

# DEADLY SKYLINE

An Annual Report on Construction  
Fatalities in New York State

*March 2021*



**NYCOSH**



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**About the New York Committee for Occupational Safety and Health (NYCOSH):** NYCOSH is a membership organization of workers, unions, community-based organizations, workers' rights activists, and health and safety professionals. NYCOSH uses training, education, and advocacy to improve health and safety conditions in our workplaces, our communities, and our environment. Founded in 1979 on the principle that workplace injuries, illnesses and deaths are preventable, NYCOSH works to extend and defend every person's right to a safe and healthy workplace.

NYCOSH appreciates the assistance provided by many during this project, including but not limited to: The Bureau of Labor Statistics (BLS), Occupational Safety and Health Administration (OSHA), the New York State Department of Labor, New York City Department of Health, and the New York City Department of Buildings (NYC DOB).

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# INTRODUCTION



Construction continues to be one of the most dangerous industries in the country, with workers risking their lives every day to build New York. In this year’s “Deadly Skyline” report, the New York Committee for Occupational Safety and Health (NYCOSH) highlights fatality trends in the construction industry from 2019—the most recent data year available—and makes recommendations on how New York City and State can make worksites safer for construction workers.

NYCOSH’s key findings showcased that construction remained highly dangerous for workers in 2019. Compared to the past several years, there was an increase in the rate and number of construction fatalities in New York City. New York State’s rate and number as a whole decreased during the same time period.

Non-union job sites remained dangerous for workers, and construction remained especially dangerous for Latinos. This finding is consistent with prior years and is particularly relevant due to the relationship between unsafe jobs and immigration status. If workers believe immigration authorities may be alerted when reporting unsafe jobs, they are less likely to make a report. Fear of retribution makes job sites less safe for everyone, but particularly for Latino construction workers.

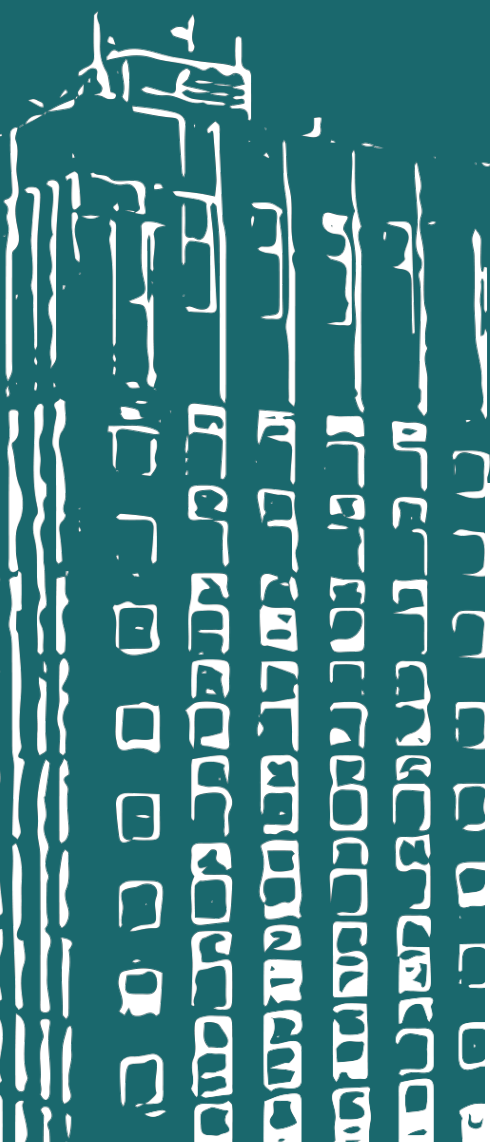
OSHA’s limited funding resulted in low inspection numbers—2019 had the second-lowest annual inspections in the history of the organization. Regular inspections make jobs safer, and when an agency like OSHA is unable to conduct inspections, more workers are injured and killed.<sup>1</sup> Underfunding of OSHA has been a problem for decades, with the number of inspections decreasing year after year, during both Democrat and Republican administrations.

Due to a change made during the Obama Administration in 2016, construction fines for fatality cases increased to their highest amount in history and steadily increased into 2019. The fines are still low, but this is a move in the right direction. If the trend continues, employers will have an incentive to create safer jobs.

NYCOSH’s key recommendations include requiring and funding adequate safety education and training; extending and defending protective legislation to hold employers accountable with legislation such as the New York Scaffold Safety Law and Carlos’ Law; and expanding regulations and enforcement. Further, NYCOSH recommends a task force be created in New York City to analyze the increasing trend in construction fatalities.

*NYCOSH is grateful to all of the workers who have joined us in various safety, health, and empowerment trainings over the past year. We dedicate this report to New York’s construction workers.*

<sup>1</sup> Gray, W., & Jones, C. “Are OSHA health inspections effective? A longitudinal study in the manufacturing sector.” *Review of Economics and Statistics*, 73(3), 504–508, 1991, [https://clear.dol.gov/sites/default/files/OSHAGray1991\\_1.pdf](https://clear.dol.gov/sites/default/files/OSHAGray1991_1.pdf).



## **METHODOLOGY**

NYCOSH develops the Deadly Skyline report using data reported by: the Bureau of Labor Statistics; the New York City Department of Buildings; the Occupational Safety and Health Administration (OSHA); and numerous media reports.

NYCOSH has been advocating for better tracking of construction worker fatalities since this report was first published in 2014. At the end of 2020, a bill sponsored by Senator Jessica Ramos in the Senate (S8828) and Assemblywoman Carmen De La Rosa (A5965A) was signed into law. The legislation requires that employers submit key information to the New York State Department of Labor when a construction worker dies on the job. This information will then be made available to the public via a searchable database. Although the bill is now law, it will not come into effect until mid-2021, therefore the data will not be included in this report.

# SUMMARY OF FINDINGS

**New York State’s construction industry remained highly dangerous for workers in 2019, but fatality numbers decreased slightly since 2016.** The number of construction workers who died in New York State decreased 5% between 2018 and 2019, with 58 deaths in 2018 and 55 deaths in 2019.

