

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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August 18, 2020
Start: 1:46 p.m.
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HELD AT: REMOTE HEARING - VIRTUAL ROOM 1

B E F O R E: Robert E. Cornegy, Jr.
Chairperson

COUNCIL MEMBERS: Robert E. Cornegy, Jr.
Fernando Cabrera
Margaret S. Chin
Mark Gjonaj
Barry Grodenchik
Farah N. Louis
Bill Perkins
Carlina Rivera
Helen K. Rosenthal
Ritchie J. Torres
Carlos Menchaca

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

Melanie La Rocca
Commissioner
NYC Department of Buildings

Action OSH Co-op

Alba Via

Amy Garneba

Blanca Palamake

Charlene Obernauer

Daniel Castro

David Mead

Likia Walbok

Oswaldo Mendoza, translation by Manuel
Castro

Sean Brennan

Tamina Brody

Yesinia Manta

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2 UNIDENTIFIED: Will Sergeant Polite and
3 Sergeant Viando please start their recordings.

4 SERGEANT POLITE: Sergeant Polite
5 recording to the computer.

6 SERGEANT VIANDO: Sergeant Viando
7 recording to the cloud.

8 UNIDENTIFIED: 10-4, just waiting on the
9 live stream and then we can start the opening. OK,
10 Sergeant Viando, you may start your opening.

11 SERGEANT VIANDO: Good afternoon,
12 everyone, and welcome to today's remote New York City
13 Council hearing on the Committee on Housing and
14 Buildings. At this time would all panelists please
15 turn on their video. Once again, could all panelists
16 please turn on their video. To minimize disruptions,
17 please place all electronic devices on vibrate or
18 silent mode. If you wish to submit testimony you may
19 do so at testimony@council.nyc.gov. Again, that is
20 testimony@council.nyc.gov. Thank you for your
21 cooperation. Chair, we are ready to begin.

22 CHAIRPERSON CORNEGY: Thank you so much.
23 I want to gavel us in. [gavel] Good afternoon. I'm
24 Council Member Robert Cornegy, chair of the Committee
25 on Housing and Buildings. Today the committee will

1
2 be hearing a bill related to extending the full
3 compliance date of existing site safety training
4 requirements. Pursuant to Local Law 196 of 2017,
5 construction workers are required to complete
6 specific hours of site safety training courses. The
7 deadline to complete these courses was initially May
8 1, 2019. However, due to the delays in curriculum
9 development and insufficient course provider capacity
10 the full compliance date was extended to September 1,
11 2020, by Local Law 119 of 2019. Unfortunately, the
12 COVID-19 crisis has impacted the ability of
13 construction workers to complete the training
14 requirement. With in-person courses becoming
15 unavailable and a limited number of course providers
16 able to conduct trainings remotely, many construction
17 workers may be unable to complete the training
18 requirements by September 1. The proposed Intro,
19 sponsored by the public advocate, Council Member
20 Menchaca, and myself will provide more time by
21 extending the full compliance date to March 1, 2021.
22 We expect to hear testimony from the Department of
23 Buildings as well as interested members of the
24 public. I'd like to thank my fellow committee
25 members present today, ah, who do we have, Council

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2 Member Margaret Chin, Council Member Barry
3 Grodenchik, Council Member, obviously, Carlos
4 Menchaca, who is the sponsor of the, prime sponsor of
5 this bill, Council Member, I saw Mark Gjonaj, ah, I
6 believe that it's for now. We are now going to have
7 an opening from the bill sponsor, Council Member
8 Carlos Menchaca. Can we, can we unmute Carlos?
9 You're unmuted.

10 COUNCIL MEMBER MENCHACA: I think we're,
11 I think we're good. Thank you, thank you Chair.
12 It's been a while since we've spoken, so good that
13 we're, we're talking here, um, about a very important
14 issue and, ah, I also want to give a shout-out to
15 Public Advocate Jumaane Williams, ah, who's been a
16 fierce advocate along my side in this. You know,
17 when the pandemic started I joined others in calling
18 on the governor to halt inessential construction to
19 protect the health of workers who were putting
20 themselves and their families at risk at the height
21 of the pandemic. Ah, this is before we had adequate
22 PPE to give to all essential workers and testing was
23 still barely off the ground. It made no sense under
24 those circumstances to put people in harm's way so
25 that developers could build luxury condos and office

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2 space when no one was going to live in them or work
3 in them anytime soon. To his credit, the governor
4 listened and the halt was made. But this, this also
5 meant that the day laborers and the union workers and
6 contractors were either unable or rightly cautious
7 about getting site safety training. Since
8 construction returned after we began reopening with
9 proper PPE distribution and testing, the public
10 advocate and I have heard from both unions and the
11 day laborer organizations that an extension of the
12 site safety training requirements is needed so that
13 everyone can stay safe and employed. These essential
14 workers deserve every chance to get trained for their
15 safety and for our collective safety in our
16 communities as we recover. So no one could have
17 foreseen this pandemic or the halt to the
18 construction, ah, it necessitated. But we cannot
19 penalize workers for that, especially when they are
20 engaged in the hardest and arguably the most
21 essential work right now as we recover economically
22 from COVID-19. So I urge all my colleagues to
23 consider these special circumstances that affect the
24 construction industry, and keep in mind that many
25 construction workers are immigrant New Yorkers with

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2 nearly half of all immigrants unemployed because of
3 this pandemic and we cannot consign more of them to
4 insecurity. So I want to say thank you to the chair,
5 ah, and to all the members on this committee.

6 CHAIRPERSON CORNEGY: Ah, I want to take
7 this opportunity before we move on to acknowledge the
8 presence of both Council Member Fernando Cabrera and
9 Bill Perkins, representing Harlem. I'm now going to
10 turn it over to our committee counsel to go over some
11 procedural items.

12 COUNCIL CLERK: Thanks, Chair Cornegy.
13 I'm Austin Bradford, counselor to the City Council's
14 Committee on Housing and Buildings. Before we begin,
15 I want to remind everyone that you will be on mute
16 until you are called on to testify, at which point
17 you will be unmuted by one of our staff. I will be
18 calling on panelists to testify. Please listen for
19 your name to be called, as I will be periodically
20 announcing who the next panelist will be. We will
21 first be hearing testimony from the administration,
22 followed by members of the public. During the
23 hearing if council members would like to ask a
24 question please use the Zoom raise hand function and
25 I will call on you in order. We will be limiting

1 council member questions to three minutes, including
2 responses. We will now turn to testimony from the
3 administration. Today we'll be hearing from
4 Commissioner La Rocca of the Department of Buildings.
5 I will now administer the oath. Commissioner, please
6 raise your right hand. Do you affirm to tell the
7 truth, the whole truth, and nothing but the truth
8 before this committee and to respond honestly to
9 council member questions?
10

11 COMMISSIONER LA ROCCA: Yes.

12 COUNCIL CLERK: Great. You can begin.

13 COMMISSIONER LA ROCCA: Thank you. Good
14 afternoon, Chair Cornegy and members of the Committee
15 on Housing and Buildings. I'm Melanie La Rocca,
16 commissioner of the New York City Department of
17 Buildings. I'm pleased to be here to discuss the
18 important issue of construction safety. Keeping our
19 construction sites safe and protecting the public is
20 a top priority for the department. While
21 construction safety continues to be a focus of the
22 department, we're only as good as the industry we
23 regulate. Building owners, contractors, and the
24 construction work force must do their part in
25 ensuring a climate of safety exists at the city's

