



# ***Steps to Safety:***

**Recommendations for Improving the Safety of Workers  
on Suspended Scaffolds**

**December 2006**

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## **I. EXECUTIVE SUMMARY**

In response to a series of suspended scaffold-related injuries and fatalities, on November 2, 2006 Deputy Mayors Carol Robles-Roman and Daniel Doctoroff announced the creation of the Scaffold Worker Safety Task Force. The Task Force comprises a wide range of representatives from federal, state and city governments, immigrant advocacy groups, as well as representatives of the workers and contractors involved in the suspended scaffolding industry. The Task Force focused on three areas: enforcement, training, and outreach.

The Task Force identified widespread non-compliance with regulations outlined by the federal Occupational Safety and Health Administration (OSHA) and by the New York City Department of Buildings. To address this problem and enhance compliance, the Task Force recommends that the Department of Buildings (Buildings) create a dedicated Scaffold Enforcement Unit to conduct proactive inspections to ensure that scaffold workers, riggers, and foremen are abiding by safety and training requirements. To enable the unit to be effective, the Task Force recommends that Buildings develop a notification system that will track the use of all suspended scaffolds. These two steps will enable Buildings to create a baseline of scaffold use and incidents, and thereby determine the effectiveness of the Task Force's recommendations. For violators, the Task Force recommends that the City increase the fines and penalties on those who engage in unsafe scaffold practices. Specifically, the Task Force recommends that Buildings extend the use of stop work orders and immediate suspension of licenses for riggers who repeatedly engage in unsafe practices. In order for there to be a comprehensive enforcement strategy, it is imperative that Buildings, OSHA, and the State Department of Labor convene quarterly meetings to monitor the effectiveness of the Task Force

recommendations. The Task Force also recommends that the City urge the federal government to appropriate funds for OSHA to mirror Buildings' enforcement efforts.

The Task Force also concluded that training in the industry was extremely uneven. To complement the enforcement efforts, the Task Force recommends that relevant parties address training and outreach issues as identified by the members. Therefore, the Task Force recommends the establishment of a Training Requirements Working Group. The Working Group would identify procedures to improve training requirements and increase accountability for the completion of training.

Workers, along with riggers, foremen, contractors, and building owners, must all comply with safety and training requirements. To complement Buildings' and OSHA's efforts to enhance enforcement and improve training requirements, the Task Force recommends that the Mayor's Office partner with immigrant and worker advocacy groups. This partnership should develop and implement an outreach strategy to educate non-English-speaking suspended scaffold workers.

Each recommendation will advance the Task Force's goal of minimizing the number of suspended scaffold-related incidents. A condensed listing of the Task Force recommendations may be found in Appendix J and a list of participants in Appendix K.

## **II. INTRODUCTION**

Deputy Mayors Carol Robles-Roman and Daniel Doctoroff announced the creation of the Scaffold Worker Safety Task Force on November 2, 2006 in response to a series of suspended scaffold-related injuries and fatalities in previous months. The purpose of the Task Force was to develop concrete steps to minimize the number and severity of suspended scaffold-related incidents and to develop effective outreach strategies to inform suspended scaffold workers of safe work practices and the dangers of non-compliance. To ensure that the recommendations would be broadly supported, the Task Force enlisted a wide range of stakeholders. The Task Force included representatives from the federal, state, and city governments, immigrant advocacy groups, and the workers and contractors involved in the suspended scaffolding industry.

The Task Force focused on three principal areas: enforcement of existing regulations and licensing requirements; training and outreach to suspended scaffold workers and contractors; and training and safety requirements for suspended scaffold workers. The Task Force split into two sub-committees: one to evaluate regulation and enforcement; the other to address training and outreach. Meeting separately, each sub-committee developed a list of recommendations and presented the proposals at a meeting of the full Task Force on December 8, 2006.

This report reflects the essential elements of the two sub-committees' proposals. There are 13 recommendations pertaining to enforcement of safety standards and training and outreach to suspended scaffold workers and their employers. To minimize the number of suspended scaffold-related injuries and fatalities, each recommendation will require each responsible party to focus on its role in ensuring the safe and lawful use of suspended scaffolds. Responsible parties include riggers, foremen, general contractors,

building owners, and the scaffold workers themselves. The Task Force also recommends that New York City establish a standardized system of measurement and reporting with respect to suspended scaffold incidents to evaluate the impact of the recommendations. The Task Force will meet on a quarterly basis during the next year, culminating in an annual review one year from the date of adoption by the Mayor.

### **III. MEMBERS OF THE TASK FORCE**

The Task Force is comprised representatives from federal, state, and city government and immigrant advocacy groups, as well as labor and contractors involved in the suspended scaffolding industry (see Appendix K for complete list). Each Task Force member served on at least one of two sub-committees dealing with enforcement and licensing of suspended scaffold equipment, and training and outreach for suspended scaffold workers. Some Task Force members served on both sub-committees. The Task Force members included representatives from the following sectors:

#### **City, State, and Federal Government**

- Federal Occupational Safety and Health Administration
- New York City Council
- Mayor's Office of Operations
- Mayor's Office of Special Enforcement
- Mayor's Office of Immigrant Affairs
- New York City Department of Buildings
- New York City Department of Health and Mental Hygiene
- New York City Department of Investigations, Buildings Special Investigations Unit
- New York City Technical College, CUNY
- New York State Department of Labor

**Advocacy Groups**

- Center to Protect Workers' Rights
- Labor Council for Latin American Advancement
- Latin American Workers' Project
- National Association of Hispanics in Real Estate and Construction
- New York Committee for Occupational Safety and Health
- New York Immigration Coalition
- Project Hope Line
- Project Hospitality, El Centro de Hospitalidad

**Labor**

- Brick Layers & Allied Trades, Local 1
- Building and Construction Trades Council
- Construction & General Building Laborers, Local 79
- Iron Workers District Council of Greater NY, Local 40
- Iron Workers District Council of Greater NY, Local 361
- Iron Workers District Council of Greater NY, Local 580
- Mason Tenders District Council Training Fund
- New York City District Council of Carpenters Labor Technical College
- New York City District Council of Carpenters, Timbermen, Local 1536
- Painters & Allied Trades, DC9

**Building Owners, Contractors, and Scaffold Industry**

- Associated Builders and Owners (ABO)
- Building Owners and Managers Association (BOMA)
- Building Trades Employers' Association (BTEA)
- Contractors Association of Greater New York (CAGNY)
- Hoisting and Scaffolding Trades Association (HASTA)
- Real Estate Board of New York (REBNY)
- Rent Stabilization Association (RSA)

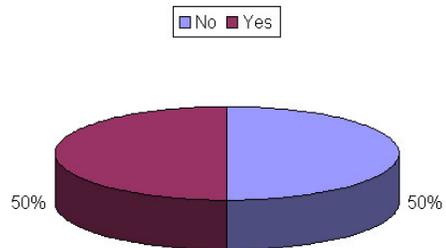
#### IV. STATISTICAL OBSERVATIONS & TARGET GROUPS

One challenge the Task Force faced when analyzing suspended scaffold incidents was that data describing the worker population is fragmented among different government agencies.