**In contrast, New York City’s construction fatality numbers increased in 2019, for the third year in a row.** Twenty-four construction workers died in 2019, compared to 22 in 2018—a 10% increase.

**The construction fatality rate in New York City increased while the rate in New York State continued to decrease.** New York City’s rate rose from 7.8 per 100,000 construction workers in 2018 to 11.6 in 2019, and, New York State’s rate fell from 12.2 per 100,000 to 10.2.

**Non-union job sites are especially dangerous for workers.** NYCOSH analyzed OSHA’s 32 construction fatality investigations in 2019 and found that in New York State, 78% of workers who died on private worksites were non-union. In the 19 OSHA-investigated sites in New York City, 68% of the construction workers who died were non-union.

**Latino workers were more likely to die on the job in NYS in 2019 compared to non-Latino workers.** Latinos make up a disproportionately high percentage of worker fatalities in New York; an estimated 10% of New York State’s workers are Latino, but in 2019, 20.5% of worker fatalities were of Latino workers.

**OSHA construction fines for fatality cases increased, but remain low.** The average fine issued by OSHA increased from \$25,178 in 2018 to \$32,719 in 2019. The highest fine issued in 2019 was \$143,206.

**OSHA’s small budget resulted in low inspection numbers. NYCOSH’s review of OSHA’s press releases in the past three years showed that the agency went from releasing 58 press releases in 2016 to just 21 in 2019.** Per a recent study, a press release leads to 73 percent fewer OSHA violations at peer facilities within a 3 mile radius (5 kilometers) of the publicized facility.<sup>2</sup> NYCOSH also conducted an analysis of OSHA inspections in New York State since OSHA’s founding and found a staggering decrease in inspections over the past twenty years—not surprising given the agency’s mostly stagnant budget.

**Contractors’ OSHA violations coincide with construction worker fatalities, but violations do not prevent contractors from receiving government subsidies.** NYCOSH analyzed OSHA-inspected construction fatality cases in New York State in 2019 and found that on job sites where workers have died, employers then had OSHA violations that followed 100% of the time. For example, if a worker died from a fatal fall, the employer was then fined for a failure to provide training and a failure to implement fall protection systems (like a harness or guard rail). Therefore, the incident could have been prevented. Despite these violations and coinciding fatalities, employers are not legally prevented from receiving subsidy dollars.

<sup>2</sup> Johnson, Matthew S. “Regulation by Shaming: Deterrence Effects of Publicizing Violations of Workplace Safety and Health Laws.” *American Economic Review*, American Economic Review, June 2020, [www.aeaweb.org/articles?id=10.1257/aer.20180501](http://www.aeaweb.org/articles?id=10.1257/aer.20180501).



### NEW YORK CITY'S CONSTRUCTION FATALITY NUMBERS

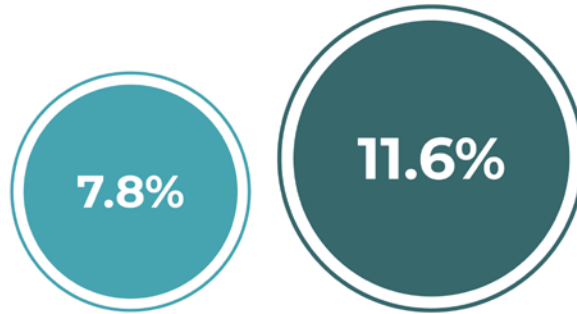


2018 | 22 DEATHS

2019 | 24 DEATHS



### NEW YORK CITY'S CONSTRUCTION FATALITY RATE



2018 | PER 100,000

2019 | PER 100,000

# RECOMMENDATIONS

## Require and Fund Adequate Safety Education and Training

### 1. Require construction training and certification for New York State's construction workers.

Construction safety training programs that provide rigorous hours of training and combine on-the-job learning with technical instruction are essential to creating safer job sites. Just as New York City enacted the construction safety training law, Local Law 196, other municipalities and New York State need to create similar training requirements, along with funding mechanisms to ensure that low income workers are not excluded from accessing them.

## Extend and Defend Protective Legislation

### 2. Preserve New York's Scaffold Safety Law.

New York State's Labor Law §240 (commonly referred to as the Scaffold Safety Law) protects construction workers by giving fallen construction workers and their families the right to sue an employer or the building site owner if they are injured or killed in falls from an elevation.

### 3. Pass Carlos' Law to increase penalties against criminal contractors.

For too long, workers' deaths on the job have been quickly dismissed as "unfortunate accidents," regardless of the role played by employers, contractors, and owners in contributing to those deaths. New York should increase penalties against corporate entities. The current maximum amount is \$10,000, which is trivial for construction contractors. Criminal contractors should not be allowed to continue using their corporate structures to evade accountability and move ahead with business as usual. For the past several years, the legislation has been introduced in both the NYS Senate and NYS Assembly; while the bill passed the Assembly in 2017 and 2018, it did not pass the Senate. NYCOSH continues to advocate for this legislation.

## Expand Regulations, Monitoring & Enforcement

### 4. Expand criminal prosecutions of contractors statewide.

The Manhattan District Attorney has led the way on prosecuting criminal construction contractors. District Attorneys in the New York Metropolitan Area, like the Brooklyn DA, have also brought charges against bad actors. Across the state, district attorneys should exercise their power to hold criminal contractors accountable when the failure to protect workers rises to the level of a criminal offense. In addition, as the reporting of workplace crimes increase, District Attorney's offices should build up their staffing and capacity to prosecute these cases, regardless of the numbers of workers affected or amount of money owed. Small bad actors must also be held accountable.



# RECOMMENDATIONS

## **5. Use existing city power to suspend or revoke licenses and construction permits for criminal contractors.**

New York City and other municipalities have broad power within their licensing and permitting processes to keep criminal contractors from operating unsafely and endangering workers and the public. In companies where the owners, managers, or corporations were convicted of felonies related to worker deaths, these companies—and successor companies controlled by the same management—must face consequences. Their applications for licensing to work on residential construction or permitting for commercial projects must be denied. City policies can hold employers accountable in cases of criminal conviction in a worker death so that construction employers face real consequences for their negligence.

