



BOSTON CITY COUNCIL

Committee on Government Operations

Ricardo Arroyo, Chair

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REPORT OF COMMITTEE CHAIR

May 24, 2023

Dear Councilors:

Docket #0710, ordinance governing construction and demolition operations in the City of Boston, was referred to the Committee on April 5, 2023, and sponsored by Mayor Michelle Wu. The Committee held a hearing on May 19, 2023, where Councilors heard from the Administration and members of the public.

Summary of Legislation As Filed:

This proposed ordinance will establish safety standards and procedures for construction and demolition operations in the City of Boston. The ordinance applies to construction projects larger than 50,000 square feet and all demolition projects for buildings 4 stories or larger. The objective of Docket #0710 is to reduce worker injuries and fatalities on construction and demolition sites by requiring the development of site safety plans, worker training on safety plans, and the designation of a site safety coordinator having at least an OSHA 30-hour certification. The Inspectional Services Department (“ISD”) has jurisdiction over the provisions of this proposal and the proposal also gives ISD necessary enforcement capacity. Docket #0710 does not replace OSHA regulations or other applicable laws or obligations.

Construction and demolition projects subject to this proposal must submit a site safety plan affidavit prior to receiving a permit. This affidavit states that the permit holder prepared and will implement a project specific site safety plan that defines protections from hazards. A site safety monitoring program is required, worker training on the safety plan is required, and a site safety coordinator must be designated. The site safety coordinator must notify ISD of their role and must be present at the site. The site safety coordinator must conduct weekly safety meetings, provide notification of violations, notification of conditions to ISD, spot checks, and inspections. A record of inspections must be kept as well as a site safety log. ISD has enforcement authority over the provisions of this proposal and has the power to issue violations, stop work, revoke permits and impose fines. Fines may be imposed to a maximum of \$300.00 for each violation with each day of noncompliance considered as a separate violation. ISD is authorized to create a record of noncompliance with City policy that may be considered when awarding City funded construction projects and future permits.

Information Gathered at the Hearing:

The following individuals from the Administration testified in support of Docket #0710: Trinh Nguyen, Chief of the Worker’s Empowerment Cabinet; Jodi Sugerman-Brozan, Deputy Chief, Worker Empowerment; Sean Lydon, Commissioner, Inspectional Services Department; Chris

English, Chief of Staff, Inspectional Services Department; and, Louis Mandarinini, Senior Advisor for Labor to Mayor Michelle Wu. The Administration reviewed a presentation that discussed the background of the proposal, the objectives of the proposal, and the additional resources that it will provide to assist smaller to medium sized companies, immigrants, and workers. The Administration explained that the Worker Empowerment Cabinet will provide technical assistance to ensure compliance with the provisions of this proposal and free multilingual training.

Councilors discussed past workplace accidents and stated that it is critical that workers are protected. Councilors supported the requirement of a site safety plan. Councilors also recognized the importance of the Greater Boston Labor Council and the Boston Building Trades. Councilors emphasized the importance of having safe working sites and supporting ISD to achieve this objective.

The Administration stated that this proposal will assist in preventing workplace accidents. The Administration explained that they met with key stakeholders including developers, contractors, OSHA, and advocates and partnered with relevant organizations in drafting this proposal. The Administration stated that stakeholders want accessible occupational safety training, a level playing field, and consistent application of the rules. The Worker Empowerment Cabinet is focusing on worker safety throughout the City. The Administration defined the goals of the ordinance as partnering with stakeholders in the construction industry to build a stronger culture of safety on construction sites, provide ISD with the necessary tools to ensure safe work practices and to protect the general public, provide a legal playing field for all parties, and in addition to enforcement, the City will provide tools, resources, training, and education to enhance worker safety. The Administration also explained that the site safety plan required under the proposal will save lives and reduce costs.

ISD addressed concerns raised about slowing down the permitting process and stated that the proposal will not slow down the permitting process because ISD and the Worker Empowerment Cabinet will work together. The Administration reviewed how the ordinance will be implemented explaining that the ordinance is one part of a larger construction safety initiative. The Administration will build the capacity of City of Boston staff, will provide free OSHA 30 training for small and medium size contractors to avoid barriers to implementation, and Worker Empowerment will work with ISD to convene an ad hoc advisory board of experts to create a tool kit of sample site safety plans. Worker Empowerment has created a worker know your rights education and outreach tool in multiple languages and safety site plans will be available in multiple languages.

Councilors inquired about workers rights and outreach to the immigrant population. Councilors expressed support that ISD has the necessary resources and emphasized the importance of worker safety. Councilors discussed the importance of having a system in place to monitor and ensure worker safety.

The Committee heard testimony from the public. The public testimony expressed support for the ordinance. Public comments reflected that workplace deaths are generally caused by unsafe workplace conditions and having a lack of protective systems in place. The public comments supported this ordinance as a way to help decrease the number of workplace injuries through the establishment of protective protocols. The public comments acknowledged the increase in workplace deaths and expressed support for Docket #0710 as a mechanism to eliminate workplace deaths. The public testimony supported the docket because it gives ISD the power to

inspect sites, to look at the site safety plan, and to ensure that everyone is doing the same thing. Members of the public stated that the proposal will save lives. The Greater Boston Labor Council and the Boston Building Trades testified in support of the docket.

Rationale and Recommended Action:

Passage of this proposal will ensure that construction and demolition projects are conducted in a manner that protects the public, workers, and properties from potential dangers. Docket #0710 will require that safety mechanisms be put in place and gives ISD the necessary resources and power to address safety issues. The City through the Worker Empowerment Cabinet will provide technical assistance and training to eliminate barriers to compliance and to ensure worker safety. Passage of this ordinance will reduce costs and will save lives.

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #0710, ordinance governing construction and demolition operations in the City of Boston,

submits a report recommending that this order **ought to pass**.

For the Chair:

A handwritten signature in blue ink, appearing to read 'Ra', followed by a horizontal line.

Ricardo Arroyo, Chair
Committee on Government Operations