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MAYOR BLOOMBERG, BUILDING TRADES COUNCIL PRESIDENT ED MALLOY AND CENTRAL LABOR COUNCIL PRESIDENT GARY LA BARBERA ANNOUNCE AGGRESSIVE LEGISLATIVE AGENDA TO INCREASE CONSTRUCTION SITE SAFETY

Legislation Will Transform Buildings Department Oversight of Construction Sites and Expand Enforcement Powers

Mayor Michael R. Bloomberg, New York City Building Trades Council President Ed Malloy and CLC President Gary La Barbera with the support of construction developers, contractors and other leaders in organized labor, today announced an aggressive legislative agenda that will equip the Buildings Department with additional oversight and enforcement powers to further the safety of New Yorkers and construction workers. The centerpiece of this comprehensive safety agenda focuses on the highest-risk construction operations by requiring new oversight of general contractors and concrete and demolition operations. Once enacted, the legislation announced today would make it mandatory for all general contractors and concrete and demolition subcontractors to obtain a safety control number through the Buildings Department before conducting any work that requires a permit. Contractors with unacceptable safety records will have their safety control number suspended or revoked, halting them from doing business if they repeatedly violate the law and put New Yorkers at risk. The legislative agenda announced today also gives the Department new enforcement powers to assign a Project Safety Monitor at sites with a history of particularly hazardous violations, requires licensed site safety managers to oversee concrete operations, and increases training and other safety

requirements governing crane operations in New York City. Other initiatives as part of the legislative agenda will improve structural safety and administrative operations.

"We are in the midst of an historic building boom, and the City and construction industry must work together to identify innovative ways for both the Buildings Department and contractors to make construction sites safer," said Mayor Bloomberg. "The measures announced today will help enable the Buildings Department to hold contractors accountable to their safety records, and introduces new training requirements and safety rules in key areas, including crane operations, that will make construction sites safer. Building for the future and building safely are not mutually exclusive. We can and will do both - but public safety is our top priority."

"Building safety is of paramount importance to the building and construction trades because it is our members who are on the front lines of construction projects throughout this city. It is for this reason that we, along with union contractors, invest tens of millions of dollars each year in training our workers," said President of the New York State/City Construction Trades Councils, Ed Malloy. "We remain committed to working with government to effectively address safety issues in our industry and our presence here today reaffirms the commitment we all have to achieving the highest possible safety standards."

"As we mourn the recent and tragic deaths of a number of construction workers in our city, our priority is clear: to eliminate the catastrophic and costly job site accidents that take the precious lives of New York City's construction men and women," said President of the New York City Central Labor Council Gary La Barbera. "Construction continues to be the most dangerous job in the nation, and that is why the building trades unions have long taken the lead on workplace safety. The prevailing position by all city leaders has to be safety first, backed by the law. The labor

movement will work to see the passage of these and other life-saving legislative initiatives to ensure the safety for our workers for generations to come."

"Nothing is more important to the 1200 members of the Building Trades Employers' Association (BTEA) who build New York City than making sure that every person who comes to work each day will return home safely to their family every night," said BTEA President Lou Coletti. "The legislative package that we are announcing today will help strengthen construction site safety on projects of all sizes in every borough of the City."

"The entire \$60 billion building industry in New York City shares responsibility, with government, to improve construction safety," said President New York Building Congress Richard T. Anderson. "The Mayor's legislative package responds directly and effectively to our immediate safety challenges and lays the groundwork for lasting improvements. The New York Building Congress pledges its best efforts to secure full consideration, approval and implementation."

Contractors with Poor Safety Records Will Be Held to More Rigorous Standards

The legislative proposals described below will transform Buildings Department oversight and operations by creating new methods for general contractors and concrete and demolition subcontractors to be held accountable to their safety records. They will also enhance construction site safety by requiring more oversight from the contractors during the construction process and enabling the Department to issue Immediately Hazardous violations when sites are not kept clean, which puts neighboring properties and the public at risk from falling debris.

- **Require General Contractors and Demolition and Concrete Subcontractors to Register for a Safety Control Number before Obtaining Building Permits.** General

contractors are responsible for complex construction operations on both high- and low-rise job sites, and their responsibilities include the hiring and coordination of subcontractors who perform specialized work. Data show the concrete and demolition trades are particularly challenging in New York's uniquely-dense urban environment. In 2007, 60% of incidents involving material falling from construction sites occurred during concrete operations and 7 of those incidents resulted in an injury or fatality. In 2007, demolition operations accounted for 49 incidents, resulting in 7 injuries and 3 fatalities. This legislation will require that all general contractors obtain a safety control number in order to get a building permit. The safety control number will enable the Department to track the performance of all general contractors and concrete and demolition subcontractors in order to identify those with patterns of non-compliance and poor safety records over time. General contractors with unacceptable safety records will have their safety control number suspended or revoked. The Buildings Department will consult with the industry to develop evaluation criteria that will control for job size, the total number of jobs a contractor has and other factors so that contractors are treated fairly.