## **6. Double OSHA's budget.**

The stagnant hiring and coinciding decrease in inspection numbers by OSHA has had real consequences for workers throughout New York State and all across the country. The agency has been underfunded throughout Democratic and Republican Administrations. NYCOSH is no longer advocating for small increases to OSHA's budget, and instead is advocating for OSHA to double its budget in 2021 because the enforcement is simply not adequate.

## **7. Continue to increase funding to the New York City Department of Buildings.**

The NYC DOB has a critically important role in construction safety and preventing workplace fatalities in New York City. Construction fatality rates are increasing in New York City, and NYC DOB needs increased funding to do its job. In order to be effective, the agency must be funded according to its additional responsibilities (implementing Local Law 196, for example) and so they can enforce new regulations within their mandate.

## **8. Mandate subsidy procurement reform and responsible contracting in New York State and New York City.**

Some of the most egregious violators of health and safety standards and wage and hour laws continue to receive New York State and New York City funding for their development projects. To ensure that low-road contractors are not subsidized by government dollars, New York City and State should pass subsidy procurement reform that disallows bad actors to receive public funding, and mandates that all public funds are tied to prevailing wages, training programs, and local hiring programs that work for the people who build this city. Further, the City and State should ensure that developers receiving subsidies do not hire subcontractors who have had egregious violations.

# RECOMMENDATIONS

## 9. Protect Latino and immigrant workers proactively.

In New York State, Latino workers are more likely to die on the job than non-Latino workers, and Latino immigrant workers are more likely to be exploited. Immigrant workers are less likely to report violations out of fear of retaliation, and this fear has become increasingly justified as immigrant workers are targeted by federal immigration agencies simply because they are immigrants. However, proactive steps by New York State and New York City can ensure that Latino and immigrant construction workers are fairly protected by the law.

## 10. Analyze increasing construction fatality trends in New York City.

New York City should act to put together a task force with academics, labor, researchers, OSH experts, and agency leaders to analyze this increase in fatalities and brainstorm ways in which jobs could be made safer.



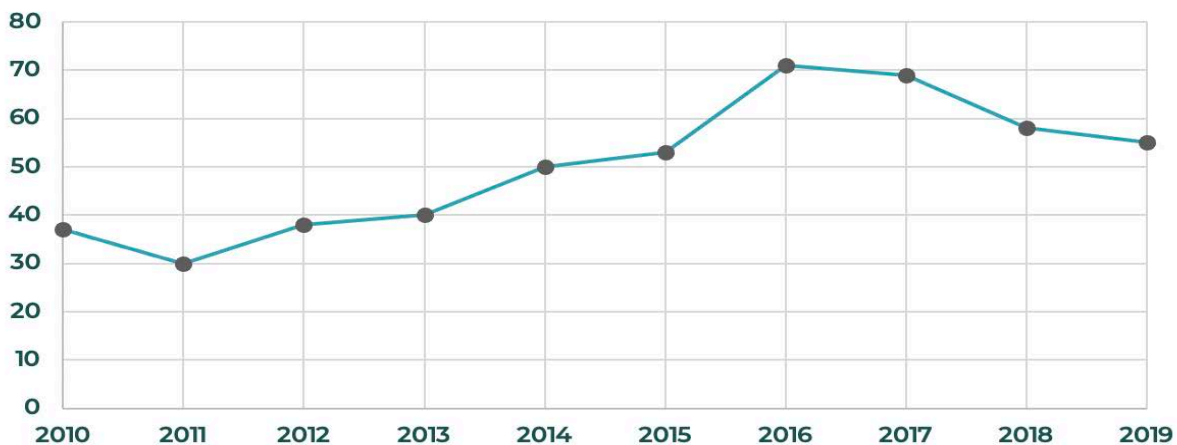
# FINDINGS

## 1. *New York's construction industry remains highly dangerous in 2019.*

### Construction fatality numbers decreased slightly in New York State.

The number of construction workers who died in New York State decreased 5% between 2018 and 2019, with 58 deaths in 2018 and 55 deaths in 2019. New York State's construction industry employs approximately 414,000 workers<sup>3</sup> and remains highly dangerous; 388 workers died in New York State construction-related accidents between 2010 and 2019. Over the past ten years, an average of 39 workers died each year in New York State. The lowest number of fatalities over a ten-year period in New York State was in 2011, with 30 fatalities; the highest was in 2014, with 69.

Fatalities in Construction in NYS from 2010 to 2019



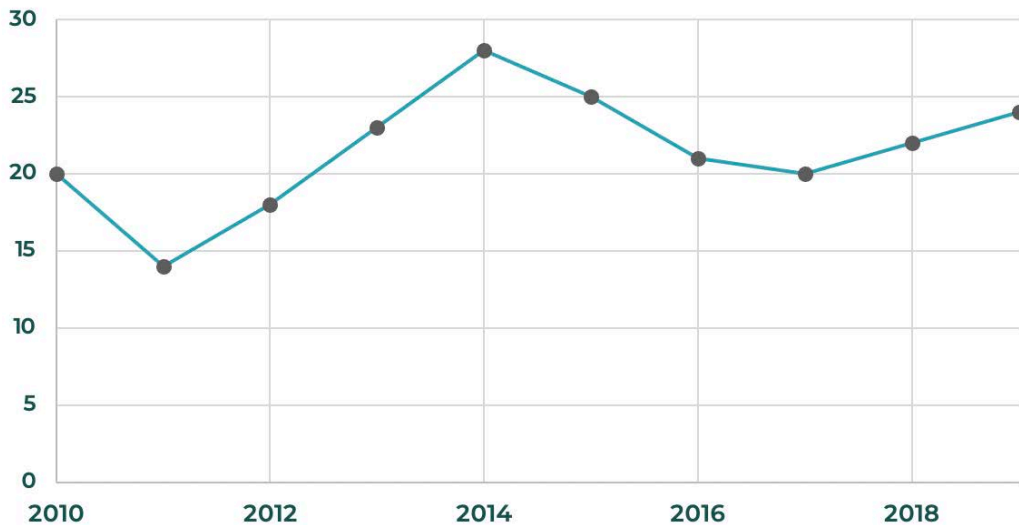
Source: U.S. Bureau of Labor Statistics Census of Fatal Occupational Injuries, 2019.

