about the development of expertise

1 from field experience. The scope that a master
2 rigger is responsible for is broad. It is not just
3 about placing a crane in the correct location, and
4 hoisting equipment to a building's room. The master
5 rigger is required to have a thorough knowledge and
6 understanding of the tools, equipment, materials, and
7 the codes that govern the work that protects the
8 public.

9
10 A master rigger is involved from early in
11 the planning stages right to the safe completion of
12 the job, including how the rigging is connected to
13 the equipment being hoisted and how the equipment is
14 controlled while the crane hoists it. When it comes
15 to the execution of the job, the master rigger has to
16 use his experience to assess and control the risks
17 inherent to the rigging in the New York City
18 environment. There have recently been discussions by
19 code writers to allow using a person with National
20 certification requires only 30 hours of study and
21 test time to perform the functions of a master
22 rigger. This is proposed instead of the 10,000 hours
23 of hands-on experience to qualify just to become a
24 licensed master rigger.

2 There is no substitute for hands-on
3 experience especially when it comes to highly
4 specialized services through the unique construction
5 industry in New York City. How much experience
6 should somebody have [bell] who is responsible for
7 safety of profitable [sic]rigger work in New York
8 City? More is better.

9 CHAIRPERSON WILLIAMS: Sorry, I'm going
10 to have to ask you to wrap up.

11 ANDREW GENUSES: Okay, thank you for your
12 time. Ten thousand hours should remain the minimum
13 requirement for experience to qualify as a master
14 rigger.

15 CHAIRPERSON WILLIAMS: Thank you very
16 much.

17 DAVID O'CONNELL: Thank you. David
18 O'Connell, Secretary to New York City Master Riggers
19 Association, Incorporate. This is my testimony to
20 gain your support for Intro 298-A. 1968 Building
21 Code for Crane and Rigging Operations include what
22 was the latest thinking in Building Code science. At
23 that time, New Yorker master riggers and their crews
24 primarily hoisted basement boilers and tanks. Thirty
25 years passed. The rules of the City of New York were

2 added to update the Code for crane and rigging work
3 in a more dense urban environment. New York City
4 Department of Buildings began a multi-year effort,
5 which resulted in 2008 Construction Codes. Which
6 increased public safety, incorporated the latest
7 engineering technology, and contained progressive
8 ideas on sustainable development.

9 On a present day 600-ton crane with
10 capacity reaches 470 feet up and 350 feet away.
11 Advanced rigging equipment and methods are used to
12 hoist skyscrapers amidst structural shapes. Heavy
13 prefabricated concrete floor and wall panels,
14 stackable modular housing units, rooftop HVAC
15 components, rooftop communication equipment, rooftop
16 backup generators, et cetera.

17 DOB is the only agency in the country
18 known to issue a Master Riggers license. Five years
19 of pre-requisite experience accrued in rigging, and
20 the hours are verified by affidavit and signed by a
21 master rigger supervisor. The affidavit is then
22 vetted by New York City Department of Buildings. The
23 licensed master rigger must be an officer and
24 stakeholder of his corporation for personal
25 accountable liability. He is also required to have a

2 New York City business address, shall maintain an
3 insurance policy, and a bond with New York City to
4 protect the city. He shall have his master rigger
5 foremen, and his crew shall be registered employees
6 of the licensing.

7 The future of the crane and rigging
8 industry will change favorably on October 1st with
9 the enactment of Local Law 141. DOB will be removing
10 key individuals from critical crane and rigging
11 oversight roles to save builders and their clients
12 money. DOB's new agenda is to relax requirements for
13 crane and rigging operations to make the 2014 codes
14 more accessible to contractors by providing
15 administrative flexibility. DOB's administrative burden
16 for licensing will be reduced by mimicking OSHA's
17 Minimum Guidelines, which only require 32-hour
18 certificates. Licensed master riggers will no longer
19 be required on any new construction. This is the
20 result of influences by employer, realtor, business
21 groups during the 2014 Code Rigging Committee
22 process. Master rigging will be replaced by any
23 individuals consisting of a 32-hour course and is
24 appointed by his employer as a competent person. His
25 appointed supervisors will not have their own

2 insurance, will have a bond with the City, nor will
3 they register their crew.

4 Intro 298 is the Crane and Rigging Part
5 of the Construction Safety Act. It is the result of
6 stakeholders and interested professionals who are not
7 invited to assist in the committee's for the creation
8 of the 2014 Codes. This bill is an effort to revert
9 back to the codes that worked for 35 years. Please
10 support in favor of Intro 298-2014.

11 CHAIRPERSON WILLIAMS: Thank you.

12 ROBERT C. KIRKWOOD: Good afternoon. I'm
13 Robert C. Kirkwood [sic] from Robert C. Kirkwood,
14 Inc. We are a specialists in insurance for this
15 industry, rigging, low rise hoisting. We've been
16 around since 1957. Thank you for hanging, those
17 survivors, the tough ones up here at the panel. The
18 construction industry, insurance industry in New York
19 City is in extraordinarily difficult straits. One of
20 the perceptions that we had to deal with was the
21 relaxation of these standards by the previous
22 administration in terms of what the insurance market
23 perceives is going on here in New York City. For a
24 myriad of reasons, some of which are outside the
25 control of the City of New York, the number of

2 reputable insurance carriers willing to provide
3 insurance coverage for construction activities based
4 in the City of New York are extremely limited.

