



20 build safe | live safe
21 **DIGITAL CONSTRUCTION**
SAFETY CONFERENCE

CONSTRUCTION SAFETY LEGISLATION

P R E S E N T E D B Y

GUS SIRAKIS, PE, First Deputy Commissioner
ALEXANDRA FISHER, ESQ., Deputy Commissioner
PATRICK WEHLE, Assistant Commissioner

NYC[™]
Buildings

COPYRIGHT

This presentation is protected by United States and International Copyright laws. Reproduction, distribution, display and use of the presentation without written permission of the speaker is prohibited.

© 2021 New York City Department of Buildings

DISCLAIMER

The information in this document is only a summary and overview and is not intended to substitute for the full text and meaning of any law, rule or regulation. The City disclaims any liability for errors that may be contained in this document and shall not be responsible for any damages, consequential or actual, arising out of or in connection with the use of this document and/or the information contained herein. The City reserves the right to take action at variance with this document. This document shall not be construed to create a substantive or procedural right or benefit enforceable by any person. The information contained in this document is current only as of the publication date of this document.

© 2021 New York City Department of Buildings

PRESENTATION OVERVIEW

This presentation will discuss recently introduced legislation to improve construction site safety requirements for both the public and workers. These new bills would help further reduce injuries and fatalities on construction sites by licensing general contractors who perform construction work, requiring more site safety supervision at larger work sites that present the greatest safety risk, strengthening requirements for cold-formed steel construction, and permanently banning the dangerous use of stand-off brackets for suspended scaffold work.

BACKGROUND

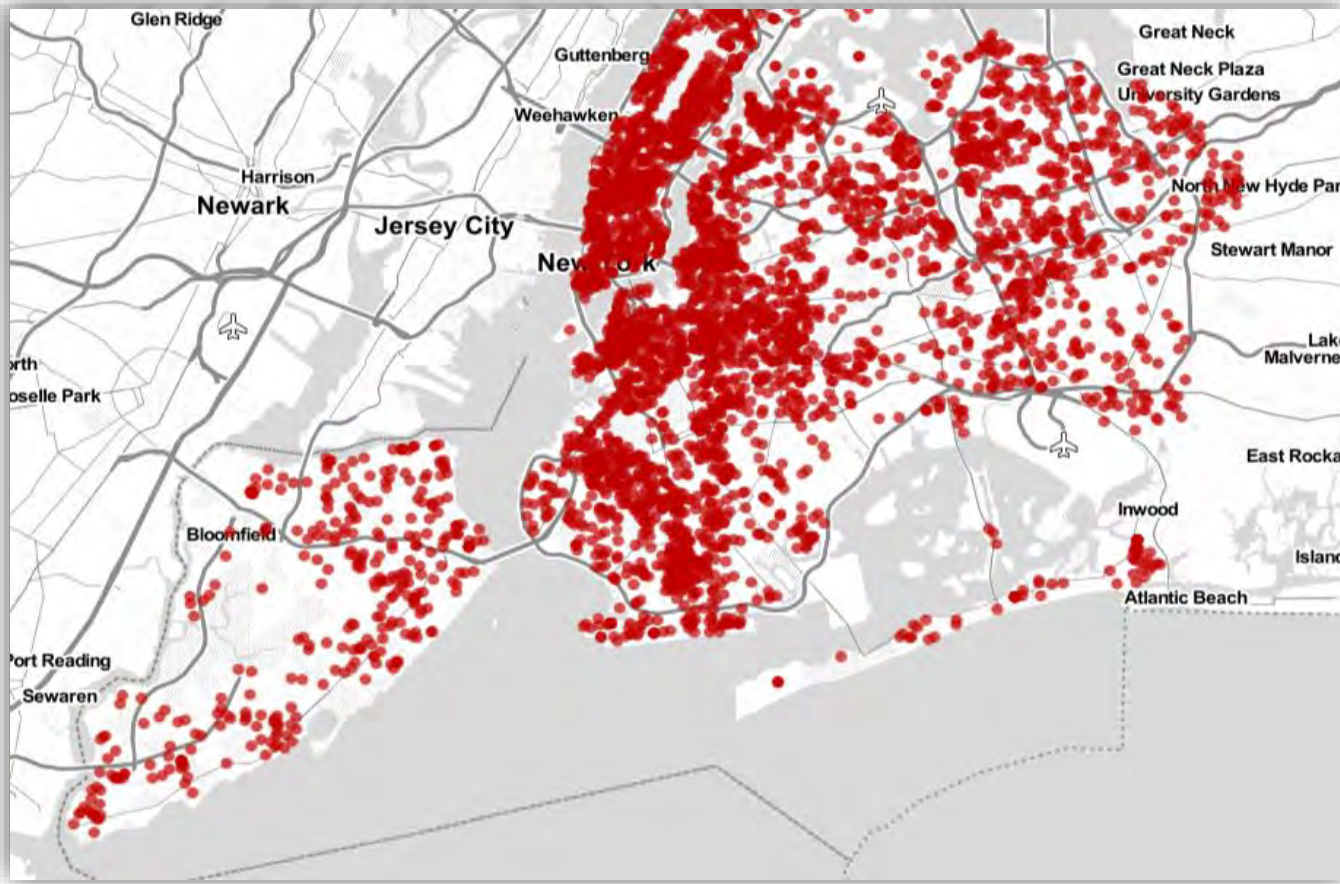
- In 2018, the Department of Buildings (the Department) began implementing Local Law 196 of 2017 (Local Law 196), a first-of-its-kind training requirement for construction workers.
- As of March 1, 2021, Local Law 196 requires that certain workers at certain job sites receive 40 hours of safety training and that licensed Site Safety Professionals receive 62 hours of safety training.
- The job sites to which Local Law 196 is applicable are sites that are required to designate a Construction Superintendent, Site Safety Coordinator or Site Safety Manager.
- The workers to which Local Law 196 is applicable are workers and who engage in construction or demolition work at the aforementioned sites.