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2 nearly 45,000 active construction sites. I commend
3 construction sites where safety is prioritized and
4 where the laws and regulations that govern
5 construction, including site safety training
6 requirements established by the city's Local Law 196
7 of 2017 are followed. This historic law requires
8 workers at larger construction sites receive site
9 safety training. The department is committed to
10 holding construction, the construction industry
11 accountable, a goal that we've accomplished by
12 conducting regular proactive inspections at
13 construction sites to identify safety lapses and to
14 ensure that workers are being appropriately trained.
15 I'm happy to report that for the first time in nearly
16 a decade construction-related injuries decreased over
17 20% last year compared to the previous year. This is
18 a trend that we're committed to seeing continue.
19 Every worker must go home to their families at the
20 end of their shift and the work they engage in must
21 be safe, not just for their benefit, but for the
22 benefit of every member of the public. This decrease
23 in injuries comes after the launch of our
24 Construction Safety Compliance Unit, which is
25 dedicated to conducting proactive inspections of our

1 larger construction sites. To date, CSC has
2 conducted over 45,000 proactive inspections at nearly
3 19,000 unique construction sites, issuing 20,000
4 violations and over 4000 stop work orders. Our goal
5 at the department is to continue to improve
6 construction safety and we recognize that site safety
7 training is key to achieving that goal. The decrease
8 in injuries we saw last year can be attributed to our
9 proactive inspections, which include our enforcement
10 of Local Law 196. Currently, workers at many
11 construction sites are required to have 30 hours of
12 safety training and supervisors at those sites are
13 required to have 62 hours of safety training. When
14 fully phased in Local Law 196 will require workers
15 have 40 hours of safety training. This department
16 will continue to monitor the effectiveness of this
17 law and looks forward to working with this committee
18 to identify opportunities to further improve upon it.
19 Since the enactment of this law we have conducted
20 extensive outreach to the construction industry,
21 including visiting construction sites to connect
22 directly with the workers who are impacted. We ran
23 an educational advertising campaign that included
24 television, radio, and subway ads. We also released
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1 our site safety construction map, which is an
2 interactive map that workers can use to determine
3 whether a construction site requires site safety
4 training. We will also be hosting a virtual worker
5 safety event next month which will highlight Local
6 Law 196 and the importance of receiving site safety
7 training. To date our approved course providers have
8 issued nearly 90,000 site safety training cards and
9 many thousands of OSHA 30 cards to workers, which
10 means that workers are receiving the site safety
11 training required by this law. We are pleased with
12 the compliance that we are seeing on the ground. To
13 date our inspectors have identified 900 construction
14 sites where approximately 1500 workers did not have
15 their required training. This resulted in the
16 issuance of approximately 3000 violations to owners,
17 contractors, and employers for which over 2 million
18 in penalties has already been collected. The
19 legislation before the committee today would extend
20 the date by which construction and demolition workers
21 must complete their 40 hours of training. For many
22 workers who are seeking to satisfactory their
23 training requirement, the remaining 10 hours of
24 training includes eight hours of fall prevention.
25

1 This training is critical to improving site safety as
2 many construction-related injuries and fatalities in
3 recent years have involved worker falls. Last year
4 alone worker falls accounted for 50% of construction-
5 related fatalities and nearly 25% of injuries. While
6 the department has concerns about extending the
7 deadline for workers to complete their training, we
8 understand that COVID-19 has had an impact on many
9 aspects of our lives, including delaying workers from
10 receiving their training. Due to COVID-19 many of
11 our approved course providers began offering site
12 safety training online. We have nearly, ah, we now
13 have nearly 100 course providers offering site safety
14 training in multiple languages, 49 of which are now
15 offering training online in a format that complies
16 with Local Law 196. Our online course provider map,
17 which is sortable, of course, ah, by language or
18 offering, as well as the type of course, and now
19 online training availability allows workers to find
20 out exactly where training is available that they
21 need. We have no objections to this extension. But
22 I urge our construction work force not to delay this
23 potentially life-saving training. The sooner this
24 training is completed the better for both workers and
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2 the public. Thank you for the opportunity to testify
3 before you today. And I certainly welcome any
4 questions you may have.

5 COUNCIL CLERK: Thank you, Commissioner.
6 We'll now turn to any questions from Chair Cornegy.

7 CHAIRPERSON CORNEGY: Ah, yes. Before I
8 ask my questions I do want to note the presence of
9 Council Member Farah Louis, Council Member Helen
10 Rosenthal, and if I didn't mention before, Council
11 Member Margaret Chin. Ah, hey, Commissioner, how are
12 you?

13 COMMISSIONER LA ROCCA: I'm well, thank
14 you, Council Member. How are you?

15 CHAIRPERSON CORNEGY: I noted we've had a
16 couple of, ah, accidents on sites and I want to thank
17 you for your prompt response to those and for
18 connecting with my office to give us updates on
19 what's happening. I really appreciate that common
20 dialogue to help the city run smoother. Thank God
21 there were no fatalities. Ah, and so it's amazing
22 that we're at this again to make sure that we can
23 prevent that. I mean, in the city that's building
24 exponentially we have to be diligent on making sure
25 that there is, ah, that the protocols are in place

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2 for safety. So I appreciate working with your office
3 to make sure that that's a part of it. I thank, ah,
4 the other co-sponsors, Carlos Menchaca, for this
5 great bill, as well as Public Advocate Jumaane
6 Williams. My first question is what is the current
7 rate of compliance with the site safety training
8 requirements established by Local Law 196 of 2017?

9 COMMISSIONER LA ROCCA: Thank you, Chair,
10 for that question, and thank you for those very kind
11 words. We appreciate the partnership we have
12 immensely. Um, the compliance to date has been very
13 strong, ah, from what we're seeing. As I mentioned,
14 our Construction Safety Compliance Unit, um, is
15 primarily the unit tasked with, ah, ensuring there is
16 compliance, but we do have every one of our units
17 that walks onto a site also participating in, in
18 checking to see that there is compliance. To date
19 we've found, ah, 919 sites, ah, and 1506 workers on
20 those sites where there were, ah, was not the
21 required training. So that is of the nearly 19,000
22 unique sites that Construction Safety Compliance has
23 visited, ah, since their inception. That's about a
24 95%, ah, rate of compliance, which is, ah, very, very
25 strong.

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2 CHAIRPERSON CORNEGY: Ah, how many
3 construction workers still need, I'm sorry, how many
4 construction workers have completed the site safety
5 training requirements? Do we know that number?

6 COMMISSIONER LA ROCCA: So, ah, we are,
7 ah, aware of our providers, of which there are nearly
8 100, have issued, ah, about 88,500 site safety
9 training cards to workers. Um, we know that the
10 State Department of Labor estimates about 150,000
11 workers, which includes individuals who do not, ah, I
12 want to emphasize this, who do not engage in, ah,
13 construction activities on site. We also know the
14 universe for required, ah, where training is
15 required, ah, is about 6500 sites at this point. So,
16 again, the issuance of the site safety training cards
17 is very high, ah, as well as when you look at even at
18 the supervisory level those who have achieved, ah,
19 supervisory, ah, training, which is the 62 hours, is
20 very high, um, ah, so we're seeing, I think, broadly
21 speaking that plus to OSHA 30s that are administered
22 both by our providers as well as other OSHA-approved
23 providers, um, has been very high.

24 CHAIRPERSON CORNEGY: So, so some of us,
25 especially the sponsors, believe that this bill is

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2 incredibly important. The reason I asked for that
3 number, because I really basically wanted to see
4 between how many people who have actually received
5 it, how many people are, are, you know, how many have
6 not received it, ah, so we could gauge the importance
7 of the bill. It's hard to do that without having,
8 having those numbers, obviously.