5 The relaxation of the standards adversely
6 impacted that perception last year. Those willing to
7 participate in the marketplace continue to charge
8 extraordinarily high rates. This has a direct impact
9 on the cost of affordable housing, which is one of
10 the motives behind this committee's work. To the
11 extent that the City of New York tightens its safety
12 regulations, there will be a welcome reduction in the
13 frequency and severity of construction related
14 lawsuits in the city. Any reductions in the number
15 and severity of construction related accidents is a
16 bonus for both the public as well as all workers at
17 these sites. With increased cost pressure related to
18 the scarcity of quality insurance for the
19 construction industry, there is an increased economic
20 pressure on contractors to either cut corners or
21 purchase substandard insurance coverage with severe
22 limitations or exclusions.

23 One of the most difficult things we had
24 to do was deal with underwriters in other parts of
25 the country who underwrite risks here in the city.

2 And for months we had to answer and deal with
3 comments that the proposed change in last year's
4 regulations. What could we do to prevent a situation
5 where a contractor and owner would go to someone who
6 had just tried to replace a boiler or install some
7 sort of piece of equipment with a pickup truck, two
8 ladders, a rope and couple guys. This perception is
9 something that we're really working against all
10 avenues of the construction business.

11 The proposed legislation is important.
12 It will signal to the insurance industry that the
13 City of New York remains committed to serious safety
14 regulations. These kinds of actions can only help us
15 stand as a volatile construction insurance
16 marketplace. More importantly, it is the right thing
17 to do because it is another step toward making
18 construction in New York City safer. Thank you.

19 [Pause]

20 BOBBY MACK: You've got the clock out.
21 Good afternoon, and thank you, Council.

22 CHAIRPERSON WILLIAMS: Hello.

23 BOBBY MACK: Hello, my name is Bobby
24 Mack. I'm a licensed rigging foreman. I'm here
25 today to speak about the rigger industry, and why it

2 is important that licensed riggers are involved in
3 the housing and rigging work that takes place in the
4 filed. I am into my second year of my five-year
5 master rigger's apprenticeship in a growing industry
6 where safety is becoming a major concern. It is
7 vital to our community our employees to be protected
8 by master riggers. Training companies have
9 eliminated the purposes and the length of regular
10 training standards by offering 16 to 32-hour courses
11 that allow individuals to perform lifting practices
12 that may require more experience. And mainly that
13 would come by licensed master riggers.

14 Master riggers and licensed riggers and
15 foremen-- Licensed rigger foreman that work under
16 them, undergo extensive training that surpass the 16
17 to 32 hours that is required or only that is
18 requested by other agencies. One of the major
19 focuses on construction sites is to get the job
20 completed without incident or injury. Master riggers
21 exceed the requirements presently being asked by new
22 code writers and license committees. Master riggers
23 have worked in the City, and have protected its
24 citizens for many years and continue to do so with
25 the help of the City Council.

2 CHAIRPERSON WILLIAMS: Thank you.
3 Council Member Kallos.

4 COUNCIL MEMBER KALLOS: Thank you. You
5 put the clock for me. I'll say this quick. For you
6 for the insurance association for being here. Please
7 make sure that all of your testimony has been
8 submitted in writing so that it gets to become a part
9 of the record in addition to the transcript. My
10 question is to Greg Galasso. The IBEW has come in
11 and indicated that they are concerned that this
12 entering into their trade. And so, the question is
13 in your attempt to enter into their trade, is it your
14 intention to have master riggers loading and
15 unloading electrical equipment off trucks? And why
16 must the word "electrical" remain in the bill?

17 GREG GALASSO: First of all, no it's not
18 our intention to prevent any of that work. As a
19 matter of fact, the Intro 141 as it's passed now does
20 not limit by weight or type or class of any equipment
21 being removed from a truck, hoisted off a truck or
22 onto the ground, or back onto a truck. Especially
23 not moving it into the building, and putting in an
24 elevator. So there shouldn't be any concerns there.
25 We are just strictly talking about all of the

2 infrastructure equipment that gets hoisted into the
3 building primarily with cranes. So I think most of
4 the parties up here have stated, including the
5 Department of Buildings that this is standard
6 practice already to involve riggers in these
7 processes.

8 COUNCIL MEMBER KALLOS: The Department of
9 Buildings seems to believe that under the new
10 regulations that would be going into effect without
11 this legislation that not only would I need to take
12 an accredited course, but I would also need years of
13 experience on the job. What is your understanding of
14 the situation?

15 GREG GALASSO: Well, my understanding
16 would be that if a third party certification agency
17 was to give that accreditation course, they would be
18 the ones that would have to vet that experience. I'm
19 not quite sure a year is enough. In our and the
20 experience in the field you need many, many years of
21 practical experience to see a lot of the things that
22 have been happening on a job site, and know how to
23 react to them. I don't feel that's going to be
24 appropriate or enough.

2 COUNCIL MEMBER KALLOS: Would you walk
3 under something 2,000 pounds or heavier if I was the
4 one doing the rigging after a 60-hour or a 40-hour
5 course?

6 GREG GALASSO: I wouldn't walk under a
7 2,000-pound load no matter who was operating it or
8 rigging it. But I certainly-- My job is actually to
9 check it before it gets hoisted if you were under my
10 crew. So that's how those things work. You have to
11 gain that experience over time.

12 COUNCIL MEMBER KALLOS: My next question
13 is for Bobby Mack. Within the master riggers
14 industry do you believe that there is adequate
15 representation and opportunity for members of color?

16 BOBBY MACK: Honestly, certain companies
17 especially like Galasso and GTI they are very
18 diverse, and some other companies are not as diverse
19 as Galasso. But I believe it would be more of an
20 opportunity if minorities would be able to work under
21 a master rigger.

