

COUNCIL OF THE CITY OF PHILADELPHIA
SPECIAL INVESTIGATING COMMITTEE ON
DEMOLITION PRACTICES

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, June 27, 2013
10:15 a.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN BOBBY HENON
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA

RESOLUTION 130546 - Resolution authorizing the creation of a "Special Investigating Committee on Demolition Practices in the City of Philadelphia," to investigate safety problems and identify solutions related to the oversight of demolition projects in the City...

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2

COUNCILMAN JONES: Good

3

morning, everyone. Good morning,

4

everyone. May we have some order in the

5

Chambers. We are about to begin. We are

6

about to reconvene the Special

7

Investigative Committee on Demolition

8

Practices in the City of Philadelphia.

9

Joining me on the Committee are

10

Councilmen Bobby Henon, Vice Chair of

11

Public Safety; Councilwoman Jannie

12

Blackwell; Councilman Jim Kenney;

13

Councilwoman Maria Quinones-Sanchez, and

14

we thank all of them for being here this

15

morning and starting relatively on time.

16

We have an aggressive witness

17

list today, and we will try to get

18

through all of the testimony offered.

19

For those of you who wish to abbreviate

20

testimony, we will not be offended.

21

So without further adieu, will

22

the Clerk please read the title of the

23

resolution.

24

THE CLERK: Resolution 130546,

25

authorizing the creation of a "Special

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2 Investigating Committee on Demolition
3 Practices in the City of Philadelphia,"
4 to investigate safety problems and
5 identify solutions related to the
6 oversight of demolition projects in the
7 City.

8 COUNCILMAN JONES: It is not by
9 chance that the public has paid a
10 particular amount of attention to these
11 hearings. In fact, the Inquirer reported
12 today about the planned demolition of the
13 Armory, 1200 block South Broad Street,
14 and some of the concerns that were
15 raised, that it is an old building, built
16 in 1886. It is a four-story building.
17 It may contain asbestos, that it is
18 adjacent to an apartment building, a
19 retail store, and a gas station. A demo
20 permit application is forthcoming, and
21 many people are looking to the City of
22 Philadelphia to see just where we will
23 stand on the issue of safety.

24 Many things were -- this is the
25 second in a series of potentially four

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2 hearings that we will have as a city. I
3 will remind people who are here for the
4 first time that this is not a questioning
5 of the incident on Market Street but, in
6 general, what are the safety practices of
7 the City of Philadelphia, how can we
8 improve them, is there one standard of
9 safety, one expectation of safety by the
10 public. And today we will hear -- we
11 heard from the City, Commissioner of L&I
12 and the Chief of Staff for the Mayor. We
13 questioned them, and many good questions
14 from this panel came out, questioning
15 whether or not asbestos was in the area
16 from Councilman Kenney, questioning
17 whether the practices of safety are
18 different from the public standpoint
19 versus the private standpoint, many
20 questions about applications and names of
21 liable parties that affix their names to
22 these applications and whether or not we
23 should hold them accountable and to a
24 higher standard for that safety.

25 So we're looking at all of

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2 these things, and today we will hear from
3 the private sector. We will look at some
4 of the best practices in the industry and
5 see how they are applied to City
6 demolitions within our borders and how we
7 can standardize potentially in the long
8 run one level of safety that all citizens
9 of Philadelphia can expect, not to
10 mention the safeguarding of workers that
11 are on these sites.

12 So I want to say for the record
13 also that we invited OSHA out to testify
14 today. Based on advice of counsel, they
15 have refused to testify. What we do have
16 here is from their website, from their
17 public domain, their levels of safety
18 training, whether we talk about
19 everything from demolition to
20 construction, and we will kind of add
21 questions as we go along to see in the
22 best practice of the private sector how
23 they apply that safety level to their
24 operations.

25 And so without further adieu,

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2 I'm going to open this hearing up. I
3 want to recognize for the record we've
4 been joined also by Councilman Denny
5 O'Brien, who has been, not just this
6 hearing but other hearings, very, very
7 keenly aware of what's going on.

8 With that, are there any other
9 members of the panel that would like to
10 have a few words?

11 Councilman.

12 COUNCILMAN HENON: Thank you,
13 Mr. Chairman.

14 I just want to in advance take
15 a moment to welcome everybody here who is
16 going to testify on safe practices in
17 demolition and construction, especially
18 when it comes to safety and training. I
19 want to welcome all my colleagues from my
20 other world and continuing friends from
21 the building trades. Your presence here
22 today and your expert testimony in what
23 we do and what you do on a daily basis is
24 welcomed and much needed here. So I look
25 forward to continue the partnership with

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2 this Committee and City Council as we
3 move forward to ensure safe work sites
4 for workers and the citizens of
5 Philadelphia. So thank you for all
6 coming.

7 COUNCILMAN JONES: Thank you,
8 Councilman.

9 The Chair now recognizes
10 Councilwoman Blackwell.

11 COUNCILWOMAN BLACKWELL: Thank
12 you.

13 I agree. We want to certainly
14 thank not only the labor community but
15 those who have worked in this area from
16 so long, from demolition experts to
17 people like John Macklin, who started the
18 MBEC program during the days of the late
19 and great Lucien Blackwell, and Bruce
20 Crawley, who knows about the business end
21 as well as the labor end.

22 I am so pleased to have all of
23 you here, all of whom we know and have
24 worked with over the years. I think this
25 will be the most exciting hearing yet.

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2 So thank you all. Thanks for being here.

3 COUNCILMAN JONES: Thank you,
4 Councilwoman.

5 The Chair recognizes Councilman
6 Kenney.

7 COUNCILMAN KENNEY: Thank you,
8 Mr. Chairman.

9 I just want to state for the
10 record my disappointment in OSHA's
11 refusal to present themselves here today.
12 While I understand all the issues
13 surrounding grand jury and potential
14 civil litigation, it seems that in many
15 areas of our attempts to get to the facts
16 and to try to fix the problem, there
17 seems to be folks, both in the City
18 government and in the federal government,
19 that are more concerned about what things
20 look like than what they are.

21 We have said from the outset
22 that our goal here was to, by the end of
23 the summer, have a set of additional
24 legislation to fix the code so that it's
25 inshrined in the code what the rules are.

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2 That's what this Committee is about. And
3 everybody either pointing fingers in
4 opposite directions to get the attention
5 away from them or hiding behind the grand
6 jury or hiding behind a potential civil
7 litigation or hiding behind the fact that
8 they just don't want to admit the fact
9 that they're responsible is really
10 hampering the work of this Committee.

11 And, again, I appreciate the
12 Administration's appearance last week. I
13 wasn't totally thrilled with the
14 forthcoming nature of their testimony,
15 and OSHA's refusal to come here today
16 just exacerbates the problem and really
17 does disappoint me, because this is about
18 public safety. It's not about someone's
19 ego or who is at fault, and I think that
20 as long as agencies that are responsible
21 for public safety take that attitude,
22 it's going to be harder to get to the
23 bottom line and to get something fixed.

24 So for the record, very
25 disappointed with their lack of

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2 participation in this hearing today.

3 Thank you.

4 COUNCILMAN JONES: Thank you,
5 Councilman.

6 Councilman O'Brien, would you
7 like to say anything?

8 COUNCILMAN O'BRIEN: No. I
9 would just like to echo the sentiments of
10 Councilman Kenney. This is a teachable
11 moment, and the fact that City agencies
12 and federal agencies and other agencies
13 involved are not taking advantage in
14 general terms in bringing the educational
15 component and making people aware of what
16 those standards should be and what they
17 are is disappointing.

18 Thank you.

19 COUNCILMAN JONES: Thank you,
20 Councilman.

21 Without further adieu, seeing
22 no other comments, will the Clerk please
23 read the first panel of witnesses to
24 testify.

25 THE CLERK: Patrick Gillespie,

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2 Bruce Crawley, Anthony Fullard.

3 COUNCILMAN JONES: Thank you.

4 Will you please approach the
5 witness table.

6 (Witnesses approached witness
7 table.)

8 COUNCILMAN JONES: Good
9 morning, gentlemen. Thank you for
10 participating in these hearings, and
11 please, from left to right, my right,
12 your left, please begin, Mr. Gillespie.

13 MR. GILLESPIE: Good morning,
14 Councilman Jones, and thank you very much
15 for this opportunity to appear here this
16 morning.

17 You're charged through your
18 resolution with a daunting task of trying
19 to find a remedy to prevent the tragedies
20 that are incumbent oftentimes in the
21 demolition work, in the aspect of
22 demolition. It is by far a very unsafe
23 operation just by its nature, the fact
24 that on the 11th of June I sent the Mayor
25 a letter offering the services of our

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2 training professionals to help develop a
3 protocol that would mirror other urban
4 areas. We were shocked and chagrined
5 that we didn't have one, and we should
6 have been on top of that.

