

NYCOSH SUMMARY of CONSTRUCTION SAFETY TRAINING LAW 1447

The Construction Safety Training Law known as Intro 1447 was enacted by New York City on October 16, 2017. It establishes new site safety training requirements and penalties for violations, develops a site safety training provider and card system, creates a timeline for phasing in the additional training requirements, sets up a stakeholder task force and equal access program, and also creates a yearly reporting program to monitor the implementation of the law.

Site Safety Training Requirements and Penalties

Training requirements. All construction workers employed at a major building site (10 stories and above, or greater than 100,000 square feet in area), starting on March 1, 2018, must have received either 1) an OSHA 10, 2) an OSHA-30, or 3) a 100-hour construction training program. Additional Site Safety Training requirements will be phased in over time, as described in detail below.

No permits. No permits for construction or demolition work for which training is required under this law shall be issued/ renewed until the applicant has certified its workers have completed the required training.

Reduction in fees. If employers, permit holders, or building owners, can show that they have paid for training for one or more workers (unless it was due to a violation of the training requirements), they can have the fines that they are charged for building code violations reduced, according to a system yet to be established.

Civil Penalties. The minimum civil penalty for failing to ensure a worker is trained according to the new requirements is \$5000. This can be reduced to \$2500, if it is a first violation. The penalty for failing to keep the required log documenting the trainings is \$2500. These penalties are applied separately depending on how many workers have not been trained. For example, if there are 10 workers on a site who have not been trained, the penalties for the owner or permit holder may be \$50,000.

Workers who have not completed the training requirements will not be penalized. The owner, permit holder, and/or whoever engaged the workers will be issued these violations.

Repeat violations. If there are found to be repeated violations of these training requirements, there will be unannounced inspections at that site, or at that employer's other worksites, until they are found to be in compliance at least on 2 separate visits. In addition, a second or subsequent violation of training requirements will be classified as an immediately hazardous violation of the building code and penalties can be up to \$25,000 per violation.

Access and Monitoring

Equal access. The Department of Buildings, or a mayor-designated agency, shall by March 1, 2018 develop a program to provide access to training for construction workers who do not have equal access.

Task Force. A task force will be developed to determine additional training needs. The task force shall consist of 14 members, chaired by the DOB commissioner and also representing labor, minority/women owned business enterprises engaged in construction work, and day laborers. By no later than March 1, 2018, such task force shall provide the commissioner with recommendations on additional construction safety hazards, including: fall protection, personal protective equipment and many other areas.

Reporting. The buildings commissioner will be required to report yearly on the number of training providers, the number of workers certified to have been trained, and the numbers of violations issued.

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Site Safety Training providers.

Site Safety Training Providers. In order to be accepted by the department of buildings as a Site Safety Training provider, a person must show that they are authorized to conduct trainings for OSHA 10 and OSHA 30 training courses, or that they conduct 100-hour training programs. The department can also establish alternative requirements by rule.

Language access. SST providers must show that they have a language access plan that complies with requirements established by an agency designated by the mayor, or that they are able to offer trainings in a language that workers will understand, or have interpreters who have health and safety experience.

Auditing of Site Safety Training providers. The department will conduct periodic audits of SST providers in order to ensure the integrity of the training system.

Phased implementation of new training requirements:

By March 1, 2018, all permit holders and/or owners must show that workers have at least an OSHA 10, OSHA 30, or 100 hours of training.

By December 1, 2018 (this date can be delayed, up until June 1, 2019), all permit holders or owners must show that workers have either an SST card, a limited SST card, or a temporary SST card.

By May 1, 2019 (this date can be delayed, to as late as September 1, 2020), all permit holders or owners must show that workers have either an SST card or a temporary SST card.

New Site Safety Training (SST) cards

SST card – Issued by an SST provider to show that worker has completed: 1) an OSHA 10 plus 30-45 additional training hours; 2) an OSHA 30 plus 10-25 additional training hours; or 3) a 100-hour training.

Limited SST card – Issued by an SST provider before full compliance date, to show that worker has completed: 1) an OSHA 10 plus 20 additional training hours; 2) an OSHA 30, or 3) a 100-hour training.

Temporary SST card – Issued by SST provider for new entrants to workforce, for workers who have completed an OSHA 10 training. Expires within 6 months, to allow time for additional training needed.