22 COUNCIL MEMBER KALLOS: Thank you very
23 much.

24 CHAIRPERSON WILLIAMS: Thank you and
25 thank you for your testimony today. I appreciate it.

2 BOBBY MACK: Thank you.

3 CHAIRPERSON WILLIAMS: We have two more
4 panels. I'm going to try to get through them before
5 4 o'clock. I would say I wish someone had told us
6 that we only had until 4 o'clock or 3 o'clock. That
7 would have been helpful. Next we have Ken Clemens
8 from IUOE Local 14; John Powers, IUOE Local 14: Allen
9 Wright, Local 14; Antonio Straka from NYCOSH. And
10 then the last panel will be Kenneth Buettner, Robert
11 De Marco, Dennis Holloway, Michael Giantesso, [sp?],
12 Howard Zimmerman, James Bifulco, and John Pantanelli.
13 So right now ready to testify we should have Ken
14 Clemens, John Powers, Allen Wright, and Tony Straka.
15 Again, we will have three minutes for your testimony.
16 Please be mindful that we're trying to get out in a
17 very quick time period.

18 Those who are getting ready to testify
19 right now, can you please raise your right hand. Do
20 you affirm to tell the truth, the whole truth, and
21 nothing but the truth in your testimony before this
22 committee, and to respond honestly to Council Member
23 questions?

24 PANEL: I do. [chorus]

25

2 CHAIRPERSON WILLIAMS: Thank you very
3 much, and you can start your testimony.

4 ALLEN WRIGHT: Good morning, Chairperson
5 Williams and Committee. My name is Allen Wright.
6 I've been a member of Local 14 for nearly 20 years.
7 I was born and raised in Brooklyn. I'm a graduate of
8 Brooklyn College, and more importantly, I'm also a
9 graduate of IUOE Local 14 Training Program.

10 We are here today to urge the members of
11 this Council to join us in supporting Intro 299-A.
12 This legislation will once again require the City of
13 New York to develop and conduct written and practical
14 license exams, and provide oversight of the unique
15 challenges of operating a crane in New York City.
16 Once passed, this legislation will further require
17 applicants for a Class A license who have met other
18 criteria to have at least three years of experience
19 within the five years under the direct and continued
20 supervision of a licensed Class A or Class B hoisting
21 machine operator. Provided that those years of
22 experience are undertaken in New York City. This is
23 important legislation because it will provide New
24 York City the ability to differentiate qualifications
25 from certification.

2 When people talk about crane operations
3 in New York City, they are generally speaking about
4 the tall tower cranes. Those are the giant cranes at
5 the top of or along tall skyscrapers with jibs and
6 booms that stretch hundreds of feet and hoist
7 thousands of pounds of material above our heads.
8 Working on these cranes require an A-License or an A-
9 License with a B endorsement. Believe me, there is
10 no office in the world that can match the view from
11 the cockpit of a crane more than a thousand feet
12 above New York City. There is also no other job
13 where you and you alone are responsible for hoisting
14 tons of steel, cement, glass, and miscellaneous
15 equipment high above the heads of hundreds of workers
16 and thousands of pedestrians all day everyday.

17 Everyday thousands of New Yorkers
18 unknowingly depend on our knowledge of weather and
19 wind and our skills to handle unlimited effects on
20 the material we are hoisting. In that cab we know
21 and understand how each piece that goes up may rise
22 differently than the piece that went up yesterday.
23 Even just an hour earlier we know that bundle strands
24 of rebar are going to rise differently than an eight-
25 ton bucket of cement or oversized windows or a

2 refrigeration unit. We also know that the tiniest
3 change of wind direction or velocity can change
4 everything in an instant.

5 It is incumbent upon us to respond to
6 those changes. We do this with one simple mantra:
7 Safety first and foremost. So no matter the demands
8 and targets of the project, when wind weather or
9 other external conditions create a risk, we must be
10 able to say, we cannot do this today. That's why New
11 York City developed and maintain complete oversight
12 of the most stringent and demanding urban testing and
13 licensing procedures for crane operators in the Unite
14 States. And New York City has fought vigorously to
15 defend its rights and maintain those standards when
16 challenged.

17 Unfortunately, that is no longer the
18 case. I challenge anyone in the United States with a
19 comparable density to match New York. We have talked
20 about comparable density--

21 CHAIRPERSON WILLIAMS: I'm going to have
22 to ask you to wrap it.

23 ALLEN WRIGHT: I know but I'll be the
24 only one really testifying out of this.

2 CHAIRPERSON WILLIAMS: No one is going to
3 be testifying?

4 ALLEN WRIGHT: No, sir, I'll be the only
5 one except for this gentleman here. He's up, too.

6 CHAIRPERSON WILLIAMS: Okay. Let's go to
7 the gentleman, and then I'm still concerned. I don't
8 want you to get nine minutes, because you don't--

9 ALLEN WRIGHT: No, no, no, I'm almost
10 done.

11 CHAIRPERSON WILLIAMS: Yeah, so we should
12 have-- Do you have someone else who wants to read
13 the rest of your testimony, then we can do that.