<sup>3</sup>New York State Department of Labor, Current Employment Statistics, 2019, <https://www.labor.ny.gov/stats/lscsmaj.shtm>.

## Construction fatalities increased in New York City.

New York City's construction fatality numbers increased in 2019, for the third year in a row. 24 construction workers died in 2019, compared to 22 in 2018—a 10% increase. Over the past ten years, 20 construction workers died on average each year in New York City, with a total of 215 construction worker fatalities. The lowest number of fatalities over a ten-year period in New York City was in 2011, with 14 fatalities; the highest was in 2014, with 28.

### Fatalities in Construction in NYC from 2010 to 2019



Source: U.S. Bureau of Labor Statistics Census of Fatal Occupational injuries, 2008-19.

## New York State's construction fatality rate decreased while New York City's rate increased, bringing both rates closer together.

New York City's rate rose from 7.8 per 100,000 in 2017 to 11.6 in 2019, and, New York State's rate fell from 12.2 per 100,000 to 10.2.

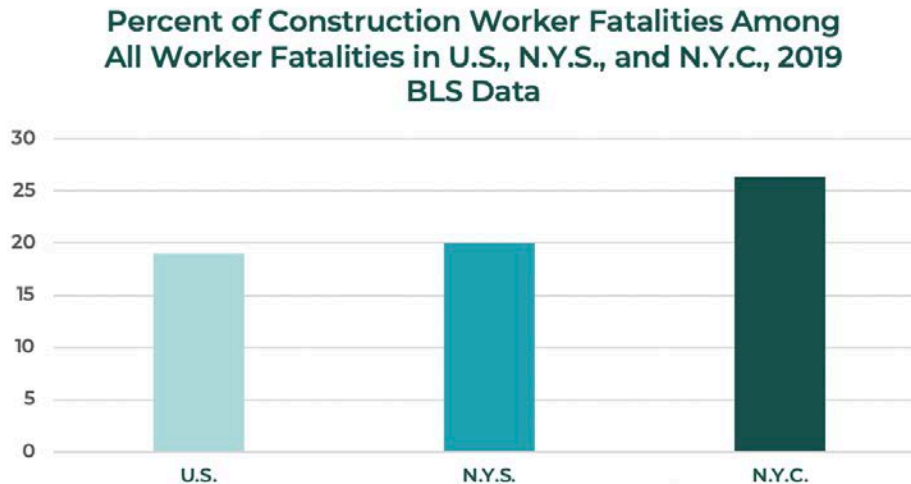
### Construction Fatality Rates in New York State vs. New York City



Source: U.S. Bureau of Labor Statistics Census of Fatal Occupational injuries, 2008-19.

**Among all work-related fatalities across New York City, New York State, and the United States as a whole, NYC has the highest proportion of construction-related worker fatalities.**

In 2019, construction deaths accounted for 26% of all worker deaths in New York City and 20% of all worker deaths in New York State,<sup>4</sup> compared to 19% nationwide.<sup>5</sup>



Source: U.S. Bureau of Labor Statistics Census of Fatal Occupational injuries, 2019.

Construction is one of the most dangerous industries for workers in the United States, with the construction industry accounting for 1,061 out of 5,333 worker fatalities in 2019 (19%) despite construction workers making up just 4% of the nation’s workforce.<sup>6</sup> U.S. fatalities in the private construction industry increased 5 percent to 1,061—the largest total since 2007.<sup>7</sup> The U.S. fatality rate for all workers in 2019 was 3.5 per 100,000 compared to 40.0 per 100,000 for construction workers.<sup>8</sup> Fatal injury rates are per 100,000 full-time equivalent (FTE) workers.

In New York City and New York State, the disproportionate number of fatalities among construction workers as compared to overall workers remained true. In 2019, the New York State fatality rate for all workers was 3.1 per 100,000, and the rate for construction workers was 10.2 per 100,000 workers. In New York City, the 2019 fatality rate in construction was nearly 5 times the overall rate of fatalities in all industries (2.5 per 100,000 for all workers<sup>9</sup> vs. 11.6 per 100,000 for construction workers<sup>10</sup>).

<sup>4</sup>“Fatal Occupational Injuries in New York (Including N.Y.C).” *U.S. Bureau of Labor Statistics*, <https://www.bls.gov/iif/oshwc/cfoi/tgs/2018/iiffw69.htm>.

<sup>5</sup>“Fatal Occupational Injuries in New York City.” *U.S. Bureau of Labor Statistics*, [www.bls.gov/iif/oshwc/cfoi/tgs/2017/iiffw68.htm](http://www.bls.gov/iif/oshwc/cfoi/tgs/2017/iiffw68.htm).


<sup>6</sup>“Census of Fatal Occupational Injuries Summary, 2019.” *U.S. Bureau of Labor Statistics*, U.S. Bureau of Labor Statistics, 16 Dec. 2020, [www.bls.gov/news.release/cfoi.nr0.htm](http://www.bls.gov/news.release/cfoi.nr0.htm).

<sup>7</sup> Ibid.

<sup>8</sup>“Table 5. Fatal Work Injury Rates per 100,000 Full-Time Equivalent Workers by Selected Occupations, 2019.” *U.S. Bureau of Labor Statistics*, U.S. Bureau of Labor Statistics, 16 Dec. 2020, [www.bls.gov/news.release/cfoi.t05.htm](http://www.bls.gov/news.release/cfoi.t05.htm).

<sup>9</sup>“Fatal Occupational Injury Rates by State of Incident and Industry, 2019.” *U.S. Bureau of Labor Statistics*, U.S. Bureau of Labor Statistics, <https://www.bls.gov/news.release/pdf/cfoi.pdf>.

