



December 07, 2020

Dear Member of Congress:

On behalf of more than sixty-five membership organizations, including trade associations, chambers of commerce, housing advocates, agricultural organizations, and municipal advocates, we are writing to request that you support HR 8222, the Infrastructure Expansion Act of 2020. Introduced by your colleague Representative Chris Jacobs (R-NY), this bill will protect scarce federal infrastructure funds imposing the same liability standard on federally-funded New York projects that is found in 49 other states.

Unfortunately, New York remains the only state in the nation to impose absolute liability on construction projects under Labor Law 240/241, a statute known as the "Scaffold Law." This outdated law holds property owners and contractors fully liable for worksite accidents, regardless of the contributing fault of the worker. To understand the injustice of this law, take for example, that the courts have ruled time and time again that the intoxication of an employee is not a defense for an employer under the statute.

Due to this absurd standard, it costs more to build in New York than anywhere else in the country. Data collected from the Port Authority of New York and New Jersey indicates that the insurance costs on cross-border construction projects are doubled on the New York side. Researchers at the Rockefeller Institute of Government found that for taxpayers, the law results in a cost of more than \$785 million annually. It is estimated that New Yorkers spent more than \$200 million in added costs for the Mario Cuomo (Tappan Zee) Bridge due to additional costs of the statute. The New York City School Construction Authority estimated the law cost them over \$400 million in a three-year period.

Defenders of the Scaffold Law say that it improves worksite safety, but data shows the opposite. A study deemed "practice ready" by the Transportation Research Board of the National Academies of Science, Medicine, and Engineering concluded that the law actually increases both fatal and non-fatal injuries by 670 each year.

With the current unprecedented strain on state and local budgets, the federal government cannot continue to waste valuable infrastructure dollars.

We respectfully request your support,

Allied Building Metal Industries

American Council of Engineering Companies of New York

American Property Casualty Insurance Association

American Subcontractors Association

Associated Builders and Contractors of New York State

Associated General Contractors of New York State

Association for a Better Long Island
Big I NY
Bronx Chamber of Commerce
Brooklyn Chamber of Commerce
Buffalo Niagara Partnership
Builders Exchange of Rochester
Builders Exchange of the Southern Tier
Building Contractors Association of Westchester & Mid-Hudson Region
Building Trades Employers Association
Business Council of New York State
Business Council of Westchester
Capital Region Chamber of Commerce
Chamber Alliance of New York State
Chemung County Chamber of Commerce
Commerce Chenango
Construction Exchange of Buffalo & Western New York
Construction Industry Council of Westchester & Hudson Valley
Corning Area Chamber of Commerce
Cortland County Chamber of Commerce
Eastern Contractors Association
Empire State Subcontractors Association
Fulton Montgomery Chamber of Commerce
General Contractors Association of New York
Genesee County Chamber of Commerce
Greater Binghamton Chamber of Commerce
Greater Olean Chamber of Commerce
Greater Rochester Chamber of Commerce
Habitat for Humanity of New York State
Home Builders & Remodelers of Central New York

Hornell Area Chamber of Commerce
Hudson Valley Gateway Chamber
Hudson Valley Mechanical Contractors Association
Lake George Regional Chamber of Commerce & CVB
Lawsuit Reform Alliance of New York
Long Island Builders Institute
Minority & Women Contractors & Developers Association
National Association of Minority Contractors – New York Tri-State Chapter
National Association of Mutual Insurance Companies
National Association of Surety Bond Producers
National Federation of Independent Business New York
Northeastern Retail Lumber Association
Northeastern Subcontractors Association
New York Conference of Mayors
New York Farm Bureau
New York State Association for Affordable Housing
New York State Builders Association
Partnership for New York City
Professional Insurance Agents of New York
Real Estate Board of New York
Rochester Home Builders Association
Rome Area Chamber of Commerce
Sheet Metal & Air Conditioning Contractors of New York State
Society of Indo-American Engineers and Architects
Special Riggers Association of New York City
Subcontractors Trade Association
Syracuse Builder's Exchange
Trucking Association of New York
Ulster County Regional Chamber of Commerce

Westchester County Association

West Seneca Chamber of Commerce

Wyoming County Chamber of Commerce