14 ALLEN WRIGHT: Okay.

15 [Pause]

16 CHAIRPERSON WILLIAMS: Please in front of
17 the mic. Thank you.

18 [Pause]

19 JOHN POWERS: With 5,900 high-rise
20 buildings and 204 skyscrapers, New York City has the
21 greatest concentration of tall, taller, and tallest
22 buildings in the United States. No other city can
23 match those numbers. Chicago boasts 1,150 high-
24 rises, 79 skyscrapers. Los Angeles: 546 high-rise
25 buildings, 21 skyscrapers. Philadelphia: 364 high-

1 rises and 11 skyscrapers. Boston: 320 high-rises
2 and only 6 that rise about 500 feet. Now, let's look
3 at the population. The majority of tall buildings
4 are squeezed into 23 miles square of Manhattan with a
5 population density of 52,000 for every square mile.
6 Even if you factor in the Bronx, Brooklyn, Queens,
7 Staten Island it is still 27,700 New Yorkers for each
8 square mile in the city. That's more than twice the
9 13,300 residents per square mile in Boston and nearly
10 four times that of Los Angeles.
11

12 Those numbers do not include the 55
13 million tourists who visit New York each year and a
14 million of commuters who went to Manhattan each day
15 to work. Factor in New York's underground maze of
16 subways, utility vaults, steam pipes, traffic, and
17 the complex infrastructure systems upon which the
18 multi-ton cranes sit upon, we have the most complex
19 and unique infrastructure to be found anywhere in
20 North America. Construction, especially high-rise
21 construction within these tight restricted spaces is
22 such that engineers have designed equipment and
23 developed construction techniques specifically for
24 New York's unique conditions.
25

2 There are methods and equipment employed
3 in New York which cannot be found anywhere else. The
4 past administrations knew and understood that. And
5 in this environment any mistake involving a crane is
6 a catastrophe. So we ask why would New York City
7 walk away from its long-held responsibilities and
8 obligations to protect and ensure the safety of
9 thousands of workers, and millions of New Yorkers by
10 giving up this oversight to adopt the National
11 Standard. Can you image the outrage if New York City
12 decided to stop testing New York police officers and
13 fire fighters. What could possibly go wrong? And
14 while New York City has stepped away from its
15 oversight, New York State has not. And still
16 requires NCCCO and CSC approved operators from out of
17 state to take the exam developed and administered by
18 New York State Department of Labor. That exam has
19 produced some very disturbing results.

20 According to the State Department of
21 Labor, during a recent testing period 50% of all
22 NCCCO Certified Holders failed that exam. Even more
23 troubling, half of those who failed the practical
24 exam were stopped and removed during the test because
25 of safety concerns. Results like these concerns

2 raised within the industry and within the committee,
3 which helped draft the new OSHA standards. And
4 prompted OSHA to postponed establishing their
5 regulations until November 17. Taken into
6 consideration the density and complexity that have
7 led to the development of specific machinery, and
8 construction techniques, it is critically important
9 that New York City again take back its rightful
10 control and oversight of the--

11 CHAIRPERSON WILLIAMS: I'm going to have
12 to ask you to please wrap up

13 JOHN POWERS: --cranes operators. Thank
14 you.

15 KEN CLEMENS: I have a few points I would
16 like to bring up. Ken Clemens, member of the
17 Operating Engineers Local 14. Also, I spent--

18 CHAIRPERSON WILLIAMS: Sorry. The
19 previous gentleman didn't give his name for the
20 record.

21 JOHN POWERS: I'm sorry. John Powers.

22 CHAIRPERSON WILLIAMS: Okay, thank you.

23 KEN CLEMENS: Okay. My name is Ken
24 Clemens, Member of the Operating Engineers. I also
25 spent 7-1/2 years down at the World Trade Center

2 site. So I want to address a few points specific to
3 that as well as others. I oversaw in my time there
4 thousands and thousands of safe crane operation
5 hours, including the erection and the operation of
6 the crane that was referenced earlier. Okay, that
7 was not a unique situation. It was a unique crane,
8 but the owner of the crane, the company that owned it
9 sent a technician to oversee the erection and
10 dismantling of it when it came down many, many months
11 later. That's not unique to that situation. Most
12 crane operators or crane owners will, due to the
13 expense, send a technician to oversee the erection
14 and dismantling due to the expense involved.

15 I would also like to address the crane
16 accidents that were brought up. They were not
17 operator error nor a licensing issue where there was
18 a mistake made by the operator that caused those
19 accidents. With regard to the NCCCO, the Operating
20 Union and engineers sitting on the board, that is, in
21 fact, true, and it is for the purpose of seeing that
22 something like NCCCO gets implemented where there is
23 no other law or license in place. So in those
24 localities the NCCCO is something new, and an add-on
25 that wasn't previously there.

2 Okay, with regard to OSHA, OSHA says in
3 it's own language the municipalities can implement
4 their own stronger laws for crane operations. Okay,
5 they'll accept something like the NCCCO as a base.
6 But where an environment like New York City exists,
7 the locality has the option to implement, and it's
8 incumbent upon them, to implement their own stricter
9 laws. As it was pointed out, there is no other place
10 that compares with New York City. Okay. We need
11 this bill to go in and stay, or to keep the crane
12 rules that we have in effect strong. Not watered
13 down, and not even a watered down version, as was
14 attempted by the previous administration.

15 Myself, I hold an NCCCO license, and
16 through the testing and everything I've done with
17 NCCCO, in no way prepared me, or prepares me for
18 crane operations in New York City. I'm a crane
19 operator myself with 25 years plus experience
20 operating cranes in New York City. And there is no
21 substitute. There is absolutely no substitute for
22 experience in this locality. Thank you.

23 CHAIRPERSON WILLIAMS: Thank you very
24 much, and Council Member Crowley has a question. I

2 would assume that my colleague Council Member Kallos
3 has a question as well. Thank you.

4 COUNCIL MEMBER CROWLEY: I want to thank
5 the panel for testifying. I as a council member am
6 looking to pass legislation that would make New York
7 City safer. And so I seeing that the previous
8 administration they were able to water down bills.
9 You mentioned earlier, one of the representatives. I
10 think it was Allen from Local 14 said something about
11 NCCCO when there are people who pass their test, then
12 they often are not-- Sometimes you have situations
13 where people were working New York City, and then
14 they failed the New York City or New York State
15 exams.

