



Hon. Jumaane Williams
Chair, Housing and Buildings Committee
New York City Council
250 Broadway, Suite 1808
New York, NY 10007

July 28, 2017

Dear Chair Williams,

Thank you for taking the time to meet with us and discuss Intro 1447-A. The Construction Safety Advisory Committee of New York commends your efforts to address the important issue of construction safety and we welcome the opportunity to help shape this legislation. Per our discussion earlier this week, please see below our suggested amendments to Intro 1447-A. These amendments will meet the collective objectives of all industry stakeholders - by improving worker training, preventing accidents and protecting both workers and passing pedestrians on and around New York City job sites.

Below you will find a list of issues that have been raised and our suggested solutions.

ISSUE: Current safety standards are failing to adequately train New York City construction workers so they can protect themselves from unnecessary harm. Those most affected are specifically day laborers and workers on job sites under 10 stories.

SOLUTION: Establish minimum Site Safety Training requirements for all construction workers that will make NYC construction safer and have the greatest impact on the most affected workers.

ISSUE: Small job sites and contractors on 1-, 2- and 3-family residences have a significantly reduced safety risk relative to other job sites, and therefore require different safety training standards.

SOLUTION: Eliminate any burden to the smallest job sites below 4 stories. The recommendations mandate training to only sites whose scope is beyond 1-, 2- and 3-family residential structures.

ISSUE: As written, Intro 1447A is highly complex, which could make oversight, implementation and compliance difficult. The complexity of this bill has elicited significant concern from the construction industry, specifically related to the extensive, complicated list of training requirements that do not correspond to existing programs already in place and recognized by the industry. One example of the law's complexity relates to the 10-hour OSHA course. Intro 1447A would require 9 SST credits in "each of the following topics: Fall Protection & Personal Protection Equipment." However, these training topics are already part of the standard curriculum in the 10-hour OSHA and 30-hour OSHA courses, which provide 6 hours on the four main causes of fatality: crushed by, struck by, electrocution, and fall. Listing training topics and hours that do not correlate to existing, established curricula will make compliance extremely difficult and delay implementation. Additionally, these new requirements negate the training programs currently mandated on sites over 10 stories that responsible construction employees have already completed. Doing so will force these workers to spend additional money and time retaking that very same training. This burden will negatively impact employees, employers, and the entire construction industry.

SOLUTION: Consolidate and simplify the proposed legislation, to improve implementation, oversight and compliance. Use established, recognized training programs that are approved by the NYC Building Department, recognized by the construction industry, provided to a significant number of the current



construction workforce, and have an established delivery system in place - all which will make the implementation more streamlined, efficient and effective.

ISSUE: The abundance of fraudulent training cards places workers and the public at risk. It also unfair to impose fines on permit holders who are unaware that a worker's training card is fraudulent.

SOLUTION: Address fraudulent training cards by instituting an Online Safety Training Registry, which enables employers to quickly and easily validate that a worker has received adequate training, while protecting important personal information.

ISSUE: Disadvantaged contractors may become overburdened by the costs associated with providing safety training. These additional costs can put some contractors out of business.

SOLUTION: Provide no-cost training options to assist disadvantaged contractors, MWBEs and other small contractors. Doing so will improve compliance and protect our workers.

ISSUE: Intro 1447-A establishes a Task Force to put forth safety training recommendations. This Task Force simply creates another level of bureaucracy and does not achieve the intended goals of improving construction safety. Creating this Task Force sets the precedent that the law is temporary and very likely to change in the near future upon delivery of the Task Force's recommendations, prompting non-compliance and/or a delay in implementation. Additionally, the Task Force unnecessarily replicates much of the work done by the Building Codes Revision Team.

SOLUTION: Remove the Task Force from 1447-A and allow the bill to establish safety training requirements that set the new, long-term standard for the construction industry in a clear, concise way.

ISSUE: Intro 1447A establishes a heavily bureaucratic and highly complex structure of fines and violations, which do not benefit public safety. The issuance of a Stop Work Order on a site upon the discovery of one worker without a valid training card is an overly aggressive approach to implementation. Such a policy may serve as an impediment to accomplishing safety training, unduly burden MWBEs and small contractors, and will result in less work hours for the majority of the workforce who are in compliance.

