

COMMITTEE ON CONSUMER AND WORKER PROTECTION  
CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AND WORKER  
PROTECTION

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September 25, 2024

Start: 10:53 a.m.

Recess: 11:36 a.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Julie Menin, Chairperson

COUNCIL MEMBERS:

Amanda Farías

OTHER COUNCIL MEMBERS ATTENDING:

Carmen N. De La Rosa

A P P E A R A N C E S

Carlos Ortiz, Assistant Commissioner for External Affairs for New York City Department of Consumer and Worker Protection

Hali Radecker, Director of Legislative Affairs for New York City Department of Consumer and Worker Protection

Brendan Griffith, Chief-of-Staff and Mobilizing Director at the New York City Central Labor Council, AFL-CIO

Mike McGuire, Political Director of the Laborers' Union

Michael Tracey, Vice President of the Uniformed Fire Officers Association

Enrique Valdez Gonzalez, Workers Justice Project

Armary Perez, Director of the Construction Division at the Workers' Justice Project

Jessica Ramos, State Senator

Charlene Obernauer, Executive Director of the New York Committee for Occupational Safety and Health

2 SERGEANT-AT-ARMS: Sound check for the  
3 Committee on Consumer and Work Protection. Today's  
4 date is September 25, 2024, being recorded by Danny  
5 Huang in the Committee Room.

6 SERGEANT-AT-ARMS: Welcome to the hearing  
7 on the Committee on Consumer and Working Protection.

8 At this time, please do not approach the  
9 dais. I repeat, please do not approach the dais.

10 Silence all electronics.

11 If you wish to testify, please talk to  
12 the Sergeant at the back of the room and fill out a  
13 witness slip.

14 If you wish to testify online, you may do  
15 so at [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). That is  
16 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

17 At this time, if you need any additional  
18 services, please contact the Sergeant.

19 Chair, you may begin.

20 CHAIRPERSON MENIN: [GAVEL] Good morning,  
21 and we apologize for the delay. My name is Julie  
22 Menin, Chair of the Committee on Consumer and Worker  
23 Protection.

24 Thank you all for joining us for today's  
25 hearing on Intro. 865 in relation to reporting on

2 workplace fatalities. Intro. 865, sponsored by  
3 Council Member De La Rosa, would require the  
4 Department of Consumer and Worker Protection to  
5 establish and maintain an online publicly available  
6 database that compiles information related to  
7 workplace fatalities that occur in New York City. A  
8 centralized registry with the circumstances of  
9 workplace deaths in the city would better allow us to  
10 continue to work towards improving occupational  
11 safety and health. I look forward to hearing from the  
12 Administration and other stakeholders on this bill,  
13 and now we are going to call on representatives of  
14 the Administration to testify. We'll be hearing  
15 testimony today from Carlos Ortiz, Assistant  
16 Commissioner for External Affairs at DCWP, and Hali  
17 Radecker, Director of Legislative Affairs for DCWP.

18 I'll now turn it over to Committee  
19 Counsel to administer the affirmation.

20 COMMITTEE COUNSEL: Do you affirm to tell  
21 the truth, the whole truth, and nothing but the truth  
22 before this Committee, and to respond honestly to  
23 Council Member questions?

24 ASSISTANT COMMISSIONER ORTIZ: I do.

25 DIRECTOR RADECKER: I do.

2 ASSISTANT COMMISSIONER ORTIZ: Good  
3 morning, Chair Menin. My name is Carlos Ortiz, and  
4 I'm the Assistant Commissioner for External Affairs  
5 at the Department of Consumer and Worker Protection.  
6 I'm joined today by Director of Legislative Affairs,  
7 Hali Radecker. Thank you for the opportunity to  
8 testify today on Introduction 865, relating to the  
9 reporting of worker fatalities in New York City.

10 DCWP provides fundamental consumer and  
11 worker protections and financial empowerment  
12 programming to New Yorkers. We strive to ensure that  
13 consumers who have been deceived or exploited have  
14 recourse, that workers have a passion to defend their  
15 rights, and that all New Yorkers have the support  
16 they need to improve their financial health. Since  
17 the start of the Adams' Administration, DCWP has  
18 helped deliver 785 million dollars into the pockets  
19 of New Yorkers through debt relief, restitution, the  
20 minimum pay rate, and financial empowerment  
21 programming.

22 DCWP is steadfast in its commitment to  
23 ensure fair workplaces for all New Yorkers through  
24 our dedicated enforcement efforts and proactive  
25 outreach. Since 2021, DCWP has secured more than 43

2 million dollars in restitution to nearly 36,000  
3 workers across the city, and we have conducted nearly  
4 1,000 events to educate New Yorkers specifically on  
5 their rights in the workplace and what actions to  
6 take if those rights are violated. Workers' rights  
7 will always be an essential priority for the  
8 Department.