<sup>10</sup>“Fatal Injury Rates by State of Incident and Industry.” *U.S. Bureau of Labor Statistics*, U.S. Bureau of Labor Statistics, 16 Dec. 2020, [www.bls.gov/iif/oshwc/cfoi/staterate2019.htm](http://www.bls.gov/iif/oshwc/cfoi/staterate2019.htm).



## ***2. Non-union job sites are especially dangerous for workers.***

### **2019 data showcased high percentages of fatalities on non-union job sites.**

NYCOSH analyzed OSHA's 32 construction fatality investigations in 2019 and found that in New York State, 78% of workers who died on private worksites were non-union. In the 19 OSHA-investigated sites in New York City, 68% of the construction workers who died were non-union.

Non-union contractors have little oversight outside of government regulatory agencies, and with OSHA's underfunding, worksites are not receiving the number of inspections necessary to ensure safety standards are being followed. Union job sites have shop stewards and a trained workforce that are more likely to recognize and report safety violations and have protection provided by their unions against employer retaliation.



### ***3. Latino workers are more likely to die on the job than non-Latino***

Latinos make up a disproportionately high percentage of worker fatalities in New York; an estimated 10% of New York State's workers are Latino, but in 2019, 20.5% of worker fatalities were of Latino workers.

NYCOSH reports have consistently shown that Latino and/or immigrant workers are repeatedly exploited by employers who willfully violate safety and health protections on the job. These immigrant workers are less likely to report violations out of fear, especially given that workers have been famously retaliated against.

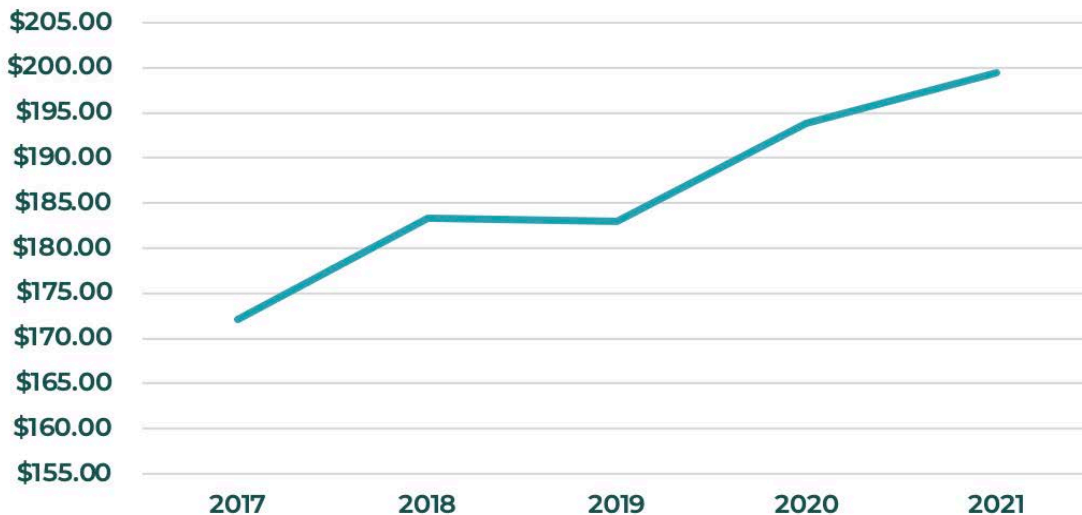
#### 4. New York City must continue to increase funding to the New York City Department of Buildings.

### The New York City Department of Buildings saw increased resources.

The New York City Department of Buildings (NYC DOB) has drastically increased its budget in the past several years, as well as the number of staff conducting inspections, which is essential to ensuring that construction workers are safe on the job.

The Budget for Fiscal Year 2021 included \$199.5 million for NYC DOB,<sup>11</sup> which continues a trend of increases in funding for the agency.

NYC Department of Building Executive Budgets (in Millions)



Source: New York City Department of Buildings, 2019

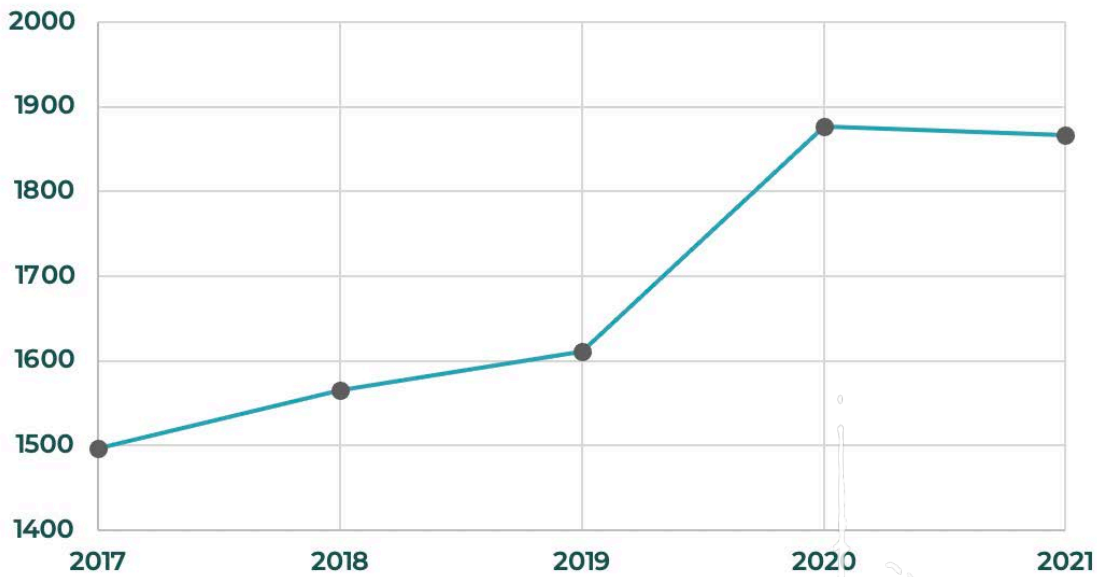
<sup>11</sup> “Report of the Finance Division on the Fiscal 2021 Preliminary Plan and the Fiscal 2020 Preliminary Mayor’s Management Report for the Department of Buildings.” *New York City Council*, New York City Council, 5 Mar. 2020, [council.nyc.gov/budget/wp-content/uploads/sites/54/2020/04/810-DOB.pdf](https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/04/810-DOB.pdf).