16 ALLEN WRIGHT: Actually, what it is
17 people that have passed the National Certification,
18 New York State still requires you to pass their
19 license. So people that have that National
20 Certification and then came to New York State and
21 took the test, they failed that at 50% of the rate.
22 And even some of them had to be stopped while they
23 were actually taking the test because it was so
24 unsafe.

2 COUNCIL MEMBER CROWLEY: Right, and
3 unfortunately, since we watered down the law over the
4 past couple of months, people could have been working
5 on our construction sites having passed the NCCCO's
6 test, and not be necessarily able to pass New York
7 State. Is that correct?

8 ALLEN WRIGHT: That is correct. There is
9 no substitute for New York City whatsoever. And I'm
10 someone like I said, I've been a member of Local 14
11 for nearly 20 years. I've worked in every aspect of
12 construction, and there is nothing comparable about--
13 And this is coming from someone who has traveled
14 nationally, and worked with different programs on our
15 national agenda. So I've met and encountered and
16 I've seen what happens in other states. And New York
17 is a different animal. You know, just for an example
18 New York City doesn't stop because it has a
19 construction site. Everything that is going to
20 happen in New York City is going to happen regardless
21 of a construction site. And it's just that pace, and
22 all the animals that are involved. It takes some
23 getting used to. And it took me a lot of years, a
24 lot of years to be able to feel comfortable, and to

2 be able to handle different conditions that are I am
3 faced with.

4 COUNCIL MEMBER CROWLEY: I'm not
5 surprised at all that it took that long.

6 Occupational Safety and Health Standards say that a
7 city like New York can have and should have stricter
8 laws. Thank you.

9 ALLEN WRIGHT: Yes, that part was omitted
10 ironically, but it says that if a city does not have
11 its own licensing system that they can go to this.
12 But being that New York already has a licensing
13 system, and one that is very stringent that it
14 supersedes anything else.

15 KEN CLEMENS: If I may. The NCCCO is a
16 minimum standard that was set nationally in the
17 country where they had no licensing. Even a New York
18 State license was not recognized in New York City.
19 The New York City license was the license. You had
20 to obtain a New York City license to run cranes in
21 New York City. They were very specific on that.

22 COUNCIL MEMBER CROWLEY: Thank you.

23 CHAIRPERSON WILLIAMS: Thank you. I did
24 skip someone. I apologize. So we will hear
25 testimony. If you can get me numbers of the people

2 who failed the State but passed the National, that
3 would be helpful also.

4 TONY STRAKA: Okay, Mr. Chairman and
5 members of the Committee. My name is Tony Straka.
6 I'm employed by NYCOSH, which is the New York
7 Committee for Occupational Safety and Health. NYCOSH
8 I guess you could call us a non-government, non-
9 profit. We're not part of the government. We don't
10 enforce any laws. We don't enforce any regulations.
11 Primarily, we do safety and health training, and we
12 also advocate for stronger safety and health laws.
13 And you have a copy of my testimony there. Just a
14 couple of points very quickly. My testimony is
15 pretty short today.

16 Back in 2009, NYCOSH submitted a written
17 statement to OSHA with regard to what they were
18 talking about doing with their cranes and derricks
19 and construction standard. And we had concerns that
20 their standard as written at that time would have
21 preempted the New York City licensing of crane
22 operators. Moving up to February of 2012, we
23 submitted testimony in opposition to the proposed
24 amendments to the New York City's Administrative Code
25 promulgated by the Department of Buildings. We

2 objected to the City's move to relinquish its
3 oversight of the certification needed for crane
4 licenses. Now, in our view it's unfortunate that
5 their regulations passed. However, they haven't
6 really been implemented. But we continue to review
7 what the DOB did as an end run around the New York
8 City legislative process.

9 And finally to the point of OSHA's
10 regulations now being delayed until November 2017.
11 You have to remember, that we were commenting that
12 in 2009 they talked about these regulations coming
13 out in 2014. And now they're back to 2017. A couple
14 of things. You have to remember that OSHA is
15 involved solely with worker safety and health, and
16 has no interest or responsibility to the safety of
17 the public. Okay, and generally the OSHA standards
18 are minimum standards.

19 Now, going beyond this, New York City
20 still retains the strictest and most demanding urban
21 testing and licensing procedures for crane operators
22 in the United States. And, in fact, there was a
23 lawsuit filed against the City by the Steel Institute
24 of New York, and the City vigorously protected and
25 defended its regulations and authority to administer

2 its rules and licensing when challenged. And the
3 result was that the City's authority was upheld by
4 the Supreme Court of the United States.

5 So we're at a point where more level head
6 should prevail and to recognize reality. We've got
7 6,000 high-rises and skyscrapers, 50 million
8 tourists, four million people on the streets of
9 Manhattan everyday. Hundreds of miles of subways,
10 and underground infrastructure of all types. And in
11 view of this reality, it's also time to recognize
12 that there is no other area in the United States of
13 comparable urban density relative to New York City.

14 And to sum up, the City Council needs to
15 get behind 299-A. The City needs to once again
16 create and administer it's own test for licensing
17 highly skilled, fully experienced, and thoroughly
18 qualified crane operators that we need for safe crane
19 operation in New York City. Thank you.

20 CHAIRPERSON WILLIAMS: Thank you and
21 Council Member Kallos, we are about to be on borrowed
22 time, and I have one more panel. So please be brief.

23 COUNCIL MEMBER KALLOS: I want to thank
24 you for the numbers. I had pulled up similar
25 numbers, but it was fascinating to see that we

2 actually have a density of 52,000 per square mile,
3 which places us at several orders and a magnitude
4 larger than Los Angeles. I want to thank NYCOSH for
5 their testimony. And if you could share the numbers
6 I would like to just follow up with what the chair
7 said with the number of people who passed the NCCCO
8 and failed, and failed New York State.