SOLUTION: Implement a reasonable fee-based violation structure and remove the Stop Work Order provision.

Recommended changes to Intro 1447A

The following points incorporate all recommended changes into a minor change to 3310 and a new section 3322, and eliminate the need for other sections. Of the 15 pages of the most recent draft of 1447-A, we believe we have successfully addressed the intent of all proposed new provisions.

§ 8. Section 3310.10 of the New York city building code is amended to read as follows:

3310.10 Orientation and training. All workers employed at a major building site shall receive orientation and training as required by this section and section 3322.

§ 9. Section 3310.10.2 of the New York city building code is **REPEALED**.

§ 10. Chapter 33 of the New York city building code is amended by adding a new section 3322 to read as follows:

SECTION BC 3322

CONSTRUCTION SITE SAFETY TRAINING



3322.1 Minimum On-Site Worker and Competent Person Training required. In addition to any other applicable city, state or federal law or rule, on and after July 1, 2018:

1. Each worker performing work on a construction site where a Permit has been issued and where a Construction Superintendent, Site Safety Coordinator or Site Safety Manager is required shall have completed a minimum of 46 hours of construction Site Safety Training that shall consist of: OSHA 30-hour Construction Outreach, 8-Hour NYC Site Safety Manager, 4-hour NYC Supported Scaffold User, and 4 hours of specific fall protection training. Such initial Site Safety Training must have been completed within the previous 4 years of the enactment of this provision.
 - 1.1 Within 4 years of completing initial Site Safety Training and every 4 years thereafter, 26 hours of continuing education and refresher Site Safety Training shall be completed and include OSHA 10 Hour as refresher for the OSHA 30 Hour, 8 Hour NYC Site Safety Manager Refresher, 4-Hour NYC Supported Scaffold User, and 4 hours of specific fall protection training.
 - 1.2 If the worker does not understand English, provisions must be made to provide training in the primary language of the worker.
2. There shall be a designated Competent Person for each contractor and subcontractor performing work on a construction site that employs at least 10 workers onsite, however, there shall be at least one Competent Person assigned to each permit holder.
 - 2.1 Each worker employed by a contractor, subcontractor or permit holder as a competent person shall have completed a minimum of 82 Hours of initial Supervisor Site Safety Training that shall consist of; OSHA 30-hour construction Outreach, 40-hour NYC Site Safety Manager, 4-hour NYC Supported Scaffold User, 4 hours of specific fall protection training, and 4-hour First Aide CPR training.
 - 2.2 Within 4 years of completing initial Supervisor Site Safety Training, and every 4 years thereafter, 30 hours of continuing education and refresher training shall be completed and include the OSHA 10-hour as a refresher for the OSHA 30-hour course, 8-hour NYC S Site Safety Manager Refresher, 4-hour NYC Supported Scaffold User, 4 hours of specific fall protection training and a 4-hour First Aide CPR Training Renewal.
 - 2.3 If the competent person does not understand English, provisions must be made to provide training in the primary language of the worker.
3. Required Safety Training must be taken in person and have a hands-on component.
4. Required Safety Training must be provided by an Approved Training Program provider that complies with Rule 1 RCNY 105-03 Department Approved Courses in addition to the following additional requirements:
 - 4.1 Has the ability to provide training in multiple languages including English and Spanish.
 - 4.2 Prior to July 01, 2018, Approved Training Program providers performing Site Safety Initial and Continued Education Training must maintain an electronic registration of all participants provided with required initial and refresher or continuing education training. Such registration shall include the name, type of training, completion date, expiration date, and a photo of the individual trained. The Training Program Provider shall implement a fraud prevention and quality control program in order to maintain the integrity of the training and registration. Such fraud prevention and quality control programs shall meet the approval of the Department. Such registry shall be made available upon request to the Department, Permit Holder, Construction Superintendent, Site Safety



Coordinator, or Site Safety Manager for verification of an attendee's completion of any required Site Safety Training.