7 We have people who are in this
8 business for years who know how to do
9 this business and know how to do it
10 properly. And this just isn't for
11 public. It's for the private, because
12 any time you go into -- whether you're
13 knocking down a 16-foot-wide row house in
14 between two others or you're knocking
15 down a 30- or 40-story building, it has
16 the impact on our communities and in our
17 neighborhoods. So we want to make sure
18 that it's done properly.

19 We want -- this is not whether
20 a worker has the protection of collective
21 bargaining or not issue. I notice there
22 are a number of non-union, anti-union
23 people in the room here today. I'm kind
24 of interested in hearing what they have
25 to say, but we have -- and you will hear

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2 today from a number of people who
3 represent the training community in the
4 building trades. Some of them have
5 accredited programs that are
6 university-like and people actually get a
7 degree, an accreditation for their
8 studies. In every one of those programs
9 that we have, and they are vast, the
10 major theme is safety. The major theme
11 is making sure that when our people go to
12 work in the morning, they can come home
13 at night, and it's also making sure that
14 through the protection of collective
15 bargaining, a worker can speak up and
16 tell the foreman or tell the owner or
17 tell the boss, I'm not going to do that,
18 that's unsafe, and not put his job in
19 jeopardy because of the protections that
20 the union provide him. They are unique
21 qualities that we have.

22 So I thank you for getting
23 ready to listen to our people and I
24 appreciate the opportunity, and hopefully
25 the people will take us up on our offer.

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2 And it's an offer that doesn't -- that
3 we'll pay for. I mean, the resources we
4 will provide are -- the unions will pay
5 for that to develop the protocol to do
6 demolition and to work safe in the City.

7 Thank you.

8 COUNCILMAN JONES: Thank you,
9 Mr. Gillespie. We will refrain from
10 questions until all of the first panel
11 submits their testimony.

12 Mr. Crawley.

13 MR. CRAWLEY: Good morning.
14 Thank you very much, and thank you,
15 Chairman Jones, Councilpersons Blackwell,
16 Kenney, Henon, and Quinones-Sanchez for
17 inviting us here this morning. My name
18 is Bruce Crawley. I'm President of
19 Millennium 3 Management. I was a founder
20 and Chairman of the African American
21 Chamber of Commerce, served on the
22 Mayor's Task Force for Diversity in the
23 Construction Industry, and you'll hear
24 more from Anthony Fullard, who was in all
25 of those places that I happen to be, with

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2 a greater experience in construction than
3 mine, having run his own steel erection
4 construction company.

5 The sad and regrettable
6 backdrop for this morning's public
7 hearing, of course, is the deadly
8 demolition-related tragedy that took
9 place three weeks ago at 22nd and Market
10 Streets, just a few blocks from where we
11 all now sit. In fact, had that tragedy
12 not occurred, it is highly unlikely that
13 any of us would be here today discussing
14 demolition contracting, how it works, how
15 it can be done more effectively, who is
16 qualified to actually do the work or
17 whether there are appropriate levels of
18 minority inclusion in that
19 construction-related specialty.

20 It's safe to say that until
21 that accident took place, virtually no
22 one cared about those topics. In any
23 event, they certainly weren't discussing
24 them so that anyone would hear it.

25 But it did happen, and here we

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2 are searching for explanations for what
3 took place on that horrific day. As a
4 city, we've been taking turns blaming the
5 property owner, the contractor, and the
6 City government. There's also been media
7 focus on the operator's alleged use and
8 involvement with illicit drugs. That
9 focus, however, has not included an
10 appropriate broader look at the
11 industry-wide levels of involvement with
12 substance abuse. That's a bigger issue
13 than the crane operator. If we want to
14 minimize those kinds of issues in
15 demolition and in other areas of
16 business, including construction, we'll
17 simply need to have random testing and
18 screening for all participants in every
19 workplace.

20 In that broad context, Anthony
21 Fullard and I have been invited to
22 provide testimony about a demolition
23 program that was implemented in our city
24 from 2003 to 2006 that was conceived by
25 us during our time at the African

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2 American Chamber of Commerce and which
3 was called the Emerging Contractors
4 Program.

5 Perhaps an analysis of what
6 took place in that effort will lead us
7 back to a programmatic emphasis that
8 provided contracts to minority and
9 female-owned firms in an industry where
10 such outcomes are all too rare.
11 Employees at the participating firms were
12 72 percent minority and 2 percent female.
13 And unlike most construction-related
14 employees in our city, 79 percent of
15 those employees were Philadelphia
16 residents.

17 This is a city whose population
18 is 63 percent comprised of African
19 Americans, Hispanics, and Asians. This
20 is an industry wherein black, Hispanic,
21 and Asian firms represent 2.1 percent,
22 1.1 percent and 0.5 percent,
23 respectively, of the total number of
24 construction-related businesses and where
25 white female firms constitute 9.3

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2 percent.

3 That being the case, our
4 participation numbers and our program
5 were certainly noteworthy.

6 At the time that the Emerging
7 Contractors Program was introduced,
8 black, Hispanic, and Asian construction
9 firms accounted for just 0.6 percent, 0.6
10 percent, and 0.3 percent respectively
11 again of the \$16 billion of annual
12 revenues generated in the local
13 construction industry. This was clearly
14 a much-needed program.

15 To make my point even more
16 emphatically, let me remind you that of
17 the 25 largest construction firms in the
18 Greater Philadelphia area, not a single
19 one is owned by an African American, an
20 Hispanic or by an Asian business person.

21 Despite all of that, we firmly
22 believe that the City's announcement of
23 the Neighborhood Transformation
24 Initiative, NTI, in 2002 represented an
25 opportunity to improve on those

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2 participation numbers substantially, to
3 create access to contracts, to ensure
4 stable cash flows and banking and bonding
5 support for firms that would in turn be
6 able to hire people in their own
7 community and from their own city.

8 With that in mind, Fullard and
9 I sat down one Sunday afternoon and
10 developed the Emerging Contractors
11 Program.

12 As we saw it, the program would
13 be designed to anticipate and address all
14 of the usual impediments to minority
15 contractor success. We wanted to develop
16 programs that created a new class of
17 minority contractors who would be
18 qualified to bid as prime contractors on
19 City demolition projects. We wanted them
20 to have access to bank financing and to
21 sources of construction-related
22 performance bonds. We wanted them to
23 successfully compete for contract
24 opportunities and to be able to
25 effectively complete a demolition

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2 contract. And, finally, in the risky
3 area of demolition contracting, we
4 insisted that every project be safely
5 done and completed within OSHA guidelines
6 and with the full support of the City's
7 Licenses and Inspections Department.

8 We wound up producing a program
9 that graduated 66 mostly black, Hispanic,
10 Asian, and female and some white male
11 demolition contractors out of two
12 classes. The rigorous program included
13 270 hours of classroom instruction, which
14 was offered in conjunction with SBDC at
15 Temple University. And I saw Jerry
16 Vallery back there, the dean of bonding
17 and construction industry, and he ran
18 that part of the program for us.

19 The aspiring new demolition
20 contractors were taught business
21 management, bidding, insurance,
22 procurement, Davis-Bacon, payroll,
23 safety, hazardous material handling,
24 abatement and disposals, and equipment
25 handling.

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2 Despite all of that classroom
3 instruction, not one of them was eligible
4 to graduate until they participated
5 hands-on in a supervised field training
6 exercise at a real demolition project out
7 in the community.

8 Our initial goal was to create
9 at least ten minority or female-owned
10 contractors who would be qualified for
11 NTI demolition bids. As mentioned
12 earlier, we wound up with 66, 34 from the
13 first class and 32 from the second.

14 By the way, while the building
15 trades' hands have never been totally
16 clean as it relates to appropriate
17 inclusion of minorities on construction
18 work sites in Philadelphia, we never
19 experienced direct problems with the
20 unions in our program. That was largely
21 because our program mandated that our
22 construction firms that were not union
23 signatories pay prevailing wage to their
24 workers. In addition, 11 of our 66 firms
25 were actually owned by minority union

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2 members anyway. We need to point out
3 that Sam Staten, Jr. of the Laborers
4 Union was especially supportive of our
5 efforts, and several of his members
6 actually transitioned from journeyman to
7 business owner as a direct result of the
8 Emerging Contractor Program.

9 A critically important reason
10 for the success of Emerging Contractors
11 was a special accounts receivable lending
12 program that we created among several
13 large banks, including Citizens, Wells
14 Fargo, Sovereign Bank, Commerce Bank, PNC
15 Bank, The Asian Bank, the black-owned
16 Advance Bank, and the black-controlled
17 United Bank of Philadelphia, as well as
18 PIDC.