- **Require Concrete Site Safety Managers on Job Sites.** Similar to what the new NYC Construction Codes require for demolition and high-rise construction operations, this legislation would require a licensed individual to continually monitor concrete operations for compliance with safe practices and building regulations. To obtain a license as a Concrete Site Safety Manager, candidates would be required to pass a background check to demonstrate adequate experience and undergo extensive training. The Concrete Site Safety Manager would have to be available to the Buildings Department at all times, and along with the contractor, would be issued violations with escalating penalties for safety infractions related to concrete work.

- **Enable the Buildings Department to Assign a Project Safety Monitor to Jobs with Multiple Immediately Hazardous Safety Violations, or Otherwise Poor Safety Records.** Immediately hazardous safety violations indicate that contractors are not making public and worker safety their highest priority. This legislation would require contractors to report that they are in compliance with the law within 24 hours of receiving an "Immediately Hazardous violation" from the Buildings Department, or that steps are being taken to correct the violation within a defined time period. Failure to provide this report will result in a civil penalty of up to \$5,000. The Department will re-inspect any sites that fail to report and will conduct random audits of sites where violations have reportedly been corrected. In addition, the Buildings Department will be authorized to assign a Project Safety Monitor (PSM) to construction sites with poor safety records. The PSM will work on contract as an agent of the Department and will be assigned pending the satisfaction of conditions to be determined by the Department. The Buildings Department will consult with the industry to develop clear criteria that the Department will use to determine when a PSM could be assigned to a site. Project Safety Monitors will be hired by the City and assigned to problematic sites. The contractor or owner will have to reimburse the City for the amounts paid to the PSM prior to the issuance of a temporary or permanent certificate of occupancy.
- **Classify Certain Housekeeping Violations as Immediately Hazardous.** Poor site maintenance-loose and excess material and debris, inadequate safety netting, and tripping hazards-pose serious threats to public and worker safety. This legislation will enable Buildings Inspectors to write violations related to "housekeeping," or job site maintenance, as Immediately Hazardous, which will carry penalties as high as \$25,000. Classifying housekeeping violations in this way will create strong financial incentives for contractors to take housekeeping seriously, thereby limiting the possibility of

debris falling and preventing serious obstructions to first responders, such as the blockage of adequate means of egress.

- **Enhance the Requirements of Mandatory Site-Specific Safety Plans for any Project that Requires a Site-Safety Manager.** Contractors pulling permits for construction projects requiring the presence of a site safety manager currently must submit a site-specific safety plan that addresses safety issues. DOB will enhance these requirements to include provisions for a safety orientation program for new workers, provisions for weekly tool box talks devoted to safety matters, and provisions for specific safety meetings before undertaking unusually hazardous work.

Workers Performing Crane Operations Will Be Required to Undergo More Safety Training

The Buildings Department continues its analysis of cranes and other high-risk construction operations under a \$4 million emergency contract announced on April 23. As the Department works with the technical engineers retained under the contract, the three legislative proposals described below take steps to improve crane safety.

- **Mandate a Safety Meeting Prior to the Erecting, Jumping or Dismantling a Crane.** The legislation will require the general contractor to hold a safety coordination meeting with the responsible parties - the crane engineer, the master or tower rigger, the crane site safety coordinator, and the site safety manager - to review the rigging to be used and the sequence of operations and procedures that will be followed during the installation and dismantling (including jumping) of tower cranes. Safety meetings with the master or tower rigger, crane site safety coordinator, site safety manager, crane operator and oiler, jumping crew and flagmen/communications personnel must also be held before each subsequent jump to inspect the equipment, verify the training of all workers, and

confirm the procedures and practices that will be followed. Notification of the safety coordination meeting and all safety meetings must be made to the Buildings Department at least 48 hours in advance of the meetings, and a log of all meetings must be kept on site and available to the Department at all times. In addition, the crane engineer must submit plans and specifications to the Department prior to the erection, dismantling or jumping of a tower crane, inspect the crane installation prior to each jump, and certify to the Buildings Department that the crane is installed in accordance the approved plans and there are no hazardous conditions present.

- **Mandate More Training for Workers Performing Rigging Operations.** The design and structure of tower cranes like the one that became detached from a new building under construction on East 51st Street and collapsed onto nearby buildings on March 15th require careful attention from experienced workers. This legislation will require workers to complete a minimum 30-hour safety training course offered by an approved training provider before they partake in rigging operations, including the erection and dismantling (including jumping) of a crane. Workers who have completed the initial training will have to pass an 8-hour refresher course every three years. In addition, the master or tower rigger-the individual who is ultimately responsible for crane safety on the job site-must certify to the Buildings Department that the crew members partaking in the rigging operations have completed training specific to that job site.
- **Restrict the Use of Nylon Slings.** This legislation will codify recently-issued guidance that prohibits the use of nylon slings except where a manufacturer's manual "specifically states or recommends that nylon slings be used" and, when the use of nylon slings is permitted, they can only be used if "softening mechanisms have been applied to all sharp edges."