9 COMMISSIONER LA ROCCA: I agree.

10 CHAIRPERSON CORNEGY: I mean, I think
11 that generally, ah, like you said, there's a large
12 number, but getting that number and then
13 understanding the number that's still outstanding
14 kind of helps us understand the importance of
15 extending this and, but not continuing to extend it
16 in perpetuity. So, ah, if at some point you could
17 get those numbers to this committee it would be
18 greatly appreciated.

19 COMMISSIONER LA ROCCA: Absolute.

20 CHAIRPERSON CORNEGY: In an effort to
21 make sure that we're not just playing the extension,
22 extension game and that there really is an end in
23 site, um, and that we can at some point begin to feel
24 safer as a city due to compliance.

2 COMMISSIONER LA ROCCA: Agree, and we'll
3 be, ah, we'll be sure to get to the committee today
4 the numbers.

5 CHAIRPERSON CORNEGY: One of the
6 questions has, what has been noted is now are there
7 enough course providers? We initially, ah, extended
8 it because of the amount of course providers and
9 those kinds of things. So are there enough course
10 providers to accommodate all the remaining
11 construction workers? Now, I know we don't know that
12 number, but are there enough, in your estimation are
13 there enough course providers qualified to administer
14 the site safety training?

15 COMMISSIONER LA ROCCA: We believe there
16 are. At this point to date we have 98 course
17 providers, ah, that are offering site safety
18 training, and again we're providing workers and
19 members of the public exactly who those providers are
20 and what courses they offer, what languages they
21 offer it in, and whether they have online
22 capabilities or not. So we believe at this point
23 there is sufficient capacity.

24 CHAIRPERSON CORNEGY: Um, so this
25 pandemic has changed the way that we do business.

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2 We're actually on a Zoom call, which no one would
3 have ever thought six months ago we'd be conducting
4 hearings of the New York City Council and advocating
5 for bills such as this, ah, remotely. Um, so it's a
6 great concern of how many course providers are
7 currently able to conduct trainings remotely.

8 COMMISSIONER LA ROCCA: Yeah, we, um,
9 certainly it's an understatement of our lifetime to
10 say that, ah, nobody could have, ah, planned for this
11 pandemic, ah, ah, certainly I didn't ever see it
12 coming. So, ah, but I will say Local Law 196 when
13 passed did allow for providers to offer, ah, online
14 training. Ah, if you look back in history, ah, at
15 the beginning of April of just this year we had one
16 provider, um, offering online courses. Um, to date
17 we have 49 providers. So 49 of the 98. So again, in
18 the vein of capacity we understand, you know, we had
19 to do at the department, transition our, our
20 services, our business model, from a very much in-
21 person, very much in paper, ah, to very much online,
22 not in person, and we've seen that as well in our
23 providers. Um, so we're very confident of the
24 number, ah, that are offering those courses right
25 now.

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2 CHAIRPERSON CORNEGY: Well, I'm very
3 proud, obviously, of the New York City Council having
4 being able to pivot and shift and not stopping the
5 business of this city by being hampered not being
6 able to operate remotely, so that's a big shout-out
7 to everybody who's at the back end of this making
8 sure that these hearings can happen effectively and
9 efficiently. Um, what percentage would you say does
10 that 49 providers, what percentage of that 49
11 provider number make up of the overall number of
12 providers?

13 COMMISSIONER LA ROCCA: Sure, it's about
14 half. So we have 49 right now that are providing
15 some online, ah, courses. Ah, and to date we have 98
16 total providers who are eligible to offer the
17 courses, in person or otherwise, so it's about half.

18 CHAIRPERSON CORNEGY: So are we
19 encouraging those other, ah, providers, the other
20 half of the providers, to move to the online, ah,
21 model or a hybrid model to meet the needs of this
22 site safety training compliance?

23 COMMISSIONER LA ROCCA: Certainly, and
24 there's never been a, ah, during the pandemic there's
25 never been a moment where the department has, has

1 hesitated, um, if we've heard from providers who have
2 questions or concerns, ah, on whether they can go
3 online.
4

5 CHAIRPERSON CORNEGY: Thank you. I want
6 to acknowledge, before my last question, the presence
7 of Council Member Carlina Rivera. Um, you know,
8 obviously the devil is always in the details in our
9 business, right? And by that I mean, um, compliance,
10 ah, ah, as well as the ability to audit. How is the
11 Department of Buildings conducting audits of online
12 course providers [inaudible]?

13 COMMISSIONER LA ROCCA: Yeah, so we have
14 a, ah, group of individuals who, um, ah, are set out
15 with and tasked with ensuring that we audit the
16 course providers themselves, the organization, as
17 well as the individual courses that are being
18 provided. So pre-COVID we were doing that,
19 obviously, a little different. We were doing that in
20 person. We had our investigators attend the classes
21 to ensure that the quality of the, ah, course was as
22 specified and, ah, ah, on the back end on the office
23 side that the paperwork all made sense. We're still
24 doing that. Um, the providers have very specific
25 requirements about what type of online, ah, course

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2 they're allowed to do, um, so they can't do a
3 PowerPoint where, you know, you can't have in-live,
4 in-person proctoring. Um, so we are able to audit
5 those as well to ensure that it is, um, meeting the
6 specifications of law.

7 CHAIRPERSON CORNEGY: So I have a few
8 more questions, but I want to turn it back over to
9 Austin.

10 COUNCIL CLERK: Sure.

11 CHAIRPERSON CORNEGY: So [inaudible]
12 process of going through the stack of our colleagues.
13 I'm sure that Carlos Menchaca has some questions and
14 probably he would be first.

15 COUNCIL CLERK: Sure. I'll now call on
16 council members to ask questions in the order that
17 they used the Zoom raise hand function. So council
18 members, please keep your questions to three minutes,
19 including responses. If there is a second round of
20 questioning. Council member questions will be
21 limited to two minutes. The Sergeant at Arms will
22 keep a timer and let you know when your time is up.
23 So we'll start with Council Member Chin, followed by
24 Council Member Menchaca. Council Member Chin.

2 SERGEANT AT ARMS: Your time will begin
3 now.

4 COUNCIL MEMBER CHIN: Thank you. Hi,
5 Commissioner. It's great to see you.

6 COMMISSIONER LA ROCCA: Thank you.

7 COUNCIL MEMBER CHIN: Um, I just want
8 some clarification. When you were talking about the
9 number of hours for the training of the workers, um,
10 so is it 30 hours or 40 hours?

11 COMMISSIONER LA ROCCA: So currently the
12 requirement is for 30 hours. That they passed, ah,
13 on December 1 that, ah, was the date that that
14 requirement went into effect. The requirement for
15 the additional 10 hours, um, is coming up on
16 September 1 and so we are talking about that delta
17 period of those additional 10 hours.

18 COUNCIL MEMBER CHIN: So the additional
19 10 hours for all the construction workers? So that's
20 a huge, that's a huge number.

21 COMMISSIONER LA ROCCA: It's an
22 additional 10 hours for workers who are working on a
23 site as specified by the law. So broadly speaking,
24 um, any site that requires a construction super, a
25 site safety coordinator, or site safety manager, so

1 again very broadly think about a four-story building
2 or above, an enlargement to an existing building,
3 we're not talking about one, two, three family homes.
4 So that to date is about 6500 sites across the city
5 where this requirement is in place. So it is
6 specific to the site.
7

8 COUNCIL MEMBER CHIN: And so how many
9 workers have been trained for that extra 10 hours?
10 You have those statistics?

