

DEADLY SKYLINE

An Annual Report on Construction
Fatalities in New York State



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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.

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Introduction

Construction worker fatalities in New York City continued to rise in 2023, highlighting a critical need for stronger safety measures and enforcement to protect the lives of those building our city. This increase is influenced by several factors: the NYC Department of Buildings is understaffed, OSHA inspections continue to remain below pre-pandemic levels, and many workers face hazardous conditions on a day-to-day basis. Migrant workers are particularly vulnerable, with a large proportion of construction deaths involving Latinx workers. Construction remains one of the most dangerous industries in the U.S., where workers risk their lives daily. The “Deadly Skyline” report examines these fatality trends and offers recommendations to improve safety on construction sites. This report is based on the 2023 data from the U.S. Department of Labor’s Bureau of Labor Statistics (DOL BLS), among other sources.

Methodology

NYCOSH develops the “Deadly Skyline” report using data reported by the Bureau of Labor Statistics, the New York City Department of Buildings, the New York State Department of Labor and the Workplace Fatalities Registry, the Occupational Safety and Health Administration (OSHA), and numerous media reports. NYCOSH is grateful to all workers who have joined us in various safety, health, and empowerment trainings in the past year, including new immigrants who have come to our offices for essential safety trainings. To all of New York’s construction workers who risk their lives every day on the job, we dedicate this report to you.



Summary of Findings

New York City's construction fatality numbers continue along a deadly upward trend. Thirty construction workers died in New York City in 2023, compared to 24 in 2022 and 20 in 2021.

New York State's construction industry remained highly dangerous for workers in 2023, with fatality numbers increasing by 48%. The number of construction workers who died in New York State increased from 50 workers in 2022 to 74 workers in 2023.

The construction fatality rate very slightly increased in New York City and increased in New York State. New York City's rate changed from 11.5 per 100,000 in 2022 to 11.6 per 100,000 in 2023. New York State's rate also increased from 9.6 per 100,000 in 2022 to 10.4 per 100,000 in 2023, an 8.3% increase.

Latinx workers were more likely to die on the job in NYS. Latinx workers make up a disproportionately high percentage of worker fatalities in New York. An estimated 10% of New York State's workers are Latinx, but in 2023, 26% of worker fatalities were of Latinx workers. This increased slightly from 2022, when Latinx workers comprised the same percentage of workers in the industry and represented 25.4% of worker fatalities.

Non-union job sites remained especially dangerous for workers. NYCOSH analyzed OSHA's 44 New York State-based construction fatality investigations in 2023 and found that in New York State, 77% of the construction workers who died among these individuals were non-union.

OSHA construction fines for fatality cases decreased, ending a five-year trend of increases. The average fine amount in 2023 was \$32,123, down from \$59,075 in 2022 — a 45.6% decrease. This reverses a trend for the past five years of increasing OSHA fine amounts for construction fatalities.

OSHA inspections are still below pre-pandemic numbers. OSHA conducted 3,772 inspections in 2023. This was an 18.5% increase from 3,183 inspections in 2022, but a 15.33% decrease from pre-pandemic numbers (4,455 inspections in 2019).

OSHA continued to publish less public information in 2023. OSHA's press releases have steadily declined for the past five years. They released 58 press releases in 2016 and just 15 in 2023. Pre-pandemic (2019), they issued 21.

Contractors' OSHA violations coincide with construction worker fatalities, yet violations do not prevent contractors from receiving government subsidies. NYCOSH analyzed OSHA-inspected construction fatality cases in New York State in 2023 and found that on job sites where workers have died, employers had coinciding OSHA violations 74% of the time. For example, if a worker died from a fatal fall, the employer was also fined for a failure to provide training and a failure to implement fall protection systems like a harness or guard rail. Despite these violations and fatalities, employers are not legally prevented from receiving subsidy dollars.

Recommendations

Require and Fund Adequate Safety Education and Training

Mandate construction training and certification across New York State.

Similar to New York City's Construction Safety Training Law (Local Law 196), other municipalities in New York State should require safety training programs that combine technical instruction with on-the-job learning. These programs are essential for creating safer job sites.

Ensure funding for accessible training.

Funding mechanisms should be created to guarantee that low-income workers can access training without financial barriers.

Extend and Defend Protective Legislation

Preserve the Scaffold Safety Law

New York State Labor Law §240 (the Scaffold Safety Law) is critical for protecting construction workers by allowing injured workers or their families to sue employers or building owners in cases of falls from elevations. This law is a cornerstone of worker safety and needs to be upheld.

Enforce Carlos' Law to penalize criminal contractors.

Carlos' Law, enacted in 2023, increases penalties against corporations responsible for worker injuries or deaths, with fines now reaching up to \$500,000. District attorneys must fully utilize this law to impose meaningful penalties against negligent employers.

Expand Regulations, Monitoring, and Enforcement

Prosecute negligent contractors statewide.

District attorneys across New York State should follow the lead of Manhattan and Brooklyn by prosecuting criminal contractors whose negligence results in worker harm or fatalities. Prosecutors also must have adequate staffing and capacity to address cases involving workplace safety violations regardless of the size of the employer or number of affected workers.

Suspend or revoke licenses for criminal contractors.

Municipalities should use their licensing and permitting authority to hold negligent contractors accountable. Companies whose owners or managers are convicted of felonies related to worker deaths should be denied licenses and permits for future projects. This will ensure meaningful consequences for negligence and endangerment.

Protect OSHA.

Federal attacks on OSHA, including the legal limbo of the proposed OSHA heat rule that would impact millions of construction workers, the potential defunding of OSHA Susan Harwood training, and other U.S. Department of Labor Occupational Safety and Health initiatives, threaten the safety and health of construction workers. Further, consistent underfunding among the past several administrations has left OSHA unable to effectively protect workers.

