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BTEA: NEW YORK'S ALLIANCE OF UNION CONTRACTORS

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TESTIMONY

PRESENTED TO THE

NEW YORK CITY COUNCIL:

COMMITTEE ON HOUSING

AND BUILDINGS

CONSTRUCTION SAFETY LEGISLATION

Council Chambers – City Hall

May 6, 2008

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE NEW YORK TIMES ALSO REPORTED THAT:

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

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

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

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

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