19 As of May 31st, 2006, those
20 financial institutions had approved \$4.2
21 million in 74 loans to our contractors,
22 with another 13 loans for \$630,000 that
23 were pending at that time. Because the
24 loan funds were advanced as a percentage
25 of valid City contracts in force, there

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2 was virtually no risk for the
3 participating banks. The banks liked
4 that and would probably do it again.

5 I would be remiss if I didn't
6 point out that of the 4.2 million in
7 loans to Emerging Contractors, eight of
8 those loans for \$906,000 were made by
9 United Bank and another loan in the
10 amount of \$100,000 was made by the
11 black-owned Advance Bank.

12 As of October 13th, 2006, the
13 City had awarded about \$7 million in
14 demolition contracts to the participating
15 Emerging Contractors.

16 Over five bid cycles, the
17 Emerging Contractor graduates bid
18 successfully on and completed 201
19 residential demolition units.

20 By the way, the safety record
21 on the program over the entire three
22 years was excellent. I think we heard
23 yesterday that over the entire time,
24 there was just one worker at just one of
25 the firms that experienced a small

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2 abrasion on his toe. That safety
3 information is, of course, a matter of
4 public record.

5 Regrettably, the program is no
6 longer in operation and the availability
7 of qualified, safety-trained demolition
8 contractors in Philadelphia has been
9 sharply reduced.

10 In a recent conversation with a
11 member of the first graduation class, we
12 learned that over the past seven years or
13 so, virtually all of the minority
14 demolition contractors have been driven
15 from that specialty. They cited a
16 notoriously slow invoice payment record
17 by the City of Philadelphia, especially
18 affecting black and minority contractors.
19 They reported that some payments had been
20 delayed, by design it seems, for as long
21 as 12 months. They also mentioned the
22 virtual non-existent profit margins
23 recently available through the City's bid
24 process.

25 Many are still engaged in other

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2 areas of the construction industry, but
3 no longer in demolition. If we want to
4 have safe demolition work sites and local
5 employment and business opportunities,
6 that needs to change.

7 Another impediment has been the
8 curious lack of support from elected
9 officials in the City of Philadelphia and
10 in the Commonwealth of Pennsylvania. At
11 the end of his second term, John Street
12 seemed to lose interest in the program,
13 and when Mayor Nutter moved into office,
14 NTI and related demolition opportunities
15 were inexplicably eliminated.

16 Then there was the case of
17 State Representative Dwight Evans, who
18 visited with the program's contractors in
19 October 2006 and committed to a \$250,000
20 state grant to cover program expenses.
21 Our contractors were ecstatic. Press
22 releases and photo captions of
23 Representative Evans holding a huge mock
24 check with a face amount of \$250,000 were
25 distributed to media outlets.

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2 Unfortunately, the first installment of
3 that commitment in the amount of \$100,000
4 didn't arrive until October 2007, 12
5 months later, and the second installment
6 of \$150,000 never arrived at all to this
7 day.

8 Political issues
9 notwithstanding, we still strongly
10 recommend that the City circle back and
11 revisit what was, by all accounts, a
12 highly effective and exceptionally safe
13 demolition construction program model.
14 It shouldn't be too difficult to
15 accomplish. We certainly don't need to
16 reinvent the wheel.

17 Thank you very much.

18 COUNCILMAN JONES: Thank you,
19 Mr. Crawley.

20 Mr. Fullard.

21 MR. FULLARD: Thank you,
22 Councilman Jones, Chairman of this
23 Committee, also Councilman Kenney,
24 Councilwoman Jannie Blackwell, Councilman
25 Bobby Henon, and also Councilwoman

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2 Sanchez. Thank you for allowing us to
3 have this dialogue with you in a very
4 important matter to me and also to the
5 City.

6 My name is Anthony Fullard.
7 I'm the Vice President of Millennium 3
8 Management. I was the Director of
9 Economic Development for the African
10 American Chamber of Commerce back in 2003
11 and 2006, and I was in charge of the
12 Emerging Contractors Program at that
13 time.

14 Today I just come here to lend
15 supported documentation about how the
16 program was run and also of the
17 relationships that we've had with the
18 City. At that point in time, we had
19 relationships with L&I, who was a part of
20 the Emerging Contractors training
21 program. We had a relationship with OSHA
22 as well, and we again had relationships
23 with all of the entities within the City
24 government as related to the -- as it
25 related to the procurement process of the

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2 NTI program.

3 Sadly, as you just heard from
4 Bruce about how the program was run and
5 how many contractors that we had involved
6 in there, that the goal was to train
7 various businesses throughout the City as
8 prime contractors to bid on the City's
9 demolition projects throughout the City,
10 and the ultimate goal was for them to
11 also be a part of the master demolition
12 program, which is still around now. But,
13 sadly, out of the 66 firms, there's only
14 one firm from our class still bidding
15 within that process, and they also have
16 concerns about how that is being run now,
17 and one thing that they had also
18 mentioned is the low cost that you see on
19 these curbside bids.

20 Those firms are contacted by
21 the City of Philadelphia via e-mail about
22 an emergency contract that has to be
23 demoed, and they show up and they bid.
24 And, you know, the low responsive bidder,
25 with no rhyme or reason of why that

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2 number is being submitted, is accepted by
3 the City of Philadelphia, and then they
4 proceed to begin that demolition.

5 Our contractor that went
6 through our program -- and that was one
7 of the things that we specifically spent
8 training on, was of how to prepare a bid
9 that represented the work that had to be
10 done. And he said that now in this day
11 and time, that does not matter. It is
12 whatever the number is, however they come
13 up with the number, is what is accepted
14 by the City. And so he largely does not
15 receive any more of those contracts.

16 As I said, we brought a number
17 of documentation of what the practices
18 were and how we view it. Whether it's a
19 City contract, whether it's a private
20 contract, it's the same contractors that
21 are doing the demolition whether it's on
22 the public side or whether it's on the
23 private side. The same practices, the
24 same laws that are provided by L&I, by
25 the City is what we normally follow, and

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2 that is what was being taught within the
3 Emerging Contractors Program.

4 So I just brought some of that
5 document here with us as you pose any
6 questions that you may have about that.

7 COUNCILMAN JONES: Well, thank
8 you for your testimony, all of you.

9 Members of the Committee. I
10 saw Councilman Henon.

11 COUNCILMAN HENON: Thank you,
12 Mr. Chairman, and I want to say to not
13 only the panel but anybody else who is
14 here today and that will be soon
15 testifying with testimony, although so
16 far some important issues have been
17 raised, neither this is the time nor the
18 forum to have these kinds of discussions.
19 Today is a forum for special business,
20 special business only. And I understand
21 some frustrations with some organizations
22 and the City's practices moving forward,
23 but today we are here only to discuss
24 what constitutes unsafe construction and
25 demolition work here in the City of

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2 Philadelphia. So how can we improve the
3 City, how can we improve the practices of
4 the City, and how can we improve the
5 construction and demolition safety for
6 the work that's being performed for the
7 workers and for the City residents alike.

8 So I just want to specify for
9 the record why we are here and the order
10 of the special business that has been in
11 place as a result and what this Committee
12 is charged with by order of our Council
13 President and by leadership with our
14 Chairman here.

15 So thank you all for coming.

16 COUNCILMAN JONES: Councilman
17 Kenney.

18 COUNCILMAN KENNEY: Thank you,
19 Mr. Chairman.

20 This is, of course, a committee
21 to discuss the results of what happened,
22 without specifically referring to 22nd
23 and Market, as to how what's not in place
24 to keep people safe, to keep workers
25 safe. Although it's about demolition,

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2 for me it's an ongoing frustration about
3 construction and demolition.

4 So I'd ask Mr. Gillespie, if he
5 could -- and I would also like any of the
6 other witnesses who come to the table to
7 testify -- to not only talk about the
8 issues relative to training and
9 demolition, but to talk about the state
10 of what goes on in our city every day
11 when it comes to the construction of
12 high-rise buildings, when it comes to
13 construction of student residential
14 housing in North Philadelphia where it
15 has to deal with issues of unqualified,
16 untrained, uncertified employees that are
17 operating dangerous equipment in an
18 environment close to the public. And I'd
19 also like each of the witnesses to
20 testify about the drug testing programs
21 that are in place with their individual
22 organizations and how strict and how
23 random and how frequent and how
24 dependable those drug testing programs
25 are.