Increase Funding for the New York City Department of Buildings (DOB)

The NYC DOB plays a vital role in enforcing construction safety and preventing workplace fatalities. With construction-related deaths on the rise, the DOB requires increased funding and staffing to effectively oversee and regulate job sites. The agency has 119 fewer staff in 2025 than in 2024 despite increases in the number of construction projects.

Reform Subsidy Procurement and Promote Responsible Contracting

End public funding for repeat offenders.

Contractors with safety and wage violations should be disqualified from receiving New York State and City subsidies.

Tie subsidies to worker protections.

All public funds should require compliance with prevailing wage laws, comprehensive training programs, and local hiring initiatives to benefit the workers building New York's infrastructure. Developers receiving subsidies must ensure their subcontractors also meet these standards.

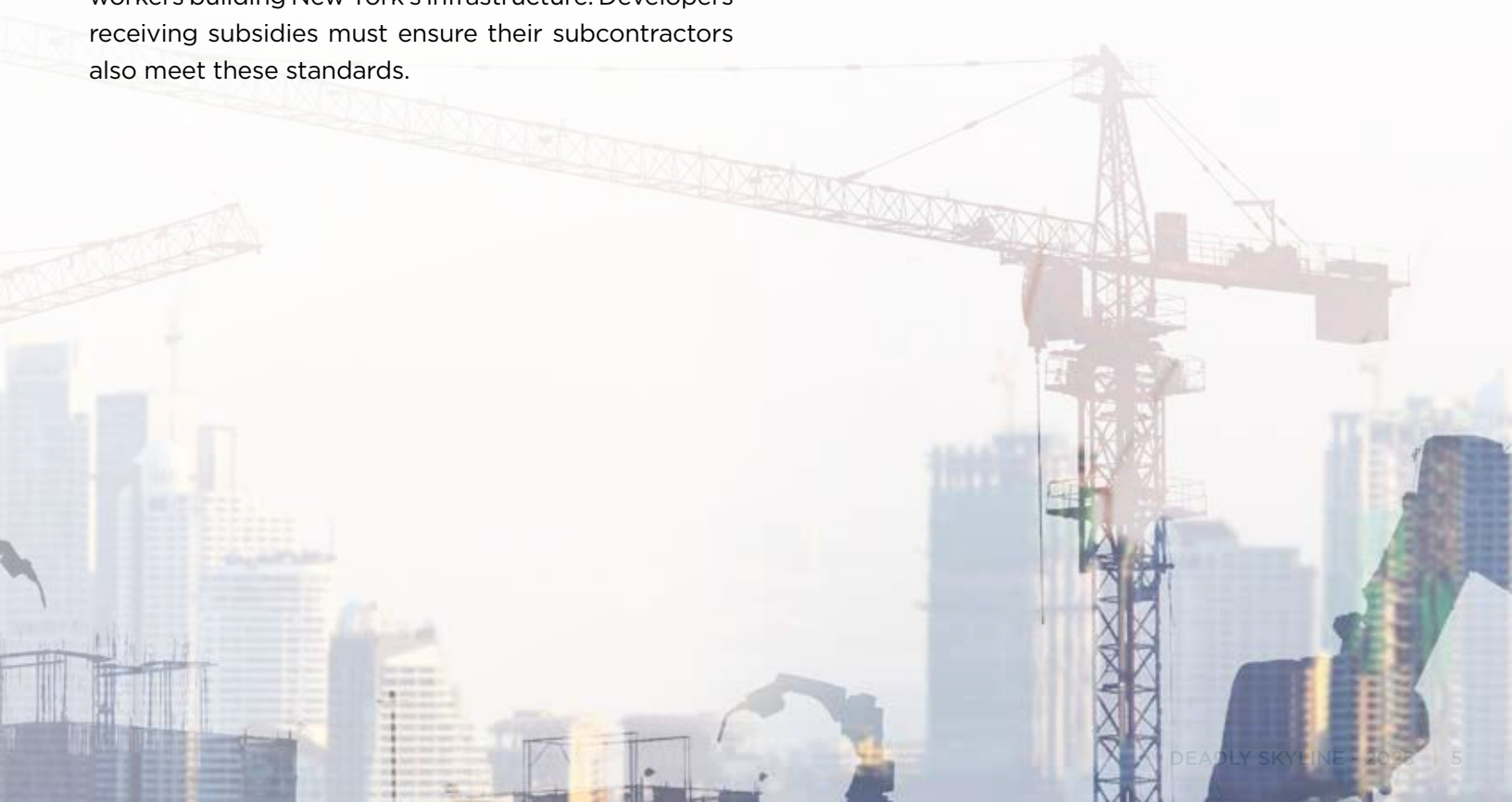
Protect Latinx and Immigrant Workers Proactively

Address disparities in workplace fatalities.

Latinx workers are disproportionately likely to die on the job, and immigrant construction workers are more vulnerable to exploitation and retaliation. Given the attack on immigrant workers nationwide, employers may take advantage of workers' fears. New York City must proactively protect immigrant construction workers with Know Your Rights trainings.

Proactively enforce protections.

New York State and New York City must take proactive measures to protect these workers by ensuring fair enforcement of labor laws and creating programs that mitigate the risks of retaliation, particularly for undocumented workers.