9 [Pause]

10 COUNCIL MEMBER KALLOS: With regard to
11 the previous panel, I asked about diversity in the
12 industry. How much diversity is there amongst crane
13 operators and operating engineers.

14 ALLEN WRIGHT: Our industry is unlike any
15 other industry. Could there be improvements?
16 Definitely. I am an example of the mis-thinking of
17 the masses. You know, I didn't fall out of the sky.
18 Like I said, I've been a member of Local 14 for
19 nearly 20 years, and I'm proud of that fact. So,
20 like I said, can there be improvements? Is it what
21 people think? Not at all. Because we don't
22 discriminate at all, and there is opportunity for
23 everyone. I myself sit on the Committee for
24 Apprenticeship. So I effect change. I effect
25 policy. I effect the way things are. So when I

2 speak, I don't speak about what I think. I speak
3 about what I think. I speak about what I know, and
4 what I know is that there is no diversity problem.

5 COUNCIL MEMBER KALLOS: Thank you.

6 CHAIRPERSON WILLIAMS: Thank you for your
7 testimony. Just on the diversity key, I would say
8 with most things I've found, whether it's
9 unintentional or explicit or not, the fact is many of
10 these places are not diverse. And that is still a
11 problem even if it's not intentional or explicit,
12 explicitly done.

13 ALLEN WRIGHT: That's true, but like I
14 said, we're not different from any other
15 organization. Even at the City Council you guys
16 celebrated the fact that you had your first Hispanic
17 speaker. So we still live in a nation where there
18 still are firsts. So to single out and to say that
19 we didn't make changes, I think there need to be
20 changes wholesale. And as far as diversity, a lot of
21 it is just exposure. A lot of it is just exposure
22 and getting the word out that you can do this and you
23 can be this. A lot of people meet me, and they may
24 be shocked. This is not something that-- It wasn't
25 a gift. There is nothing special about me. I just

2 worked for it. So the opportunity is there, and I'm
3 willing to usher in any changes that need to be made.

4 CHAIRPERSON WILLIAMS: Sure. I plan on
5 holding the Council and the City as much as possible
6 for that diversity. So I definitely plan to do that
7 through unions and other organizations as well.

8 Thank you very much for your testimony, and thank you
9 for coming down. We appreciate it.

10 [Pause]

11 CHAIRPERSON WILLIAMS: We have our last
12 panel, and we are on borrowed time. So although I
13 hate to do it, I'm going to have to ask everyone to
14 please keep your testimonies to two minutes. We
15 have to get out here. We're supposed to be out of
16 here by 4:00. So at any point in time we could have
17 some issues. Again, I'm going to ask everyone to
18 please keep your testimony to two minutes. I do
19 apologize, but that information about the 4 o'clock
20 was not given to me until almost 3 o'clock. So we
21 should have Kenneth Buettner, Robert DeMarco, Dennis
22 Holloway, Michael Giantasio [sp?], Howard Zimmerman,
23 James Bifulco and John Patanelli.

24 Everyone planning to testify please raise
25 your right hand. Do you affirm to tell the truth,

2 the whole truth... Do you affirm to tell the truth,
3 the whole truth, and nothing but the truth in your
4 testimony before this committee, and to respond
5 honestly to Council Member questions?

6 PANEL: I do.

7 CHAIRPERSON WILLIAMS: Thank you. You
8 can start. Sir, are you planning to testify? You
9 can start in whatever order you wish, and you'll have
10 two minutes to give your testimony.

11 JOHN PANTANELLI: Good afternoon, Chair
12 Williams and members of the Council Building
13 Committee. My name is John Pantanelli. I am the
14 President of New York City's Special Riggers
15 Association. I'm a license rigger with over 30 years
16 of experience. On behalf of all licensed riggers,
17 the NYCSRA applauds Council Williams and 21 Council
18 co-sponsors for producing this special riggers
19 legislation. We also thank staffers Nick Smith and
20 Ed Aiken and Jan Wilcox.

21 The NYCSRA represents licensed special
22 riggers, bricklayers, Local 1, site safety managers,
23 professional engineers and DOB employees. Special
24 riggers can be seen working on scaffolds suspended
25 around the City. The current requirement for a two-

2 point scaffold is they have to have one year of
3 experience under a licensed rigger, working under a
4 licensed rigger; a 32-hour course, pass specific
5 written examination, undergo a Department of
6 Investigation background check. When Local Law 141
7 goes into effect, the code eliminates the oversight
8 of the licensed rigger and his-- That's a good word.
9 The vetting of the foremen for companies' courses. I
10 trained in my life thousands of foremen, and many are
11 incompetent for sure. The special rigger has a
12 chance to test those people, and make sure that they
13 are competent.

14 Intro 473-A does not affect the
15 exemptions for new construction, which we recognize.
16 We know DOB wants to allow site safety managers to
17 replace special riggers for certain situations. Our
18 site safety managers can play an important vital
19 role. If they are not trained, our special cannot be
20 replaced.

