



**THE ASSOCIATIONS OF
NEW YORK'S LEADING CONTRACTORS**

BUILDING TRADES EMPLOYERS' ASSOCIATION

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**TESTIMONY PRESENTED TO
NEW YORK CITY COUNCIL
HOUSING AND BUILDINGS
COMMITTEE**

**Clarifying Requirements for
Site Safety Training Providers
March 6, 2018**

Submitted By

**Building Trades Employers' Association
Louis J. Coletti, President and CEO**



Good afternoon Chairperson Cornegy, Jr. and members of the Committee, I am Louis Coletti, President of the Building Trades Employers' Association. The BTEA is a trade association representing 26 contractor associations, and 1,200 union contractor members responsible for over \$35 billion dollars in economic activity in New York City. Thank you for allowing me the opportunity to testify today on this piece of legislation relating to clarifying requirements for site safety training providers.

This bill, in conjunction with Local Law 196, seeks to expand the universe of construction worker site safety trainers to include those individuals who have undergone the OSHA certification and are currently able to teach the course that culminates with the OSHA 10 and OSHA 30 card for those workers who enrolled in the course.

Since implementation of Local Law 196 has begun, workers are finding that there may be a shortage of course providers approved by the Department of Buildings, and a shortage of available courses to get the training required to continue working

in construction in the City. Since the first two training milestones in the bill (the requirement for an OSHA 10 card March 1st, and the requirement to have an OSHA 30 card for the second milestone in September) have been fused with OSHA requirements, we understand the need to allow OSHA trainers access to greater amounts of workers who still need training.

However, there have been massive amounts of fraud already associated with fake OSHA 10 cards. As you all know, the death of construction worker Carlos Moncayo showed the depth of OSHA 10 card fraud. The Manhattan District Attorney while investigating that case found that most of the workers at that site had fake cards, and had never attended a training course. Even cards that were not counterfeit were found to be distributed to nefarious companies who supplied workers with cards that they were not trained to have. Even more unnerving, there is no statute in NY State that criminalizes the selling of OSHA cards and therefore would allow prosecutors to press charges.

In order to avoid the fraudulent distribution of OSHA cards this legislation may enable we make the following suggestions:

- 1) OSHA trainers wishing to have their course be accepted for purposes of SST training must file with DOB their business and personal contact information and proof of their OSHA certification to teach such courses.
- 2) That DOB issue these approved OSHA course trainers a temporary card that is valid until such time as they can be approved in the existing DOB Course Provider process.
- 3) That DOB, as mandated by Local Law 196, periodically audit such trainers and courses.

Members of the Committee, we in NYC are attempting a first of its kind training process for construction workers. Should the provisions of Local Law 196 and this bill not be legitimate and enforceable, we are undercutting the reason for passing a worker safety bill, and further endangering the workers we all aim to protect.

Thank you.

**THE COUNCIL
THE CITY OF NEW YORK**

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Name: LOUIS COLETTI

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