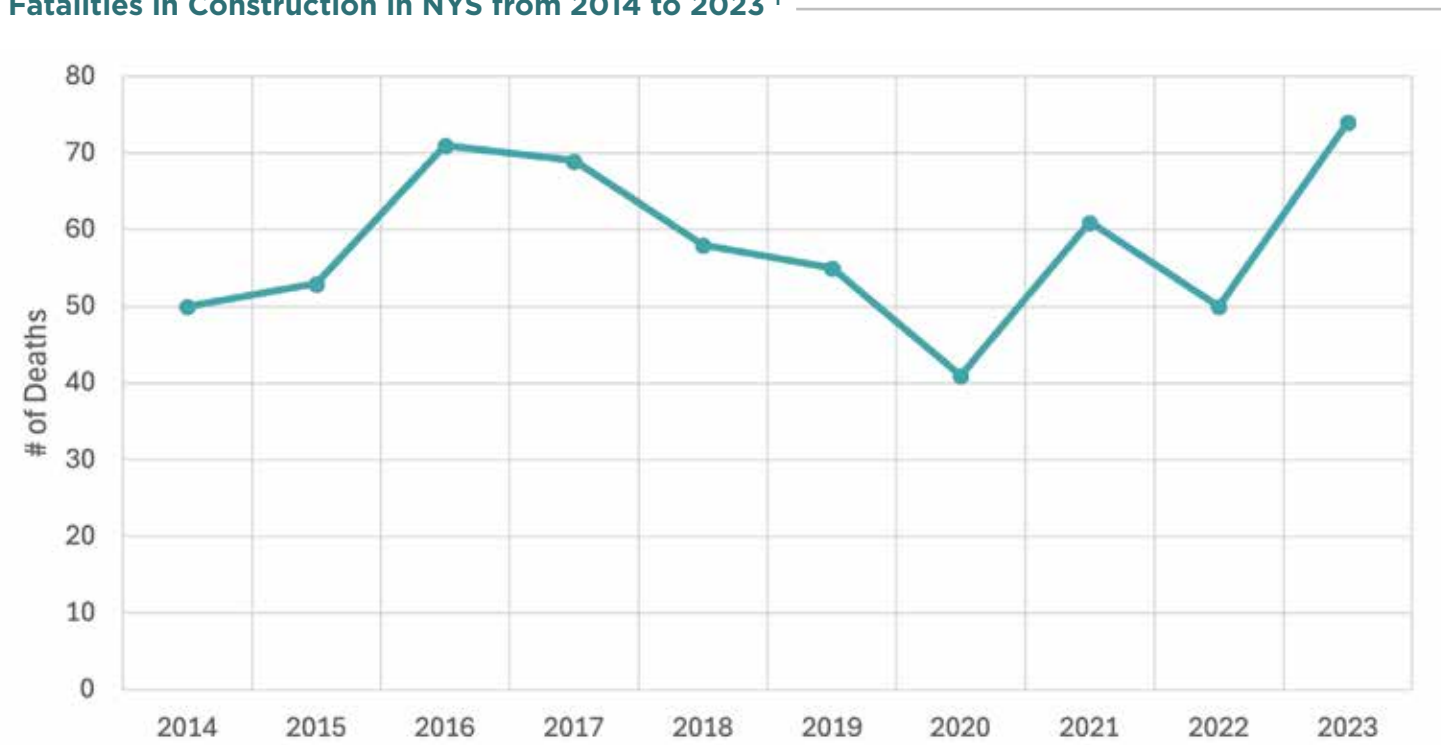
Findings

1 New York State's construction industry remained highly dangerous for workers in 2023, increasing from last year.

New York State's construction industry continues to be one of the most dangerous sectors for workers, with fatalities having continued to rise in recent years; Between 2022 and 2023, construction fatality numbers in New York State experienced a sharp increase of 48%, rising from 50 fatalities in 2022 to 74 in 2023. This represents the highest number of

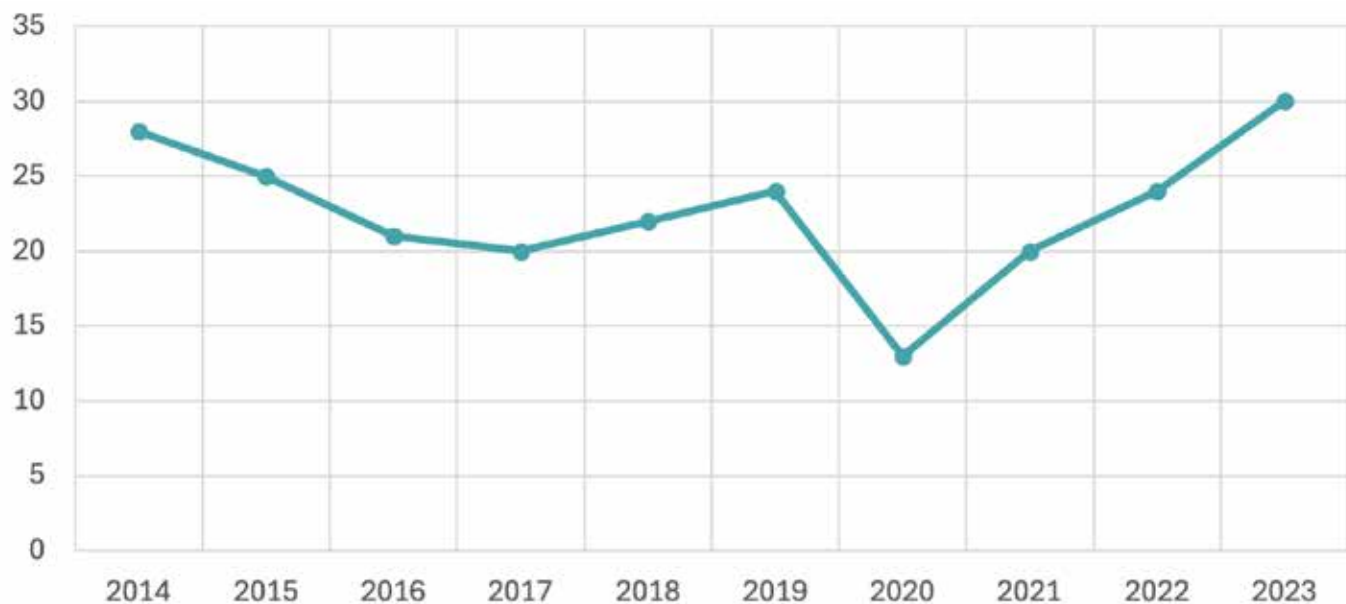
construction worker fatalities in New York State in the past 10 years. These figures show a noticeable increase from previous years and highlight the ongoing risks faced by workers in this industry. In the past decade (2014 to 2023), construction fatalities in New York State averaged 58.2 deaths per year, with a total of 582 fatalities occurring throughout this period.