- 4.3 Approved Training program providers of Site Safety Training, other than those providing Site Safety Training under approved NYS Apprentice Programs, shall set aside 5% or 2 seats per class, whichever is less, of regularly scheduled Site Safety Training to be provided without charge to Minority, Woman or Small Business-owned Contractors.
5. Except as outlined in 4.3, it shall be the employer's responsibility to pay for and provide required training.
6. The worker will be responsible to have in their possession or available at the job site at all times while working on a project proof of completion of required training in a format acceptable to the Department, in accordance with Section 4.2.
7. It shall be the permit holder's responsibility to verify that all workers on the permitted site have submitted proof of training.
8. It shall be the responsibility of the Construction Superintendent, Site Safety Coordinator, Site Safety Managers or their designated competent person to collect or verify proof of training and maintain a log of all personnel on the site.
9. Failure to adhere to any of the provisions of 3322 regarding Site Safety Training shall be considered a violation of the Administrative Code, subject to a fine established by the department. Such fine may be issued to any or all of the following for violation of these provisions; the Permit Holder, Contractor, Subcontractor, Worker, Competent Person, Construction Superintendent, Site Safety Coordinator, or Site Safety Manager.

Exception: This section does not apply to the construction, alteration, demolition or repair of 1-, 2- or 3-family residential structures.

For your convenience, we are also including a matrix which matches the established training programs outlined above and the topics covered to the proposed training subjects outlined in the draft of 1447-A under "SST Site Safety Training Card".

We once again commend your efforts, and look forward to further discussion at your earliest. Please contact Jim Quent at JQuent@StatewidePublicAffairs.com with any follow up or questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'James C. Bifulco', with a long, sweeping horizontal line extending to the right.

James C. Bifulco, CSP
Board Member

Construction Safety Advisory Committee of New York



The below chart attempts to compare the safety training requirements currently outlined in Intro 1447-A to the safety training requirements CSACNY is recommending. Because Intro 1447-A requirements do not clearly correlate to existing coursework already administered by recognized, DOB-approved providers, clearly outlining these comparisons is a challenge. We have attempted to show that every safety training topic proposed in Intro 1447-A will be addressed through the CSACNY list of proposed classes. However, the hour-per-topic may vary in order to comply with current, standard training courses.

By updating Intro 1447-A to list specific, already existing and approved courses required for every worker (except 1-, 2-, and 3-family buildings), both employees and employers will be able to more easily comply with the law.

Comparison of Bill 1447a to CSAC Recommendations

CSAC Worker Recommendations	Current 1447A Worker Requirements	Current 1447A Supervisor Requirements	CSAC Supervisor Recommendations
Total Hours - 46	Total Hours - 59	Total Hours – 93	Total Hours - 82
<u>Course Components:</u> ▪ OSHA 30-hour Construction Outreach, ▪ 8-Hour NYC Site Safety Manager, ▪ 4-hour NYC Supported Scaffold User, and ▪ 4-hours of specific fall protection training.	<u>Course Components:</u> ▪ SITE SAFETY TRAINING (SST) CARD. A card that satisfies 35 conditions related to safety training.	<u>Course Components:</u> ▪ SITE SAFETY TRAINING (SST) SUPERVISOR CARD. A card that satisfies 35 conditions of the SST card plus the ▪ 30-hour OSHA, and ▪ First aid and CPR course.	<u>Course Components:</u> ▪ OSHA 30-hour construction Outreach, ▪ 40-hour NYC Site Safety Manager, ▪ 4-hour NYC Supported Scaffold User, ▪ 4-hours of specific fall protection training, and ▪ 4-hour First Aid CPR training.
OSHA 30 - Introduction to OSHA - 2 hours. Subtotal 2 Hours	SST credits in OSHA - 2 hours. Subtotal 2 Hours	SST Credits OSHA - Worker card 2 hours. OSHA 30- Introduction to OSHA - 2 hours. Subtotal 4 Hours	OSHA 30-Introduction to OSHA - 2 hours. 40 Hour Site Safety Manager - OSHA overview - 1 hour. Subtotal 3 Hours
/	/	Four SST credits in first aid & CPR - 4 hours. Subtotal 4 hours	Four credits in first aid & CPR - 4 hours. Subtotal 4 hours
OSHA 30 - Managing Safety and Health - 2 hours. 8 Hour Site Safety Manager –NYC safety	SST credit Hazard communication - 1 hour. Subtotal 1 hour	SST credit Hazard communication - 1 hour. OSHA 30 - Managing Safety and Health - 2 hours.	OSHA 30 - Managing Safety and Health - 2 hours. 40 Hour Site Safety Manager –NYC safety