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2 But I do -- again, this is
3 about demolition, but it's also about --
4 we've had long discussions about tower
5 cranes and mobile cranes and other types
6 of equipment that's put on work sites,
7 how they're handled, how they're rigged,
8 how they're operated, how they're
9 signaled. It's not just about the taking
10 apart a building. It's about building
11 buildings also and the wild west
12 atmosphere that's out there these days
13 and that has up until now, up until
14 recently, been pretty much ignored.
15 Again, I will give this particular L&I
16 Commissioner that we have currently all
17 the kudos in the world for his quick and
18 decisive action when brought to his
19 attention what's going on out there. The
20 last L&I Commissioner, Fran Burns,
21 totally neglected, totally refused to
22 acknowledge some of the practices that
23 were going out in the community, even
24 when brought to her attention did not
25 respond. And I think part of the reason

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2 why we're here with this kind of lax
3 attitude about handing a permit across
4 the table and then not worrying what
5 happens to that permit after it leaves
6 the Municipal Services Building is
7 atrocious. And I just would like you to
8 comment on the current state of not only
9 demolition but also construction and also
10 the other witnesses to talk about the
11 things that they see out there which are
12 downright frightening.

13 This building was clearly a
14 disaster. It was a large loss of life,
15 but every single day that opportunity
16 presents itself in the construction
17 industry in Philadelphia, because it is
18 largely in many cases unmonitored.

19 MR. GILLESPIE: Thank you,
20 Councilman. The sobering fact is that we
21 do not have ensconced in any kind of
22 ordinance at all or any kind of
23 permitting process a protocol for
24 demolition. And then if you peel back
25 the curtain, we have an awful lot of

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2 requirements and licensing requirements
3 that lack total enforcement. No one
4 enforces things.

5 The sheet metal worker will
6 tell you today that they have people who
7 are tested and it's about the air safety
8 and air monitoring safety within
9 buildings. And people go to school and
10 learn how to do this and they come and
11 take a test, but there's no requirement
12 that says when you discover people who
13 are doing this work aren't properly
14 trained, do not have the proper
15 credentials, nothing happens. So it's
16 just kind of ignored.

17 There are crane requirements
18 where people have to be tested so you
19 know what you're doing, because with the
20 crane, the whole community is exposed to
21 a hazard if it's not done properly.

22 The rules and regulations are
23 there. The training that's provided by
24 the Operating Engineers is by far the
25 best in the country. I mean, these

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2 people, they really know how to do their
3 business, except there's no requirement
4 that says the people have to have that
5 training or have to be tested for it.
6 And if there were -- this should keep you
7 awake at night in our community. I mean,
8 these kinds of things are just being left
9 to a caprice when -- now, let me just add
10 parenthetically. Because of Bruce and
11 Fullard, the programs that they talked
12 about were meritorious programs. What we
13 were doing is that we were having an
14 incubator for small contractors, and a
15 lot of them were African American and
16 whatnot coming into our world. Now, I
17 got the back-handed slap from Bruce, but
18 we did help. I mean, and we were -- this
19 was a good thing, and it just went to
20 sea.

21 So we have to tend to this.
22 And we understand L&I has -- and there
23 are financial obligations. We want to
24 offer help across the board and we want
25 to maybe go to Harrisburg and find some

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2 kind of remedy to fund those kinds of
3 things so we can have the proper
4 oversight. We were even talking about
5 offering ourselves up as -- we have
6 people who have the requisite knowledge
7 and can recognize a tragedy that's about
8 to happen, as was experienced on 22nd
9 Street, and deputize them in some way so
10 when they put a complaint in, people from
11 the City can get out there or get a cop
12 out there or get a fireman out there.

13 We have these resources. We
14 should use them to protect the community
15 so we don't have to go to any more
16 funerals. We lost three young girls and
17 three older people and a woman lost
18 her -- that is so tragic. That should
19 keep us all awake at night.

20 COUNCILMAN JONES: Before I go
21 to Councilwoman Blackwell, I'd like to
22 weigh in on this, and what I want to say
23 is that I've known each of you gentlemen
24 longer than I'd like to say, because it's
25 just dating me, and I've had an

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2 opportunity to work deeply on issues of
3 construction, safety, inclusion. I am
4 the former Director of the Minority
5 Business Enterprise Council. And I want
6 to focus on safety, but I want to focus
7 it on in the context of the experiences
8 each of you have had. And I want to say
9 that if we had 66 contractors that did
10 201 units and the only safety issue was
11 someone's toe, there's something to learn
12 from that process. And if that required
13 270 hours of training, if I got that from
14 your testimony, that is the kind of thing
15 that we need to emulate going forward.

16 So my question comes to, how do
17 you in the private sector, all of you --
18 any of you can answer it -- how do you
19 assess the risk versus reward of the
20 actual contract when you go up and
21 approach a job? And then because it was
22 an almost self-reporting system, as we
23 discovered from the last hearings, how do
24 you then say what is the standard of
25 safety you want to engage to reduce

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2 liability to your company and to improve
3 safety for the workers?

4 MR. FULLARD: That's a good
5 question, Councilman. First of all, I
6 was an ironworker for 17 years, ran my
7 own business for ten of those years, and
8 we --

9 MR. GILLESPIE: Contrary to --
10 he was not afraid of heights. He was a
11 connector at one time.

12 MR. FULLARD: And to Pat's
13 point, we was doing a job on 95 one time,
14 and there is a disconnect with OSHA
15 sometimes because one of our guys was
16 just going on the steel out of his lift
17 basket, high reach, and he had to
18 disconnect his safety harness to get onto
19 the steel, and ironically at that moment,
20 an OSHA inspector, from what they said,
21 was riding down 95 and said he spotted my
22 guy unhooking and was in harm's way of
23 going outside of the basket. And so with
24 all of that issues that was imposed on my
25 company at that time, we had to begin to

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2 impose safety regulations before we even
3 bid at the job, and we had to take into
4 consideration the level of difficulty on
5 each project.

6 COUNCILMAN JONES: Submitted to
7 who?

8 MR. FULLARD: Submitting to any
9 construction firm he was going to bid a
10 job to. So we had to have a safety plan
11 of how our firm was going to be safe when
12 we was going to erect that job.

13 COUNCILMAN JONES: So you
14 submitted that to the job owner?

15 MR. FULLARD: We submitted it
16 to the construction manager, who
17 represented the owner of the job.

18 COUNCILMAN JONES: Who from the
19 government requested those kinds of
20 safety plans?

21 MR. GILLESPIE: In a private
22 operation, it's the insurance company.
23 It's the indemnifier will come forth and
24 say you need a safety plan. And
25 understand that Fullard and a number of

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2 people back here helped OSHA write the
3 rules. It's not -- and they to this
4 day -- Jimmy Dollard is not here, but
5 Jimmy Dollard is one of the national
6 experts on safety, and we have him right
7 here in Philadelphia. They're the kind
8 of people that we're offering here to get
9 these protocols done. So regardless of
10 what, at least we have -- the City has a
11 procedure that has to be followed.

12 COUNCILMAN JONES: So my
13 question is, no one from the City came up
14 to your firm and said submit to us your
15 safety plan?

16 MR. FULLARD: No. It was --

17 COUNCILMAN JONES: That only
18 happened during NTI on public jobs?

19 MR. FULLARD: Yes. Now, case
20 in point, when we began to impose or to
21 construct that program, then we sat down
22 with OSHA, L&I, representatives from the
23 City of Philadelphia and their
24 representing company, who was Hill
25 International, and there was a laundry

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2 list of safety regulations before you
3 even -- before the program even got
4 started.

5 COUNCILMAN JONES: So, again,
6 not in a private job, not on private
7 jobs?

8 MR. FULLARD: Not on private
9 jobs.

10 COUNCILMAN JONES: On behalf of
11 the City?

12 MR. FULLARD: No. This was
13 only on the behalf of the City, but
14 also --

15 COUNCILMAN KENNEY: Point of
16 information on that issue. Point of
17 information on that issue. We expect to
18 have -- I met with Hill International
19 yesterday. We expect to have the person
20 who was originally with Public Property
21 and then was hired by Hill to run the NTI
22 program under Hill's management to talk
23 about what was in place and what we
24 should have in place on private
25 demolition. So they will be testifying

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2 probably at the next hearing.

3 Thank you.

4 COUNCILMAN JONES: Okay. I'm
5 going to recognize Councilwoman Blackwell
6 at this point.

7 COUNCILWOMAN BLACKWELL: Thank
8 you.

9 It is ironic that we talk about
10 not reinventing the wheel, to quote you,
11 Bruce, and certainly Anthony Fullard to
12 talk about no one asking for safety
13 plans. It's unbelievable, when you talk
14 about training people as to what they
15 should know and the safeguards not in
16 place. But it amazes me in all of this
17 that we go so far, then we have the
18 Richman decision or something else that
19 comes in on inclusion, and even in this
20 Emerging Contractors Program where we
21 train people and where we had inclusion
22 and then we start all over again. And
23 we're talking about the \$250,000, which
24 is, in the scheme of things, absolutely
25 no money.