BACKGROUND

- Through April 2021, course providers have issued **132,058** Site Safety Training Cards. This includes:

TYPE OF CARD	NUMBER OF CARDS ISSUED
Temporary SST Card	3,227
Limited SST Card	22,759
Full SST Card	70,348
Supervisor SST Card	35,724

BACKGROUND



- Site Safety Training is required at nearly **4,700** construction sites.

BACKGROUND

- The implementation of Local Law 196, along with proactive safety compliance inspections by the Department, has resulted in a decrease in construction-related injuries and fatalities.
- There were 502 construction-related injuries in 2020, down 34% from the 761 construction-related injuries in 2018.
- During this time, there was also a decrease in construction-related fatalities, with eight deaths in 2020, down 33% from 12 deaths in 2018.
- The Department is looking to build on its efforts to reduce construction-related injuries and fatalities with this construction safety legislative package.

PROPOSAL: LICENSING GENERAL CONTRACTORS

- The Department lacks the tools to appropriately discipline the few bad actor general contractors whose negligence results in the serious injury or death of their employees.
- Currently, general contractors, who seek permits from the Department to perform most major construction in the City, are not required to be licensed by the Department to perform such construction. General contractors must only register with the Department or obtain a Safety Registration Number from the Department, depending on the type of work they are seeking to perform.

PROPOSAL: LICENSING GENERAL CONTRACTORS

- Because general contractors are not licensed by the Department, there is no requirement that they demonstrate any practical experience, that they obtain any training, or that they undergo any background checks.
- This proposal would allow for greater oversight by the Department over general contractors who engage in construction or demolition work by licensing them in a similar manner other trades under the Department's jurisdiction are licensed.

PROPOSAL: LICENSING GENERAL CONTRACTORS

This proposal would:

- Require general contractors to demonstrate their experience, including practical experience working in the construction industry.
- Require general contractors to have a Site Safety Training Supervisor Card.
- Hold general contractors responsible for the work they perform under their permits, which could include requiring that they submit plans to the Department for addressing hazardous violations for a site under their control or requiring that they employ a safety compliance officer.
- Improve the Department's ability to discipline general contractors, which could include suspending or revoking their license.

PROPOSAL: LICENSING GENERAL CONTRACTORS

Examples of limitations on discipline include the following incidents, which involved fatalities resulting from extreme negligence:

- **Jose Martinez** (Safety Registration Number 39935): Contractor/Construction Superintendent on a worksite at 120-15 84th Avenue where two separate construction accidents occurred. Due to improper safety measures, an adjoining property was heavily damaged during excavation in July 2017 and a roof collapsed during demolition in August 2017.
- **Jorge Espejo** (Safety Registration Number 608635): Contractor/permit holder for a new building at 714 39th Street in Brooklyn. On September 13, 2018, a retaining wall collapsed at the site killing one worker, Luis Almonte. A subsequent audit of Mr. Espejo's other projects revealed that several of the sites were undergoing work without a required construction superintendent.

PROPOSAL: LICENSING GENERAL CONTRACTORS

(continued)

- **Isac Deutch** (Safety Registration Number 34833): Contractor/permit holder involved in a construction accident at 859/833 Myrtle Avenue on November 21, 2018. One worker, Over Paredes, was killed after a prefabricated panel fell off the 3rd story of a 10-story residential building under construction.