There are jurisdictional differences (see Appendix A) between the New York City Department of Buildings and the Occupational Safety and Health Administration (OSHA), and the statistics reflect the different legal mandates of the two agencies. As stated in the Building Code, Buildings protects *public* safety by ensuring that construction work is performed properly by licensed and insured individuals. As stated in the Occupational Safety and Health Act of 1970, OSHA ensures *worker* safety and health by enforcing standards, providing training, outreach, and education. Buildings collects fatality data on the construction of *buildings*, while OSHA collects fatality data on the construction of *all structures*. For example, a fatality occurring during the construction of a bridge or a road would be included in OSHA’s fatality statistics, but not in Buildings’ fatality statistics.

The Task Force determined that there is no existing mechanism to collect and report on comprehensive data on the demographics of suspended scaffold workers trained. However, based on the data that Buildings does collect on the number of Certificate of Fitness holders, its numbers show that 50% of workers involved in suspended scaffold-related incidents in 2006 did not have a Certificate of Fitness (see Appendix B).

Certificate of Fitness Present at Time of Incident



New York City Department of Buildings, Cranes and Derricks Unit  
Incident Data Report - November 2006

**OSHA Statistical Observations:**

- The number of construction deaths in New York City has increased by 61% from FY 2005 to FY 2006
- Of the 29 construction deaths in New York City in FY 2006, 71% were caused by falls
- In FY 2006 68% of construction deaths involved workers employed by firms with 10 employees or less
- 75% of construction deaths in FY 2006 involved workers who were either undocumented or who did not speak English

*\*Occupational Safety and Health Administration <sup>1</sup>*

**DOB Statistical Observations:**

- Suspended scaffold incidents increased from 5 in 2004 to 18 in 2006
- Since January 1, 2006, 22% of suspended scaffold incidents have resulted in a worker death
- Of the 18 suspended scaffold incidents in 2006, 61% involved C-Hook scaffolds
- Of the 18 suspended scaffold incidents in 2006, 67% did not have a licensed rigger on site and 50% involved workers without the required Certificate of Training.

*\*New York City Department of Buildings <sup>2</sup>*

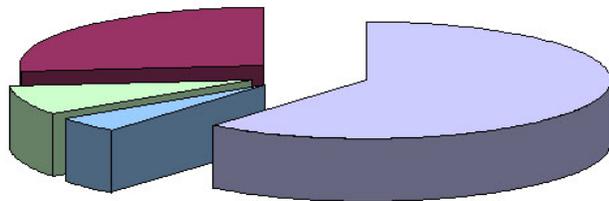
**BLS Statistical Observations:**

- Hispanic and Asian workers make up 49% and 22%, respectively, of the foreign-born workforce in the US.
- In the US, the amount of time per worker allocated to formal safety training is 36 minutes over a 6-month period.

*\*Bureau of Labor Statistics <sup>3</sup>*

The Task Force recognized that a majority of the workers involved in construction fatalities are working at smaller firms and are immigrants whose primary language is not English. Data from OSHA indicates that 68% of the construction fatalities in New York City in Fiscal Year 2006 involved workers employed at firms comprising less than ten

**Fatalities by Size of Construction Firm**



people (see Appendix C). OSHA data also cites immigration status or language barrier as a related factor in 75% of the construction deaths in New York City in 2006 (see Appendix D). In addition, data from the Bureau of Labor Statistics (BLS) shows that 49% of the foreign-born workers in the United States are Hispanic, 22% are Asian, and 20% are white (non-Hispanic). BLS data has also shown that the amount of time per worker allocated to

<sup>1</sup> 2006 New York City Construction Safety Report Card, November 21, 2006, OSHA

<sup>2</sup> New York City Department of Buildings, Cranes and Derricks Unit, Incident Report, November, 2006

<sup>3</sup> Bureau of Labor Statistics, Census of Fatal Occupational Injuries Summary [News Release], August 25, 2005; Bureau of Labor Statistics, BLS Reports on the Amount of Formal and Informal Training Received by Employees [News Release], 1996

occupational safety training is limited, averaging only 2.4 hours in a six-month period with just 36 minutes of the total time in formal safety training.<sup>3</sup> In New York City, a worker can obtain the required Certificate of Fitness from a licensed rigger after providing proof that he has completed a training course. Training courses are typically 18 hours long for inexperienced workers; experienced workers can obtain a Certificate of Fitness after completing a one- to two-hour refresher course and exam.

### Workers

Recognizing that no single agency could provide comprehensive statistics on the matter, the Task Force used available data from OSHA, Buildings, and BLS, as well as the industry experience brought by the Task Force members to form a workable definition of the suspended scaffold worker population. The Task Force worked under the following assumptions:

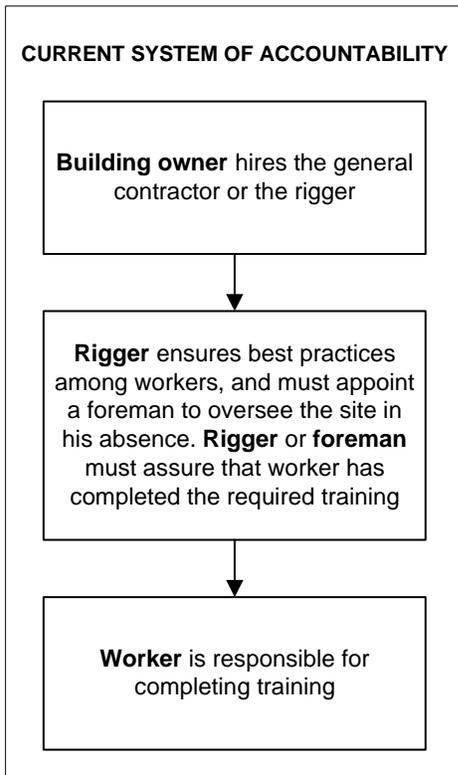
- Many workers may be unaware of the existing safety and training requirements
- Many workers have limited English proficiency
- Some workers may be reticent to demand safe job conditions for fear of retaliation by an employer
- Some workers may be undocumented immigrants and thus suspicious of government for fear of deportation
- The majority of the construction worker injuries and fatalities in New York City involve workers employed by small firms employing ten people or fewer