The staffing at NYC DOB continued to increase, allowing the agency to conduct more inspections as the construction boom in New York City sustains, and to enforce additional laws that the DOB oversees, such as Local Law 196.

However, despite these expanded resources, New York City continued to see increases in the rate and the number of construction fatalities. New York City should act to put together a task force with academics, labor, researchers, OSH experts, and agency leaders to analyze this increase in fatalities and brainstorm ways in which jobs could be made safer.

### NYC Department of Buildings Agency Personnel



Source: New York City Department of Buildings, 2021



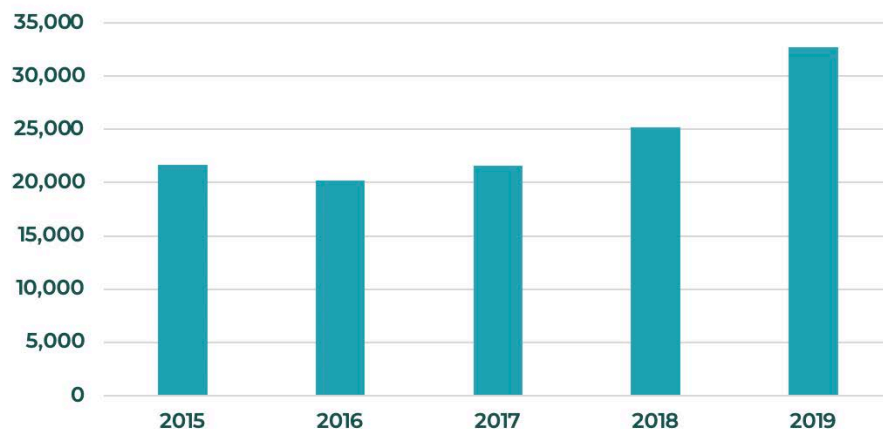
## 5. OSHA construction fatality fines have increased.

OSHA increased the fine amounts that it is able to levy on August 1, 2016—the first time the agency had done so since 1990. OSHA’s increased fine schedule gave the agency the ability to impose fines up to 78% higher than prior to 1990. This change led to an increase in the fine amounts that OSHA levies against employers.

In 2019, the top fine issued in New York State was against Sciame Construction, LLC for \$143,206. The fines included two serious and one willful violation. OSHA indicated that two workers were working from a scaffold, sweeping and cleaning, when one of the workers fell through the scaffold’s hoisting shaft, landed on a lower floor and was killed.<sup>12</sup> OSHA issued the following violations:

- 19260451 B01<sup>13</sup> Each platform on all working levels of scaffolds shall be fully planked or decked between the front uprights and the guardrail supports
- 19260451 F03<sup>14</sup> Scaffolds and scaffold components shall be inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold’s structural integrity.
- 19260451 G01 VII<sup>15</sup> For all scaffolds [...] each employee shall be protected by the use of personal fall arrest systems or guardrail systems meeting the requirements of paragraph (g)(4) of this section.

**Average OSHA Fines for Construction Fatality Cases**



Source: OSHA Fatality data, 2015-2019.

<sup>12</sup> “Inspection Detail.” *Inspection Detail* | Occupational Safety and Health Administration, United States Department of Labor, [www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1401948.015](http://www.osha.gov/pls/imis/establishment.inspection_detail?id=1401948.015).

<sup>13</sup> “Violation Detail.” *Occupational Safety and Health Administration*, United States Department of Labor, [www.osha.gov/pls/imis/establishment.violation\\_detail?id=1401948.015&citation\\_id=01001](http://www.osha.gov/pls/imis/establishment.violation_detail?id=1401948.015&citation_id=01001).

<sup>14</sup> “Department of Labor Logo UNITED STATES DEPARTMENT OF LABOR.” 1926.451 - *General Requirements*. | Occupational Safety and Health Administration, United States Department of Labor, [www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.451](http://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.451).

<sup>15</sup> “1926.451 - General Requirements.” *Occupational Safety and Health Administration*, United States Department of Labor, [www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.451](http://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.451).