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2 And so I hope that this
3 Committee as we deliberate when this is
4 over, we will consider that, that we had
5 people trained and we had people who knew
6 what to do and it could have continued
7 for \$250,000, and that perhaps this is
8 something that we need to reconsider as
9 we go forward and try to come up with
10 safety guidelines or say let's go back to
11 the ones we had, which is what I'm
12 hearing, we had it, and then the,
13 quote/unquote, system or the City or
14 somebody just dropped the ball, and all
15 of this happened that perhaps didn't have
16 to be.

17 So I appreciate this important
18 testimony, and I find it so sad that here
19 we are all over again. I've been here
20 before where, you know, when the whole
21 issue was started, when the late and
22 great Lucien Blackwell and Macklin, who
23 is here, were talking about minorities
24 getting less than one-tenth of one
25 percent. And it just looks like we go so

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2 far, everything falls, and this time
3 people lost life, because it's not only
4 inclusion on the front end, but it's
5 certainly taking care on the back end
6 that we don't have the safeguards we need
7 in place to protect people.

8 So it's very, very important.
9 Thank you again, all of you, for your
10 testimony. It's been very, very
11 important this morning.

12 Thank you, Mr. Chairman.

13 COUNCILMAN JONES: Thank you,
14 Councilwoman.

15 Councilman Henon and then
16 Councilwoman Sanchez.

17 COUNCILMAN HENON: I have one
18 last thing for the Committee here. So,
19 one -- this is to Pat Gillespie. Pat,
20 you had mentioned about an offer. Now, I
21 say that because I know you made an offer
22 to this Committee on behalf of the
23 building trades to offer the entire
24 trades' expertise and expert
25 qualifications for training and safety to

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2 the Committee and I believe to the Mayor.

3 You want to --

4 MR. GILLESPIE: Yeah. Well, we

5 sent the Mayor a letter. And, look,

6 everybody is busy. But we have the

7 expertise. We know how to train people.

8 We know -- and these people who you'll

9 hear from are some of the top notch in

10 the country. As I said, OSHA comes to

11 them for advice. So what's so sobering

12 about this, that we don't have protocols

13 like other big cities have. We don't

14 have procedures to make sure that private

15 property is protected, to make sure that

16 the public is protected. All those

17 should be in -- and it's just common

18 sense, but we don't have it.

19 So our hope is to, with Danny

20 Sullivan from the Operating Engineers and

21 Butch Bennett and Roscoe from the

22 Laborers and Sam Staten, Jr., they know

23 how -- they train people who know how to

24 do this work and who know when the work

25 isn't being done properly, look, they're

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2 going to speak up, because they're in
3 jeopardy. I mean, it's their lives if
4 you take the beam out the wrong way or if
5 you hit the wall the wrong way. They
6 know what they're doing, and they know
7 the precision that is required and the
8 steps that are required to demolish a
9 building safely. And it might be a
10 little more expensive. You might have to
11 hire a few more high reaches to get
12 people up into positions. They'll
13 explain all that in their presentation.

14 Now, they're just going to be
15 introducing their self today. They're
16 working on those protocols, and they hope
17 to be back here in August with them, in
18 the hope also with other remedies that
19 they've suggested.

20 COUNCILMAN HENON: Pat, I
21 know -- and I'm not going to speak on
22 behalf of the Committee, but I know the
23 Committee has accepted your offer for
24 your expertise of safety and
25 everything --

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2 MR. GILLESPIE: Just for the
3 record, it's the expertise of the men
4 behind me. Not me. I have trouble
5 starting my car in the morning, but...

6 COUNCILMAN HENON: Pat, I say
7 this for a reason for everybody here.
8 When it comes to worker safety and the
9 workers that are on the job site, whether
10 they are a licensed contractor or a
11 worker who is an employee of a licensed
12 contractor and the training that goes
13 with that, this is how important it is,
14 and I'm going to say this in advance to
15 the folks that are going to come up here
16 today and who are here at this panel now
17 when they give their expert testimony on
18 worker safety and public safety.

19 To get a contractor's license
20 right from our city right here, I can
21 grab -- I can get anybody sitting in this
22 audience here today. I can have anybody
23 from the media. I can have somebody from
24 up here get a contractor's license in one
25 day. The requirements is a \$200 fee,

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2 which is applied towards the cost of a
3 license, an EIN number and the commercial
4 activity license, which is also just a
5 fee for a license, proof of insurance,
6 and the insurance includes workmen's
7 compensation, employer's liability.
8 That's it. You become a licensed
9 contractor.

10 So my point in saying that is
11 how critical it is for not only the
12 workers on the job site but the
13 equipment, the material, the structures,
14 and the public at-large, how critical it
15 is to have any and every worker on the
16 site trained and know what to look out
17 for as they're either constructing or
18 demolishing any type of building or
19 materials in the City of Philadelphia.

20 MR. GILLESPIE: Bob, maybe in
21 1929 when those requirements were first
22 published, maybe that was adequate, but I
23 hope that as part of the solution here
24 that remedy that, that people can come in
25 and they can't -- a company can't

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2 anonymously get some kind of permit to
3 start work by a third party. I mean, who
4 is responsible, who is going to do what,
5 I mean, all of that has to be spelled
6 out, and it's usually spelled out and
7 it's spelled out in other cities. Other
8 cities do it. Other major urban areas do
9 it, and that should be done here.

10 MR. CRAWLEY: Mr. Chairman,
11 before we are dismissed from this panel,
12 I have to address something that my good
13 friend Councilman Henon said earlier,
14 when he implied that we should stay
15 focused on safety and not be sidetracked
16 in other areas, and I'm assuming that he
17 meant our discussion of inclusion. I
18 don't think that it is possible for us in
19 a city that has the demographic profile
20 that Philadelphia has to have a
21 discussion of any industry, any industry,
22 publicly funded, privately funded, can't
23 have that discussion in this Chamber
24 without also recognizing the fact that we
25 want Philadelphia people to work in that

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2 industry. It's not that we don't want
3 suburban people to work in the industry,
4 but if we don't fight to have
5 Philadelphia people and people who
6 reflect the diversity of the City -- they
7 happen to be the residents -- if we don't
8 include them in a discussion of how
9 buildings go up and how buildings go down
10 and how safe they are, if that's not a
11 part of the overall discussion, then we
12 should be against the insurance industry,
13 the banking industry, the advertising
14 industry. All of them should meet the
15 same standard, and that's why we brought
16 that up today. We're not trying to
17 divert your attention from safety. You
18 hear that our program was focused on
19 safety, but we still have to include
20 people who live in our city.

21 MR. GILLESPIE: And they're
22 still mad at that guy with the sore toe.

23 COUNCILMAN JONES: The Chair
24 recognizes Councilman Henon.

25 COUNCILMAN HENON: Thank you,

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2 Bruce, and also my friend. I fully
3 understand, and Philadelphia workers
4 should reflect Philadelphians and
5 opportunities, without question. I just
6 didn't want to have a conversation that
7 would dominate the discussion on why we
8 are here today. And we certainly will,
9 as all our expertise will, be a part of
10 moving forward in the construction and
11 demolition industry as we move forward,
12 but we certainly understand that and
13 recognize that. And I could tell you one
14 thing, I will stand up with any
15 organization in this City of Philadelphia
16 on their efforts to make sure that
17 Philadelphians go to work. We have to
18 have work and we have to create great
19 opportunities for a robust economy so we
20 can stay here and live here. But we have
21 a long agenda today, and I want to make
22 sure that we certainly discuss demolition
23 and construction practices.

24 Thank you.

25 COUNCILMAN JONES: Thank you,

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2 Councilman.

3 Councilwoman Sanchez.

4 COUNCILWOMAN SANCHEZ: Thank
5 you, Mr. Chair. I think that given the
6 seriousness of this issue, the beauty of
7 this, that we can all agree that this is
8 an all-hands-on-deck situation.

9 I do want to -- because I think
10 it's important, and I don't know if your
11 training module is available, kind of
12 expanding on what Councilman Jones
13 started around the 270 hours of training
14 that was provided. Do you have that
15 available? Will you make it available to
16 the Chair? I am specifically interested
17 in the uniqueness of your training
18 program around skill development and
19 safety planning for the folks. In your
20 particular model, you were going after
21 Philadelphians, potentially low-skilled
22 workers. What were some of the
23 challenges that were faced in that?
24 Because I think if we are all committed
25 to that long run and getting the most

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2 trained individuals for the safety of the
3 public safety, what were some of the
4 challenges in there, what were the --
5 what was the low-hanging fruit in terms
6 of interdepartmental collaboration with
7 OSHA and others? You mentioned OSHA.
8 And then moving forward, if you had to do
9 it differently, because obviously, as
10 Councilwoman Blackwell alluded to, we let
11 it go, what would you make sure is in
12 place next time? So that if in fact we
13 entertain this as one of the remedies,
14 that we're clear about that.