9           Moving to today's bill, Introduction 865  
10 would require DCWP to establish and maintain an  
11 online public database that compiles information  
12 related to workplace fatalities that occur in New  
13 York City. It would require the Office of Chief  
14 Medical Examiner to facilitate maintenance of this  
15 database by delivering reports of any work-related  
16 fatal injury to DCWP.

17           Ensuring that workers are safe and that  
18 employers follow the essential health and safety  
19 standards for workplaces is a vital issue for New  
20 Yorkers. Workers must have safe working conditions,  
21 and the injury of one worker or loss of life on the  
22 job site is one too many. Under federal law,  
23 employers are obligated to report work-related  
24 employee fatalities to the Occupational Safety and  
25 Health Administration, which investigates all work-

1 related fatalities in covered workplaces. OSHA  
2 maintains a database that publishes worker-specific  
3 and worksite-specific data that covers New York State  
4 and New York City in its reporting. Under New York  
5 State law, the State Department of Labor has also  
6 created a registry inclusive of New York City for  
7 work-related fatalities in the construction industry  
8 and is charged with maintaining a public database of  
9 aggregate data. Finally, our colleagues at the Health  
10 Department Bureau of Vital Statistics, who are  
11 responsible for the registration, analysis, and  
12 reporting of all vital events in New York City,  
13 including deaths, have published data on workplace  
14 fatalities as part of its annual summary of vital  
15 statistics. Given these existing public health  
16 reporting mandates, the ongoing work of other  
17 agencies, and that public health surveillance is not  
18 in the scope of work of DCWP, we oppose this  
19 legislation as drafted. I would also like to note  
20 that the Law Department is also continuing to review  
21 this legislation. Of course, we welcome continued  
22 collaboration and partnership with all stakeholders,  
23 workers' advocates, and the Council to strengthen  
24 workplace protections in New York City. Thank you  
25

2 again for the opportunity to testify today. I look  
3 forward to our discussion and answering any questions  
4 you may have.

5 CHAIRPERSON MENIN: Wonderful. Thank you  
6 so much.

7 I also want to mention we've been joined  
8 on Zoom by Majority Leader Fariás.

9 So, a couple questions. In your  
10 testimony, you mentioned a number of federal and  
11 state databases related to workplace fatalities. Do  
12 these databases include independent contractors so,  
13 for example, would they include delivery workers  
14 employed by third-party apps?

15 ASSISTANT COMMISSIONER ORTIZ: Thank you  
16 for the question, Chair. I'm not sure if these  
17 databases include independent contractors in their  
18 existing reporting. Although, I will say that in the  
19 context of food delivery workers, the City has been  
20 working on a comprehensive package to improve safety  
21 standards for food delivery workers in traffic  
22 settings and also, as a part of that, is working to  
23 compile reporting of traffic incidents, injuries,  
24 fatalities.



2 CHAIRPERSON MENIN: And in terms of the  
3 database of workplace fatalities, how can you ensure  
4 that it's user-friendly so the public can really  
5 utilize this important data?

6 ASSISTANT COMMISSIONER ORTIZ: Thank you.  
7 I think for us at DCWP, transparency, accessibility  
8 of our public information is a major priority. Over  
9 the past few years, for that reason, we've been  
10 working to update our systems through the business  
11 automation process to make sure that we're more  
12 accessible for New Yorkers and, along those lines,  
13 we've actually recently been able to start rolling  
14 out again, after a little bit of hiatus, our Open  
15 Data sets, which we hope to have accessibility and to  
16 be very user-friendly as well. I think that's  
17 generally how we want to approach that type of work.  
18 From my role as Assistant Commissioner for External  
19 Affairs, I also want to make sure myself and my team  
20 are very available to not just yourself, Chair, but  
21 also constituents in New York City.

22 I will say that with respect to the  
23 mandate in this bill reporting on public health, I  
24 think we do have concerns about being the agency  
25 charged with that. I think our core work in worker

2 protection really focuses on the enhancement of  
3 economic daily lives, and moving into public health,  
4 I think we'd have concerns into having that reporting  
5 mandate.

6 CHAIRPERSON MENIN: So, what are the  
7 specific concerns you have about that?

8 ASSISTANT COMMISSIONER ORTIZ: Well,  
9 generally, I think given that there are other  
10 agencies involved, both at the federal, state, and  
11 local level that currently take in original data on  
12 public health, on fatalities. I think I mentioned  
13 that the Bureau of Vital Statistics. For example,  
14 they're required to receive all information on deaths  
15 that occur in New York City. I think one concern that  
16 we have is being another participant in that field.  
17 Again, for public health surveillance, reporting, and  
18 analysis, I don't think that's something that is our  
19 core work. I think we want to make sure that our  
20 resources and our capacity is dedicated to  
21 enforcement of key workplace laws, Paid Safe and Sick  
22 Leave, Fair Work Week, the Minimum Pay Rate so I  
23 think that's the nuance that I'm trying to achieve. I  
24 mean, don't get me wrong. Workplace safety is a key

2 issue, and we certainly commend the Council Member on  
3 that.