Fatalities in Construction in NYS from 2014 to 2023 ¹



¹ U.S. Bureau of Labor Statistics Fatal occupational injuries in New York State. Found at: bls.gov/iif/state-data/fatal-occupational-injuries-in-new-york-state-including-new-york-city-2023.htm

Fatalities in Construction in NYC from 2014 to 2023 ²



New York City's construction fatality numbers increased sharply in 2023 as well, with 30 construction worker deaths occurring in 2023 compared to 20 fatalities in 2021, and more than double the 13 fatalities recorded

in 2020, which was the lowest in a decade. In the past decade (2014 to 2023), 227 construction workers died in New York City, averaging approximately 22.7 fatalities per year.

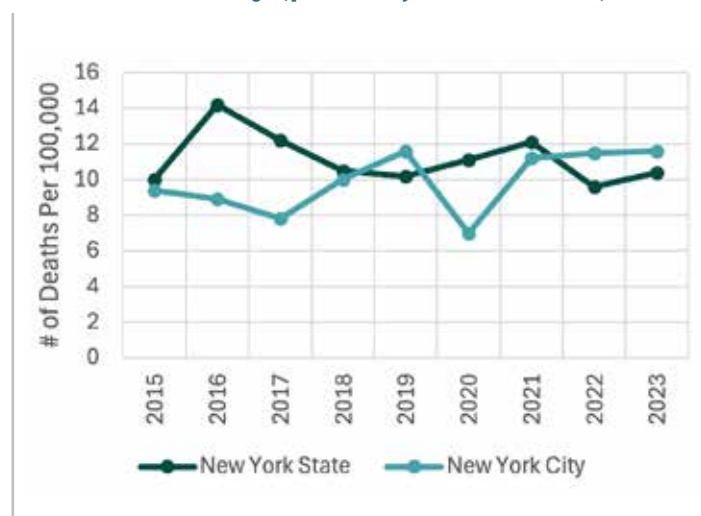
² U.S. Bureau of Labor Statistics. Fatal occupational injuries in New York City. Found at: bls.gov/iif/state-data/fatal-occupational-injuries-in-new-york-city-2023.htm

Findings

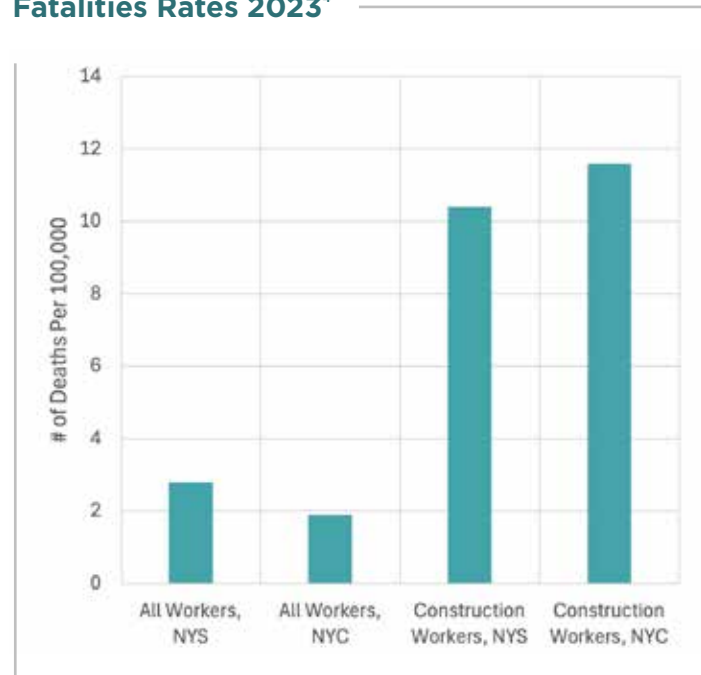
In 2023, New York City's construction fatality rate increased slightly to 11.6 per 100,000 in 2023 compared to 11.5 deaths per 100,000 in 2022 — a 0.87% increase. Meanwhile, New York State saw a reversal of previous trends, with its construction fatality rate increasing from 9.6 per 100,000 in 2022 to 10.4 per 100,000 in 2023 — an 8.3% increase.

In 2023, the Bureau of Labor Statistics (BLS) reported significant disparities in fatality rates across different worker categories in New York State and New York City. Among all workers, the fatality rate in New York State was 2.8 deaths per 100,000 workers, while in New York City, it was notably lower at 1.9 deaths per 100,000.

