



Local Union No. 98
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

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Testimony of James T. Dollard, Jr.
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Pennsylvania House of Representatives
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Chairmen Scavello, Gillespie, Keller, Harhai, and Members of the Committees:

My name is Jim Dollard, and I am the Safety Coordinator at International Brotherhood of Electrical Workers (IBEW) Local Union 98 in Philadelphia. I have more than 32 years of experience in the electrical industry, and have served as Local 98's Safety Coordinator since 2001.

Thank you for convening this hearing to investigate safety practices in the demolition industry. This is certainly an important public safety issue, and the unfortunate tragic events at 22nd and Market have illustrated just how inadequate our existing codes and enforcement practices are at maintaining public safety. I applaud the members of this committee, and Chairman Keller in particular, for your commitment to improving the safety of demolition in Pennsylvania.

IBEW Local 98 proudly represents approximately 4,500 members working in the construction, sound and communication, broadcasting, and other major industries. Our members are highly skilled, thoroughly trained, and work for licensed, legitimate contractors who pay taxes and obey construction regulations.

Our members work in one of the most dangerous construction trades, and a minor accident or oversight on a job site can lead to tragic consequences when exposure to energized electrical conductors and circuit parts is involved. Due to the inherent danger of working in construction, it is imperative that the workers on the site are thoroughly trained in the best safety practices, safety requirements, mitigation techniques, and personal protective equipment.

My job as Safety Coordinator is to make sure our members are working in the safest manner possible and that all job sites observe and implement all OSHA requirements. I work closely with our apprenticeship program to train our apprentices and journeymen to make sure that every one of our members has a thorough understanding of the latest OSHA requirements and best practices to stay safe on the job.

In addition to my duties at Local 98, I also sit on numerous technical committees with significant input into writing national codes and standards. Two weeks ago, I took part in the comment phase to develop revisions for the 2015 edition of NFPA 70E, the Standard for Electrical Safety in the Workplace.

There is no second chance, no room for guesswork when it comes to safety on a job site, and adequate training is essential in order to prevent accidents. Regardless of the trade, "skilled workers are safe workers." They understand the hazards, the relationship between the hazards and potential injuries, and learn methods to mitigate exposure and eliminate hazards. They understand and are competent in the construction and operation of all equipment, the hazards involved in doing so, and have received formal training to recognize and avoid those hazards.

We want all of our members and all workers on a construction job to go home at the end of the day in the same shape they arrived, without injury or exposure to harmful substances. At Local 98, all of our apprentices complete mandatory OSHA 30-hour training before setting foot on a job site. This 30-hour course provides these entry-level workers with an awareness of all hazards encountered in construction, the applicable OSHA requirements, along with the means and methods necessary to mitigate and eliminate hazards.

Additionally, our members receive training on:

- NFPA 70E, which provides for industry standards for electrical safety in the workplace;
- Rigging and signaling for cranes; and
- Basic First Aid and CPR.

Our members also often receive onsite training for fall protection, electrical safety, lockout tagout, and many other safety disciplines.

The standards of our safety education program are developed by the National Joint Apprenticeship Training Committee (NJATC), which is a partnership between the IBEW and the contractors' organization, the National Electrical Contractors Association (NECA), who hire our members. Together, the IBEW and NECA jointly fund and administer training and safety programs, as both the union and the private sector contractors recognize the value of having a safe, efficient, and highly trained workforce. Both contractors and journeymen can also receive extensive continuing education to refresh and update their skills on the latest emerging technologies and safe work practices in this rapidly evolving industry.

Our attention to safety is not limited to the classroom by any means. On the job site, our stewards and foremen typically meet weekly with the general contractor to discuss safety issues. Weekly audits occur to document compliance, and any possible infractions are corrected immediately. We also work with OSHA when necessary, if we find persistently dangerous conditions on a work site.

Even with the best worker safety training, however, dangerous conditions can still occur in the absence of adequate enforcement. Unfortunately, not every contractor values the safety of its

workers or requires extensive safety training for them. Accidents still happen, and many contractors even deny their construction workers access to workers' compensation by misclassifying them as independent contractors and issuing them a 1099 instead of treating them as employees. These same contractors do not provide safety training to those 1099 employees.