11 COMMISSIONER LA ROCCA: So, ah, we have,
12 we do know that to date our providers have issued
13 88,500 site safety cards. And that runs the gamut
14 that, um, of the cards that were issued include, ah,
15 outside of that number and, again, because we are
16 operating under the 30-hour requirement right now, so
17 outside of that 88,500 is, you know, tens of
18 thousands of OSHA 30 cards that were issued by our
19 providers, who may also be OSHA authorized or
20 separately by just an OSHA-approved provider.

21 COUNCIL MEMBER CHIN: Yeah, I think it
22 will be, it will be good if you can provide, ah, the
23 breakdown statistic, ah, to the committee so that we
24 could better understand, ah, you know, um, in terms
25 of the needs. And my last question is that do you

1
2 have a, can we have a breakdown on in terms of the
3 language, um, of the, of the workers that got the
4 certificate, you know, like how many took the course
5 in Spanish, how many took the course in Chinese, how
6 many took the course in English. I think that, that
7 will also be helpful.

8 COMMISSIONER LA ROCCA: Certainly. I, I
9 don't have the number, the breakdown of, ah, courses
10 that were taken, ah, in the respective languages, but
11 we do ensure that our providers are offering courses
12 in multiple languages, ah, and across the board we
13 have 11 languages where courses are provided in.
14 So...

15 COUNCIL MEMBER CHIN: Yeah, maybe the
16 provider can give us...

17 COMMISSIONER LA ROCCA: Certainly.

18 COUNCIL MEMBER CHIN: ...ah, can give you
19 the information. I think it will be good for us to
20 really see...

21 SERGEANT AT ARMS: Time is up.

22 COUNCIL MEMBER CHIN: ...in terms of what
23 the language needs are.

24 COMMISSIONER LA ROCCA: Happily. Yes.

25 COUNCIL MEMBER CHIN: Thank you.

2 COMMISSIONER LA ROCCA: You're welcome.

3 COUNCIL CLERK: We will now hear from
4 Council Member Menchaca.

5 COUNCIL MEMBER MENCHACA: Hi,
6 Commissioner La Rocca, good to see you.

7 COMMISSIONER LA ROCCA: Hi, Council
8 Member.

9 COUNCIL MEMBER MENCHACA: And um, I also
10 just want to thank you for your leadership, ah, in,
11 in this role and working with you is gonna be just
12 not only important but I think, um, critical in times
13 of COVID and what the changes that are happening,
14 hence the bill that we're, we're listening to today.
15 And I guess my, my questions are really about the
16 relationship with you and the day laborers, and if
17 there's anything you can tell us a little bit about,
18 about how as COVID has, has, um, impacted our, our
19 city but also, but specifically in construction, um,
20 what has you and your office done to really, really
21 reach out, ah, and get a better sense about what's
22 happening. Any report back about what that looks
23 like? Ah, any meetings? I want to get a sense of,
24 of flavor and, and really the second piece is how can
25 we work together as post this law passing, ah, to

1 ensure that we get to the goals that you just stated
2 in your opening, ah, statement?

3
4 COMMISSIONER LA ROCCA: Thank you,
5 Council Member, for those. So very important, ah,
6 part of our universe here at the Department of
7 Buildings is obviously working with the organizations
8 that represent day laborers. That is 100% a very
9 large constituency of ours, and we do believe at the
10 Department of Buildings that our consistency includes
11 workers, period. Um, so they make up a very
12 important constituent base for us. Ah, very early on
13 when I took over at the Department of Buildings I did
14 meet with a number of organizations that represent
15 day laborers, a very good conversation, feel like we
16 took away some very good homework that the department
17 could be doing. Incidentally, ah, we did have a
18 conversation, um, I want to say about a week or so
19 ago with a group, again, representing day laborers on
20 how to advance some of the goals that they had that
21 we share. So some of those goals are, and we have to
22 admittedly must do more of this, um, is getting our
23 staff into the field, in a non-punitive way, in an
24 educational way. So we did that, ah, last year
25 around cold formed steel. If you remember, there was

1 an incident in the Bronx where we unfortunately had a
2 fatality, ah, and that site...

3
4 COUNCIL MEMBER MENCHACA: Yeah.

5 COMMISSIONER LA ROCCA: ...was employing
6 cold formed steel. Um, we felt it very important at
7 that time, and we continue to feel very strongly
8 about this, that we have to get directly to the
9 worker, and we have to do that because we need to arm
10 them with information. If we believe, and I think
11 this is a true statement, that the Department of
12 Buildings is the definitive source when it comes to
13 how to build correctly and safely, then we have to do
14 that directly to workers. So you saw, um, you saw in
15 response to that DOB staff going into the field. We
16 had produced information in multiple languages to
17 hand out to workers on what to be aware of. Again,
18 this was not punitive, not about the worker
19 individually, more about making sure that they have
20 awareness, ah, when they walk on the site of things
21 that could be potentially harmful to them, in this
22 particular case it was cold formed steel.

23 SERGEANT AT ARMS: Time is up.

24 COMMISSIONER LA ROCCA: So we have to do
25 more of that, 100%, and you'll see more of that. Um,

1 we are working later, next month, not later, next
2 month, um, as part of a series that we do annually.
3 This year is the first year where we're gonna do
4 events focused exclusively on workers. Meaning, I
5 don't want the audience to be architects and
6 engineers. You know, we're not going to turn anybody
7 away, but the purpose is to make sure that we have
8 workers. So to your second question what I think
9 would be helpful, and I will make my staff available
10 any time of the day, I will make myself available any
11 time of the day, any day of the week, um, is to
12 organize workers. Um, I want to do more workers,
13 less train the trainers, and make sure my staff, my
14 experts can talk directly to workers about what to
15 look out for, what they see, and. important, how to
16 stay safe, right? If your boss on a job site is
17 telling you to do something don't.

19 COUNCIL MEMBER MENCHACA: Yeah.

20 COMMISSIONER LA ROCCA: You know, if it's
21 one of these things, don't do that, you call the
22 department right away. There's no fear in that,
23 right, it's an anonymous call, 311, and we come out
24 immediately. We need to break down those barriers,
25 so I think the biggest ask that I would have is help

1
2 make sure that those connections can happen. Um,
3 because, again, I will make my staff available to do
4 as many meetings as often on a reoccurring basis, um,
5 to make sure we're talking directly to the workers
6 who, I believe strongly, need somebody to be their
7 voice.

8 COUNCIL MEMBER MENCHACA: Yeah.

9 COMMISSIONER LA ROCCA: And we believe
10 very much in a culture of safety. We believe it's
11 our job, um, to be both the stick and the carrot in,
12 in make sure that workers who, ah, walk onto a site
13 go home safely to their family. Um, so we are ready,
14 willing, and able.

15 COUNCIL MEMBER MENCHACA: Thank you,
16 Commissioner. My time is up, but I just want to say
17 thank you for that commitment, ah, that you gave the
18 second you became the commissioner and I think day
19 laborer organizations are, are listening to us now
20 and I want to make sure that we follow up and take
21 you up on that, and you've already done that. So
22 let's keep making that culture of safety real in
23 every corner no matter immigration status. When we
24 think about census, COVID testing, all the things
25 that are, are, I think, um, presented to us right now

2 as a city, this is one place that we have to get it
3 right, too, and that's about trust. So thank you.

4 COMMISSIONER LA ROCCA: Thank you.

5 COUNCIL CLERK: We'll now turn back to
6 Chair Cornegy for any final questions before turning
7 to public testimony. Chair Cornegy.

8 CHAIRPERSON CORNEGY: No, I've, I've
9 asked my questions. Thank you, Commissioner, ah for
10 being frank and, ah, following the protocols. Thank
11 you, everybody, who has had questions. Um, I'm good.
12 Thank you.