Construction Fatality Rates in New York State vs. New York City (per 100,000 workers)³



Fatalities Rates 2023⁴



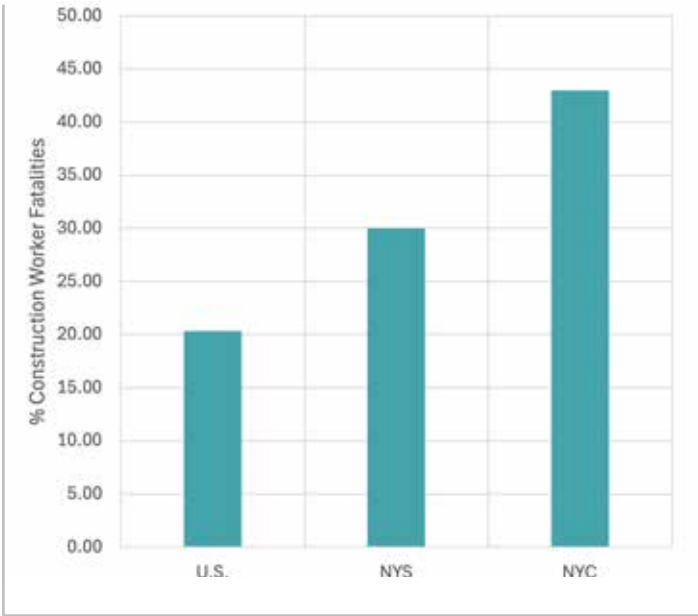
^{3, 4} U.S. Bureau of Labor Statistics. Fatal injury rates by state of incident and industry, all ownerships, 2023 Found at: bls.gov/iif/state-data/fatal-injury-rates-by-state-and-industry-2023.htm

When looking specifically at construction workers, much higher fatality rates were observed. The fatality rate for construction workers in New York State (NYS) was 10.4 deaths per 100,000, and in New York City (NYC), it was even higher, at 11.6 per 100,000. This means that construction workers in both the state and the city face fatality rates several times higher than the overall workforce. In New York City, construction workers are at least six times more likely to experience a fatal incident compared to the citywide average for all workers.

These numbers point to the persistent dangers inherent in the construction industry, particularly in urban environments like New York City. The fact that New York City’s construction fatality rate is larger than the state average highlights the need for stronger enforcement of safety regulations, and continued investment in worker training and protective measures.

Overall, the data suggests this issue should be addressed immediately. Enhanced enforcement of safety regulations, improved training programs, and stronger protections for vulnerable workers — particularly migrant and non-union workers — are essential to reversing this trend.

Percent of Construction Worker Fatalities Among All Worker Fatalities in U.S., NYS, and NYC^{5, 6, 7}



⁵ U.S. Bureau of Labor Statistics. Census of Fatal Occupational Injuries Summary, 2023 Found at: bls.gov/news.release/cfoi.nr0.htm

⁶ U.S. Bureau of Labor Statistics Fatal occupational injuries in New York State. Found at: bls.gov/iif/state-data/fatal-occupational-injuries-in-new-york-state-including-new-york-city-2023.htm

⁷ U.S. Bureau of Labor Statistics. Fatal occupational injuries in New York City. Found at: bls.gov/iif/state-data/fatal-occupational-injuries-in-new-york-city-2023.htm

Findings

2 The New York City Department of Buildings must hire for vacant positions and increase its budget.

Construction safety in New York City has become an increasingly urgent issue as fatalities in the industry remain high. Despite a clear need for enforcement, the New York City Department of Buildings (DOB), tasked with overseeing construction safety, faces significant challenges in funding and staffing, raising questions about its capacity to deal with this crisis.

The DOB's ability to address these concerns has been constrained by persistent budget cuts and high vacancy rates. According to the Report on the Fiscal 2025 Preliminary Plan and the Fiscal 2024 Preliminary Mayor's Management Report, the department's budget has declined steadily in recent years:

- Fiscal Year 2022: \$222.5 million
- Fiscal Year 2023: \$193.9 million
- Fiscal Year 2024: \$188 million
- Fiscal Year 2025: The proposed budget is \$220.3 million, reflecting a slight increase but still below historical levels.

Staffing shortages exacerbate these financial constraints. According to data from the New York City Comptroller's office, in January 2025, the New York City Department of Buildings had a vacancy rate of 13.3%.⁸ While this is a notable improvement from last year's report, when we noted the agency had a 22.7% vacancy rate — the highest among all city agencies — it is still an unacceptable vacancy rate for a City agency.

The DOB helps create safer construction sites in New York City, notably impacting the safety for New York City's construction workers. These shortages limit the department's capacity to conduct inspections, enforce safety regulations, and ensure compliance with construction codes. Although the Fiscal Year 2025 plan includes funding for 1,404 full-time positions, this number is a reduction of 119 positions from 2024, raising concerns about how the DOB can effectively fulfill its mission.

⁸ New York City Comptroller. NYC Agency Staffing Dashboard. Found at: omptroller.nyc.gov/services/for-the-public/nyc-agency-staffing-dashboard/authorized-vs-actual-city-staffing/

3 Non-union job sites are especially dangerous for workers.

NYCOSH analyzed OSHA's 44 New York State-based construction fatality investigations in 2023 and uncovered significant disparities in workplace safety for non-union construction workers. In New York State, a staggering 77% of construction workers who died on the job were non-union.

These findings highlight a growing trend in the construction industry: non-union workers often face greater risks that may be attributed to a lack of access to the same safety protections, training, and advocacy that unionized workers typically receive. Unionized workers benefit from collective bargaining agreements that mandate higher safety standards, more comprehensive training, and stronger enforcement of workplace protections. By contrast, non-union workers, who often work on smaller or less-

regulated private projects, may experience weaker safety protocols, less oversight, and greater pressure to prioritize productivity over safety.

The high percentage of non-union fatalities on private worksites further underscores the need for increased scrutiny of smaller, non-union contractors and their safety practices. Private worksites may lack robust safety programs or sufficient resources for compliance with OSHA standards, leaving workers vulnerable to preventable hazards.

This data reinforces the importance of promoting stronger safety regulations and enforcement, particularly in the non-union sector, to address these disparities.