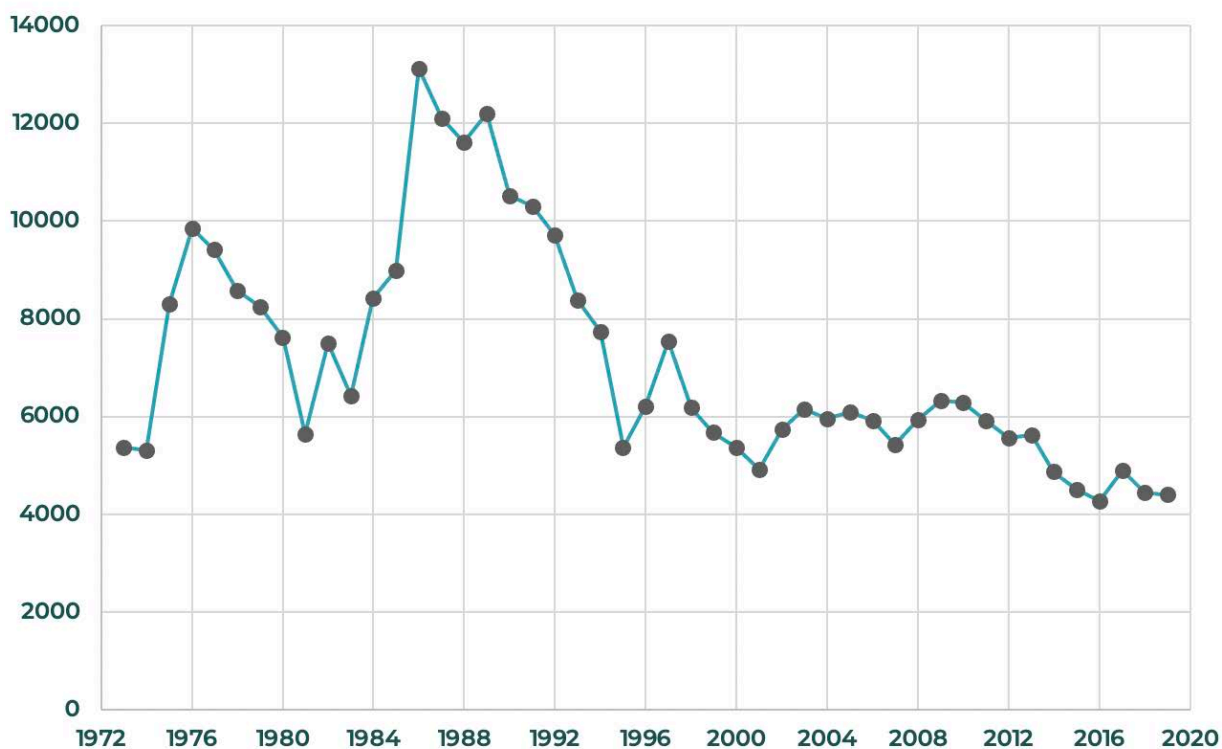


## 6. OSHA continued to reduce its inspections and public presence, decreasing the agency's effectiveness.

### OSHA conducted fewer inspections and fewer press releases.

NYCOSH conducted an analysis of OSHA inspections in New York State since OSHA's founding and found a consistent decrease in the number of yearly inspections between 1986 and 2020. This decrease in inspections coincides with a substantial increase in population and number of worksites over the same period of time. In other words, the more inspections that occur, the fewer the number of workers killed on the job.

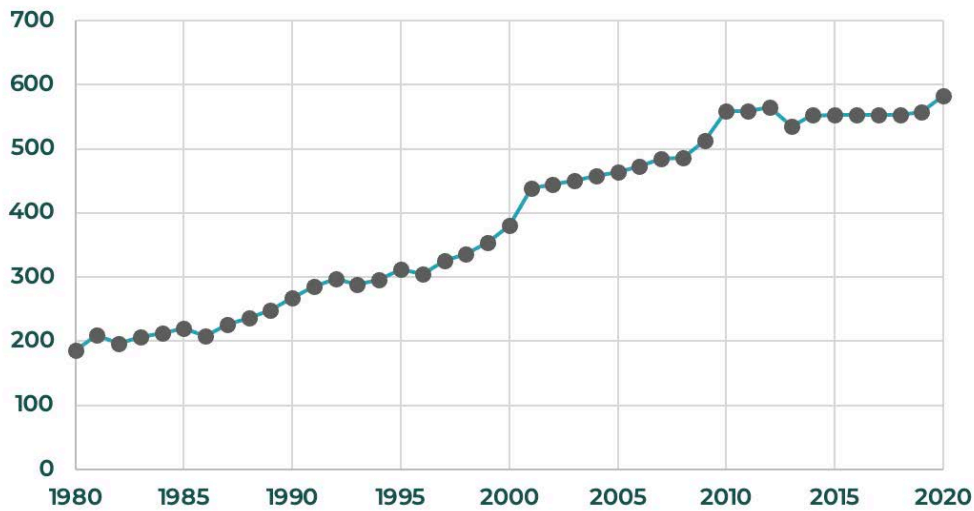
OSHA Inspections in NYS



Source: Department of Labor, Occupational Safety and Health Administration.

Simply put, inspections are effective, but are not being utilized. In one study by the U.S. Department of Labor, firms that were inspected one or two times experienced a reduction in citations of 50 percent. A decrease in inspections causes a decrease in OSHA violations.

## OSHA Budget \*in Millions



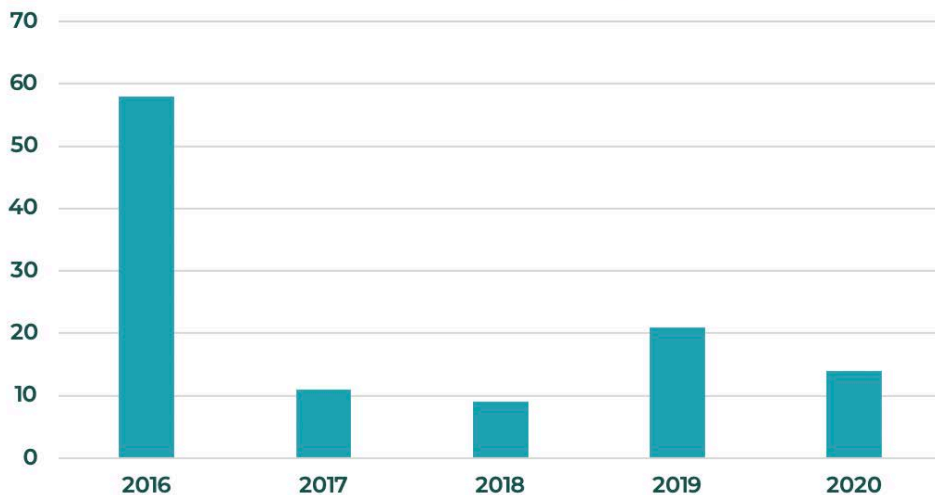
Source: Department of Labor, Occupational Safety and Health Administration.

OSHA finally received an increase in funding in the 2020 budget year. While the increase itself was a mere 4.3%, the agency had gone five years without any additional funding.

### OSHA continues to reduce the number of press releases issued on egregious violators.

OSHA issued fewer numbers of press releases during the Trump Administration than it did in the Obama Administration. OSHA issued 14 press releases in 2020, down from 58 in 2016.