13 COMMISSIONER LA ROCCA: Thank you, Chair.

14 COUNCIL CLERK: So we'll now turn to
15 testimony from members of the public. Um, I'd like
16 to remind everyone that unlike our in-person council
17 hearings we'll be calling on individuals one by one
18 to testify. Once your name is called a member of our
19 staff will unmute you and the Sergeant at Arms will
20 set the timer and announce you may begin. Your
21 testimony will be limited to two minutes. We will
22 first be hearing from Action OSH Co-op, followed by
23 Alba Via.

24 SERGEANT AT ARMS: Your time will begin
25 now.

1 ACTION OSH CO-OP: Hi, can everybody hear
2 me? Hi, great. Thank you all so much for having me
3 today. I want to say thank you to the committee and
4 all the council members here, some of who I have
5 known and, and been working alongside through
6 different positions, ah, through the worker
7 cooperative world, as well as the day laborer
8 organizing world. Um, I want to give a thank you to
9 Urban Upbound, who invited us today and to meet us
10 here on the call as well, and then all the worker
11 centers, ah, Nice and Workers' Justice Projects,
12 seeing [inaudible] other cooperatives as well. Um,
13 ultimately, um, you know, we'll submit our written
14 testimony, but we wanted to come and, and voice our
15 concerns here today with the deadline as it stands.
16 Our co-op, we are a worker cooperative, immigrant
17 worker-owned cooperative, dedicated to health and
18 safety training. We're OSHA trainers. We
19 collaborate with service providers to provide the SST
20 training as well. Um, since the roll-out of the
21 local law 196 in 2018 we've conducted thousands of
22 hours of OSHA 30 training and SST 10-hour trainings.
23 Which amount to tens of thousands of contact hours
24 with New York City construction workers. And, you
25

1 know, as difficult as it is to name the specific
2 number of workers who we're referring to here when
3 we're talking about how many people need trainings,
4 it's understanding that we're talking about, you
5 know, tens of millions of contact hours that need to
6 get done in order to achieve 40-plus hours for every
7 single construction worker that this applies to in
8 New York City. Um, to be able to do that also means
9 access. So a lot of the communities, we, we provide
10 our own trainings. We work with private service
11 providers to support their training programs. We
12 work with the worker centers and community-based
13 organizations to execute their service provision as
14 well. And, and ultimately even with as many hours
15 that we have all been working to, to achieve these
16 goals set out by the department, um, there are still
17 countless workers, ah, especially in low-income
18 immigrant and black communities who are, are
19 struggling to find access to these trainings,
20 especially affordable. The truth is a lot of
21 employers are not paying for this. That's how a lot
22 of the industry is, is designed. Any workers that
23 aren't getting provided this on...

24
25 SERGEANT AT ARMS: Time.

1 ACTION OSH CO-OP: ...the job and by their
2 employer are struggling to, to, to get these
3 trainings and that means they will be out of a job.
4 So we urge, ah, the extension. Thank you.

5 COUNCIL CLERK: Thank you. We'll now
6 hear from Alba Via, followed by Amy Garneba.

7 SERGEANT AT ARMS: Your time will begin.

8 ALBA VIA: Hi, everyone. I'd like to
9 thank everyone for the opportunity to be here with
10 you all, um, and for proposing this. NMCR has been
11 around since 1982 and we've been committed to
12 expanding access to critical legal services and
13 social services for communities of colors,
14 particularly for immigrants. Can everyone hear me
15 OK?

16 COUNCIL CLERK: Yes, we can.

17 ALBA VIA: Sorry. Most of the people we
18 serve are from low-income workers from Caribbean and
19 Latin America and increasingly from Africa and the
20 Middle East. In the almost 40 years since our
21 founding NMCR has always provide a holistic approach
22 to [inaudible]. So when our immigrants, ah, our
23 immigrant clients came, um, to our office for
24 services many of them were day laborers. They
25

1 started coming to us with reports of employer abuse,
2 workplace justice injuries, deaths in their families,
3 wage theft, and discrimination. And we knew how to
4 respond. Ah, about three years ago with in large
5 part due to funding from the Day Laborer Work Force
6 Initiative NMCR opened the first day laborer center
7 in Manhattan as part of the DLWI coalition. Now
8 we're a fully operating worker center with a physical
9 space for workers to meet, an effective hiring hall,
10 a cadre of organizers, teachers, and lawyers
11 committed to dispatching to training workers,
12 fighting wage theft, and [inaudible] negotiating fair
13 contracts with employers, and building our local
14 economy. I'm proud to be part of the day laborer DWI
15 coalition and all the employers and building our
16 local economy, and I'm proud, um, of how far we've
17 come. While NMCR was not included in the initial SST
18 funding pool, we have been conducting SST training in
19 Spanish to hundreds of workers a year and have a list
20 of hundreds of workers on our wait list who
21 desperately need access to training. Through our
22 work we've been able to gain a glimpse of what
23 transformational change can look like and why we need
24 that change to eliminate disparities with the
25

1 [inaudible] communities and we've demonstrated that
2 worker centers in particular can move the needle in
3 the right direction so that we're not simply just
4 sewing [inaudible] and putting Band-Aids, but really
5 weaving...
6

7 SERGEANT AT ARMS: Time.

8 ALBA VIA: ...justice into our social
9 fabric. Before COVID-19 NMCR typically served 8000
10 families a year through one-on-one legal
11 consultations, worker center services, and
12 educational programs, and during the pandemic we've
13 gotten as much as 4000 calls in one, um, month in
14 terms of calls for help. So it's exposed many of our
15 systematic failures in, in our country and in our
16 city and the disparity that exists with communities
17 of color. Um, I was also appointed to Mayor Bill de
18 Blasio's labor and work force sector advocacy council
19 and in discussing alongside fellow leaders how to
20 rebuild a fair post-COVID-19 city one thing was
21 clear, in that the only way forward is to put worker
22 centers at the forefront of leading that effort. So
23 as New York City continues to reopen and we reflect
24 on how we can address the disparate impact of COVID-
25 19 on communities of colors we cannot deepen the

1 levels of despair by failing to extend SST compliance
2 deadline properly and fund [inaudible] that serve
3 front line workers who have worked long hours under
4 grueling and dangerous circumstances to help rebuild
5 their city. NMCR has met the challenges of the
6 COVID-19 pandemic by rapidly adapting programs to
7 meet the needs of our clients and the communities
8 that we serve. We never ran a pantry, we don't have
9 funds for food, and yet with support of the community
10 we find a way to each week distribute 200 meals and
11 grocery boxes. We stayed open, like all the other
12 worker centers, continued dispatching, distributed
13 PPE to workers, ran worker meetings, and distributed
14 more than \$800,000 in cash assistance.

15
16 CHAIRPERSON CORNEGY: [inaudible].

17 ALBA VIA: In mid March we had a list of
18 965 workers registered on a waiting list for SST.
19 And that doesn't take into account the thousands of
20 calls that our worker center has received in the last
21 five months seeking access to training. NMCR worker
22 center supports a bill extending SST compliance
23 deadline and respectfully requests that at only
24 Manhattan worker center we have access to the funds
25 to train...

2 CHAIRPERSON CORNEGY: Alba.

3 ALBA VIA: ...the hundreds of workers that
4 are desperately waiting for a chance to rebuild their
5 lives and help us rebuild the city. Thank you.