<p>building code overview - 3 hours.</p> <p>Subtotal 5 hours</p>		<p>Subtotal 3 hours</p>	<p>building code overview - 3 hours.</p> <p>Subtotal 5 hours</p>
<p>OSHA 30 - Focus Four Hazards (falls, electrocution, struck by & caught in between) - 6 hours.</p> <p>8 Hour Site Safety Manager –Focus Four - 1 hour.</p> <p>4 Hour Specific Fall Protection Training - 4 hours.</p> <p>Subtotal 11 hours</p>	<p>SST credits</p> <ul style="list-style-type: none"> ▪ Fall protection - 9 hours. ▪ Electrical safety - 1 hour. ▪ Safely working with machines - 8 hours. ▪ Walking and working surfaces - 1 hour. <p>Subtotal 19 hours</p>	<p>SST worker credits - (falls, electrical, machines, surfaces) – 19 hours.</p> <p>OSHA 30 – Focus Four - 6 hours.</p> <p>Subtotal 25 hours</p>	<p>OSHA 30 - Focus Four Hazards (falls, electrocution, struck by & caught in between) - 6 hours.</p> <p>40 Hour Site Safety Manager - NYC Building Code protection of workers including Focus Four - 10 hours.</p> <p>4 Hour Specific Fall Protection Training – 4 hours.</p> <p>Subtotal 20 hours</p>
<p>OSHA 30 - Personal Protective and Lifesaving Equipment - 2 hours.</p> <p>8 Hour Site Safety Manager – Safety problems, violations & emergency situations - 2 hours.</p> <p>Subtotal 4 hours</p>	<p>SST credits - Personal protection equipment - 9 hours.</p> <p>Subtotal 9 hours</p>	<p>SST worker credits – Personal protection equipment - 9 hours.</p> <p>OSHA 30 – Personal Protective Equipment - 2 hours.</p> <p>Subtotal 11 hours</p>	<p>OSHA 30 - Personal Protective and Lifesaving Equipment - 2 hours.</p> <p>40 Hour Site Safety Manager – NYC Building Code PPE related to scaffolds and other equipment – 6 hours.</p> <p>Subtotal 8 hours</p>
<p>OSHA 30 Health Hazards in Construction - 2 hours.</p> <p>8 Hour Site Safety Manager – construction accidents – 1 hour.</p> <p>Subtotal 3 hours</p>	<p>SST Credit</p> <ul style="list-style-type: none"> ▪ Asbestos awareness – 1 hour. ▪ Lead awareness - 1 hour. ▪ Working with hazardous chemicals or other materials - 4 hours. <p>Subtotal 6 hours</p>	<p>SST Worker – (asbestos, lead and chemicals) - 6 hours.</p> <p>OSHA 30 – (hazards in construction) - 2 hours.</p> <p>Subtotal 8 hours</p>	<p>OSHA 30 - Health Hazards in Construction – 2 hours.</p> <p>40 Hour Site Safety Manager – construction site accidents - 2 hours.</p> <p>Subtotal 4 hours</p>
<p>OSHA 30 Stairways and Ladders - 1 hour.</p> <p>Subtotal 1 hour</p>	<p>SST Credit - Ladders and stairs. 1 hour.</p> <p>Subtotal 1 hour</p>	<p>SST Worker Credit – 1 hour.</p> <p>OSHA 30 Stairways & Ladders – 1 hour.</p> <p>Subtotal – 2 hours</p>	<p>OSHA 30 Stairways and Ladders - 1 hour.</p> <p>40 Hour Site Safety Manager – NYC Building Code requirements related to stairways and ladders - 2 hours.</p>