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<sup>3</sup> Bureau of Labor Statistics, *Census of Fatal Occupational Injuries Summary [News Release]*, August 25, 2005; Bureau of Labor Statistics, *BLS Reports on the Amount of Formal and Informal Training Received by Employees [News Release]*, 1996

Responsible Parties

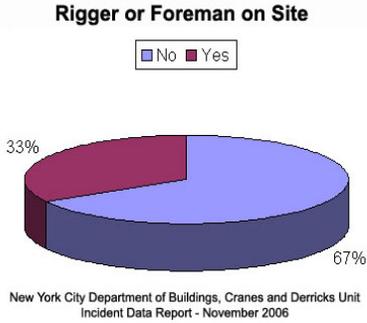
The Task Force operated under the premise that the surge of recent suspended scaffold-related injuries and fatalities cannot be blamed on recklessness on the part of the workers. Both legally and in order to be effective, federal, state and city law hold *all* responsible parties accountable to ensure that proper precautions are taken and a safe job site is provided to workers.



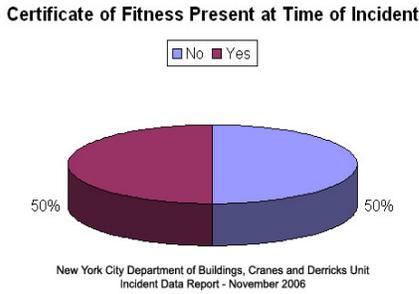
For example, a building owner hires a contractor to perform exterior work on a building façade under the assumption that the contractor will obtain the necessary permits and hire competent subcontractors with trained personnel. To perform the exterior work, the contractor hires a New York City licensed rigger. The rigger is charged with ensuring the best operating practices for those working on the scaffolds. The rigger is also mandated to designate a foreman who will be present at the site whenever the rigger is absent.

The workers are required to have obtained a Certificate of Fitness for scaffold work, which requires the completion of a training course based on OSHA safety standards, and to report their completion of the course to the rigger or foreman. If any of the parties are not committed to his or her responsibilities, the safety of the suspended scaffold worker is compromised.

Statistics from Buildings show that a breakdown in the system of accountability has occurred. Over 65% of suspended scaffold-related incidents since January 1, 2006 did not have a licensed rigger or foreman on site even though the Building Code explicitly



requires a rigger or foreman's presence on the site (see Appendix E). In addition, Buildings data shows that 50% of the workers involved in suspended scaffold-related incidents in 2006 did not have a Certificate of Fitness demonstrating they had fulfilled the training requirement; nor were they ever advised by the rigger of the inherent dangers of the job.<sup>2</sup>



<sup>2</sup> See Title 1 Rules of the City of New York Chapter 9 referred to as Buildings Rule 9

## V. REGULATORY FRAMEWORK

Both OSHA and the Department of Buildings are responsible for safety at the construction site. However, Buildings' jurisdictional focus and thus, regulatory scheme, is distinct from OSHA's. As stated in the Building Code, Buildings protects *public* safety at buildings and building sites by ensuring that construction work is performed properly by licensed and insured individuals. Under the Occupational Safety and Health Act of 1970, OSHA's emphasis is on *worker* safety and health in all types of employment situations. OSHA develops and enforces safety standards and provides training, outreach, and worker education. Recognizing that they are both enforcement agencies dealing with different but closely-related subject matter, Buildings and OSHA have agreed to take distinct but cooperative steps to minimize the number of suspended scaffold-related injuries and fatalities in New York City.

It should be noted that there is a difference between *suspended* scaffolds and *supported* scaffolds, and that the focus of the Task Force was on *suspended* scaffolds. Suspended scaffolds consist of platforms that hang from support structures on roofs or setbacks of buildings, while supported scaffolds consist of one or more platforms supported by rigid poles, posts, and frames. While the risks of working on either type of scaffolding are high, Buildings data shows a significant rise in suspended scaffold incidents in the months leading up to the creation of this Task Force.

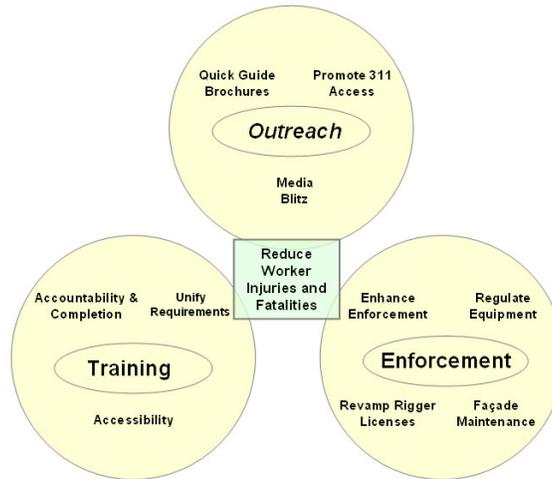
Buildings data also shows a correlation between the number of fatalities and the type of suspended scaffold involved (see Appendix F). There are differences among the three major types of suspended scaffolding: davit structures, outrigger beams, and C-Hooks (see Appendices G, H, and I). Davit structures, which are typically used by window washing companies, are regulated by New York State Department of Labor. The

use of hanging scaffolds from outrigger beams requires prior notification to Buildings, while the use of hanging scaffolds from C-Hooks does not require notification to any government entity. Buildings data shows that the majority of suspended scaffold incidents in 2006 involved C-Hooks.

Buildings data for 2006 also shows that the suspended scaffold-related incidents involved workers who failed to “tie off,” or secure, their safety harnesses to the safety line. The Task Force recognized that a correlation exists between the lack of a “tie-off” and suspended scaffold fatalities, and chose to focus on enhancing enforcement tools and increasing knowledge of training and safety standards for riggers, contractors and workers who use suspended scaffolds.