15 So for the Chair's purpose, the
16 module, what were some of the challenges
17 with skills development and training and
18 the safety planning piece of it, and then
19 moving forward what would you have done
20 differently.

21 COUNCILMAN JONES: One friendly
22 amendment, Councilwoman. If this would
23 be open to all contractors to receive a
24 minimal level of training and how much
25 would it cost roughly. How much did it

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2 cost or --

3 MR. GILLESPIE: Hear the bank
4 door opening, is that it? Listen,
5 remember, he used to be a contractor.

6 COUNCILWOMAN SANCHEZ: Bruce is
7 still waiting to get paid, right?

8 MR. FULLARD: Well, again, that
9 happened -- this program started in 2003.
10 So, of course, what the cost would be,
11 you know, would have to be recalculated
12 and to see what the training materials
13 and the apparatuses that we had to use
14 and the instructors and all of the things
15 of that nature that we had to bring to
16 the table, what it actually costs now.
17 So it would not be fair for us to even
18 give you a number, because it would not
19 be an accurate number for that.

20 But as it relates to -- when
21 you see that number of 66 individuals
22 that signed up as firms for this program,
23 we vetted through approximately almost
24 200 that actually applied for this
25 program, and through our selection

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2 process and through the various testing
3 process that we had through the
4 interviews is how we got down to 66
5 individuals. So it was not that anyone
6 just come in and then you was able to
7 just sign up and then be able to get into
8 the program. No. There was a vetting
9 process that we had to do.

10 And then as it relates to the
11 training, again, we had a university,
12 Temple University Small Business
13 Contractor Program actually that Jerry
14 Vallery, who was one of the speakers
15 here, who actually was one of the
16 founders of that program that has been
17 longstanding for, I believe, almost 20
18 years now, and he was one of the
19 instructors. Mr. Vallery was our lead
20 instructor of the whole training program.
21 But we also brought in, as we said, a
22 number of the City officials that was
23 involved in the NTI demolition phase so
24 that we was abiding by all of the rules
25 and regulations that people could

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2 understand and to know how to fill out
3 and begin to implement on their projects.

4 Again, here is one of -- the
5 City actually signed a copy of an OSHA
6 agreement with OSHA in order to impose
7 those types of safety procedures. And
8 then once you go through some of these
9 documents, it was a systematically
10 step-by-step process of --

11 COUNCILMAN JONES: I believe
12 you. I just want to know how much it
13 costs.

14 MR. GILLESPIE: See how long it
15 took him. They keep putting zeroes on --

16 MR. FULLARD: Chairman, I
17 addressed and said that happened in 2003.

18 COUNCILMAN JONES: Back then,
19 how much per contract on average did it
20 cost?

21 MR. FULLARD: I'll have to get
22 back to you. I think some of that is a
23 public record with -- City public record.

24 COUNCILWOMAN SANCHEZ: And then
25 lastly, because I know we have a bunch of

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2 other folks who are here to testify,
3 lessons learned, what would you ensure
4 this time around for sustainability
5 purposes.

6 MR. CRAWLEY: I guess the
7 program itself anticipated all the
8 potential problems, and so I don't think
9 we would do anything differently that
10 way. The only thing that was a problem,
11 as I mentioned before, was that we
12 couldn't control the source of the
13 contracts. I mean, when the City
14 government said it wasn't in the
15 demolition contracting business and
16 didn't want the product of this program
17 anymore, the program withered. And so
18 the ability to train people for
19 successful outcomes disappeared when the
20 City said it wasn't interested anymore.

21 So if we could control that, if
22 we knew that there was going to be -- if
23 you brought a new class, a new group of
24 people in to be trained, you got to be
25 thinking about what the outcome is going

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2 to be for them. Are there going to be
3 contractors -- not that they can
4 guarantee the work, but will they be able
5 to bid competitively on work. And that
6 bidding opportunity dried up out of our
7 control. That's the only thing that was
8 wrong.

9 MR. GILLESPIE: And if I might
10 add -- and I hate speaking for
11 contractors, but what happens when you
12 have these incubator contractors, these
13 small people, and they'll come out and
14 they'll bid and the person they're
15 bidding to understands their circumstance
16 and decides, Well, I'm going to pay him
17 90 cents on the dollar, and because of
18 their financial circumstances, they take
19 the deal, and then it goes down to 75
20 cents and then pretty soon they go
21 back -- a number of them were union
22 members who were tradespeople, and they
23 just went back to their trade. I mean,
24 it just didn't -- what we desperately
25 need -- and we've tried this program. We

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2 tried it with the School District. We
3 tried it with NTI. What we desperately
4 need are those contractors to be
5 successful.

6 There's a man in this room now
7 who took a shot and he got ravaged by a
8 big guy, because the big guy saw
9 potential if this guy stays in business,
10 they're going to -- he's liable to take
11 work from me. So we have to have a
12 cocoon for these incubator contractors.

13 MR. CRAWLEY: One last
14 statement as regards to that --

15 MR. GILLESPIE: That's big talk
16 for contractors.

17 MR. CRAWLEY: No, no, no. I
18 was talking about three years ago to Jack
19 Donnelly and I asked him how he managed
20 to be so successful in all those years
21 with his company, and he said he never
22 bid on his last contract. He never took
23 a contract that didn't have a margin in
24 it that wouldn't allow him to pay his
25 people and to grow his company. And we

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2 taught our people in that program the
3 same thing, don't take a contract where
4 there's no margin, where you can't buy a
5 truck or lease equipment. If you can't
6 run your business with this contract,
7 don't take it. And sometimes the people
8 offering the contracts don't care about
9 that, and there's been much discussion
10 about whether the \$10,000 that was
11 offered to that operator was sufficient
12 to bring down the whole building on
13 Market Street.

14 COUNCILMAN KENNEY:

15 Mr. Chairman --

16 MR. CRAWLEY: So that's a
17 problem.

18 COUNCILMAN JONES: Councilman
19 Kenney.

20 COUNCILMAN KENNEY: This is all
21 about money in the end. I mean, we're
22 sitting here because five bids were
23 submitted for this job. The high was
24 500-and-something thousand, the low was
25 130, which is the one that was accepted.

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2 In the middle were three mid 300,000. So
3 my experience in the private sector, you
4 throw out the top, you throw out the
5 bottom and you negotiate one of the three
6 in the middle. But you can't get off on
7 the cheap. I mean, training takes money.
8 Certification takes money.
9 Qualifications take money. And all when
10 we start talking about both construction
11 and demolition in the City, it's all
12 about cost. These guys cost too much.
13 Well, these guys are trained, these guys
14 are certified, these guys are drug
15 tested, these guys know what they're
16 doing.

17 The people who got off on the
18 cheap because the owner -- and you say
19 who should we blame in this? I think a
20 lot of it falls on the owner's head.
21 They made the decision to go on the
22 cheap, because it was in their best
23 interest to put the difference between
24 the 350 and 130 in his pocket. That's
25 what this is all about.

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2 So you can't compare apples and
3 oranges if the apples are rotten and the
4 oranges are trained. It just doesn't
5 fit, and you're never going to get to the
6 end of that argument, because if you want
7 people working in the City of
8 Philadelphia who don't know what they're
9 doing running heavy equipment, taking
10 down buildings, and putting in electrical
11 services, putting in elevators, putting
12 in things that I don't know what they're
13 trained to do, we're crazy to allow that
14 go on because we can argue the price is
15 cheaper.

16 I don't think the price should
17 be gouged, but I don't think it should be
18 the cheapest price at the expense of
19 safety, period. And that's what -- this
20 is all this came down to, because that
21 guy, the porn king, wanted 130 instead of
22 350. That's what this is about, and
23 that's the red flag that should go off at
24 the desk when that permit is either given
25 or not given.

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2 Thank you.

3 COUNCILMAN JONES: Thank you,
4 Councilman.

5 One last question. Pat, how
6 much does a training program cost per
7 man, per contractor? I mean, do you have
8 a rough guesstimate? I've been trying to
9 get it out of Tony. Maybe I can get it
10 out of you.

11 MR. GILLESPIE: Well, that will
12 be a question for the administrators when
13 they come up. I know that each -- as
14 part and parcel of the collective
15 bargaining agreement, a certain amount of
16 money is dedicated to training. In other
17 words, a journey person is paying to
18 educate someone else to take his job, to
19 replace him or her. So they're donating
20 so much an hour into an apprenticeship
21 training fund, and it's in the millions.
22 It's a whole lot of money.