4 CHAIRPERSON MENIN: I mean, I guess what I  
5 would argue is that, and I was Commissioner when this  
6 agency changed from its core mission of consumer  
7 affairs to then worker protection, this is a key  
8 worker protection issue that is going to really  
9 provide a valuable resource in terms of safety  
10 information, and hopefully then will be able to  
11 prevent future fatalities from happening so having  
12 DCWP perform this key role, I think, is of critical  
13 importance.

14 ASSISTANT COMMISSIONER ORTIZ: Well, I  
15 think, you know, for me, I've always, in my role,  
16 tried to make sure that I'm able to also help define  
17 for folks the scope of what worker protection means,  
18 because I think it could be a very nebulous kind of  
19 concept if you think about it. I have certainly  
20 myself, and I don't mean this facetiously, have  
21 received complaints from folks. A person came off the  
22 street, assaulted one of my workers, what can you do  
23 for me, and you could see how worker protection in  
24 that context makes sense for a constituent, but in  
25 reality we know that there are other mechanisms that

2 address that type of assault so, for me, I think I  
3 want to make sure that we're guiding people to the  
4 right direction, I want to make sure that we're  
5 leveraging the expertise and capacity that we have  
6 now to really focus on the work that we can provide,  
7 that we should be providing, in the aforementioned  
8 laws that I mentioned.

9 CHAIRPERSON MENIN: In terms of the  
10 database, how would you ensure that it's updated in  
11 real time?

12 ASSISTANT COMMISSIONER ORTIZ: Well, I  
13 think that's a real concern that we would have. I  
14 think the proposed law has built in some partnership  
15 with OCME, the Office of Chief Medical Examiner,  
16 although I know they have concerns about what data  
17 they have accessible to them and also certain privacy  
18 concerns but, realistically, we are not really  
19 situated to take in this data. We're not currently  
20 doing that. I know there are requirements right now  
21 in the proposed law about employers sending this in  
22 too, but I think, again, this is not something that  
23 we feel situated to be performing. There are other  
24 agencies in the public health space that already get  
25 this information and I think those..

2 CHAIRPERSON MENIN: But if those other  
3 agencies are already receiving this information, then  
4 why can't DCWP serve as a conduit to gather the  
5 information and then make it publicly available?

6 ASSISTANT COMMISSIONER ORTIZ: Well, I  
7 think if it's a question of being able to disseminate  
8 information, be a partner with our agencies who are  
9 the leaders in that type of information, I think  
10 we're always ready to be involved in that space. I  
11 think I'm more concerned about creating any  
12 unnecessary redundant layer on data collection,  
13 perhaps, original data collection, or anything that's  
14 duplicative. I think we want to make sure we're  
15 efficient. Ultimately, we're a very small agency, but  
16 I think the way we've been successful, as you saw in  
17 my testimony, helping deliver almost a billion  
18 dollars to New Yorkers in just the past few years,  
19 the way we've been successful is by being able to  
20 really strategically deploy our resources now and,  
21 for that reason, I think the more we move out of a  
22 scope that we're currently in, I would be concerned  
23 about being able to fulfill that mandate.

24 CHAIRPERSON MENIN: Okay. We've got a  
25 number of people who are going to be testifying in

2 support of the bill, and I know they've been waiting  
3 a long time to testify so what I'm going to do is  
4 thank you for your testimony. It would be really  
5 helpful if both or either one of you could stay to  
6 hear the testimony because I think it's so important  
7 for the agency to be able to hear that so I would  
8 make that request.

9 ASSISTANT COMMISSIONER ORTIZ: Of course,  
10 Chair, and I would say that the folks coming to  
11 testify, they're close partners, they're close allies  
12 of the agency. I echo your statement that it's very  
13 important to hear from them in this setting as well  
14 so we look forward to listening.

15 CHAIRPERSON MENIN: Okay. Great. Thank you  
16 for your testimony. Thank you.

17 ASSISTANT COMMISSIONER ORTIZ: Thank you  
18 very much, Chair.

19 CHAIRPERSON MENIN: Okay. I am now going  
20 to open the hearing for public testimony.

21 I want to remind members of the public  
22 that this is a formal government proceeding and that  
23 decorum shall be observed at all times. As such,  
24 members of the public shall remain silent at all  
25 times.

2 The witness table is reserved for people  
3 who wish to testify. No video recording or  
4 photography is allowed from the witness table.

5 Further, members of the public may not present audio  
6 or video recordings as testimony but may submit  
7 transcripts of such recordings to the Sergeant-at-  
8 Arms for inclusion in the hearing record.