## VI. RECOMMENDATIONS

The 13 recommendations presented below are designed to achieve the Task Force’s goal of reducing the number of injuries and fatalities involving suspended scaffold workers from two directions. A bottom-up approach will educate suspended scaffold workers about requirements, information, and assistance available to them, while a top-down approach will compel riggers, foremen, contractors, and building owners to follow the existing rules designed to support a safe job site for suspended scaffold workers and the public.

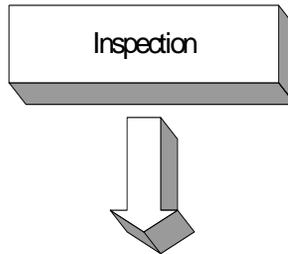


### *Enforcement*

- **Recommendation 1: Enhance Enforcement with Increased Penalties for Non-compliance**

The Task Force firmly believes that its recommendations must encourage safe practices both by improving outreach and training to workers and also by penalizing those who fail to comply with the rules and regulations. The Task Force recommends that a series of penalties be adopted that incorporate increasing fines and penalizes those who repeatedly allow workers to engage in unsafe practices. In addition, the Task Force urges that Buildings use stop

work orders more extensively, and that Buildings immediately suspend and, if warranted, revoke rigger licenses when a rigger repeatedly engages in unsafe practices. The goal of license suspension should be to prevent a contractor or rigger who engages in unsafe practices from continuing to do work within the City. Additionally, Buildings should investigate the use of arrests on grounds of reckless endangerment.



FIRST OFFENSE					SECOND or MULTIPLE OFFENSE				
	Existing Penalties		Proposed Penalties			Existing Penalties		Proposed Penalties	
	1 <sup>st</sup> Offense	Default	1 <sup>st</sup> Offense	Default		Multiple Offense	Default	Multiple Offense	Default
1) Failure to Notify	NONE	NONE	\$ 500	\$ 2,500	1) Failure to Notify	NONE	NONE	\$ 1,250	\$ 10,000
Additional Possible Violations					Additional Possible Violations				
2) No Certificate of Fitness	\$ 500	\$ 2,500	\$ 1,500	\$ 2,500	2) No Certificate of Fitness	\$ 1,250	\$ 10,000	\$ 2,500	\$ 15,000
3) No Licensed Rigger	\$ 250	\$ 2,500	\$ 1,250	\$ 2,500	3) No Licensed Rigger	\$ 1,250	\$ 10,000	\$ 2,500	\$ 15,000
4) No Insurance or Workers Comp.	\$ 500	\$ 2,500	\$ 1,250	\$ 2,000	4) No Insurance or Workers Comp.	\$ 1,250	\$ 10,000	\$ 2,500	\$ 15,000
Stop Work Order*	NONE		2 Day Stop Work Order		Stop Work Order*	As Needed		2 Day Stop Work Order	
					3 or more violations in 6 months**				
					Suspension of License				

\*If a safety violation exists, a two-day Stop Work Order will be issued.

\*\*An immediate suspension of license if three or more violations occur in six months, returnable for an expedited hearing at OATH.

- Recommendation 2: Enhance Enforcement with Improved Inter-Governmental Coordination**

The enforcement of the laws associated with scaffold worker safety is shared by OSHA, Buildings, and the New York State Department of Labor, all of which need to standardize communication and coordination. These three

regulatory agencies should develop a mutually agreed-upon accord that covers jurisdictional issues, inspection procedures, incident response protocol and referral processes. Thereafter, the three agencies should meet quarterly to update each other on trends and discuss how to improve operational procedures. Additionally, Buildings and OSHA should develop a standard inspection protocol to be used by both agencies' inspectors with standard operating procedures and a detailed checklist of documents to be requested during an inspection. This inspection protocol should then be publicized to the scaffold worker community and to those who employ them.

- **Recommendation 3: Enhance Enforcement with Additional Resources**

The Task Force recommends that Buildings create a dedicated Scaffold Enforcement Unit, comprising a multi-disciplinary team of inspectors, analysts and lawyers to proactively conduct suspended scaffold inspections. This team will focus on those not engaged in safe work practices.

In addition, OSHA must obtain more funding to hire additional compliance officers to perform proactive inspections on scaffolds.

- **Recommendation 4: Enhance Enforcement by Requiring Daily Inspection Logs**

The key to safe scaffolding practices is the proper use of equipment used to suspend scaffolding equipment and rigs over the side of a building. Therefore, regulation and maintenance of the mechanism used to suspend the

rig must be intensive. The Task Force recommends that a maintenance log for each suspended scaffold rig be kept at all times, and that the rigger or foreman conduct daily on-site inspections and record inspection results as required by OSHA.

Additionally, the Task Force realized that under the current regulatory scheme, riggers designate a foreman for a job site in the rigger's absence by utilizing a "tear-off sheet." However, the "tear-off sheet" does not include a field for the name of the person responsible for the work in the rigger's absence. Therefore, the Task Force recommends that the rigger include the name of the foreman required to be at the site.

- **Recommendation 5: Enhance Enforcement by Requiring Buildings**

- Department Notification of C-Hook Use**

- There are three major types of mechanisms used to suspend scaffolds from buildings. The most common mechanism is the C-Hook, which currently may be hung without notifying the Department of Buildings or obtaining a permit. Therefore, Buildings is not aware of where or when C-Hooks are being used. In reviewing the incident data, it is evident that incidents on scaffolds using C-Hooks are the most common type of incident. Compounded with the fact that there is no permit or notification mechanism to Buildings, the Task Force strongly recommends that Buildings mandate notification of C-Hooks prior to use. Once Buildings knows where and when C-Hooks are used, it can conduct random inspections and focused sweeps.

- **Recommendation 6: Modify Façade Maintenance Enforcement Deadline**

Local Law 11 of 1998 mandates the maintenance of 12,000 buildings' façades. Every five years building owners must file a report for each building detailing the condition of its facade. The current filing cycle deadline is February 21, 2007. As a practical matter, this results in the filing of façade condition reports on thousands of buildings at the same time, as there is little or no incentive for owners to file reports before the end of the cycle.

Maintenance work on a façade invariably requires the use of suspended scaffold equipment, riggers, foremen, and workers. The 581 licensed riggers in the City comprises a limited pool of qualified riggers and the associated equipment and qualified workers; as a result, the industry is stretched thin as the cycle draws to its end and owners rush to have required work performed before the filing deadline.

