

Scaffolding, Fall Prevention Top the List of Construction Violations in New York, Study Finds - 07/08/2005

A review of more than 2,500 OSHA construction site inspection records in New York from 2003 found that nearly one-third of all OSHA construction violations in the state were of OSHA's scaffolding or fall protection requirements – more than for any other standard.

The organizations involved in the analysis also said the results of this study as well as a separate review reveal troubling data about the plight of immigrant workers in the construction industry.

Their analysis, titled "Lives in the Balance – Immigrants and Workers at Elevated Heights at Greatest Risk in Construction," was prepared by the New York State Trial Lawyers Association (NYSTLA) and issued by NYSTLA, the New York Committee for Occupational Safety and Health (NYCOSH), the Association of Community Organizations for Reform Now NY (ACORN), Make the Road by Walking and the New York Immigration Coalition. It reviewed all construction site inspections conducted in the state during 2003.

NYSTLA president Shoshana Bookson said the study points to the need to keep Section 240 of the state's Labor Law – which governs scaffolding safety – on the books.

"Repeal would shift ultimate responsibility for ensuring safe working conditions on scaffolds and roofs from owners and general contractors to the workers themselves, many of whom are recent immigrants who speak little or no English and who are in no position to press their bosses on safety," Bookson said.

Bookson also asserted that immigrant workers frequently are not named on workers' compensation policies and lack health insurance, leaving the scaffold law as their only practical source of recompense if they are injured at the worksite because required safety equipment was not provided.

In addition to retaining the scaffold law, "Lives in the Balance" recommends more rigorous OSHA construction safety rule enforcement; hiring of more OSHA compliance officers who speak the same languages as immigrant workers; and more extensive construction worker safety training, especially in English, Cantonese and other languages spoken by immigrant workers.

A separate review of accident inspections found that since 2001, immigrants were the victims in half the accidents in the state and two-thirds of accidents in New York City in which a worker was killed or at least three workers were hospitalized.

"Lives in the Balance" also found:

- Safety violations were widespread and serious. Nearly two-thirds of the inspections found at least one violation of an OSHA safety standard. In construction trades such as roofing and masonry, violation rates exceeded 80 percent and multiple violations at a single site were common. OSHA classified virtually all of the violations as "serious" and frequently assigned them the agency's highest "gravity" score.
- Inspections in New York City were substantially more likely to find violations than were inspections elsewhere in the state. More than 80 percent of inspections in Brooklyn, Manhattan and the Bronx found violations compared to 62 percent statewide and 50 percent upstate, and each inspection that found violations in these boroughs found substantially more violations than did inspections elsewhere. Some of the highest violation rates were among New York City multi-family residential building general contractors – an 87 percent rate in Brooklyn, for instance.
- The higher rates in New York City reflect the widespread employment of undocumented workers and day laborers in the city's construction industry, especially at smaller, non-union construction sites. Since these workers often speak little or no English and fear employer reprisals if they complain to the authorities about safety lapses, they often are left to work without the appropriate safety equipment and in violation of correct safety procedures.

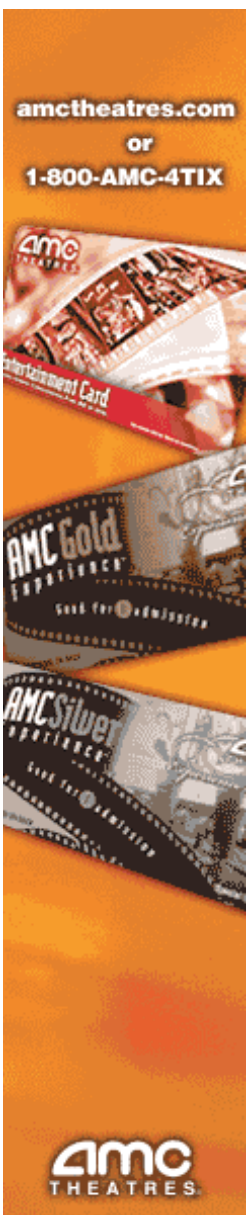
Joel Shufro, executive director of NYCOSH, a non-profit safety and health educational organization pointed to the study's finding that 1,586 of 5,312 OSHA construction safety violations – nearly one-third – were for violations of the scaffolding and fall prevention standards as a reason to keep the scaffold law.

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"Construction is one of the most dangerous industries and working at heights is one of the most dangerous aspects of construction," Shufro said. "OSHA inspection data shows that contractors violate fall prevention regulations on a routine basis. More than 25 construction workers in New York state die in falls each year. Labor Law 240 provides construction contractors with a strong incentive to follow safety regulations and develop programs to prevent falls. Without it, the death toll would certainly be even higher."

- Josh Cable



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