Increasing Tools to Enhance Structural Safety

The legislative proposals described below will enhance the City's oversight of private properties by requiring property owners to file maintenance reports on their retaining walls and vacant buildings.

- **Require Owners of Vacant and Structurally Compromised Buildings to Report Unsafe Conditions.** Buildings that remain vacant over time pose dangers to the public if owners allow them to deteriorate to a point where the structural integrity of the building is compromised. This legislation would require the owners of buildings identified by the City as vacant and structurally compromised, such as those that sustain major fire damage, to file cyclical engineering reports with the Buildings Department. The engineering reports would classify the buildings as safe, safe with an ongoing repair and/or monitoring program, or unsafe. Under this new legislation, building owners who fail to file the engineering reports would be subject to violations with penalties up to \$5,000. For those owners who continuously fail file the engineering reports, the City would inspect the buildings and perform any emergency work at the owner's expense.
- **Require Owners to Perform Periodic Inspections of Retaining Walls.** New York City has hundreds of retaining walls fronting public space. Owners of retaining walls fronting public areas are often not aware of their legal responsibilities to maintain these walls - which are designed to brace and hold back land. As seen in the massive retaining wall collapse on the Henry Hudson Parkway in 2005, retaining walls in disrepair can be extremely dangerous. This legislation would reinforce private-property owners' responsibility to maintain their retaining walls fronting public areas by imposing cyclical inspection requirements. Under this new legislation, building owners who fail to perform the maintenance inspections would be subject to violations with penalties starting at \$800 and escalating to \$10,000. For those building owners who continuously neglect to perform maintenance inspections, the

City would perform the inspections, along with any emergency work, at the owner's expense.

Require Administrative Changes to Enhance Safety and Public Accountability

The proposals below enable the Department to crack down on repeat offenders with referrals to the State Department of Education, which has the authority to suspend or revoke professional licenses. These proposals will also require more accountability and the flexibility to hire an experienced manager to head the agency.

- **Require Notification to State of Disciplinary Action Against Licensed Architects and Engineer.** This legislation would require the Buildings Department to formally notify the State Department of Education of any disciplinary action taken against a licensed architect or engineer. This legislation would enable the State to take steps to suspend or revoke the license of the professionals who have been disciplined by the City.
- **Annual Report on Injuries and Fatalities.** This legislation will require the Buildings Department to provide reported data on construction-related incidents and accidents on its website. Updated on an annual basis, the information will be categorized by the type of construction activity and will provide the Department with the ability to identify possible trends and potential areas of concern.
- **Change the Licensing Qualifications for the Commissioner.** The Mayor and Speaker Quinn also committed to move forward with the Administration's proposal to change the qualifications for the Buildings Commissioner to require that either the Buildings Commissioner or the First Deputy Commissioner be a registered architect or licensed engineer. This change will provide the flexibility necessary to

recruit a Commissioner with the necessary managerial skills to do the job.

Over the next month, the Buildings Department, the Law Department and the City Council will be working with members of the construction industry to draft the bills outlined in the legislative safety agenda announced today. The enactment of this legislative agenda will bolster the Buildings Department's Special Enforcement Plan, a collaborative effort by Mayor Michael R. Bloomberg, City Council Speaker Christine Quinn, Housing and Buildings Chair Erik Martin Dilan, City Councilman James Oddo, and the Buildings Department to increase construction safety and accountability throughout the City.

Over the past five years, the Bloomberg Administration has worked to overhaul the Buildings Department. Last year, the Mayor and the Council enacted a comprehensive overhaul of the City's Building Code and announced a three-phase "Special Enforcement Plan" to make construction sites safer. Under the first two phases of the plan, the City has dedicated \$7 million to the Buildings Department for 88 additional staff lines to create six new multidisciplinary enforcement units and one research group: the Special Enforcement Team; the Excavations Team; the Professional Review and Audits Team; the After-Hours Inspection Team; the Interior Demolitions Team; the Low-Rise Site Safety Team; and the Professional Certification Qualifications Group. Since the Plan's inception, these new units have inspected over 4,700 construction sites, identified approximately 85 individuals or companies for possible disciplinary action, and reviewed over 2,300 professionally-certified plans for compliance with the Building Code and Zoning Resolution. Since July 2007, these teams have issued over 1,200 Stop Work Orders and nearly 4,000 violations to sites in all five boroughs.

In May, the Mayor announced phase three of the plan to increase construction monitoring and re-inspections of violations, and to

create a sidewalk shed electrical safety team. Phase three of the plan adds an additional 56 inspectors, bringing the total number of Buildings Inspectors to 461 from 277 in January of 2002. These additional hires brought the City's total investment in the Buildings Department's Special Enforcement Plan to \$12 million - adding 144 dedicated staff members for nine new programs.

New Yorkers are encouraged to call 3-1-1 to report non-compliant conditions or 9-1-1 to report emergencies at construction sites.