21 CHAIRPERSON WILLIAMS: That's okay. You
22 can finish your sentence.

23 JOHN PANTANELLI: We're all on the spot.
24 I'm sorry. I traveled the country, and really New
25

2 York is certainly the place to work with everybody
3 else.

4 CHAIRPERSON WILLIAMS: Thank you.

5 [Pause]

6 DENNIS HOLLOWAY: Good afternoon, Chair
7 Williams and members of the committee. My name is
8 Dennis Holloway, and I currently serve as the
9 Director of Training for the International Masonry
10 Institute or IMI in Long Island City. IMI serves in
11 part as the training facility for the Bricklayers
12 Allied Craftworkers Local 1 Joint Apprentice Training
13 Program. I have spent 32 years working the masonry
14 restoration craft in New York City repairing facades,
15 of buildings on suspended scaffolds. I held a
16 special riggers license of IMI during the period of
17 August 1996 through August 2007. In 1998, in the
18 wake of September 11th, 2001, I headed a rigging team
19 for the Mayor's Office of Emergency Management in
20 order to safely protect emergency workers from
21 falling debris from 1 Liberty Plaza, the Millennium
22 Hotel, and Century 21. Local 1 represents about
23 5,000 members, nearly half of whom work in the
24 exterior masonry restoration industry, and primarily
25 on two-point suspended scaffold.

2 Local 1 requests that the Committee and
3 the Council vote in favor of the following
4 legislation: Intro 473, which contains a series of
5 changes to the new 2014 Building Code that will
6 correct several major areas pertaining to suspended
7 scaffolds. But if left unaddressed and implemented
8 on October 1st of this year, as planned, it will
9 seriously endanger the safety of workers and the
10 public by virtually eliminating the necessity for a
11 special riggers doing facade maintenance and repair
12 of buildings over 14 stories.

13 Intro 476, which will strengthen the
14 license requirements for special rigging by
15 increasing the number of years of experience from one
16 to three.

17 As you can imagine, every rigging job is
18 different and, therefore, each building presents its
19 own set of complicated problems: Height, setback,
20 accessibility, weather condition, structural
21 integrity, plus in needs of struts [sic] just to name
22 a few. Thank you for your time. I just want to say
23 that the board I think that spoke earlier was getting
24 education confused with training. And these 32-hour
25

2 courses and stuff is not sufficient enough to meet
3 our standards.

4 CHAIRPERSON WILLIAMS: Thank you.

5 JAMES BIFULCO: Good afternoon, Chairman
6 Williams. My name is James Bifulco. I'm the
7 Managing Consultant with TSC, Total Safety
8 Consultant, and oversee more than 150 safety
9 professionals assigned to major construction projects
10 throughout New York City. I've been a practicing
11 safety professional for more than 20 years certified
12 by the Board of Certified Safety Professionals, a
13 licensed New York City Safety Manager, and a strong
14 advocate for improved construction safety in New York
15 City. I've held technical committee on the 2008 New
16 York City International Code Committee, and was the
17 co-chair of the 2013 New York City Building Code
18 Update Committee on Construction Safety and
19 Demolition.

20 I strongly believe that when the public
21 is exposed to potential hazards because of
22 construction operations, there is a greater duty to
23 safely oversight and accountability. This is
24 currently been the case for lifting material or
25 erecting and operating suspended scaffolds over areas

2 used by the public in occupied buildings. These high
3 hazard operations require direct and continual
4 supervision by licensed riggers. The current process
5 to receive and maintain a rigger's license, and
6 especially a system of disciplinary action is clear.
7 It's undisputable and ensures a significantly greater
8 level of quality, safety, and accountability.

9 In an attempt to correct the
10 misapplication of the licensed riggers requirement
11 for new buildings for demolitions where buildings are
12 typically unoccupied, the changes that will become
13 effective with the updated Building Code exempt the
14 requirement for licensed riggers for all buildings
15 whether they're occupied or not. The allowed
16 alternative for a licensed rigger will be a quote,
17 unquote "competent person" with no accountability, no
18 mechanism for discipline, and whose competency is
19 verified by a training card that unfortunately can be
20 purchased from an unscrupulous street vendor.

21 Reputable contractors will maintain
22 safeguards to ensure safety. However, experience has
23 shown that there will be many that will take chances
24 at the cost of public safety. I wholeheartedly
25 endorse the changes proposed in Intro 473-A. This

2 bill will maintain safeguards necessary for public
3 safety.

4 DE MARCO: Good afternoon. I'll be
5 brief. My name is Robert De Marco, and I'm a former
6 Department of Buildings Inspector of High-Rise Site
7 Safety, Bust [sic] Squad and the Scaffold Taskforce.
8 I'm intimately involved in the regulation that
9 occurred in 2007 through the present. Ultimately, my
10 job at DOB was to audit these training facilities to
11 recognize exactly what they were training. And
12 discipline them or hand them up for discipline when
13 necessary. We educated and changed the way
14 construction was done in New York City in that time
15 period, and I'm proud of what we've done.
16 Ultimately, these changes and a lot more obviously
17 are basically going and flying in the face of what
18 was changed in that time period. And I think
19 ultimately that we will regret it.

20 I'll say a few words on it. A lot of
21 things were gone over ultimately. But the
22 designation of the role of a special rigger is vast
23 and personal. He or she is required to plan, setup,
24 and inspect all installations of subsequent
25 relocations of hoisting equipment. The designation

2 of rigging foremen that are required. They interview
3 at great length, personally check their ability and
4 hands-on knowledge, industry safe practice, and train
5 them as needed. In short, they continued education
6 and they are designated foremen, and to their
7 designated foremen.

8 Once this process is completed, the
9 document is provided to the Department of Licensing
10 Unit on record, and providing specific information of
11 designees as foremen under their supervisions. After
12 this is done, the special rigger is required to
13 oversee the operations, the operations of them. And
14 in no way does any number of rigging foremen diminish
15 the responsibilities of a special rigger. All
16 special riggers and designated foremen must be in
17 frequent and direct contact.

18 Designated operating personnel. All
19 personnel hired onto rigging crews and operates
20 suspended scaffolds are subject to interview
21 verbally, and tracked for their hands-on knowledge,
22 verifying their certification and showing they have
23 continued education in safety pertaining to their
24 trade on the job sites. So that's it. Who's next?