23 COUNCILMAN JONES: I want to --
24 are there any other questions for this
25 panel? If not, I want to thank all of

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2 you for the insightful testimony given.
3 There are many ways to look at this
4 issue. The one common denominator for
5 all of us I know is safety. The other
6 common denominator is that there should
7 be one standard, and that we are going to
8 take all of these things into
9 consideration as we come up with
10 recommendations going forward. So I
11 really appreciate your time, and thank
12 you for donating it.

13 MR. GILLESPIE: Thank you for
14 your interest.

15 COUNCILMAN JONES: Thank you.

16 Will the Clerk please read the
17 next panel of witnesses.

18 THE CLERK: Pat Merk, Michael
19 Neill, Daniel Sullivan.

20 COUNCILMAN JONES: Thank you
21 for your patience, gentlemen. Please
22 approach the witness table.

23 (Witnesses approached witness
24 table.)

25 COUNCILMAN JONES: You want to

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2 state your name for the record and begin
3 your testimony, please.

4 MR. MERK: My name is Pat Merk.
5 I'm the Director of Health and Safety for
6 District Council 21, a member of the
7 Philadelphia Building Trades Safety
8 Committee, a member of the Mid-Atlantic
9 Construction Safety Council, and I sit on
10 a platform of ANSI Scaffold Industry
11 Association Mass Climbing Workgroup
12 Committee.

13 COUNCILMAN JONES: Can you pull
14 the mic a little closer to you, sir.

15 MR. MERK: Is that better?

16 COUNCILMAN JONES: Yes. Thank
17 you.

18 MR. MERK: Just about five
19 blocks from here, folks, the Comcast
20 Tower stands. The building was about
21 three-quarters complete and our training
22 center took a group of high school
23 students who were interested in the
24 building trades to visit the site. We
25 put about 25 students on the buck hoist,

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2 which is the elevator outside the
3 building, took the 25 students up to the
4 40th floor. The kids were mesmerized and
5 amazed.

6 All the kids got off the
7 elevator. One young woman, who was about
8 17 years old, was a little anxious. I
9 went up to her and I said, What's the
10 problem? And very -- in a very low tone
11 said, This looks dangerous. I pulled her
12 to the side and I simply said, This isn't
13 a dangerous job site. All 800 people,
14 men and women, skilled trades folks, have
15 been safety trained before they got here.
16 And that eased her enough where she could
17 walk around and complete the tour.

18 So the aspect of training and
19 education obviously is critical before
20 you get to the job site.

21 Two days ago, I received a call
22 from a contractor and it went -- I'll
23 give you the short story -- We're
24 unloading a job for Driscoll in two
25 weeks. We're starting our planning

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2 process now. Please send over the fall
3 protection certification cards for these
4 eight members.

5 That's two weeks prior to the
6 job. Point being you can't think about
7 safety when you're on the job. You have
8 to think about it at the training
9 session, on the car ride in, while you're
10 getting your cup of coffee at Wawa.

11 The two things that I want to
12 allude to today of why accidents occur,
13 they were referenced too earlier. One is
14 the costs associated with a particular
15 job and the lack of safety training.

16 The Comcast Center was
17 completed by -- was initiated by a very
18 respected, qualified owner. They handed
19 that job off, were solicited bids to
20 reputable contractors. The reputable
21 general contractor had some qualified
22 people running the job. They solicited
23 bids to the subcontractors and solicited
24 those contractors based not only on price
25 but according to safe work practices,

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2 experience modification rates, proven
3 track records, et cetera, et cetera.

4 A few Councilmembers did allude
5 to it or the panel here. The workers at
6 the Comcast job site, if there is a
7 problem, an unsafe condition, an unsafe
8 behavior, the workers have a course of
9 action. Stop the work process. Notify
10 the foreperson or their competent person
11 or the qualified person. The Comcast
12 Center even had a full-time safety
13 representative from the general
14 contractor, who was known to tighten up
15 perimeter guardrails if someone noticed
16 that there was a problem. There's no
17 fear of bringing up a safety concern. It
18 is welcomed at the building trades level,
19 especially at the safety level.

20 I want to speak a little bit
21 about training at the apprentice and
22 journey person level. You just can't
23 take a young man or young woman from the
24 Burger King environment and thrust him or
25 her into the construction environment.

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2 It cannot be done. That's an accident
3 waiting to happen. It's a role of the
4 dice that could go awry rather quickly.

5 So what we do as a building
6 trades organization, we have a moral
7 obligation to provide some training to
8 these folks before they get to the job
9 site. The training can range anywhere
10 from 10 to 30 to 40 hours depending on
11 the circumstances and the trade.

12 A big component of the training
13 initiatives are hazard recognition. You
14 just can't put a bullet-point slide up
15 and say, Here are the hazards. They need
16 the touch, see, and sometimes feel of
17 what a hazard may look like or an unsafe
18 condition should it occur.

19 We teach safe work practices.
20 Once again, you can put a bullet-point
21 slide up, but when they touch, feel,
22 erect, and dismantle scaffold, they're
23 more apt to recognize the hazards
24 associated with elevated platforms.

25 Pre-planning is essential. I

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2 call it huddling up before you -- when
3 you meet at the gang box, stand around
4 the gang box and talk about safety for
5 the day.

6 That safety mindset starts at
7 the top. The company owner is
8 responsible essentially for safety. The
9 training center provides supplemental
10 training to what the employer is required
11 to do so.

12 Speaking of training, I'm a
13 little confounded. I don't like sitting
14 here. I'm a little more dynamic. I like
15 to be moving around, but the slide that
16 was up there about ten minutes ago, I'm
17 not sure where that slide came from. I'm
18 actually a little irked by it, but it had
19 OSHA 10 training programs and a fee
20 underneath for \$225. Some of the
21 training entities up there are indeed
22 reputable, but we need to look at the
23 building trades' safety initiatives,
24 safety programs and policies.

25 We do not charge our

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2 apprentices or journey persons to attend
3 classes. We welcome anyone into our
4 training center. I represent glaziers,
5 painters, and drywall finishers. We've
6 had laborers, carpenters, OE's,
7 ironworkers, and anyone who wants to
8 attend a class, for one reason, they can
9 directly or indirectly impact safety at
10 the job site.

11 A little bit about what I see
12 out there. You can almost make a very
13 quick determination once you enter a job
14 site and gauge the safety factor or the
15 safety mindset at that particular job
16 site. How do you gauge? Is the building
17 clean? Are housekeeping issues solved
18 rather quickly? Are the workers getting
19 along? Do they look like professionals?
20 Are they wearing vests, hard hats? Are
21 they talking and communicating to each
22 other? Do you see fire suppression
23 equipment? Do you see a trailer that's
24 not eight blocks away covered with weeds?
25 That is a safe job site that each and

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2 every worker, not just in Philadelphia
3 but throughout the United States, should
4 have a right to work on.

5 I have a book in front of me
6 right here. It is called the Code of
7 Federal Regulations, 1926. That's the
8 construction part.

9 I would personally feel
10 terrible if I got that young man or young
11 woman from Burger King or Office Max and
12 said, Go work down here, and he or she
13 suffered an injury. I have an obligation
14 to at least make those students, the
15 people, aware of the hazards that they
16 may face.

17 These were promulgated under
18 public law way back when in 1970. Take a
19 quick peek at the demolition standards.
20 You're probably thinking 14, 15, 16
21 pages. It's a page and three-quarters;
22 that's it. Demolition obviously is a
23 very dangerous process.

24 So if I could tighten this up
25 and conclude my initial testimony, you

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2 have to have a good, caring owner that
3 transfers the responsibility of erecting
4 or dismantling that building to a
5 qualified, reputable contractor, and we
6 have them right in this city. Underneath
7 the reputable, quality contractor is,
8 needless to say, a safety program, safety
9 policy and, most importantly, a uniquely
10 skilled, safety-trained workforce.

11 COUNCILMAN JONES: Thank you
12 for your testimony. We did not intend to
13 offend you, but the point was that we
14 invited OSHA and they did not attend. So
15 the cost associated, maybe you could tell
16 me and I'll get an answer out of you.
17 How much does that training cost?

18 MR. MERK: Mike Schurr is the
19 Director of PACA, the Philadelphia
20 Apprentice Coordinators Association. He
21 can give you overall cost of what it
22 costs to train apprentices on a yearly
23 level, but the costs to our members for
24 OSHA safety training is basically zero.

25 COUNCILMAN JONES: Is that open

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2 to the public or --

3 MR. MERK: We have had members
4 of the public attend our training
5 sessions.

6 COUNCILMAN JONES: So it is
7 open to the public?

8 MR. MERK: I wouldn't say we go
9 out of our way to advertise, because we
10 have our hands full with our own members
11 and signatory contractors, but if -- and
12 you can put this on record. If somebody
13 wanted to attend a class, I've had people
14 in Red Cross, first aid, no problem.