6 CHAIRPERSON CORNEGY: Thank you, and
7 thank you, I hope you submitted your testimony in
8 writing, correct? Thank you.

9 COUNCIL CLERK: Thank you. We'll next
10 hear from Amy Garneba, followed by Blanca Palamake.

11 SERGEANT AT ARMS: Your time will begin.

12 AMY GARNEBA: Hi. Good afternoon, and
13 thank you, Chairman Cornegy and members of the
14 council for giving members of the public the chance
15 to testify on this critical issue, especially during
16 this time of heightened public health and economic
17 challenges. My name is Amy Garneba and I'm the
18 director of communications and member services at the
19 New York City Employment Training Coalition. The
20 coalition supports the work force development
21 community to ensure that every New Yorker has access
22 to the skills, training, and education need to thrive
23 in the local economy and that every business is able
24 to maintain their highly skilled work force. Today
25 the coalition is here to give voice to the shared

1 concerns of some of the city's nonprofit work force
2 law providers that make up our membership,
3 particularly those that are supporting historically
4 marginalized New Yorkers to access opportunities
5 within the construction sector. These include
6 members Building Skills New York, the Hope Program,
7 the Osborne Association, Opportunities for a Better
8 Tomorrow, and Strive, some of which you'll be hearing
9 from later today. Today we are voicing our support
10 for this bill and extension of the full compliance
11 date for Local Law 196 from September 1, 2020, to
12 March 1, 2021. We believe this extension is
13 necessary to both ensure the spirit of the law, which
14 is to establish stronger safety requirements and
15 skills among New York City's construction workers,
16 and to make sure that economic hardships created by
17 the ongoing pandemic are not exacerbated through this
18 regulation. The three-month shutdown that took place
19 due to COVID impacted all industry tremendously, and
20 especially face-to-face industries such as the
21 construction sector. This in turn has meant that job
22 losses have been hardest hit, hardest felt among low-
23 wage workers, people of color, immigrants, young
24 workers, and less-educated workers, all of whom were
25

1
2 already facing outside inequities and historic and
3 systemic marginalization and disinvestment prior to
4 the pandemic. And though the construction sector is
5 beginning to rebound, it's a drop in the bucket
6 relative to pre-COVID levels. As of June the
7 construction sector is still experiencing a 20%
8 decline in overall jobs. Again, I emphasize that
9 marginalized communities are facing and continue to
10 face the highest rate of displacement. Most relevant
11 to the proposed...

12 SERGEANT AT ARMS: Time is up.

13 AMY GARNEBA: ...bill being discussed
14 today, um, just one last point and then I will submit
15 my piece in writing, is that part of disparity is
16 faced due to the digital disconnections that we've
17 talked about today and among our membership we find
18 about a 13%, um, digital disconnection rate amongst
19 clients and amongst smaller programs, such as the
20 ones that I mentioned earlier, that goes up to 36%.
21 So there are a lot of people that are not being
22 captured in the data, um, that was previously
23 referenced, um, and that would really help, ah, get
24 those people, um, laptops, ah, online, Wi-Fi access,
25 and beyond just having accessibility to the extension

2 of the deadline. Ah, thank you, and I look forward
3 to listening to the rest of the testimony.

4 COUNCIL CLERK: Thanks, Amy. We'll now
5 hear from Blanca Palamake, followed by Charlene
6 Obernauer.

7 BLANCA PALMACE: OK, buenos tardes.
8 [speaking in Spanish].

9 COUNCIL CLERK: Thank you. We'll now
10 hear from Charlene Obernauer, followed by Daniel
11 Castro.

12 SERGEANT AT ARMS: Your time will begin.

13 CHARLENE OBERNAUER: Hi, my name is
14 Charlene Obernauer. I'm the executive director of
15 NYCOSH, the New York Committee for Occupational
16 Safety and Health, and we were one of the advocates
17 behind Local Law 196. We strongly believe that
18 training reduces the number of injuries and
19 fatalities that workers experience on the job and we
20 strongly believe that Local Law 196 is essential for
21 keeping New Yorkers safe. I want to thank the
22 committee for having me here today. I want to thank
23 Carlos Menchaca, Council Member Carlos Menchaca, as
24 well as the public advocate, Jumaane Williams, for
25 their advocacy on this issue, and we support

1
2 extending the deadline. The reason why we support it
3 isn't because, you know, we just want the deadline to
4 be extended into infinity, but because realistically
5 the pandemic made it impossible for us to train
6 workers. We typically train 15,000 workers in any
7 given year, um, and all of those trainings that we
8 had planned were delayed after March 13, when we no
9 longer could, ah, do in-person trainings. Now we've
10 started to do online trainings. We actually have our
11 first SST online training happening tomorrow. Um,
12 but as you can see, it's been four months since we
13 were able to really start up online. Um, also there
14 are workers who are not gonna be able to have the
15 necessary technology or skill set to be able to take
16 the training online so that provides another reason
17 for extending the deadline. Overall, we think that
18 workers need to be able to access the training in
19 order for this deadline to be extended so we're in
20 support of all of the day laborers who have been, um,
21 all the day laborer organizations who have been given
22 funding to provide trainings for, um, marginalized
23 communities and we think it's essential that these
24 communities continue to have funding to be trained
25 because the training itself is important and the only

1 way that workers are going to get trained is if the
2 communities themselves are able to offer those
3 trainings. So thank you so much in conclusion.
4 Charlene at NYCOSH. We support extending the
5 deadline. Thank you.

6
7 COUNCIL CLERK: Thanks, Charlene. We'll
8 now hear from Daniel Castro, followed by David Mead.

9 SERGEANT AT ARMS: Your time will begin.

10 DANIEL CASTRO: Ah, good afternoon,
11 everybody. Ah, thank you for the opportunity to
12 speak today, um, before the council and I'm excited
13 to be here. Ah, I work as an employment specialist
14 with the Hope Program. Um, we serve members of low-
15 income communities and at-risk youth and individuals
16 who come in contact with the criminal justice system
17 and, ah, the Bronx and all five boroughs. Um, and,
18 you know, as the city has been impacted by COVID
19 shutdowns and service changes, many job training
20 services like ours have had to pivot to, um, more
21 virtual and remote, um, trainings. And this has
22 presented a, a new, um, set of, of technical
23 challenges to, to navigate. Um, as you know, ah,
24 from ground workers' perspective many of the New
25 Yorkers we work with don't have adequate access to

1 internet, um, ah, tech, you know, so, um, phones,
2 laptops, and digital literacy skills required to join
3 these, um, these virtual trainings sometimes. So,
4 ah, we've really been working tirelessly to do
5 outreach to our, our community to get them connected
6 to these trainings, um, just doing a little more
7 hand-holding to make sure that, ah, folks are, um,
8 you know, once they are able to join the trainings
9 that they are able to complete, um, and get connected
10 to, to work. So, um, we are totally in support of
11 the deadline extension where it allows more time to
12 get our workers trained adequately and, um, that's
13 it. Thank you for your time.

14
15 COUNCIL CLERK: Thank you, Daniel. Next
16 up is David Mead, followed by Likia Walbok.