9 If you wish to speak at today's hearing,  
10 please fill out an appearance card with the Sergeant-  
11 at-Arms and wait to be recognized. When recognized,  
12 you'll have two minutes to speak on today's hearing  
13 topic, which is, of course, Intro. 865.

14 If you have a written statement or  
15 additional written testimony you wish to submit for  
16 the record, please provide a copy of that testimony  
17 to the Sergeant-at-Arms. You may also email written  
18 testimony to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov) within 72  
19 hours of this hearing. Audio and video recordings  
20 will not be accepted.

21 I'm going to call the first panel, Mike  
22 McGuire, Brendan Griffith. If you could please come  
23 up as the first panel. Thank you.

24 Okay, good morning. Okay, please proceed.  
25

2 BRENDAN GRIFFITH: Good morning. My name  
3 is Brendan Griffith, and I am the Chief-of-Staff and  
4 Mobilizing Director at the New York City Central  
5 Labor Council, AFL-CIO. Thank you, Chair Menin and  
6 the other Members of the Consumer and Worker  
7 Protection Committee, for the opportunity to testify  
8 today.

9 I am here to speak in support of Intro.  
10 865. As an organization representing more than 1  
11 million workers in New York City, the Central Labor  
12 Council is committed to honoring and remembering  
13 fallen workers who have lost their lives on the job.  
14 Even this week, we mourn the loss of Richard Errico,  
15 a 54-year-old veteran of the Department of Sanitation  
16 who was killed in the line of duty in Queens. Richard  
17 gave his life in service to our city, keeping it  
18 clean, safe, and healthy, and he deserves our  
19 collective gratitude.

20 For many years, the CLC has collaborated  
21 with the New York Committee for Occupational Safety  
22 and Health, NYCOSH, on an annual Workers' Memorial  
23 Day commemoration, which takes place on April 28th.  
24 We also coordinate with the Speaker's Office to make  
25 sure that workers we know have died on the job during



2 the previous month are recognized at a Stated  
3 Meeting. Through that process, what has become clear  
4 is the difficulty in finding information about a  
5 workplace fatality. Unfortunately, there is no one  
6 agency responsible for tracking that information. Our  
7 sources include media reports, reports from affiliate  
8 unions and labor partners, and social media. Although  
9 we are able to collect some data from government  
10 agencies, those reports are often incomplete and not  
11 inclusive of all worker fatalities, and they are  
12 dramatically delayed compared to what this bill will  
13 accomplish. Despite our efforts, we are certain there  
14 are many fatalities that we have missed.

15 Tracking and reporting workplace  
16 fatalities is a vital step toward honoring the  
17 sacrifices of New York City workers. These fallen  
18 workers were family. They were co-workers, they were  
19 friends, and they played a vital role in our broader  
20 New York City community. When a worker is killed on  
21 the job, it is their loved ones who endure the tragic  
22 loss and unimaginable grief. Those losses should be  
23 recognized. Workplaces must be safe and secure. The  
24 choice to come to work each day should not be a life-  
25 or-death decision, but for too many it is. Without

2 comprehensive and timely data, we cannot effectively  
3 track, report, or prevent fatalities.

4 This legislation represents a proactive  
5 approach to preventing workplace injuries and deaths,  
6 helping to ensure safe and healthy work environments.  
7 By gaining a clear understanding of where, how, and  
8 how many workplace fatalities occur, advocates can  
9 develop effective solutions to solving these critical  
10 and urgent issues. At the end of the day, Intro. 865  
11 is very simple. It ensures that we honor the lives of  
12 the fallen and recognize their service while paving  
13 the way for improved safety and protection for city's  
14 workers.

15 For the sake of our city's workers, their  
16 families, and for the safety of workers for  
17 generations to come, I urge the Council to pass this  
18 essential piece of legislation. Thank you for the  
19 opportunity to address the Committee today.

20 CHAIRPERSON MENIN: Thank you.

21 MIKE MCGUIRE: Good morning. Mike McGuire.  
22 I'm the Political Director of the Laborers' Union  
23 here in New York City, representing 17,000 members of  
24 LIUNA and five local unions.

2 My testimony today comes from a place of  
3 knowledge that I acquired as the original author of  
4 the Statewide Construction Industry Fatality Registry  
5 Law, which I was lucky enough to work with Council  
6 Member Carmen De La Rosa on when she was an Assembly  
7 Member. So, the New York State Constitution states,  
8 labor of human beings is not a commodity nor an  
9 article of commerce and shall never be so considered  
10 or construed. You know, this tells us that New York  
11 always had a respect for its workers. In support of  
12 this clause of the Constitution, hundreds of laws  
13 have been passed over the decades to protect the  
14 health and lives of our state's workers. However,  
15 without complete, accurate, and timely data, we have  
16 no way of gauging the efficacy of those laws.  
17 Further, and once again for lack of data, we have no  
18 way of knowing who among the workforce is most  
19 vulnerable. In working on this issue, I found the  
20 Deadly Skylines report produced by the New York  
21 Committee on Occupational Safety and Health, NYCOSH,  
22 to be invaluable. This annual report details  
23 workplace fatalities in the construction industry in  
24 New York State, revealing some startling statistics.  
25 For instance, over roughly the last two decades, one

