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May 30, 2008

Edwin G. Foulke, Jr.
Assistant Secretary of Labor
for Occupational Safety and Health
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Mr. Foulke,

Earlier today a crane collapsed at a building site at 354 E. 91st Street at 1st Avenue in my Congressional district, killing at least two people and injuring more. News reports indicate that at least one of the people who were killed was a construction worker, and that other construction workers may also have been killed or injured. The city advises that the crane collapsed shortly after 8 a.m., falling onto a 23-story apartment building across the street before falling to the ground. The accident caused damage to the building's penthouse as well as to apartments on lower floors. Leon D. DeMatteis Construction Corporation of Elmont, New York is the construction company.

I am deeply concerned about the large number of serious accidents that have occurred at construction sites in the last few years, more than I can ever remember. Just two and a half months ago, on March 15, in an accident chillingly reminiscent of the one that occurred today, a crane collapsed at East 51st Street in Manhattan, destroying a neighboring townhouse, damaging an apartment building across the street and killing 7 people. An inspector from the New York City Department of Buildings was found to have falsely reported that he inspected the crane 11 days before the accident, and is currently facing criminal charges.

Investigators of the March 15 accident reported that it occurred as workers were "jumping" the crane; that is, installing steel bracing to stabilize it so that additional sections could be added to make the crane taller. Ironically, news reports indicate that just this week, City officials said they would no longer require inspectors to be on hand at construction sites when a crane is erected or made taller, reversing precautions put in place in the aftermath of the March 15 accident.

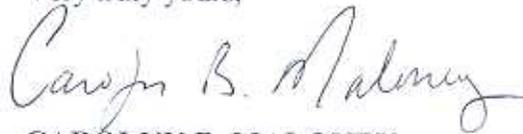
Other accidents include the death of a construction worker on the Upper East Side (April 14, 2008), the death of a construction worker at 525 Clifton Avenue in Brooklyn (January 31, 2008), a crane malfunction at Goldman Sachs' new headquarters in Battery Park City (December 2007), a crane malfunction at One Bryant Park in Manhattan (October 17, 2007) and a crane

malfunction near Union Square (September 29, 2006). I have included a more complete list, together with news reports related to these accidents. In most cases, workers were among those killed or injured as a result of dangerous conditions at the work sites.

There has been an alarming pattern of lax supervision at construction sites. Earlier this week, it was reported that more than 80 percent of building plans submitted under the city's "self-certification" program actually violate current law. Since 1995, the city has allowed registered architects and engineers to self-certify that a project complies with all applicable laws and codes, allowing the project to move forward without a full review by plan examiners. At present, nearly half of all projects are self-certified. The New York Post reported on May 25, 2008 that "The Department of Buildings' Professional Certification Review and Audit Team checked 662 plans between Sept. 17 and Jan. 31. Examiners issued objections against 556, or 84 percent. The DOB's Special Enforcement Team, which targets repeat offenders, audited another 207 plans during the same period and issued objections against 171, or 83 percent." This poor track record spells trouble for workers as well as for individuals unfortunate enough to be in the vicinity when a problem happens.

It is clear that more needs to be done to ensure that safety is the top priority at construction sites in New York City. People who live near construction sites should not have to look at every tall crane in fear, wondering if their building is in range, and workers should not have to risk their lives to do a job. Accordingly, I ask the Occupational Safety and Health Administration to conduct a complete investigation of all construction sites in New York City that are using cranes and any others that you deem appropriate, in accordance with all applicable rules and regulations. I look forward to hearing from you at your earliest convenience. If you have any questions, please contact Minna Elias in my district office at (212) 860-0606. Thank you for your kind consideration of this request.

Very truly yours,



CAROLYN B. MALONEY
Member of Congress

CBM/mrc

Please reply to: 1651 Third Avenue, Suite 311, New York, NY 10128