PROPOSAL: EXPANDING MAJOR BUILDING UNIVERSE

- Currently, a major building site is a construction site involving the new construction, vertical or horizontal enlargement, or full or partial demolition of a building 10 or more stories or 125 feet or more in height.
- Major building sites must designate licensed Site Safety Professionals, including a Site Safety Coordinator (required for 10 or more stories) or Site Safety Manager (required for 15 or more stories). Major building sites must also submit Site Safety Plans to the Department for review and approval.
- Department data shows that injuries and fatalities are ten times more likely to occur on major building scopes of work in the 7-9 story range as those less than 7-stories.

PROPOSAL: EXPANDING MAJOR BUILDING UNIVERSE

- Therefore, the Department proposes to lower the threshold for a major building site to include sites that involve certain work at existing or proposed buildings 7 or more stories or 75 feet or more in height.
- Lowering this threshold would trigger additional site safety requirements for more construction sites, including requiring that such sites submit Site Safety Plans to the Department for review and approval (currently, Site Safety Plans for these sites must be prepared and kept on site but not submitted to the Department for review and approval), and requiring a full time Site Safety Coordinator or Site Safety Manager at such sites.

PROPOSAL: REQUIRING MORE SITE SAFETY SUPERVISION

- Currently, a Construction Superintendent is required at a construction site involving certain work, including the new construction, vertical or horizontal enlargement, or full demolition of a building 9-stories and below and a Site Safety Coordinator or Site Safety Manager is required for major building sites.
- This proposal would require more site safety supervision at major building construction sites.
- In addition to requiring a full time Site Safety Coordinator or Site Safety Manager, who will serve as a dedicated safety monitor at major building sites, such sites would also be required to designate a full time Construction Superintendent, who will be responsible for safety and Code compliance, along with overall management of the construction project.

PROPOSAL: REQUIRING MORE SITE SAFETY SUPERVISION

- Site Safety Coordinators and Site Safety Managers would be responsible for verifying that work is being conducted in accordance with sound construction and demolition practices, and in compliance with approved construction documents. These licensees would also be responsible for monitoring compliance with Site Safety Plans and Tenant Protection Plans.
- Construction Superintendent would be responsible for tracking the general progress of work at a site, taking appropriate actions to ensure unsafe work or conditions are addressed, and maintaining a daily log that reflects activity at the construction site, including that required safety inspections are being performed. The Construction Superintendent would also be responsible for leading weekly safety meetings.

PROPOSAL: REQUIRING MORE SITE SAFETY SUPERVISION

(continued)

- This proposal would also limit the number of non-major building sites for which a Construction Superintendent may be designated, with the goal of having a dedicated Construction Superintendent at non-major building sites for which they are required by 2026. Currently, a Construction Superintendent may serve at up to ten sites so this proposal would also improve safety at non-major building sites.

PROPOSAL: IMPROVING SAFETY OF COLD-FORMED STEEL CONSTRUCTION

- Overloading and improper installation of cold-formed steel has resulted in serious injury, death, and property damage.
- In 2019, the Department issued a Buildings Bulletin to highlight requirements specific to the erection of cold-formed steel light-frame construction for special inspectors, construction superintendents, general contractors, design professionals, and permit holders.

PROPOSAL: IMPROVING SAFETY OF COLD-FORMED STEEL CONSTRUCTION

- The Department also conducted outreach to the construction industry to warn the industry of the dangers associated with overloading and improperly installing cold-formed steel and to highlight best practices with respect to cold-formed steel construction.
- To further improve the safety of cold-formed steel construction, this proposal builds upon such Buildings Bulletin and outreach by creating new requirements for cold-formed steel light-frame construction, the installation of decking on cold-formed steel light-frame construction, as well as the use of such framing and decking during construction or demolition operations.

PROPOSAL: PROHIBITING STAND-OFF BRACKETS

- The Department has identified the use of a stand-off bracket as a contributing factor in suspended scaffolding incidents that occurred in 2019.
- In response, the Department issued a Buildings Bulletin which prohibited the installation or use of a stand-off bracket until such time as the Department is able to further study their utilization and promulgate regulations to ensure their safe installation and use.
- The Department has determined that the use of stand-off brackets is not safe. As such, this proposal would prohibit their installation and use.

REVISIONS TO THE CONSTRUCTION CODES

- On **April 22, 2021**, a local law to bring the New York City Mechanical, Fuel Gas, and Building Code up to date with 2015 editions of the International Code Council's I-Codes was introduced to the New York City Council as **[Introduction No. 2261](#)**.
- For further Code revision information and updates please refer to the Department's Code Development and Revisions webpage at **<https://www1.nyc.gov/site/buildings/codes/code-revisions.page>**.
- Any questions regarding the NYC Construction Codes, please email **constructioncodes@buildings.nyc.gov**.



THANK YOU

20 DIGITAL CONSTRUCTION
21 SAFETY CONFERENCE

NYC[™]
Buildings