Findings

4 Latinx workers are more likely to die on the job in New York State.

Latinx workers have a disproportionate burden of workplace fatalities in New York. While Latinx individuals comprise an estimated 10% of New York State's workforce, they accounted for 26% of all worker fatalities in 2023. This disparity highlights the heightened risks that Latinx workers, many of whom are immigrants, encounter on the job.

Reports from NYCOSH have repeatedly shown that Latinx and immigrant workers are particularly vulnerable to exploitation by employers who disregard safety and health regulations. These violations often occur in industries where oversight is limited, and workers lack adequate access to training, protective equipment, or enforcement of workplace standards. Employers who willfully neglect safety protocols create hazardous conditions, placing these workers at heightened risk of injury or death.

Compounding the issue, Latinx and immigrant workers are often reluctant to report unsafe working conditions due to fear of retaliation, a problem that has become much more pronounced with the

Trump Administration and its deportation strategy. Immigrants are being deported throughout New York City, including many who did not have any criminal history.⁹

As a result of this anti-immigrant environment, violations go unreported, leaving workers trapped in unsafe environments with little recourse, and impacting the safety of countless workers throughout New York City construction sites.

This pattern of exploitation underscores the urgent need for targeted interventions to protect Latinx and immigrant workers. Policies aimed at strengthening whistleblower protections, increasing outreach to vulnerable communities, and holding employers accountable for violations are critical. Additionally, expanding access to safety training in workers' native languages and fostering trust between immigrant communities and regulatory agencies are essential steps toward reducing fatalities and ensuring that all workers, regardless of background, have access to safe and equitable workplaces.

⁹ Gothamist. Immigration raids in NYC netted 'criminals' but also plenty who weren't, reports say. gothamist.com/news/immigration-raids-in-nyc-netted-criminals-but-also-plenty-who-werent-reports-say

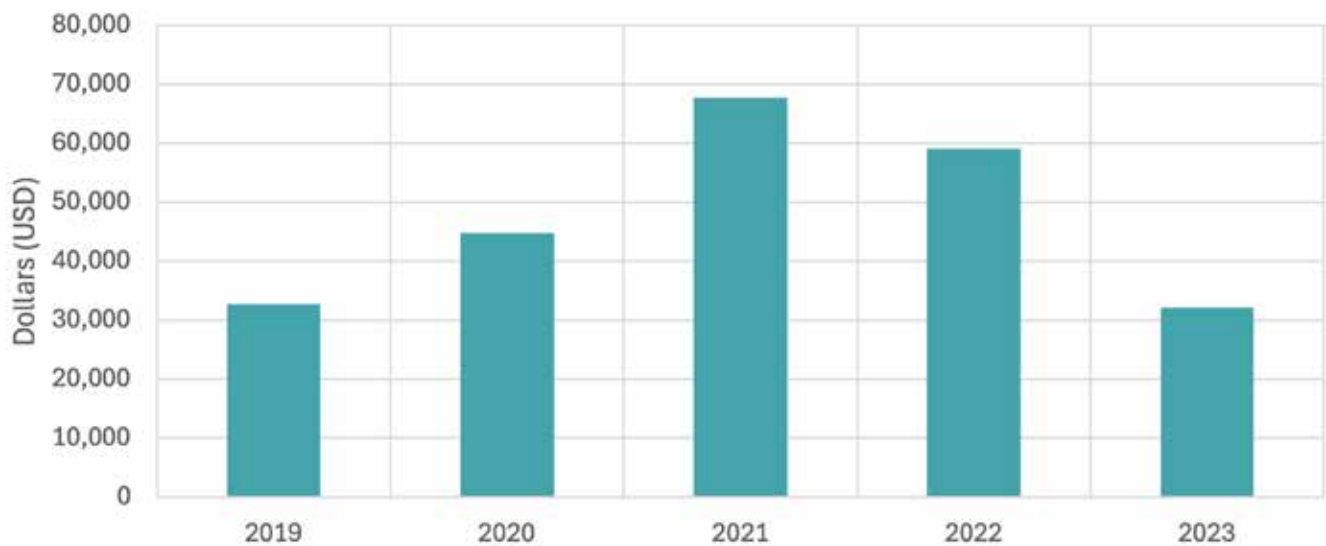
5 OSHA fines for construction fatalities have decreased dramatically.^{10, 11}

OSHA fines for construction fatality cases have fluctuated quite a bit in the past six years (Figure 6), likely influenced by changes in enforcement priorities, case specifics, and penalty structures. There was a steady increase in fines from 2018 through 2020, followed by a large spike in 2021 when penalties hit their highest point at nearly \$68,000 on average.

However, 2022 showed the beginning of a shift in this previous trend. By 2023, fines dropped pretty significantly to \$32,123 on average, representing the lowest average in the six-year period.

The downward trend in 2023 may reflect changes in OSHA's enforcement policies, a shift in the type of cases being penalized, or broader systemic factors affecting these regulatory practices. These figures highlight the critical importance of ensuring that fines remain substantial enough to encourage compliance and prioritize worker safety among employers in New York. Strong enforcement and meaningful penalties play a vital role in preventing fatalities and promoting a culture of accountability in the construction industry.

Average OSHA Fines for Construction Fatality Cases^{12, 13}



¹⁰ Occupational Safety and Health Administration. Establishment Search, Found at: <https://www.osha.gov/ords/imis/establishment.html>

¹¹ Occupational Safety and Health Administration. Investigation Summaries, Found at: <https://www.osha.gov/ords/imis/accidentsearch.html>

¹² Occupational Safety and Health Administration. Establishment Search, Found at: <https://www.osha.gov/ords/imis/establishment.html>

¹³ Occupational Safety and Health Administration. Investigation Summaries, Found at: <https://www.osha.gov/ords/imis/accidentsearch.html>

Findings

6 OSHA inspection numbers are increasing but are still below pre-pandemic numbers.

OSHA inspections in New York State have undergone significant fluctuations in the past five decades. From a high of more than 13,000 inspections in 1986, the numbers have steadily declined in the years since.