<p>OSHA 30 - 12 hours below.</p> <ul style="list-style-type: none"> ▪ Concrete and Masonry Construction. ▪ Confined Space Entry. ▪ Cranes, Derricks, Hoists, Elevators, & Conveyors ▪ Ergonomics ▪ Excavations ▪ Fire Protection and Prevention ▪ Materials Handling, Storage, Use and Disposal ▪ Motor Vehicles, Mechanized Equipment and Marine Operations; Rollover Protective Structures and Overhead Protection; and Signs, Signals and Barricades ▪ Powered Industrial Vehicles ▪ Safety and Health Programs ▪ Scaffolds ▪ Steel Erection ▪ Tools - Hand and Power ▪ Welding and Cutting <p>4 Hour Supported Scaffold User – 4 hours</p> <p>Subtotal 16 hours</p>	<p>SST Credits –</p> <ul style="list-style-type: none"> ▪ Concrete operations -1 hour ▪ Confined space work - 2 hours. ▪ Material hoisting - 1 hour. ▪ Handling heavy materials and proper lifting techniques – 2 hours. ▪ Excavation work - 1 hour. ▪ Exit routes, emergency action plans, fire prevention and fire protection- 2 hours. ▪ Material handling - 1 hour. ▪ Sidewalk sheds and fences - 1 hour. ▪ Site perimeter protection - 1 hour. ▪ Tenant and occupant protection - 1 hour. ▪ Supported scaffold - 4 hours. ▪ Steel erection - 1 hour. <p>Subtotal 18 hours</p>	<p>SST Worker – 18 hours. (concrete, confined space, material hoisting, material lifting, excavation, exit routes, material handling, sidewalk sheds, perimeter protection, tenant protection and supported scaffolds).</p> <p>OSHA 30 – 12 hours. (concrete, confined space, cranes, ergonomics, excavations, fire protection, material handling, motor vehicles, powered industrial vehicles, safety programs, scaffolds, steel erection, tools, welding/cutting).</p> <p>Subtotal – 30 hours</p>	<p>Subtotal 3 hour</p> <p>OSHA 30 - 12 hours below.</p> <ul style="list-style-type: none"> ▪ Concrete and Masonry Construction. ▪ Confined Space Entry. ▪ Cranes, Derricks, Hoists, Elevators, & Conveyors ▪ Ergonomics ▪ Excavations ▪ Fire Protection and Prevention ▪ Materials Handling, Storage, Use and Disposal ▪ Motor Vehicles, Mechanized Equipment and Marine Operations; Rollover Protective Structures and Overhead Protection; and Signs, Signals and Barricades ▪ Powered Industrial Vehicles ▪ Safety and Health Programs ▪ Scaffolds ▪ Steel Erection ▪ Tools - Hand and Power ▪ Welding and Cutting <p>4 Hour Supported Scaffold User – 4 hours.</p> <p>40 Hour Site Safety Manager –</p> <ul style="list-style-type: none"> ▪ FDNY & DOT regulations – 4 hours. ▪ Concrete operations, erection operations, pedestrian protection and other Building code requirements - 8 hours. <p>Subtotal 28 hours</p>
<p>Other Topics:</p> <p>OSHA 30 – mandatory topics or unique hazards - 3 hours.</p>	<p>Other Topics:</p> <p>SST credit</p> <ul style="list-style-type: none"> ▪ Demolition work - 1 hour. 	<p>Other Topics:</p> <p>SST Worker – demo, major buildings, drug/alcohol awareness - 3 hours.</p>	<p>Other Topics:</p> <p>OSHA 30 –expand on mandatory topics or unique hazards - 3 hours.</p>



8 Hour Site Safety Manager – Introduction to site safety management – 1 hour.

Subtotal **4 hours**

- Construction and demolition work at major building sites - 1 hour.
- Drug and alcohol awareness - 1 hour.

Subtotal **3 hours**

OSHA 30 – mandatory topics or unique hazards - 3 hours.

Subtotal – **6 hours**

40 Hour Site Safety Manager – rigging, cranes, integrity training and training related to DOB - 4 hours.

Subtotal **7 hours**