17 SERGEANT AT ARMS: Your time will begin.

18 DAVID MEAD: Well, good afternoon,
19 everyone. My name is Dave Mead. I'm the executive
20 director of Building Skills New York. We're a
21 nonprofit construction, ah, work force development
22 organization. We connect underemployed, ah, New
23 Yorkers to construction jobs throughout New York
24 City. Ah, we're working with and worked with
25 prospective participants in underemployed communities

1 to connect them with job opportunities and training.
2 Um, to that end we're proud that all the building
3 skills participants, um, we work with are both New
4 York City residents and nearly 100% are men and women
5 of color. Um, as New York continues on the path to
6 economic recovery the construction industry is going
7 to be the hardest citywide effort, efforts to
8 generate and sustain good, safe jobs for thousands of
9 local residents. Ah, as you know, COVID-19 shut down
10 most activities in New York City for approximately
11 three months and as such has made it difficult for
12 workers to obtain the additional 10 hours of site
13 safety training required for all construction workers
14 by September 1, ah, under Local Law 196. And even
15 now the vast majority of them may still have
16 difficulty obtaining the necessary training, ah,
17 since many courses are still online only and many
18 workers may lack the technology to meaningfully
19 access the internet. We estimate that, ah, about the
20 800 people that we've accepted into our, our
21 construction work force program this year, um, really
22 less than 10% have the additional 10 hours of site
23 safety training that are gonna be required to, ah,
24 gain and maintain a construction job by September 1,
25

1
2 and we think similar impacts are being felt, as
3 you've heard earlier, by other work force development
4 organizations across the city. Ah, and as a leader
5 of a work force development group that works with the
6 underserved, ah, and seeking pathways out of poverty,
7 we know this an outcome we cannot afford. I think in
8 a moment like this it's important to remember that,
9 you know, city officials have previously extended
10 deadlines related to Local Law 196 in order to access
11 such cases as this. Ah, since it's widely understood
12 that reaching the deadline without adequate training
13 resources in place would end up leaving thousands of
14 construction workers, ah, jobless. So we, we
15 strongly urge, ah, you to extend the current
16 September 1 deadline. You know that a meaningful
17 extension is going to allow, ah, organizations the
18 ability to work with individuals who are still
19 seeking their certification and, again, your action
20 on the issue is gonna enable New York's, ah, economic
21 recovery moving and protecting the jobs of thousands
22 of construction workers who deserve support during
23 this difficult time. Thank you for allowing me to
24 provide comments today.

1 COMMITTEE ON HOUSING AND BUILDINGS 47
2 COUNCIL CLERK: Thank you, David. Next
3 we'll hear from Likia Walbok, followed by Oswaldo
4 Mendoza with translation by Manuel Castro.

5 SERGEANT AT ARMS: Your time will begin.

6 LIKIA WALBOK: Hi, um.

7 COUNCIL CLERK: Just one moment.

8 LIKIA WALBOK: Can you hear me now?

9 Yeah, sorry. So my name is Likia Walbok. I'm from
10 the Worker Justice Project, um, a, um, a essential
11 organization that has been in the front lines
12 providing safety training to day laborers and, um,
13 immigrant construction workers in New York City.
14 Since the implementation of Local Law 196 we have
15 continuously expressed our concerns about New York
16 City's capacity to train a large growing immigrant
17 work force under a online base model. Despite many
18 attempts to train the entire work force, New York
19 City has not managed to train all workers in the
20 industry because of the lack of training and
21 infrastructure. The pandemic has not only impacted
22 the lives of workers, but has created the inability
23 for many to get access to training and job
24 opportunities. To get a sense of this reality and
25 the importance of this extension, I'm just gonna let

1
2 briefly, less than a minute, um, actually one of our
3 members to speak, [inaudible].

4 UNIDENTIFIED: [speaking in Spanish]

5 LIKIA WALBOK: As [inaudible] explained,
6 one of the biggest [inaudible] just explained is that
7 many, many workers have not been able to work.

8 Therefore, many don't have the technology nor the
9 resources to get trained online and this is one of
10 the reasons we're asking for the extension of Local
11 Law 196 and the ability to host a small online site,
12 small SST classes on site. Um, we hope to count with
13 your support. Thank you so much.

14 COUNCIL CLERK: Thank you, Likia. We'll
15 now hear from Oswaldo Mendoza, with translation by
16 Manuel Castro, followed by Sean Brennan.

17 MANUEL CASTRO: Good afternoon, everyone.
18 My name is Manuel Castro. I'm going to be
19 interpreting for Oswaldo Mendoza, a member of the
20 organization. Ah, I just want to introduce ourselves
21 real quick. I'm the executive director of the
22 organization. We are a daily work center located in
23 Jackson Heights, Queens. We also have, ah, centers
24 in Mott Haven, Bronx, and Flatbush, Brooklyn. Ah,
25 and so for the past 20 years we have been working

1
2 very closely with day laborers and immigrant workers,
3 mostly recently arrived immigrants in, in New York
4 City and we've never faced the kind of challenges
5 that we're facing right now. So many of our
6 community members were directly impacted by this
7 pandemic. Many unfortunately have died and have been
8 sick. Ah, and so we've been working, ah, as Alba
9 mentioned earlier, to support our communities. But
10 recently we held a vigil, ah, to remember the worker,
11 the Mexican immigrant worker who died soon after the
12 industry opened a few weeks ago at a construction
13 site, and with, ah, several family members of workers
14 who had previously died came with us. And so it's
15 clear that, ah, we will have to pay attention at
16 construction health and safety, ah, and I don't think
17 any, anyone else wants, ah, training and safety for
18 our members or for this community more than we do.
19 It's, our community has the largest, ah, rates of
20 death and injury on construction sites. But we gotta
21 get this right. Ah, often, ah, the lack of these
22 cards, these, whether it's SST or OSHA, is used by
23 employers as a way to lower wages, ah, as a way to
24 push them further down into the shadows, and as a way
25 to leverage their power over them. So we gotta gets

1 right and for that reason we support the extension.

2 So right now, Oswaldo, ah, Mendoza, who has been a
3 long-time member of the organization, ah, will share
4 a few words with us.
5

6 OSWALDO MENDOZA: [speaking in Spanish].

7 MANUEL CASTRO: I'll now provide a quick
8 summary. My name is Oswaldo [inaudible] Mendoza.
9 I'm a member of [inaudible]. I'm also a certified
10 OSHA [inaudible]. Ah, at the organization at
11 [inaudible] we provide, ah, the OSHA-trained lawyers,
12 SST training day in and day out, you know, seven days
13 a week, every day. We have been training for this,
14 it's not enough, the demand because of the upcoming
15 deadline is, is incredibly high and, you know, in
16 large part because employers are not providing these
17 trainings for workers they depend on our
18 organizations like, like [inaudible], where we will
19 provide, ah, the training free of cost. We also have
20 seen a, ah, increase in the prices of these trainings
21 by private providers and unfortunately we're starting
22 to see, ah, fraud, the selling of these fake cards on
23 the street because of the upcoming deadline. Our
24 organization is doing everything possible to provide
25 training for thousands of workers, but the world has

1
2 changed due to the pandemic. Unfortunately, we now
3 have to do all the trainings online. Ah, but as, as
4 you probably know, a lot of these workers spend most
5 of their days at day laborer [inaudible] or the
6 construction sites and they don't spend time in front
7 of the computer, ah, or understand, you know, how to
8 interact with the computers so there is double the
9 challenge now, not only having to provide access to
10 this training but also with computer literacy. So
11 that's why I'm here, ah, that's [inaudible] my
12 brothers and sisters in the construction industry and
13 my colleagues at [inaudible] to ask for an extension
14 of the SST deadline so that we can meet our goals and
15 truly support the workers in, in this industry.
16 Thank you so much.