2 construction worker was killed at work every five  
3 days in New York State. To be sure, that number  
4 shrinks and grows depending on how much construction  
5 activity occurs. In bust times, when there are fewer  
6 construction jobs, the number lessens. In boom times,  
7 particularly when underhanded contractors provide  
8 little or no health and safety training, the number  
9 grows. Suffice to say that each year, somewhere  
10 between 50 and 75 construction workers are killed on  
11 their job sites in New York State. Generally, Federal  
12 OSHA only investigates about 40 percent of those  
13 fatalities, despite what the Administration just  
14 testified to, leaving a large majority  
15 uninvestigated. Approximately 85 percent of the  
16 victims are Latinos or immigrants. And in some years,  
17 we found up to 93 percent of the fatalities were on  
18 non-union work sites. The only good statistic is  
19 there are no female victims in this list. Of course,  
20 the bad side of that is the fact that the non-union  
21 industry steadfastly refuses to hire any women. The  
22 problem with all these statistics painstakingly  
23 compiled by NYCOSH is that they likely woefully  
24 undercount the actual number of deaths and do not  
25 supply or reflect demographic realities due to the

1 lack of readily available information. Another issue  
2 is coroners may not actually report accidents as  
3 construction or even workplace fatalities. Cause of  
4 death? Blunt force trauma to the head. Manner of  
5 death? Fall from second story. That doesn't tell us  
6 if it was on a work site or at a home or anything  
7 else. Another issue leading to inaccuracies is the  
8 fact that different municipalities count workplace  
9 fatalities in different ways. For instance, for many  
10 years, the New York City Department of Buildings only  
11 counted a workplace fatality if a member of the  
12 public was also in danger. That is to say, if a  
13 construction worker fell off a 50-story building onto  
14 the sidewalk where he or she could potentially hit a  
15 pedestrian, that was recorded as a workplace  
16 fatality. However, if a construction worker fell down  
17 a 50-story shaft in the center of the building where  
18 only other construction workers could get hurt, that  
19 wasn't considered a workplace fatality by the  
20 Department of Buildings. This measure advances the  
21 intent of Section 44. It provides the same  
22 demographic information of the victims, age, gender,  
23 ethnicity, nationality, trade, union status, etc.  
24 that is needed to craft better workplace health and  
25

2 safety legislation as well as supplying information  
3 on the employers. The employer information is  
4 extremely important. For instance, right now, in New  
5 York City, a certain contractor that has killed six  
6 workers over the last seven years is working on  
7 publicly subsidized projects. One contractor. A City  
8 version of this law is necessary for several reasons.  
9 First and foremost, Section 44 only covers  
10 construction fatalities and, while construction  
11 remains the most dangerous major industry in the  
12 country, it's certainly not the only dangerous  
13 industry in our city. The Federal Bureau of Labor  
14 Statistics put out a press release for the year 2022,  
15 the latest year for which numbers are available, that  
16 revealed 23 construction workers were killed at work  
17 in the five boroughs during that year. Yet there were  
18 actually an additional 60 workers killed at various  
19 other jobs in New York City, leaving more than 62  
20 percent of the workplace fatalities out of the  
21 system. It further resolves the problem of non-  
22 compliance. Coroners outside the city are most  
23 definitely under-reporting the number of fatalities  
24 in their counties. Although, to be fair, this is more  
25 likely due to ignorance of the law than any mal-

2 intent. It still leaves us with flawed fatality  
3 numbers. And finally, we don't know the vagaries of  
4 each county's processes and so, much like we used to  
5 have with the Department of Buildings, we have no way  
6 of knowing whether those counties even classify any  
7 deaths as worker fatalities.

8 With all the data under Intro. 865 being  
9 compiled and submitted by one agency, the Office of  
10 the City Medical Examiner, we are sure to have  
11 accurate and timely information that will undoubtedly  
12 save the lives of workers in the future. The  
13 Laborers' Union strongly supports 865 and urges the  
14 Council to pass it with all due haste. Thank you so  
15 much for your testimony.

16 CHAIRPERSON MENIN: We've now been joined  
17 by my Colleague, Council Member De La Rosa.

18 Before I turn it over to her for a  
19 statement, just a couple questions on your testimony.  
20 Can you talk a little bit about why it's so important  
21 to have real timely data on workplace fatalities and  
22 how you would utilize this data?