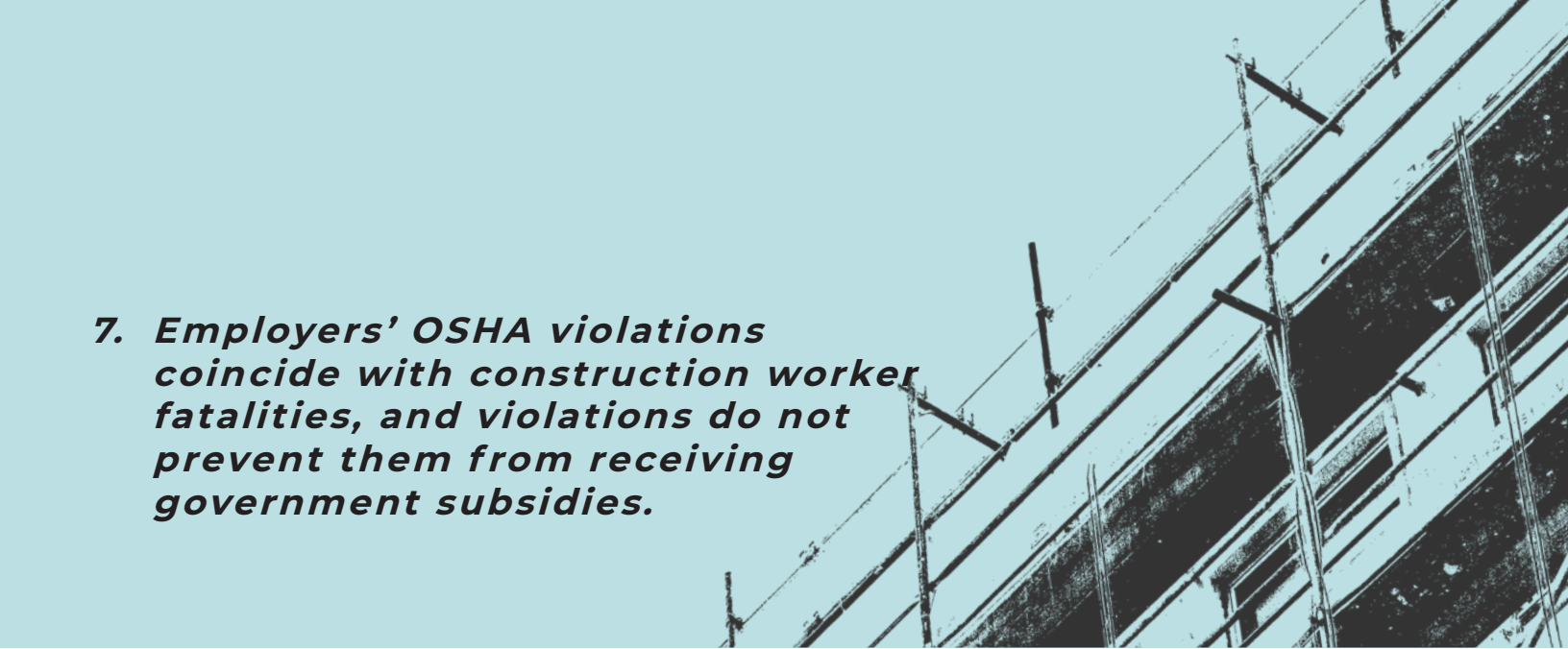
## Press Releases Issued By OSHA



Source: U.S. Bureau of Labor Statistics Census of Fatal Occupational injuries, 2015-19.

Press releases play the role of garnering negative media attention for employers whose wrongdoings lead to worker injuries and deaths, and serve as a warning to other employers who may be tempted to skirt legal requirements. The agency must hold bad employers accountable, especially when their recklessness causes workers to get injured on the job.

<sup>16</sup> Gray, W., & Jones, C. "Are OSHA health inspections effective? A longitudinal study in the manufacturing sector." *Review of Economics and Statistics*, 73(3), 504–508, 1991, [https://clear.dol.gov/sites/default/files/OSHAGray1991\\_1.pdf](https://clear.dol.gov/sites/default/files/OSHAGray1991_1.pdf).



***7. Employers' OSHA violations coincide with construction worker fatalities, and violations do not prevent them from receiving government subsidies.***

**On OSHA-inspected job sites where workers have died, employers had coinciding violations 100% of the time.**

Employers regularly endanger their workforce by not following regulations, causing workers to die as a result. NYCOSH analyzed OSHA-inspected construction fatality cases in New York State in 2019 and found that 100% of construction worker fatalities coincided with OSHA violations. BLS data indicates that there were 55 fatalities in NYS in 2019, and out of the 27 sites where OSHA data was publicly available, safety violations were found on 100% of them. 2019 data mirrors what prior years have also shown—that deaths on the job are often preventable because fatalities coincide with violations.

Given these statistics and the 100% likelihood that safety citations are issued following construction fatalities, it is likely that worker deaths were preventable.

**Contractors are receiving New York State and New York City subsidies despite egregious health and safety violations.**

Companies that violate the law and put workers' lives at risk are not legally prevented from receiving subsidy dollars. For example, if a worker dies in a fatal fall because they were not wearing a harness, the employer would likely be fined approximately \$33,000 (the average fine for a construction fatality in New York State). The employer, despite these fines, would still be eligible to receive government subsidies for their development projects—regardless of their history of serious or willful violations.



## CONCLUSION

New York City, New York State, and the United States can do more to make jobs safer. Adequate trainings, enforcement, reporting, and cultures of safety (which typically occur in unionized workplaces) are proven methods in preventing workers from getting injured and dying on the job. All effective preventative measures require adequate funding, and government needs to make the investment.

Given that OSHA is the main agency responsible for safety and health for all workers, the agency's funding needs to be doubled, not minimally increased. COVID-19 showed our country what happens when OSHA does not do its job; likely hundreds of thousands of workers were infected and many died as a result of on-the-job exposure, while OSHA sat on its hands. Without adequate inspections and enforcement, workers will continue to die on the job. This is true as much in New York State as it is in any other part of the country.

New York City and State need to do more to protect construction workers, and NYCOSH's recommendations, if implemented, would reduce construction worker fatalities in New York.



# NYCOSH

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