17 COUNCIL CLERK: Thank you. We will now
18 hear from Sean Brennan, followed by Tamina Brody.

19 SERGEANT AT ARMS: Your time will begin.

20 SEAN BRENNAN: Good afternoon, Mr.
21 Chairman and members of the committee. My name is
22 Sean Brennan. I'm the training director for Mason
23 Tenders Training Fund. I also serve as an appointed
24 member of the Site Safety Training Task Force,
25 convened in accordance with Local Law 196. Today,

1
2 however, I come before the committee representing the
3 Building and Construction Trades Council of Greater
4 New York as chairman of its health and safety
5 committee. A year ago no one could have predicted
6 this pandemic or the catastrophic effect that COVID-
7 19 would have on our nation. New York City in
8 particular has been severely impacted by the health
9 and economic consequences that this crisis has borne
10 on us all. Vibrant industries, including the
11 construction industry, were brought to their knees as
12 the city unfortunately, but wisely, paused and
13 sheltered in place to reduce the spread of the
14 disease and curtail the virus impact. The pause
15 eliminated for a significant period of time any in-
16 person gatherings of more than just a handful of
17 people. As a result, the construction industry's
18 training providers across the city shuttered their
19 doors and searched for answers that might permit
20 training to continue in new ways. Some found a
21 workable solution in the growing field of video
22 conferencing platforms, like the very one we're using
23 for this hearing today. While certainly practicable,
24 these virtual programs do not, however, present a
25 seamless transition from our traditional training

1
2 methods. A certain level of technical expertise is
3 required for both the provider and the end user for
4 the platform to function in an acceptable way for
5 training purposes. Even those of us who have
6 incorporated virtual training and/or programs needed
7 weeks to train our instructional staff on its use,
8 with essentially all staff working from home. New
9 ways to administer these programs and to keep
10 necessary, keep records necessary, ah, needed to be
11 developed. And all of this needed to reach a
12 standard that would meet the Department of Buildings'
13 approval. And then there's the cost. In order to
14 provide this service our program at the Mason Tenders
15 has already spent an excess of \$10,000. And if we
16 continue to use it we'll have a recurring annual cost
17 of and exceeding \$12,000.

18 SERGEANT AT ARMS: Time is up.

19 SEAN BRENNAN: I believe these issues,
20 particularly the cost, cause a number of the training
21 providers in the city to resist implementing this
22 technology. Capacity has always been the guiding
23 metric to use, ah, to determine the suitable
24 compliance state regarding Local Law 196. In June,
25 three months into the pandemic, a full two-thirds of

1
2 the approved providers were not providing online
3 training. In fact, to this day more than half of the
4 city's providers have either elected to forego visual
5 instruction, or virtual instruction altogether or
6 have failed to meet satisfactory standard for DOB
7 approval. Failure to recognize the critical impact
8 this pandemic has imposed on the city's construction
9 workers' ability to complete their training would be
10 devastating. If the September 1 compliance is not
11 deferred to a later date thousands and thousands of
12 workers will be forced out of work at a time when
13 employment is necessary, is absolute essential to
14 keep working families housed and fed. This simply
15 cannot be allowed to happen to New York's hard-
16 working men and women in construction. Therefore, on
17 behalf of Gary La Barbara in the Building and
18 Construction Trades Council of Greater New York I
19 wholeheartedly support this amendment to move the
20 final compliance date for Local Law 196 to March 1,
21 2021. Thank you, and I'll happily answer any
22 questions.

23 COUNCIL CLERK: Thank you. We'll now
24 hear from Tamina Brody, followed by Yesinia Manta.

2 TAMINA BRODY: Hello, folks. Can you
3 hear me?

4 COUNCIL CLERK: Yes, we can.

5 TAMINA BRODY: Um, great.

6 SERGEANT AT ARMS: Your time will begin.

7 TAMINA BRODY: Um, good afternoon. Thank
8 you for the opportunity to testify in [inaudible].

9 COUNCIL CLERK: You're, you're breaking
10 up a little bit.

11 TAMINA BRODY: Sorry. Good afternoon,
12 folks. [inaudible] is that, is that better? Hello?
13 Um, can you hear me?

14 COUNCIL CLERK: Yes.

15 TAMINA BRODY: OK, great. Ah, my name is
16 the Tamina. I am the worker cooperative program
17 manager at Urban Upbound, and Urban Upbound is a
18 community-based organization dedicated to breaking
19 cycles of poverty for New York City public housing
20 residents and other low-income New Yorkers. To that
21 end, we [inaudible] businesses to provide job
22 security and generate wealth. Two of the cooperative
23 businesses that we closely support, um, are OSHA
24 Solutions, and we witnessed first-hand the economic
25 impact of COVID-19 on the businesses and on

1 construction industry workers. Many community
2 members who work in the construction industry are
3 threatened with imminent job losses. They are unable
4 to complete the additional training required and
5 trainers are holding smaller than normal classes due
6 to social distancing guideline and need more time to
7 finish to implement the trainings. Therefore, I am
8 testifying today in support of extending the SST
9 deadline, which will prevent job losses for thousands
10 of constructions workers across the city, many
11 already in tough financial situations due to the
12 COVID-19 pandemic. We know that there has been a
13 precedent for extending training deadlines in the,
14 training deadlines in the past in order to prevent
15 massive job, job losses and we hope that the council
16 and the committee will earnestly consider the
17 importance of extending this deadline in this very
18 unique situation we find ourselves in, in the city in
19 a global pandemic. Thank you for your time and we'll
20 submit a written testimony as well.

22 COUNCIL CLERK: Now we'll hear from
23 Yesinia Manta.

24 SERGEANT AT ARMS: Your time will begin.

1
2 YESINIA MANTA: When the pandemic hit it
3 was organizations [inaudible] part of day laborer
4 work force initiatives that kept its doors open to
5 ensure that workers were being protected. Ah, La
6 Comina, which is based on Staten Island, has and it
7 is still the only immigrant rights daily organization
8 open on site. Ah, we currently have our office
9 flooded with phone calls from workers asking what is
10 going on with the site safety training and so they're
11 waiting for the SST card. Some are getting impatient
12 and are upset so imagine currently who is the one
13 that is getting the backlash, right? It's me, it's
14 my organization, despite having no control over the
15 situation. Um, while we are in agreement with the
16 extension this also gives us the opportunity to now
17 have a conversation of what can be done by SBS to
18 provide assistance. Ah, it is easy to say that there
19 will be an extension. However, with no protocols or
20 assistance in place an extension means nothing. Ah,
21 La Comina currently holds OSHA trainings at a nearby
22 church and the church has a huge space. But despite
23 having a huge space we can only host about 15 to 20
24 workers. Plus, we are the ones that need to pay for
25 deep cleaning afterwards. Ah, obviously there can be

1
2 a blended program where we can host half virtually
3 and half on site. However, we need guidance because
4 right now La Comina has to figure out on their own on
5 how to continue providing OSHA trainings on site and
6 we can't foresee what the future holds, ah, with this
7 pandemic, but we can put protocols in now in place to
8 ensure that we are prepared. Ah, the day laborer
9 organizations, um, just like mine, our training can
10 provide that training that is necessary for workers
11 to be safe on the job. But we also need assistance
12 in ensuring that all workers are connected to
13 resources and the necessary tools. Ah, an extension
14 allows us to plan ahead and get a space in case it
15 needs to be amended and La Comina is looking forward
16 to working with everyone here to ensure that we can
17 provide protections for all workers, especially
18 during these hard times. Thank you.

19 COUNCIL CLERK: Thank you. This
20 concludes our public testimony. If we have
21 inadvertently forgotten to call on someone to
22 testify, if you could raise your hand using the Zoom
23 raise hand function we'll hear from you now. All
24 right. Seeing no one, we'll turn it over to Chair
25 Cornegy to close the hearing.

1
2 CHAIRPERSON CORNEGY: Again, I want to
3 thank you so much, ah, for this hearing. I think
4 it's important that we, ah, even during a pandemic
5 put safety as a priority and this committee has
6 committed to do that. I want to thank the bill's
7 sponsors again and, um, I want to thank everybody who
8 was able to testify here today. Hearing your voices
9 is quintessential in making sure that we move forward
10 as a more safe and more productive city and, and hold
11 the industry accountable for making sure workers, ah,
12 are safe. With that, this hearing of August 18,
13 2020, is now concluded. Thank you. [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 August 19, 2020