23 MIKE MCGUIRE: Well, I mean, I think  
24 certainly the real-time data comes into play in a big  
25 way when we take into account the fact that 85

2 percent of the fatalities on the construction side,

3 obviously I represent labor so I speak from the

4 construction side, are Latino or immigrant workers.

5 The problem with not having timely information,

6 particularly with immigrant workers, is immigrant

7 workers if, unfortunately they're undocumented, they

8 don't stay in the same place very long. Something

9 happens traumatic like that on a job site, somebody

10 dies, people scatter and then that data gets lost and

11 nobody brings justice to bear on the people who are

12 the cause of this. It's just extremely important to

13 get it out there as quickly as possible and it also

14 helps us recognize industry trends where we see

15 dangerous practices starting to pop up and they need

16 to be changed so, yeah, I think the timely data is

17 extremely important.

18 CHAIRPERSON MENIN: Great, wonderful. Now

19 I'm going to turn it over to my Colleague, Council

20 Member De La Rosa.

21 COUNCIL MEMBER DE LA ROSA: Thank you,

22 Chairman, and thank you to the panel for being here,

23 and I want to thank DCWP for also coming over today

24 to have this conversation. I'm Council Member Carmen

25



2 De La Rosa, the prime sponsor of Intro. 865, also  
3 known as the Worker Fatality Bill.

4 According to NYCOSH's 2024 Deadly Skies  
5 Report, which is working off limited data from 2022,  
6 the U.S. Department of Labor Statistics, construction  
7 worker deaths in New York City in particular continue  
8 to rise as statewide deaths decrease. 24 construction  
9 workers died in 2022 compared to 20 in 2021. At the  
10 beginning of my first legislative session at the  
11 Council, workplace fatalities in New York City were  
12 up from pre-pandemic levels while OSHA's inspections  
13 remained low below pre-pandemic levels and issued  
14 less and less public information. Workers of color  
15 die on the job at higher rates. With black and Latino  
16 workers, job fatality rates are disproportionately  
17 higher and continue to increase. A story far too  
18 common as shown by the bridge collapse in Baltimore  
19 where six Latinx immigrant workers lost their lives  
20 after the crash. Immigrant workers are less likely to  
21 report safety violations out of fear of retaliation  
22 from employers and government agencies according to  
23 NYCOSH's report. Violations at worksite coincide with  
24 worker fatalities as we know pointing to a trend of  
25 unscrupulous employers who put work over safety.

1  
2 However, violations do not do enough to deter death  
3 nor shame unscrupulous actors into compliance. Our  
4 legislation, which we are presenting here today,  
5 creates a set of data for us to use to follow up on  
6 deaths while holding employers accountable and  
7 financially liable for not reporting. Our real goal  
8 is to reduce workplace deaths to zero because no one  
9 expects to go to work and not make it back home,  
10 especially the workers from our city. I'm grateful to  
11 both the CLC, Mason Tenders, the Laborers for their  
12 collaboration on this legislation. You know, this is  
13 kind of a full circle moment as when I was in the  
14 Assembly we worked closely to pass legislation on a  
15 State level. We know, given the density of our city  
16 and the booming workforce, that we need data that is  
17 specific to what is happening here, and that goes  
18 beyond construction, although construction continues  
19 to be a point of focus given the dangers that exist,  
20 and so I am grateful for us to be able to move this  
21 legislation and have this hearing and I'm looking  
22 forward to our collaborative partnership here. Thank  
23 you.

2 CHAIRPERSON MENIN: Great. Thank you. So  
3 without any further questions, thank you so much to  
4 the panel. We really appreciate it.

5 Okay. I'm going to call the next panel.  
6 Michael Tracey, Enrique Valdez, Armary Perez. Please  
7 come up. Thank you.

8 Good morning. Okay.

9 MICHAEL TRACEY: Good morning to the  
10 Committee, Chair Menin, Councilwoman De La Rosa,  
11 Majority Leader Fariás and thank you for bringing  
12 this great idea to a hearing. My name is Michael  
13 Tracey, the Vice President of the Uniformed Fire  
14 Officers Association, proud member of the AFL-CIO and  
15 the CLC. We represent over 2,000 lieutenants,  
16 captains, battalions and deputy chiefs who run into  
17 fires each day in this city, and we come to you today  
18 to support Intro. 865.

19 Perhaps you are asking yourself why a  
20 firefighter union will come down here today to speak  
21 in support. While we lose about one FDNY member a  
22 week to a death linked to the hazards of firefighting  
23 and exposure at the World Trade Center site, we also  
24 have the resources to track, treat, and prevent the  
25 illnesses and injuries we sustain in our workplace.