It is the Task Force's recommendation that the Department of Buildings stagger the filing deadlines in the New York City Construction Codes so that qualified riggers, equipment and workers can be more readily available.

- **Recommendation 7: Revamp Rigger License Requirements**

The Task Force believes that the rigger's licensing exam in current use, which is administered by the Department of Citywide Administrative Services, is out of date and does not test riggers for familiarity with current best practices. It is therefore the Task Force's recommendation that the exam be administered by

the Department of Buildings, and allow for an update in the material the potential licensees are expected to master.

- **Recommendation 8: Improve Access to Information on Licensed Riggers**

The Task Force recommends that the database of licensed riggers, which is currently available on Buildings' website, be made more easily accessible so that building owners and contractors know they can access this information anytime.

## **Training**

- **Recommendation 9: Improve Training Programs for Riggers, Foremen and Workers by Standardizing and Enhancing Training Requirements**

The Task Force recommends that the Department of Buildings and OSHA create a Training Requirements Working Group to identify best training practices from existing Buildings Department approved programs as well as State Department of Labor-approved apprentice programs. The Training Requirements Working Group will inventory all endorsed training programs for curricula, class schedule, duration, reading levels, language, pass/fail rates and testing/exit criteria. The goal of this recommendation is to identify gaps where current training content does not meet existing OSHA and NYC Buildings requirements.

The Training Requirements Working Group will develop enhanced standardized training requirements and certify training providers under new

requirements. Additionally, the Training Requirements Working Group will consider requirements for mandatory worker and rigger refresher courses as well as explore the concept of mandatory retraining when safety infractions are discovered.

- **Recommendation 10: Improve Accountability for Completion of Training**

The Task Force has determined that a system of accountability does not exist for verifying whether a worker at the job site has in fact completed safety training. With that in mind, the Task Force is recommending the development of a uniform certificate for those who complete training, and the requirement of photo identification on this certificate.

As mentioned earlier, there are no statistics currently collected regarding the number of people trained or key demographic information. Therefore, the Task Force recommends that OSHA and Buildings mandate training providers to maintain a list of course attendees, the language of the class they attended and the pass/fail rates of the attendees. Once the database is created, a method for reporting data can be established and continually improved.

The Task Force also recommends that random audits be conducted by Buildings and OSHA of all training programs to measure compliance with any new training standards implemented.

- **Recommendation 11: Increase Training Access, Participation and Completion**

In order to facilitate access and participation, the Task Force recommends that the Mayor's Office of Immigrant Affairs partner with immigrant advocacy groups and day laborer organizations to determine the list of languages in which training should be provided. After identification of these languages, reviews conducted by the Training Requirements Working Group should determine where current training does not cover the necessary populations and languages and any other issues of accessibility. Identified gaps will be reported back to training providers, contractors and advocacy groups.

Operating under the assumption that many workers in the construction industry not only have limited English proficiency but may also have literacy issues in their native language, the Task Force recommends that a requirement be put in place for training providers to offer classes in "plain language" at grade levels 3 to 5, while continuing to retain the technical standards. In addition, the Task Force recommends that training involving a minimal amount of literacy skill be offered for attendees.

To further increase access to training, the Task Force recommends that OSHA, Buildings and the various training providers review legal requirements and provide alternative methods of registration without requiring Social Security numbers. Because cost may be a contributing factor towards making training inaccessible, the Task Force recommends that Immigrant Affairs,

immigrant and worker organizations as well as Buildings research and create a database of grants and alternative resources available to support training efforts. This database should be available to all training providers and advocacy groups.

Lastly, Buildings, OSHA, training providers and Immigrant Affairs should develop exit criteria to measure successful completion of training and require all training providers to institute standardized measurements of successful completion.

## **Outreach**

- **Recommendation 12: Distribute Basic Safety Rules and Contact**

### **Information to the Widest Audience as Quickly as Possible**

The Task Force recommends the development and distribution of two “Quick Guide Brochures.” The first brochure, solely focusing on educating the worker, would include information about Buildings and OSHA rules, 311, training providers, immigrant advocacy group contact information and pictographic safety tips. The second brochure would have a combined target of the worker and the responsible party. This brochure would contain information on responsibilities, outlining each party’s duties and responsibilities and setting forth the penalties for non-compliance with safety regulations by each party, (i.e. the contractor, rigger, foreman and worker). The goal of these brochures is to inform each party of its role as well as the roles of other parties involved in scaffolding work. Both brochures would be available in English, Spanish,

Polish, Russian, Chinese and Urdu. The brochures would be distributed by utilizing all available conduits – Mayor’s Office, City agencies, worker and immigrant organizations, labor, industry groups and training providers.

- **Recommendation 13: Promote Use of 311 to Report Unsafe Conditions**

The Task Force recognizes the effectiveness of 311 as a tool to alert Buildings of possible violations, and therefore recommends that the Department revise the language on the signs currently mandated on sites so that the signs promote public *and* worker reporting of unsafe conditions and mandate contractors to update their signs with the revised language. As a next step, the Task Force recommends that Buildings re-evaluate its current 311 scripts to promote access for workers to training information and overall safety. Additionally, 311 call-takers should be trained to understand when a call received about an unsafe scaffold may be reporting an imminent danger, and when that call should be forwarded to 911.

Additionally, Buildings should investigate proposing legislation mandating the (posting of 311) messages in occupied buildings so that tenants can be made aware that they too can report unsafe work conditions.

Due to the socio-economic makeup of the population of which the Task Force is dealing, access to telephones may be an issue. Therefore, the Task Force recommends that the Office of Immigrant Affairs, worker and community organizations collaborate with faith-based organizations and other culturally

specific gathering places to promote voluntary use of phones for anonymous reporting of unsafe conditions. The Task Force recommends that this partnership work towards delivering worker safety and training messages via media outlets.

## **VII. A NOTE FROM THE CHAIRPERSON**

On behalf of The City of New York, I would like to express my gratitude to all of the Scaffold Worker Safety Task Force members for their commitment and dedication over these last few weeks. I would also like to thank Deputy Mayors Carol Robles-Roman and Daniel Doctoroff for their leadership in convening this task force and for helping to build a broad-based coalition. I am proud that with the results-oriented, consensus-building spirit of the staff, we were able to bring so many stakeholders together to produce meaningful recommendations. I look forward to continuing the partnerships formed during this process to take steps to improving the safety of those using suspended scaffolds and to continue to make New York City a better place to live, work and build.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia J. Lancaster', with a long horizontal flourish extending to the right.

