

Date:
State Elected Official
New York State Assembly/Senate
LOB ___/CAP ___
Albany, NY 12248

Dear State Elected Official:

Construction costs in New York are at crisis levels and are threatening the viability of contractors, and their workers, across New York state. Research¹ shows that inflated insurance costs can be attributed to the *absolute liability standard* of the Scaffold Law, which is preventing small businesses from growing and competing in the market

If we want to support New York construction contractors, and the committed workers who depend on them, then we must reform the liability aspect of the Labor Law §§ 240 & 241, known as the Scaffold Law, while preserving all of the statute's important safety provisions. This can be accomplished by enacting **A.3737** this legislative session and changing the law's standard of *absolute liability* to *comparative negligence* – as outlined in CPLR § 1411 – which is the standard that exists that in every other aspect of New York's civil justice system. This reform would afford workers and contractors the ability to defend themselves in court, increase the availability and affordability of insurance premiums related to construction, thus allowing more contractors an opportunity to meet market demands.

For these reasons, we, the undersigned contractors, urge you to support a safe, fair, and effective scaffold law by passing **A.3737** this session.

Very truly yours,

Signature:

Full Name:

Company Name:

CC: Governor Andrew Cuomo
Assembly Speaker Carl E. Heastie
Majority Leader Andrea Stewart-Cousins

¹ Arluck, J., Geddes, R., Li, X., & Rouhani, O. (2015). The Effects of New York's Labor Law 240 on Worker Safety. *Transportation Research Board 94th Annual Meeting Compendium of Papers*. <https://trid.trb.org/view/1337991>.

Daniel A. Barbuto
NuLine Mechanical Services,
LLC
Islip Terrace, NY
(AD 7, SD 4)

Benjamin Shavolian
Shelter Rock Builders,
LCC
Great Neck, NY
(AD 16, SD 7)

Thomas DeVito
Cristom Construction
Services, Inc.
Whitestone, NY
(AD 26, SD 11)

William Ryan
Tully Construction Group
Flushing, NY
(AD 27, SD 13)

John A. Fazio
Fazio Construction Group LLC
Maspeth NY
(AD 30, SD 15)

Joe Campisi
Salvatore Campisi & Sons
Ridgewood, NY
(AD 38, SD 12)

Michael Early
M. Early Plumbing &
Heating Corp.
Brooklyn, NY
(AD 51, SD 25)

Donald Matheson
Phiden Construction
Brooklyn, NY
(AD 52, SD 26)

John Russo
Metro Erectors
Brooklyn, NY
(AD 59, SD 21)

Dawn Tabaczynski
Besroi Roofing and Siding
Lancaster, NY
(AD 143, SD 59)

Cheryl Engasser
Engasser Construction Corp
East Aurora, NY
(AD 147, SD 59)

Ari Zervoudis
Galaxy G.C. Group
Bronx, NY
(AD 81, SD 33)

Joseph Brazil
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Island Park, NY
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Susan Wilston
Industrial Welding &
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Bonnie Reich
Symmetry Designs Inc.
Huntington Station, NY
(AD 10, SD 5)

Patrick Bentivenga
Benco Construction
Bohemia, NY
(AD 7, SD 3)

D. Kerry O'Brien
T. F. O'Brien Cooling &
Heating
New Hyde Park, NY
(AD 19, SD 7)

Alan Kennemer
COSENTINO
Hicksville, NY
(AD 15, SD 7)

Victor Sanchez
Excalibur Electric Inc.
Bohemia, NY
(AD 7, SD 3)

Wendy Lepkoff
Wendy Interiors Inc.
Bethpage, NY
(AD 17, SD 6)

Laurence Carolan
House of Laurence
Merrick, NY
(AD 14, SD 8)

Ben Jackson
Ben's General
Contracting Corp.
Freeport, NY
(AD 21, SD 8)

Andrew Popkin
Popkin Electric
Hicksville, NY
(AD 15, SD 6)