2 We have the 9/11 Health Watch tracking illnesses, an  
3 international organization that tracks firefighter  
4 injuries, presumptive bills in Albany and our own  
5 Committee here in the Council where we can raise our  
6 own health and safety issues. It is precisely because  
7 of these resources that we come to speak in support  
8 of this bill today. While we, of course, fight for  
9 the specific hazards facing firefighters and fire  
10 officers, we refuse to pull the ladder up behind us.  
11 We are part of the labor movement. We respect the  
12 hard work and dignity of all workers. We believe  
13 these workers should be protected from unscrupulous  
14 employers, and we believe this Council can offer  
15 tools for protection to protect these workers. This  
16 bill before us today is one of those tools. Union  
17 firefighters are intimately aware of the hazards  
18 these workers face. We respond on the scene when  
19 unprotected construction workers fall into confined  
20 spaces and when a deliverista is hit by a car. A  
21 central repository to monitor and track these dangers  
22 that these workers face is a commonsense tool that  
23 can perhaps reduce the injuries we see in the field  
24 on a daily basis and reduce our risk as well. It is  
25 for these reasons that the UFOA supports the Worker

2 Fatality Bill, Intro. 865. Thank you for your time  
3 today.

4 CHAIRPERSON MENIN: Thank you.

5 ENRIQUE VALDEZ GONZALEZ: Good morning. My  
6 name is Enrique Valdez Gonzalez. Ms. President Julie  
7 Menin, I got to speak in Spanish. All right?

8 (SPEAKING SPANISH)

9 ARMARY PEREZ: Thank you. Good morning,  
10 Chair Julie. Good morning, Members of the Committee  
11 on Consumer and Workers' Protection. On behalf of the  
12 Workers' Justice Project, I want to thank you for the  
13 opportunity to testify here of Intro. 0865. My name  
14 is Armary Perez. I am the Director of the  
15 Construction Division at the Workers' Justice  
16 Project, and our program is dedicated to education  
17 and organizing and empowering day laborers in  
18 construction in Brooklyn and beyond. Our goal is to  
19 build a culture of safety and eliminate wage theft  
20 and provide pathways for day laborers and low wage  
21 workers, to secure better wage and create  
22 opportunities through our workforce development and  
23 job referral programs. Every year, we train nearly  
24 1,000 low wage workers in 40 hours construction site  
25 safety training and connect day laborers over 400

2 jobs opportunities in construction and others, and we  
3 support more than 200 construction workers in their  
4 fights against wage theft across the city. We  
5 appreciate the New York City Council's funding  
6 support through the Day Labor Workforce Initiative  
7 and the Construction Site Safety Initiative. Thank  
8 you for renewing our grant, and we continue to  
9 empower and organize non-unionized and low wage  
10 construction workers in this new fiscal year.

11 On behalf of the Workers' Justice  
12 Project, I am here to testify in support of the  
13 Intro. 0865, which would require the Commissioner of  
14 the Consumer and Workers Protection to create an  
15 online database of work fatalities in New York City.  
16 The Chief Medical Examiner will report work-related  
17 deaths, and employers would be required to provide  
18 additional information. This is a significant step  
19 forward monitoring workplace fatalities, identifying  
20 hazards, recognizing unsafe industry practices, and  
21 developing informed strategies to prevent future  
22 workplace fatalities. For low wage workers and  
23 immigrant workers, earning and living in New York  
24 private sectors is becoming increasingly unsafe. In  
25 recent years, emerging industries like app-based food

2 delivery have become among the deadliest with over 30  
3 worker fatalities in the past four years. So, as  
4 fatalities and injuries rise across the sector in New  
5 York, it's crucial to monitor work-related deaths, to  
6 hold unethical employers accountable, and ensure that  
7 every job is safe and dignified. We strongly support  
8 Intro. 0865, and it will provide valuable data to  
9 help identify hazardous industries and determine the  
10 necessary steps to prevent future workplace. Thank  
11 you so much for hearing me.

12 CHAIRPERSON MENIN: Thank you. I really  
13 want to thank this panel for their testimony today.  
14 Any questions?

15 Okay. Thank you so much.

16 We will now call up our next panel. State  
17 Senator Jessica Ramos. Yes, you are a panel of one.

18 SENATOR JESSICA RAMOS: Good morning  
19 (INAUDIBLE) My name is Jessica Ramos and I represent  
20 the Queens neighborhoods of Corona, East Elmhurst,  
21 Jackson Heights, Elmhurst, and parts of Regal Park in  
22 the New York State Senate. I proudly represent the  
23 most diverse District in the state full of  
24 constituents who work to provide essential services  
25 in all five boroughs of New York City. I am

2 testifying in support of the Worker Fatality Bill,  
3 Intro. number 865, introduced by Council Member  
4 Carmen de la Rosa. I'd like to thank the Chair and  
5 the Speaker for inviting me to testify today.