Patricia J. Lancaster, FAIA  
Buildings Commissioner, Chairperson

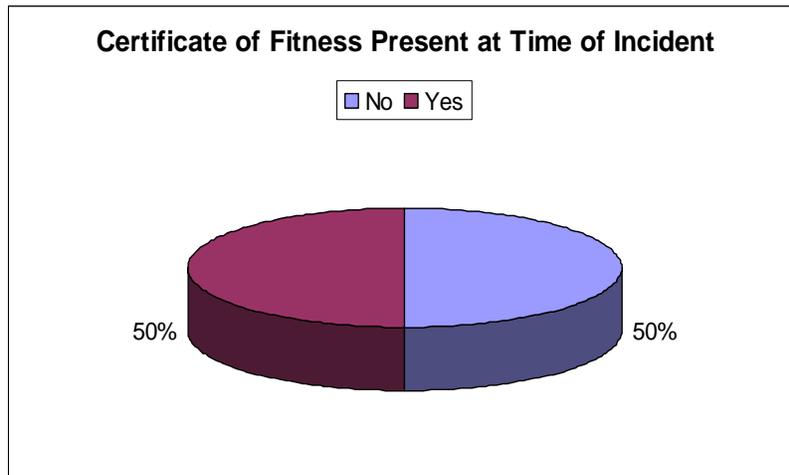
**VIII. APPENDICES**

**APPENDIX A**

**Suspended Scaffold Worker Safety Task Force Jurisdiction**

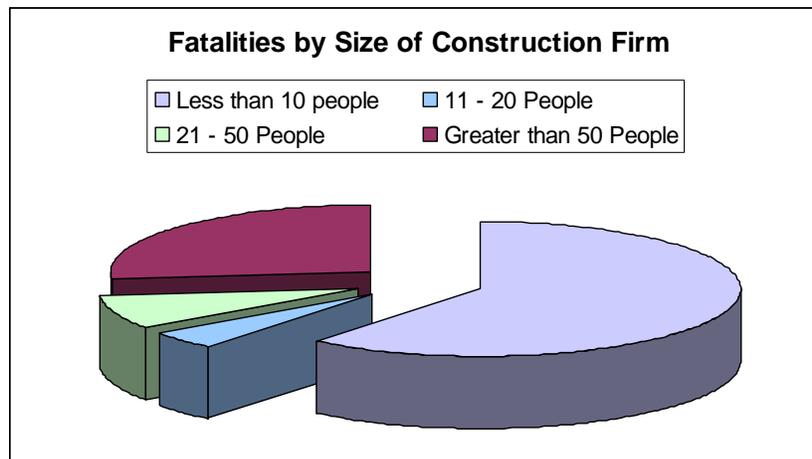
<b>Government</b>	<b>Agency</b>	<b>Section of Law for Authority</b>	<b>Jurisdiction</b>	<b>Possible Penalties</b>
City	Department of Buildings	<ul style="list-style-type: none"> <li>• Titles 26 and 27 of the Administrative Code of the City of New York</li> <li>• New York State Labor Law and NYCRR by reference</li> </ul>	<ul style="list-style-type: none"> <li>• equipment and public safety</li> <li>• licensing riggers</li> <li>• plans and permits</li> <li>• scaffolds (suspend from out rigging)</li> </ul>	<ul style="list-style-type: none"> <li>• ECBs, criminal court appearance tickets; (penalties)</li> <li>• license suspension or revocation</li> <li>• fines up to \$10,000</li> </ul>
State	Department of Labor	New York State Labor Law and the New York Codes, Rules and Regulations	window washing operations	<p>Public Employee Safety and Health Bureau</p> <ul style="list-style-type: none"> <li>• unannounced inspections</li> <li>• issue a Notice of Violation and Order to Comply for hazardous and/or OSHA violations.</li> <li>• Inspections are conducted to protect public employees (state and local)</li> <li>• Penalty of \$200/day until compliance.</li> </ul> <p>State Labor Law provides for private right of action where there are scaffolding accidents</p>
Federal	Occupational Safety and Health Administration	OSHA Act of 1970 enforcement regulations codified under 29 CFR 1926.450, 451, 452	worker safety	<ul style="list-style-type: none"> <li>• cases are civil cases; however, if willfulness is found, then a criminal statute would apply</li> <li>• serious violations - \$7,000 to start, penalties for repeat offenders (cited within the past 3 years + other variables) may be subject to a multiplying factor of 2, 5, or 10 (if willfulness found, penalty could be up to \$70,000)</li> </ul>

**APPENDIX B**



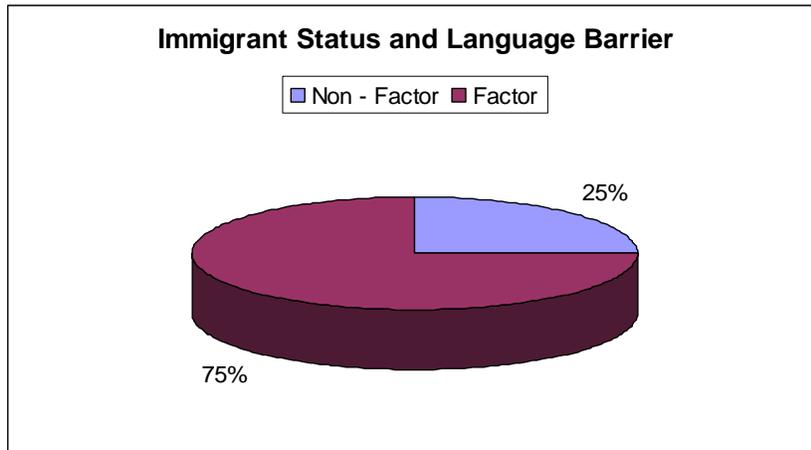
New York City Department of Buildings, Cranes and Derricks Unit  
Incident Data Report – November 2006