Looking at just the past five years, OSHA inspections in New York State dropped significantly during the pandemic, falling to 2,080 inspections in 2020 — the lowest level in the dataset. This decline is likely due to the widespread disruptions caused by COVID-19, including workplace closures and resource limitations within enforcement agencies. While inspections began to increase in recent years, it has been gradual.

In 2021, the number of inspections increased to 2,568, followed by further growth in 2022, with the number

of inspections reaching 3,183. By 2023, inspections rose to 3,772, representing a 19% increase from the previous year. However, these figures remain well below pre-pandemic levels and much lower than in prior years.

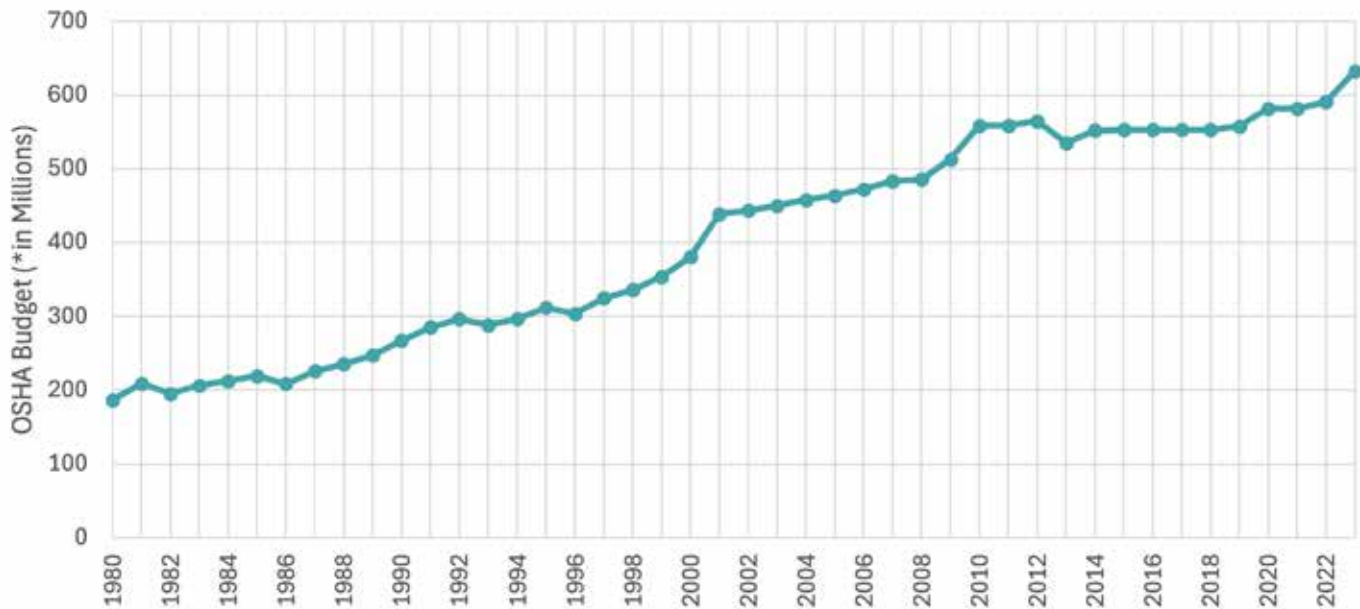
The long-term downward trend in OSHA inspections raises important questions about the adequacy of enforcement in protecting worker safety, particularly in high-risk industries like construction. While the recent upward trends are encouraging, the current inspection levels suggest that there is still significant room for improvement in ensuring comprehensive oversight and accountability in workplaces across New York State.

OSHA Inspections in NYS ¹⁴



¹⁴ Occupational Safety and Health Administration. (2024). Inspections within Industry. U.S. Department of Labor. Found at: osha.gov/pls/imis/industry.html

OSHA Budget (in Millions)¹⁵



OSHA's budget has seen substantial changes throughout the years. From \$186.4 million in 1980, the budget grew steadily through the 1990s and early 2000s, peaking at \$559 million in 2010. After that, the budget largely stagnated, remaining flat for nearly a decade until more recent increases.

In the past five years, OSHA's budget has seen some growth. From \$553 million in 2018, the budget began to rise in 2019, reaching \$558 million. Significant increases followed in 2020 and 2021, with the budget holding steady at \$582 million during these years.

By 2022, the budget saw another uptick to \$591 million, and in 2023, it jumped to \$632.3 million — an

increase of approximately 7% from the previous year. The budget for FY 2024 was \$738 million.¹⁶

This increase is significant, as the Biden Administration proposed a whopping \$738.7 million budget for the Occupational Safety and Health Administration. However, the Further Consolidated Appropriations Act of 2024 (H.R. 2882) kept OSHA's budget at \$632.3 million.¹⁷

While we have yet to see the budget proposed under the Trump Administration, given the funding freezes proposed for occupational safety and health programs under the U.S. Department of Labor, we predict that there will be cuts proposed to the agency.¹⁸

¹⁵ Kroop, D. (2024). Report on the Fiscal 2025 Preliminary Plan and the Fiscal 2024 Preliminary Mayor's Management Report for the Department of Buildings (DOB). NEW YORK CITY COUNCIL. council.nyc.gov/budget/wp-content/uploads/sites/54/2024/03/810-DOB.pdf

¹⁶ FY 2024. Congressional Budget Justification. Found at: dol.gov/sites/dolgov/files/general/budget/2024/CBJ-2024-V2-12.pdf

