



NEW YORK CITY DEPARTMENT OF BUILDINGS
TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS
SEPTEMBER 13, 2021

Good morning Chair Cornegy and members of the Committee on Housing and Buildings. I am Melanie E. La Rocca, Commissioner of the New York City Department of Buildings (“the Department”). I am pleased to be here today to discuss construction safety, an issue of utmost importance to the Department, and periodic gas piping system inspections, which are required by Local Law 152 of 2016 (“Local Law 152”).

Construction-related injuries and fatalities on job sites throughout New York City are a painful reminder that more needs to be done to improve the safety of construction. I firmly believe that we – the Department, the City Council, and the construction industry – can work together to prevent avoidable injuries and fatalities. Construction workers, who are critical to the economic growth of this City, and who are working on the tens of thousands of active construction sites throughout this City as we speak, must be able to go home to their families at the end of their shift. While the number of construction-related fatalities decreased for the first time in half a decade last year, there have been 75 construction-related fatalities since 2015. This is unacceptable and we must work together to do more to improve safety at construction sites.

Before I continue, I would like to take a moment to thank our construction workers for the critical work that they do, and to remember the workers who lost their lives building this City up, including the workers that have lost their lives on the job this year:

- Dave Battinelli during the alteration of an existing 25 story building in Midtown, Manhattan;

- Enri Kristo Dimo during the construction of a single-family home in Pleasant Plains, Staten Island;
- Elyon Sealey during the construction of a 26-story building in Chelsea, Manhattan;
- Juan Juarez during façade repairs at a six-story building in Flatlands, Brooklyn;
- Mauricio Sanchez when an elevator dropped during the alteration of a five-story building in Mott Haven, Bronx;
- Diego Lliguicota during the enlargement of a six-story building in Long Island City, Queens; and
- Jose Hernandez during the demolition of a two-story building in Flatbush, Brooklyn.

In 2019, for the first time in nearly a decade, construction-related injuries decreased. Last year, we saw another decrease in construction-related injuries, with 502 construction-related injuries in 2020, down 34% from the 761 construction-related injuries in 2018. While there was a decrease in construction-related injuries in 2020 for the second year in a row, it should be noted that the construction industry was impacted by COVID-19, including a pause on all non-essential construction, which resulted in a decrease in construction activity during 2020. As New York City recovers from COVID-19 and the construction industry gets back to work, we must continue to prioritize safety.

The decrease in injuries since 2018 comes after the launch of our Construction Safety Compliance (“CSC”) Unit, which is dedicated to conducting proactive, unannounced inspections of large construction sites. To date, the CSC Unit has conducted nearly 65,000 proactive inspections at over 25,000 unique construction sites. The decrease in injuries also comes after the multi-year implementation of Local Law 196 of 2017 (“Local Law 196”), which requires that workers on many of our larger construction sites receive comprehensive site safety training. As of earlier this year, workers at large construction sites are required to have 40 hours of safety training and supervisors at those sites are required to have 62 hours of safety training, including fall prevention training. Since the enactment of this law, the Department has conducted extensive outreach to the construction industry, including proactive visits to construction sites across the City to directly inform workers who are impacted. sites across the City, informing workers and employers of this safety training requirement, while keeping the industry informed of upcoming

deadlines, and ways to obtain the training. Additional outreach and education efforts have included online worker safety sessions, in-person information sessions for stakeholders in the construction industry, multilingual advertisements in dozens of community newspapers, a system-wide subway ad campaign, direct worker outreach at work sites by DOB construction inspectors and staff from the Department's Community Engagement Unit, and direct mailings to all DOB-licensed safety professionals and permit holders whose work requires Local Law 196 trained workers. To date, our approved course providers have issued over 150,000 Site Safety Training Cards, most of which are Supervisor Site Safety Training Cards and Full Site Safety Training Cards, which means that workers are completing the potentially life-saving site safety training required by this historic law.

Last year, the Department hosted its first-ever virtual construction industry conference, which focused on safety, innovation, and sustainability. In keeping with our focus on safety, for the first time, our annual industry conference included sessions dedicated to worker safety, which highlighted Local Law 196 and the importance of receiving site safety training. We held these worker safety sessions again in multiple languages this year. We have also started to issue Worker Alerts, which provide practical situational safety information and straightforward guidance for workers for those areas of construction where we see increased risk to safety. These Worker Alerts, which include information about preventing worker falls and performing façade work safely, have been distributed directly to workers on construction sites by the Department.

Finally, in June, following multiple construction-related fatalities in May, the Department took swift action and announced the mobilization of teams of enforcement inspectors across the five boroughs to perform safety sweeps of larger and more complex construction sites, to ensure that they are safe for both workers and the public. The goal of this sweep was to send a strong message to the construction industry that safety lapses on sites will not be tolerated. While performing these safety sweeps, Department inspectors took appropriate enforcement actions if they observed any safety violations and shut down sites if they found serious safety lapses. As part of this sweep, which ended last week, the Department conducted inspections at nearly 7,500 sites, issued nearly 1,500 Stop Work Orders, and over 3,600 violations for safety issues.

The package of construction safety legislation before the Committee today, which the Department fully supports, builds upon our collective efforts to improve safety, with the goal of further reducing construction-related injuries and fatalities by:

- Providing for greater oversight by the Department over general contractors who engage in construction or demolition work by licensing them.
- Reducing the threshold to require a full-time Department-licensed Site Safety Coordinator or Site Safety Manager to certain construction sites that involve buildings that are seven stories or greater and requiring that they submit Site Safety Plans to the Department for review and approval.
- Requiring Department-licensed Construction Superintendents to serve full-time alongside Site Safety Coordinators or Site Safety Managers at major construction projects and limiting the number of non-major construction projects for which a Department-licensed Construction Superintendent may be designated.
- Building upon a Buildings Bulletin issued by the Department, which prohibited the use of stand-off brackets for suspended scaffold installations, by making that prohibition permanent.
- Building upon a Buildings Bulletin issued by the Department, which improved the safety of cold-formed steel construction, by creating new safety requirements to prevent the overloading and improper installation of cold-formed steel.

Turning now to legislation that relates to Local Law 152, which mandates the periodic inspection of gas piping systems for most building types, with the exception of one- and two-family homes.

- Intro. 2259 extends the deadline for the second group of buildings that must comply with the inspection requirement. The Department has no objection to this extension, however, building owners should not delay compliance with this inspection requirement.
- Intro. 2321 creates a hardship program that would provide certain building owners with additional time to comply with the inspection requirement if they are not able to meet their applicable deadline. The Department is supportive of the creation of a hardship program, but would like to discuss the specifics of the program with this Committee

further, including how a building owner demonstrates a hardship. Any program that is created should be helpful and responsive to the needs of building owners, while recognizing the importance of complying with this inspection requirement in a timely manner.

- Intro. 2361 requires that the Department create a questionnaire to seek feedback from building owners regarding the implementation of Local Law 152. The Department already uses the questions and comments it receives from building to improve the materials used to conduct outreach to building owners about this inspection requirement and welcomes any additional feedback from building owners.
- Intro. 2377 expands the scope of this inspection requirement to include tenant spaces. This is a significant expansion of the scope of the inspection and will result in increased costs for building owners. Access to occupied tenant spaces for the purpose of conducting these inspections will also pose an issue and prolong the time it takes to complete an inspection in a building. This proposed expansion merits further discussion with building owners, and the plumbing industry, to better understand the impact it will have for building owners who must comply with this inspection requirement.

Thank you for the opportunity to testify before you today. I welcome any questions you may have.