**APPENDIX C**



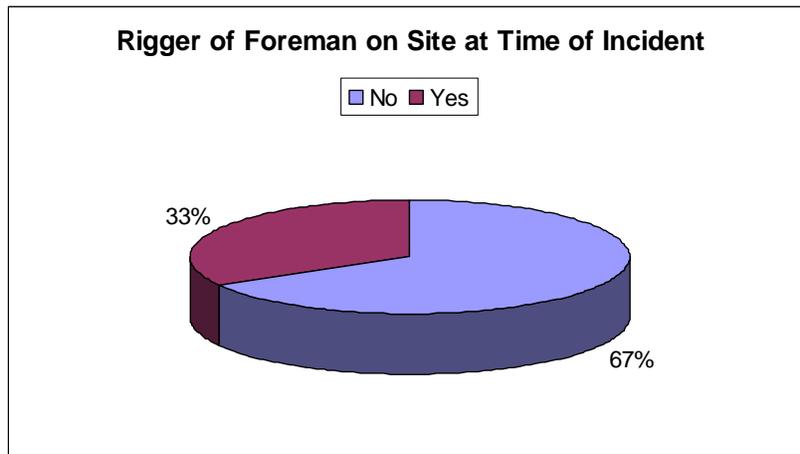
Numbers Represent Employee Count of Construction Firms  
Occupation Safety and Health Administration

**APPENDIX D**



Federal Occupation Safety and Health Administration

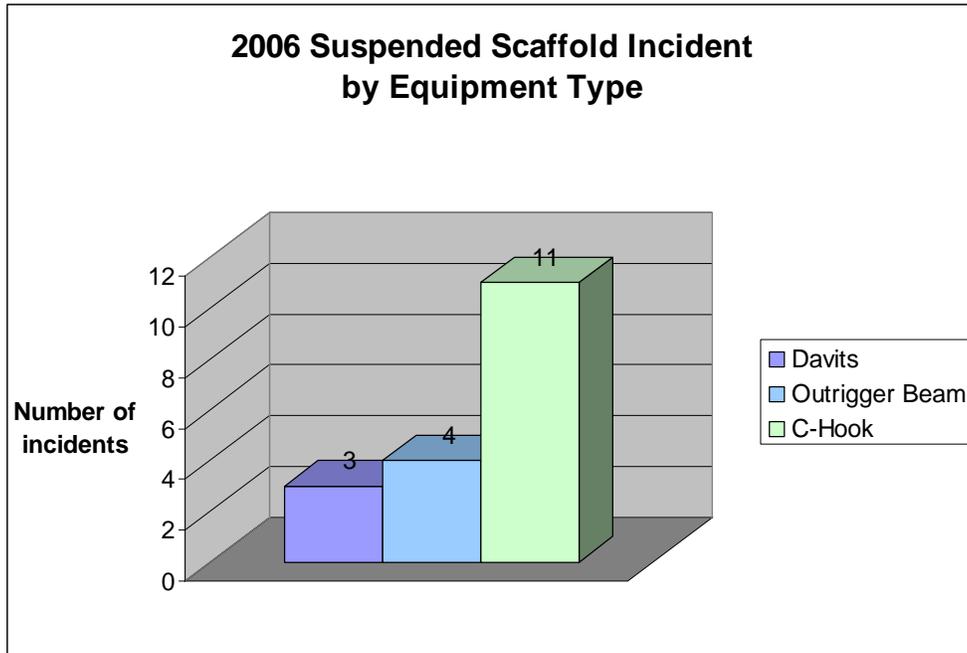
**APPENDIX E**



New York City Department of Buildings, Cranes and Derricks Unit

Incident Data Report – November 2006

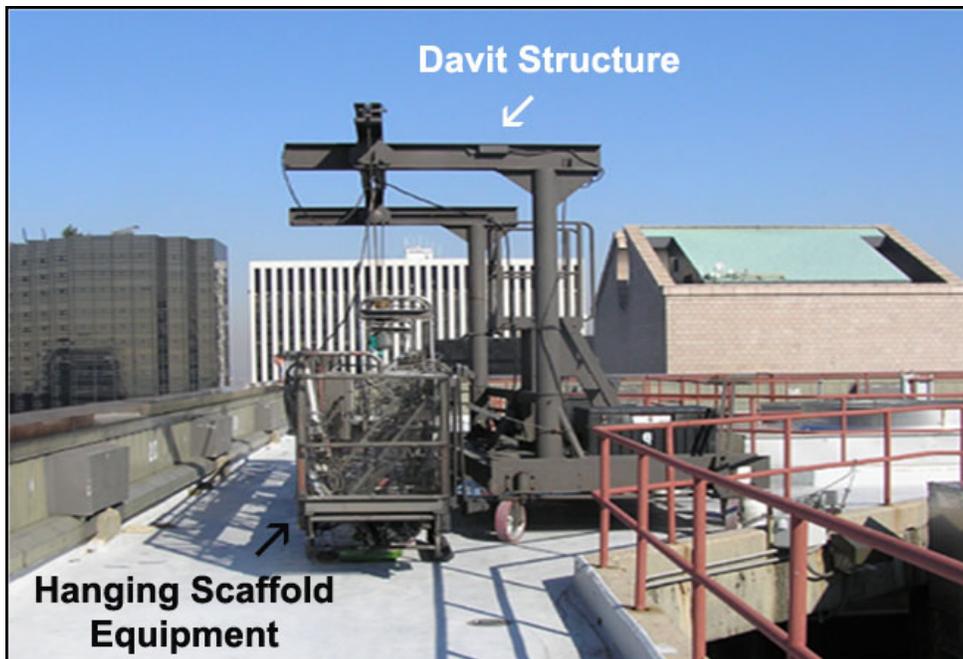
**APPENDIX F**



New York City Department of Buildings, Cranes and Derricks Unit

Incident Data Report – November 2006

**APPENDIX G**



**APPENDIX H**



**APPENDIX I**



**APPENDIX J**

<b>Task Force Recommendation</b>	<b>Action</b>
Significantly Increase Penalties for Non - Compliance	Implement a series of monetary penalties along with Stop Work Orders that may be applicable to the specific site or all jobs the rigger is responsible for. Additionally, DOB would investigate the pursuance of an arrest on reckless endangerment.
Enhance Intergovernmental Coordination	DOB & OSHA to develop and distribute standard operating procedures for inspections as well as formulate an agreement between the two parties and State DOL outlining jurisdictions, inspection procedures, accident response and referral procedures. Group to convene quarterly to discuss trends, improve operational procedures and produce statistics on accidents.
Enhance Enforcement with Additional Resources	DOB to create a scaffold enforcement unit (inspectors, lawyers etc) to focus on proactive inspections. The City should request more funding for OSHA to mirror the City's activities and current enforcement.
Require Daily Inspection Log	Buildings shall require on-site inspection maintenance log and documentation of responsible party on site.
Require Notification of C-Hook Use	As notification is currently not required for use of C-Hooks to hang scaffolds, Buildings would require advanced notification.
Modify Façade Maintenance Enforcement	The Model Code will be used as a vehicle to stagger the deadline for LL11/98 (façade condition report filing cycle) to alleviate the increased demand for workers at the end of each five-year cycle.
Revamp Rigger License Protocols	Assign responsibility for rigger examinations to DOB from DCAS, allowing for a revised and updated test.
Improve Access to Information on Licensed Riggers	Provide a mechanism to allow potential customers to easily determine if a rigger's license is valid.