¹⁷ Fit for Work. Navigating OSHA in 2024: Follow the Money. Found at: wellworkforce.com/navigating-osha-in-2024-follow-the-money

¹⁸ The Upshot Staff. Which Federal Programs Are Under Scrutiny? The Budget Office Named 2,600 of Them. The New York Times. Found at: nytimes.com/interactive/2025/01/28/upshot/federal-programs-funding-trump-omb.html

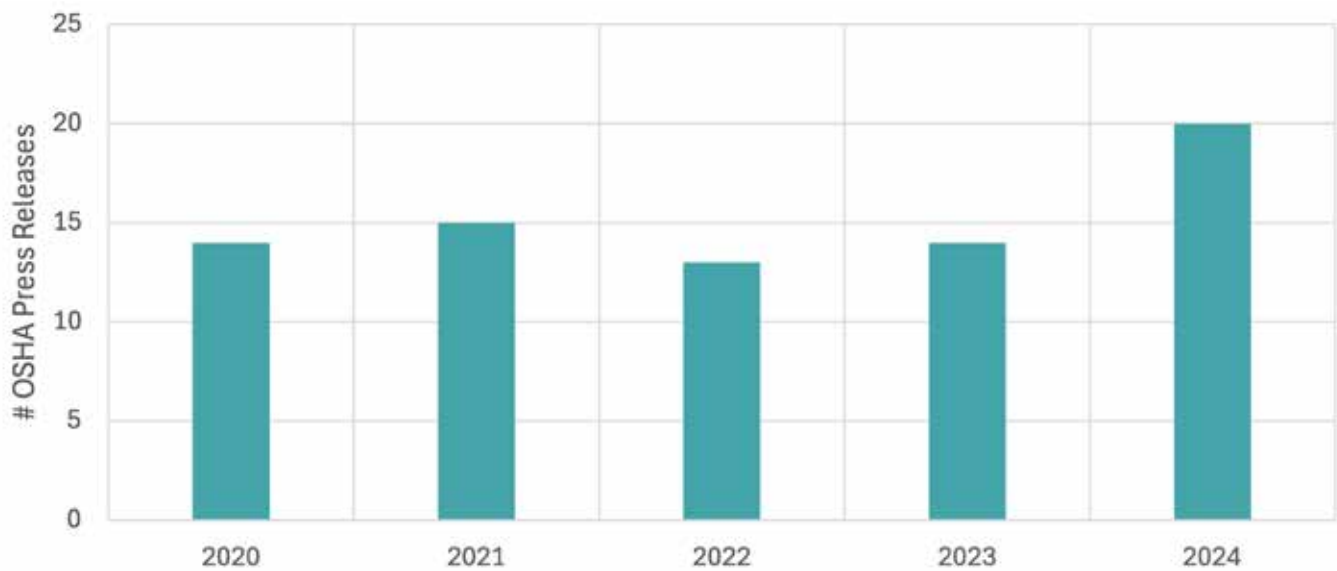
Findings

The number of press releases issued by OSHA has remained relatively low in the past few years. In 2019, OSHA issued 21 press releases. However, this declined sharply in 2020 to 14 press releases, and was likely influenced by the COVID-19 pandemic.

The following years saw little variation, with 15 press releases in 2021, 13 in 2022, and 14 in 2023, indicating a relatively consistent, but low level of communication activity. In 2024, however, the number of press releases rose to 20, marking the first significant increase since 2019.

Press releases serve as a critical tool in drawing public and media attention to employers whose negligence or misconduct results in worker injuries or fatalities. Public accountability is essential in fostering a culture of compliance and ensuring safer workplaces. It is the agency's responsibility to hold negligent employers accountable, particularly when their disregard for legal and ethical obligations leads to harm or loss of life among workers.

Press Releases Issued By OSHA¹⁹



¹⁹ Occupational Safety and Health Administration. (2024). News Releases. U.S. Department of Labor. [osha.gov/news/newsreleases](https://www.osha.gov/news/newsreleases)

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

NYCOSH conducted an analysis of OSHA-inspected construction fatality cases in New York State in 2023 and uncovered a troubling trend. In 73% of cases where a worker died on the job, employers had concurrent OSHA violations that often directly correlated with the circumstances of the fatality.

For example, in cases where a worker died from a fatal fall, employers were frequently fined for failing to provide essential safety training and for not implementing required fall protection measures, such as harnesses, guardrails, or safety nets.

In the cases where a violation did not coincide with a fatality, 33% of the time these were on union sites. It is important to note that three union-classified fatalities were not the fault of the employer and were

likely due to circumstances unrelated to workplace conditions.

This statistic shows a systemic issue in workplace safety enforcement and accountability. Despite these violations, some of which resulted in preventable deaths, there are currently no legal barriers preventing such employers from receiving public subsidy dollars. This lack of accountability not only fails to incentivize safer practices but also perpetuates a cycle where worker lives are undervalued and safety violations go unaddressed.

Stronger enforcement measures and policy changes are needed to ensure that public funds are not benefiting negligent employers.

Conclusion

The construction industry in New York continues to pose significant risks to worker safety, with fatality numbers and rates increasing in 2023. Despite an increase in OSHA inspections, enforcement efforts remain inadequate, as reflected in declining fine amounts and a lack of public transparency. Concerns about the Trump Administration's potential cuts to OSHA and its prioritization of deportations also is likely going to be harmful to occupational safety and health.

Further, understaffing at the New York City Department of Buildings is a huge concern in general, but especially given the environment within federal OSHA.

NYCOSH believes that New York policymakers must urgently investigate and implement the recommendations outlined in this report, and develop solutions to worker safety issues that ensure workers in our state are protected. NYCOSH findings call for immediate action to prioritize safety and uphold the rights of all workers across New York State and New York City.



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