S T A T E O F N E W Y O R K

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I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. LANCMAN, PHEFFER, JAFFEE -- read once and referred to the Committee on Labor

AN ACT to amend the administrative code of the city of New York, in relation to enacting the "OSHA notification act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as the "OSHA notification act."

S 2. Legislative findings. The legislature hereby finds and declares that the health and safety of the population living in and around the many construction projects within the densely populated city of New York is a matter of state concern as pressure mounts to build more and more while completing projects in the shortest time possible. Construction is the most dangerous occupation, with death rates four times the average for other workers and conditions adjacent to construction sites dangerous to the public. Recent construction accidents involving cranes, for example, have killed construction workers and members of the public, and have resulted or will result in the expenditure of state resources for emergency services, court administration and infrastructure repair. Additionally, two senior buildings department officials were recently charged with various state crimes related to their failure to perform their duties and to protect public safety. Construction safety in the city of New York is covered by federal, state and local statutes, regulations and agencies and can only be achieved through proper coordination and cooperation among the federal, state and local government. Testimony at a 2008 legislative hearing focused on safety problems in the New York city construction industry, including the lack of coordination between the department of buildings and the federal Occupational Safety and Health Administration. Requiring the department of buildings to report potential workplace safety hazards to OSHA, the entity respon-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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sible for private sector workplace safety in New York, is essential to accomplishing the state's concern that the health and safety of the population living in and around the many construction projects within the densely populated city of New York be protected.

S 3. Section 27-102 of the administrative code of the city of New York is amended to read as follows:

S 27-102 Purpose. (A) The purpose of this code is to provide reasonable minimum requirements and standards, based upon current scientific and engineering knowledge, experience and techniques, and the utilization of modern machinery, equipment, materials, and forms and methods of construction, for the regulation of building construction in the city of New York in the interest of public safety, health and welfare, and with due regard for building construction and maintenance costs.

(B) THE COMMISSIONER SHALL REPORT TO THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION ANY VIOLATIONS OF THIS CODE, WHICH IN THE DEPARTMENT'S JUDGMENT, WOULD POTENTIALLY ENDANGER WORKPLACE SAFETY. THE COMMISSIONER SHALL FURTHER SUBMIT AN ANNUAL REPORT TO THE MAYOR OF THE CITY OF NEW YORK, THE NEW YORK CITY COUNCIL, THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NUMBER AND TYPES OF VIOLATIONS REPORTED TO THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.

S 4. This act shall take effect immediately.