<p>Improve Training for Riggers, Foremen &amp; Workers</p>	<p>DOB &amp; OSHA to create a Training Requirements Work Group to inventory training programs, identify best practices &amp; gaps, develop of enhanced uniform training requirements, research refresher courses and perform periodic audits.</p>
<p>Improve Accountability for Completion of Training</p>	<p>DOB &amp; OSHA mandate training providers to maintain a list of course attendees, language the training was provided in and pass/fail rates. DOB, OSHA, MOIA and training providers shall develop a uniform certificate of completion for training and the establishment of mandatory picture identification.</p>
<p>Improve Training Access, Participation &amp; Completion</p>	<p>MOIA and Advocacy groups to determine languages training should be delivered in. Additionally, MOIA and Advocacy groups to research and create a database of grants and alternative funding sources available to support training efforts. This database is to be made public.</p> <p>DOB &amp; OSHA to review training content to identify gaps in necessary populations, languages and other determining factors for availability and to report findings to MOIA. DOB &amp; OSHA should require providers to offer training and exit criteria in various fashions (lower reading level and practical exams) for those with literacy issues. DOB &amp; OSHA to review legal requirements to provide alternative methods for registration besides Social Security Number.</p>
<p>Develop &amp; Distribute Two Quick Guide Brochures</p>	<p>Two brochures, one worker focused and one dual purpose - worker and employer focused - shall be developed to educate both populations about safety requirements and their responsibilities when on the job site.</p> <p>MOIA to develop outreach strategy, partners for distribution, translation services.</p>
<p>Promote Use of 311 to Report Unsafe Conditions</p>	<p>DOB to change existing mandatory signage at sites and write new 311 services.</p>

**APPENDIX K**

Building Owners and Managers Association – Roberta McGowan, Executive Director

Brick Layers and Allied Trades, Local 1 – Jonathan Holsgrove, Director, Public Projects

Building and Construction Trades Council – Edward Malloy, President

Building Trades Employers’ Association – Louis Coletti, President

Center to Protect Workers’ Rights - Michael McCann, Director of Safety and Research

Construction and General Buildings Laborers, Local 79 – John Delgado, Manager;  
James Hegarty, Business Agent

Contractors’ Association of Greater New York – Ray McGuire, Managing Director;  
Dawn Zanichelli, Assistant Managing Director; Mark Pulsfort, Board Member

Hoisting and Scaffold Trades Association – Kenneth Beuttner, Director;  
Kevin O’Callaghan, President

Iron Workers District Council of Greater New York, Local 40 –Danny Doyle, Business  
Agent; Bryan Brady II, Director of Training

Iron Workers District Council of Greater New York, Local 361 – Eddie Jorge, Organizer

Iron Workers District Council of Greater New York, Local, 580 – Jim Mahoney,  
Business Agent; Richard Falasca, Director of Education

Labor Council for Latin American Advancement – Sonia Ivany, President

Latin American Workers Project – Oscar Paredes, President

Mason Tenders District Council Training Fund – Sean Brennan, Training Director

Mayor’s Office of Immigrant Affairs – Guillermo Linares, Commissioner;  
Azadeh Khallili, Deputy Commissioner; Matilde Roman, General Counsel

Mayor’s Office of Operations – Elizabeth Weinstein, Senior Policy Advisor

Mayor’s Office of Special Enforcement – Shari Hyman, Executive Director

National Association of Hispanics in Real Estate and Construction – Peter Fontanez,  
President; Juan Matiz, Architect

New York City Council – Terzah Nasser, Counsel, Housing and Buildings Committee;  
Benjamin Goodman, Policy Analyst; Rick Arbello, Legislative Director, Council  
Member Eric Dilan; Wayne Miller, Policy Analyst

New York City Department of Buildings – Patricia J. Lancaster, Commissioner; Robert LiMandri, Deputy Commissioner; Marilyn King-Festa, Deputy Commissioner of Technology and Analysis; Benjamin Jones, Assistant Commissioner, Model Code Program; Leslie Torres, Assistant Commissioner for Enforcement; Scott Pavan, Executive Director of Operations Redesign; Bethany Klein, Executive Director, Cranes and Derricks Unit; Marietta Kremmidas, Executive Director External Affairs

New York City Department of Health and Mental Hygiene – Nancy Clark, Assistant Commissioner for Bureau of Environmental Disease Prevention; Pradeep Rajan, Research Coordinator

New York City Department of Investigations, Buildings Special Investigation Unit – Kim Ryan, Acting Deputy Inspector General; Ed Curtis, Investigative Inspector; Mark Assa, Investigative Attorney; Christina Abbenda, Investigative Attorney

New York City District Council of Carpenters Labor Technical College – Martin Daly, Director

New York City District Council of Carpenters, Timbermen, Local 1536 – Sam Bailey, Business Manager

New York City Technical College, CUNY – Russell Hotzler, President

New York Committee for Occupational Safety and Health – Joel Shufro, Executive Director

New York Immigration Coalition – Chung-Wha Hong, Executive Director

New York State Department of Labor – Albert Parris, Senior Safety and Health Inspector

Occupational Safety and Health Administration – Richard Mendelson, Area Director; Mitchell Konca, Compliance Assistance Specialist

Painters and Allied Trades, DC 9 – William Elfield, President; Jack Kittle, Political Director

Project Hospitality, El Centro de Hospitalidad – Reverend Terry Troia, Executive Director

Project Hope Line – Marlene Cintron, Executive Director

Real Estate Board of NY – Marolyn Davenport, Executive Director

Rent Stabilization Association – Frank Ricci, Director of Government Affairs

St. Stanislaus Kostka Church – Reverend Marek Suchocki