6           According to the Bureau of Labor  
7 Statistics, a worker died every 96 minutes from a  
8 work-related injury in 2022 compared to 101 minutes  
9 in 2021 nationwide. I will allow the experts at  
10 NYCOSH and the Central Labor Council to expand on the  
11 data I have shared in my written testimony, but it is  
12 worth emphasizing that there is a scary upwards trend  
13 in preventable worker deaths in our city and state  
14 that Intro. 865 is well-equipped to deal with. Just a  
15 few days ago, Richard Errico, a 19-year veteran of  
16 the New York City Sanitation Department, died  
17 tragically at work. Reports on this tragedy state  
18 that it is unclear what caused him to fall out of his  
19 truck, leaving us with a lack of information that we  
20 could use to prevent future tragedies. As Chair of  
21 the Senate Labor Committee, I have made it a priority  
22 to ensure workers return home healthy and whole to  
23 their families at the end of the day. I championed  
24 the Workplace Fatalities Registry Bill, which was  
25 enacted in 2022, and established a registry of



2 workplace fatalities, specifically in the  
3 construction industry, to record information  
4 pertaining to all incidents under which a worker  
5 performing construction work suffers a work-related  
6 fatal injury, and I see Mike McGuire from the  
7 Laborers here who helped me draft and pass this bill.  
8 This registry is maintained by DOL, the Department of  
9 Labor, and the updated information must be accurately  
10 published and accessible. This data can be used to  
11 vet contracts during bidding and note trends across  
12 sectors that inform legislative decision-making.  
13 Currently, no City agency collects data on worker  
14 fatality in the five boroughs. The data will allow us  
15 to know which workers or industries are experiencing  
16 significant fatalities and how to ensure their  
17 safety. As an employer of over 300,000 workers, the  
18 City has a responsibility to know the risks its  
19 workforce faces. Agencies cannot be responsive to  
20 data they do not have. I thank Speaker Adams for  
21 allowing Intro. number 865 to receive a hearing and  
22 the bill sponsors for championing worker safety.  
23 Thank you.

24 CHAIRPERSON MENIN: Thank you. And our  
25 last in-person panel is Christopher Leon Johnson.

2 If we've inadvertently missed anyone  
3 who's registered to testify today and is yet to be  
4 called, please speak with a Sergeant or, if you are  
5 remote, use the Zoom hand function and you'll be  
6 called in the order that your hand has been raised.  
7 Anyone on Zoom?

8 Yes, if you could please fill out the  
9 form and they'll bring it up. Thank you.

10 Yes. Please take a seat. We just need the  
11 card. Thank you.

12 Okay, and our last in-person panelist is  
13 Charlene Obernauer.

14 CHARLENE OBERNAUER: Thanks so much. My  
15 name is Charlene Obernauer, and I'm the Executive  
16 Director of the New York Committee for Occupational  
17 Safety and Health, NYCOSH. We've been advocating for  
18 safe and healthy jobs for decades with a particular  
19 focus on workplace fatalities, and we're here today  
20 to testify in full support of Intro. 865. The bill  
21 would require the Department of Consumer and Worker  
22 Protection to establish and maintain an online public  
23 database of worker fatalities. So, for many years, as  
24 Brendan had said, we've been putting together a list  
25 of workers who have been killed on the job, and we

1 also work with the Speaker of the City Council to  
2 compile a list of workers who've died. I will tell  
3 you that process might seem like, you know, we just  
4 go to a database and we find those deaths. It's not.  
5 We have a number of Google alerts set. We go through  
6 communications. We go through articles. We go through  
7 OSHA data. We go through BLS data. There's no  
8 centralized location for this information. So also,  
9 you know, in these instances, you know, the OSHA data  
10 is released six months after a worker is killed. The  
11 BLS data is released almost two years later. And, of  
12 course, thanks to our advocates in the New York State  
13 Senate and Assembly, there's now a New York State  
14 Department of Labor administered Workplace Fatalities  
15 Registry for construction deaths. There are media  
16 reports, but there's inconsistent information, and  
17 we've uncovered important information through our  
18 process of collecting data. We found that when a  
19 worker dies on a construction site in New York, 80  
20 percent to 90 percent of the time, that fatality  
21 occurs on a non-union site. We found that immigrant  
22 workers, particularly Latinx workers, are more likely  
23 to die on the job and, given how intensive it is to  
24 recover this data, we don't have the resources to  
25

2 write these reports in every industry, including  
3 other industries like the deliveristas with high  
4 fatality rates. The bill would give us the  
5 opportunity to have timely access to data, and we  
6 could write more reports on other industries and,  
7 frankly, serve as a better watchdog to unscrupulous  
8 employers. Thank you.

9 CHAIRPERSON MENIN: Thank you very much.  
10 Thanks for your testimony.

11 Okay, wonderful. Well, I really want to  
12 thank everyone for coming out for today's very, very  
13 important hearing. We really appreciate the testimony  
14 that we heard today and, with that, we are going to  
15 close the hearing. [GAVEL] Thank you.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 7, 2024