Philadelphia is a densely populated city with many areas comprised of buildings that are old, multi story, and often adjoining other occupied structures. The inherent risks of working in this environment demand stronger enforcement and procedural safeguards to make sure adequately trained contractors and workers are performing work at industry standards.

The City of Philadelphia has a very serious problem with effectively enforcing safe construction practices. The Philadelphia OSHA office does a tremendous job. The compliance officers are extremely competent and work diligently to ensure safe working conditions. There are, however, only a handful of OSHA compliance officers and they are called upon by hundreds of thousands of work places in all industries and businesses—not just construction or demolition. In general, our city government's procedures are deficient, and our enforcement agencies do not have the resources to perform their task in a meaningful way. I will highlight just a few areas of critical weaknesses in our current practices:

- **Permits:** It is far too easy to obtain a building or demolition permit from the City of Philadelphia. A permit applicant must hold a city contractor's license, which any member of this committee could easily obtain with a checkbook, a tax account, and proof of insurance coverage. With the exception of a few skilled trades, our city does not require any proof of competency for either the contractor or the workers on the job site when obtaining a building or demolition permit—even for the most complex and risky jobs. Our city also has a major problem with "third party permits." This is a common practice in Philadelphia—a licensed contractor pulls a permit, then subcontracts the work to another unknown party that actually performs the work. This practice creates an enormous loophole that makes it very difficult to enforce tax laws, safety requirements, and immigration laws—let alone identify who is responsible when things go wrong on a job site.

Additionally, until the tragic incident at 22nd and Market, the city issued demolition permits "over the counter" without systematically requiring an applicant to submit any safety plans, work schedules, proof of contractor competency, or asbestos inspection reports to the city. There was virtually no regulation whatsoever over private demolition activity, aside from making sure a licensed contractor pulled the permits and paid the required fee.

- **Enforcement Activities:** OSHA does not have the resources to police every job site proactively or respond to every complaint, and it is not clear what role Philadelphia's Department of Licenses & Inspections (L&I) plays—if any—in enforcing worker safety issues. Unfortunately, many Philadelphia mayors view the Department of L&I as a

revenue generator for the city rather than an enforcement agency, and the department's budget has been slashed by nearly one-third since the last administration even as revenue generated from permits and licenses has increased. Additionally, many Philadelphia city departments are involved in enforcing different aspects of construction and demolition, but these departments do not communicate very effectively with one another. Many questionable contractors, for example, could be identified more easily if L&I's computers talked to the Revenue Department's computers to make sure a contractor applying for a permit was current on its taxes, and had an active wage tax account to demonstrate that it had bona fide employees on its payroll.

Philadelphia desperately needs more inspectors visiting job sites who are specifically trained in construction enforcement and tasked with only performing this duty. These inspectors need to be better trained, and they need to have more effective tools—such as a computer system that effectively shares information among different city agencies. The existing enforcement practices are far from adequate, and past practices show that Philadelphia mayors tend to use permit fee revenue for the general fund instead of specifically targeting those funds toward improving enforcement.

The tragic incident at 22nd and Market proved that the construction industry as a whole cannot be trusted to police itself. There will always be unscrupulous contractors who earn a living by cheating the system, cutting corners, flaunting regulations, and exploiting their workers—and often while jeopardizing public safety. Only by strengthening regulations and enforcement can we crack down on these irresponsible practices and ensure that a similar tragedy does not happen again. The City must be forced through legislation to improve its oversight practices for construction and demolition. This is necessary to ensure that construction and demolition—industries that can be very dangerous if unregulated—are performed in the safest manner possible by competent contractors and workers. The city would also benefit tremendously from a dedicated revenue stream that can only be used for improving enforcement. I believe House Bill 1591, sponsored by Representative Keller, is a strong, common sense step toward accomplishing these goals in the least burdensome manner possible while preserving City Council's ability to more narrowly address this issue as it sees fit. I sincerely hope the General Assembly passes this important legislation during the current session.

Thank you again for convening this hearing and considering ways to address this important public safety issue. I appreciate the opportunity to offer testimony on this matter.

Sincerely,

James T. Dollard, Jr.
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