2 KENNETH BUETTNER: Good evening, Chairman
3 Williams. My name is Kenneth Buettner. I'm
4 president of York Scaffold Equipment Corp. of Long
5 Island City, the third generation of our family owned
6 and operated business, which has provided scaffolding
7 in New York City for over 85 years. I've held a New
8 York City Special Rigger's License since 1985. I'm
9 past President of the Scaffold Industry Association
10 of the United States. I was a member of the Mayor's
11 2006 Scaffold Workers Safety Taskforce, and I've been
12 a member of the New York City DOB's Construction and
13 Demolition Safety Technical Committees for both the
14 '08 and '14 Building Code revisions.

15 Intro 473 is purely and simply about
16 safety. Since as least as early as the writing of
17 the 1968 Code, it has been a requirement that all
18 suspended scaffolding hung and used in New York City
19 for maintenance and repair of building facades must
20 be done by and under the continuing supervision of
21 licensed special riggers. These special riggers are
22 held responsible that the suspended scaffolds they
23 install are properly designed, installed, used and
24 maintained. These special riggers are held
25 responsible to notify the DOB of the location of each

1 and every suspended scaffold they've hung in the
2 city. These special riggers are held responsible
3 that the workers installing and using the suspended
4 scaffolds have successfully completed the required
5 training to be rigging foremen and scaffold workers.
6 These special riggers are required to register on
7 their license with the DOB the names of persons
8 acting as their rigging foremen.

10 When the 2014 code comes into effect,
11 this will dramatically change. Under the revised
12 codes, suspended scaffolds can be hung on buildings
13 over 14 stories without requiring the experience and
14 oversight of a special rigger. Currently, special
15 riggers are responsible for every suspended scaffold
16 hung for facade maintenance or repair. The DOB can
17 immediately identify and contact the rigger who
18 installed it. That will not be the case. Currently,
19 the DOB has on hand the names of all the rigging
20 foremen via the filings made by special riggers.
21 That will not be the case. Currently, the DOB relies
22 on the combined experience of several hundred
23 licensed special riggers both union and non-union to
24 properly install suspended scaffolds throughout the
25 city. It is absolutely foolish and unconscionable

2 that a highly successful safeguard that has been in
3 paces for almost 50 years will be simply removed. I
4 urge this committee and the Council to correct this
5 mistake and pass Intro 473-A for the sake of safety.
6 Thank you.

7 CHAIRPERSON WILLIAMS: Thank you very
8 much, Mr. Buettner. I had a-- In your recollection
9 of the laws, was there ever a time where a special
10 rigger needed three years of experience?

11 KENNETH BUETTNER: No, sir, not for
12 obtaining a license. It's a one-year practical
13 experience.

14 CHAIRPERSON WILLIAMS: So the bill now
15 that I have that will push it from one year to three
16 years, is there any legitimacy to the claim that it
17 would reduce the number of SR's available for jobs.

18 KENNETH BUETTNER: Right now, I could not
19 give you the exact number. I'm sure DOB could, but
20 there are hundreds of licensed special riggers right
21 now. I don't see where increasing the training
22 requirement, or the experience requirement would
23 diminish that.

24 CHAIRPERSON WILLIAMS: Thank you, and I
25 want to thank the panel for-- I know that.

2 JIM QUINT: [off mic]

3 CHAIRPERSON WILLIAMS: Okay.

4 JIM QUINT: Hi, my name is Jim Quint.

5 I'm reading on behalf of Howard Zimmerman. My name

6 is Howard Zimmerman. I'm the owner of Howard L.

7 Zimmerman Architects, a 60-person architectural

8 engineering firm located in Manhattan for the past 35

9 years specializing in the repair and restoration of

10 existing buildings commonly known as Local Law 11.

11 In any given year, we have approximately 400 active

12 facade repair projects. My work is performed on the

13 exterior facades of buildings by restoration workers

14 who are suspended by swing stage platforms hanging

15 from 10 to 40 stories above the ground. It is the

16 driving concern of all parties that safety be of

17 paramount concern. Like any job that has any amount

18 of danger or safety concern, everybody wants to make

19 sure at the end of the day, everyone returns home

20 safely.

21 I want to assure a scaffold is designed

22 by a registered design professional or a special

23 rigger, and filed with the Department of Buildings.

24 Knowing this sets up a series of safety checks and

25 balances. I all for less government, and less

2 regulation, but not when the public safety is
3 involved. I cannot stress enough that the proposed
4 dilution of proper safety requirements and training
5 by eliminating the need for special riggers seems to
6 be going in the wrong direction, and not in the best
7 interest of public safety. I support the passage of
8 Intro 473-A-2014, and thank the Council for their
9 time and their efforts. Howard Zimmerman

10 CHAIRPERSON WILLIAMS: Thank you very
11 much. And my thanks to the panel because it's
12 slightly unfair that other people had three minutes
13 and you only had two. I appreciate you working with
14 me and us on that, trying to get out when we were
15 told that we didn't have the time. So I very much
16 appreciate that. Thank you so much for your
17 testimony, and we're going to get ready to close the
18 hearing. There won't be a vote today. We'll vote at
19 a later date except for the two that I mentioned
20 earlier that deals with cleaning up the former Code,
21 and extending the time period in which it starts.

22 We also have for the record, testimony
23 submitted from New York State Association for
24 Affordable Housing, Building Trade Employees'
25 Association, the Building Owners and Managers

2 Association, and the Association of Electrical
3 Contractors. I want to thank everyone again on the
4 staff, and my colleagues. And we have now adjourned
5 the hearing. [gavel]

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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 September 26, 2014