15 COUNCILMAN HENON:
16 Mr. Chairman, a point of information,
17 because it's my background. I think the
18 question will be better put as how much
19 of an investment does each organization
20 or does your organization, when Mike
21 Schurr gets up here, how much do they
22 invest in not only pre-apprenticeship
23 training prior to a job site -- not
24 specifically; the overall investment.
25 I'm just including -- so it would be

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2 pre-apprenticeship training,
3 apprenticeship training, journey person
4 training, and ongoing continuing
5 education, which includes CPR, which I
6 know firsthand because I came through a
7 program that has continuing education and
8 also adapting to specialty trainings,
9 which I'm going to ask you all in my
10 questioning. So I think the question
11 that I would ask is, how much does the
12 organization -- and I'm not saying
13 specifically dollars. How much do you
14 invest in the package of safety training
15 for all of the members that you
16 represent?

17 MR. MERK: It's certainly hard
18 to put a dollar amount on that, but we're
19 a medium-sized organization. We have two
20 full-time health and safety instructors,
21 approximately 19 part-timers that help
22 us. The effort that we put in is
23 tremendous. You hear the old adage,
24 safety first, but I think the Finishing
25 Trades Institute as well as the building

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2 trades embrace the same mindset.
3 OSHA 10, OSHA 30, first aid,
4 CPR, electrical safety, et cetera, et
5 cetera, I can speak for our organization,
6 the apprentices receive approximately 80
7 hours of safety instruction prior to
8 achieving journey person status, and the
9 journey persons are welcome to come back
10 and continue their education as well on a
11 continuing basis.

12 COUNCILMAN JONES: Thank you
13 for asking the question differently,
14 Councilman. I still ain't got the answer
15 I want, which is how much does it cost.

16 MR. NEILL: Mr. Chairman, if I
17 could just quickly kind of answer that
18 question. The second panel that's going
19 to be coming up is going to be
20 talking about --

21 COUNCILMAN HENON: For the
22 record, can you introduce yourself.
23 State your name for the record, please.

24 MR. NEILL: My name is Michael
25 Neill. I'm the Training Director for the

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2 International Brotherhood of Electrical
3 Workers, a lifelong Philadelphia
4 resident, and a graduate of South
5 Philadelphia High School.

6 But just to comment on your
7 question, the next panel that's going to
8 come up is going to discuss some of the
9 training that each of the trades do, but
10 at Local 98, we have an annual budget of
11 over \$3 million that's spent on training.
12 Each individual apprentice after five
13 years has received up in the range of
14 \$75,000 of training. That's about
15 \$15,000 to \$20,000 a year to train an
16 electrical apprentice.

17 COUNCILMAN JONES: Thank you
18 for that answer.

19 MR. SULLIVAN: I'm Dan
20 Sullivan. I'm a member of the Operating
21 Engineers, and we also spend \$3 million
22 annually on our training at each site,
23 so...

24 COUNCILMAN JONES: So submit
25 your testimony, gentlemen. I'm sorry.

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2 We got off on a question and answer
3 piece.

4 MR. NEILL: As I said, my name
5 is Michael Neill. I'm the Training
6 Director for the International
7 Brotherhood of Electrical Workers, and at
8 this first panel, I was asked to comment
9 on some of the testimony that Jimmy
10 Dollard submitted to yourselves, who is a
11 nationally recognized safety expert, who
12 is out of town today writing the 2015
13 edition of NFPA 70E, which is the
14 standard for electrical safety in the
15 workplace. Jim has over 32 years of
16 experience in the electrical industry.

17 Local 98 members work in one of
18 the most dangerous construction trades,
19 and minor accidents or oversight on the
20 job site can lead to tragic consequences.
21 Our safety coordinator is to make sure
22 that our members are working in the
23 safest manner possible and that all job
24 sites observe and implement all OSHA
25 requirements. We want to make sure that

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2 our members and other workers on the
3 construction job go home at the end of
4 the day the same way that they arrived.

5 Our attention to safety is not
6 limited to the classroom by any means.
7 On the job site, our stewards, foremen
8 typically meet weekly with the general
9 contractor to discuss safety issues.

10 Weekly audits occur to document
11 compliance. Even the best worker safety
12 training, dangerous conditions can still
13 occur in the absence of adequate
14 enforcement.

15 Unfortunately, not every
16 contractor values safety of its workers
17 or require training. Many contractors
18 deny their construction workers access to
19 workers' compensation by misclassifying
20 them as independent workers and issuing
21 them a 1099 instead of treating them like
22 employees. OSHA does not have the
23 resources to police every job or to
24 respond to every complaint, and it's not
25 clear what L&I's role is in worker

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2 safety.

3 Our licensing system is far too
4 lax. As Councilman Henon reported, to be
5 an electrical contractor in the City of
6 Philadelphia, all that's required is four
7 years of experience, pass an exam on the
8 national electrical code, and complete
9 eight hours of continuing education every
10 year. However, these requirements don't
11 apply to the individual workers
12 performing the electrical work on the
13 job. So, for example, I can go get my
14 electrical contractor's license, get a
15 job, and hire any one in this room to do
16 an installation on that job and I don't
17 have to be on that job. I can hire
18 anyone in this room as long as I have an
19 electrical contractor's license.

20 Thank you for allowing me to
21 present Jim's testimony, and I can answer
22 any questions.

23 MR. SULLIVAN: My name is Dan
24 Sullivan. I'm a member of the Operating
25 Engineers.

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2 COUNCILMAN JONES: Pull the mic
3 closer to you so you don't stretch.

4 MR. SULLIVAN: My name is Dan
5 Sullivan. I'm a member of the Operating
6 Engineers since 1987. I'm the Assistant
7 Coordinator for the union.

8 Some of our training that we do
9 is the OSHA 30, the HAZMAT, CCO, which is
10 the National Commission for Certified
11 Crane Operators, which I am a
12 Commissioner on. And I know Councilman
13 Kenney was talking about the crane
14 industry. We have forklift
15 certifications, PSM, which is Process
16 Safety Management, MSHA, which is mine
17 safety. Our apprentices have to go up to
18 our training site one Saturday a month.
19 They have to do 160 of classroom and
20 field training, a total of 6,000 hours at
21 the end of four years, and they go there
22 from Tuesday to Saturday. It's open
23 whenever they want to go. So when
24 they're laid off, they participate. I
25 mean, the training is a big process for

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2 them, you know, and that's what's good
3 about -- we get our apprentices out on
4 jobs to do demolition. And we brought
5 one of our demo guys here, Deacon Alvin
6 Davis, and a guy like him would be on the
7 job and he would teach an apprentice to
8 be able to do that. You just don't throw
9 somebody out there picking them from
10 McDonald's or Wawa, wherever you have, to
11 go out here to run the heavy equipment.

12 We have a steel structure
13 building out at our training site that we
14 dismantle and assemble. So it kind of
15 gives them the feel of dismantling and
16 assembling a building for which you would
17 be demoing or whatever you have.

18 So, again, we spend \$3 million
19 annually on our training, and last year
20 alone we had 21,000 training hours for
21 our apprentices, and that's not counting
22 our journeymen. We have other figures on
23 that too.

24 So if anybody has any
25 questions, I'll be happy to answer them.

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2 COUNCILMAN JONES: Well, thank
3 you for that. A couple of things had
4 come to mind. By way of -- and what I
5 was hearing, the drivers for safety
6 sometimes come from the union, sometimes
7 come from the owner, but also the
8 insurance company. To what degree does
9 the insurance company drive safety
10 practices? And I appreciate some of the
11 actual cost of training that I heard, and
12 I'm going to do the math on yours,
13 Mr. Sullivan, and break it down by
14 number. But to a degree, in the private
15 sector, don't insurance companies at some
16 point say you need to have this level of
17 safety risk managers? Is that true?

18 MR. MERK: The insurance
19 industry has had a profound effect on
20 construction safety and health, and quite
21 frankly, it's a good thing.

22 Accidents occur. What do we
23 do? What do general contractors do? We
24 tend to react, and the insurance company,
25 it's all about dollars and cents that I

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2 alluded to earlier. They don't want
3 accidents on their job sites. So a good
4 thing, if you will, is to provide
5 documentation of training prior to
6 getting to the job site. So is the
7 insurance industry a driving force?
8 Absolutely.

9 COUNCILMAN JONES: And to a
10 degree, is there a reward or punishment
11 by way of that level of safety training
12 that might be in the form of a reduced
13 premium if there is a safety plan, safety
14 training involved? Is that considered at
15 all in the price given? And I say that
16 not so much but as a job owner of the
17 City of Philadelphia, if we put these
18 things in place, does that reduce -- can
19 that have an impact on our risk
20 management and the costs associated with
21 insurance?

22 MR. SULLIVAN: Absolutely.

23 MR. NEILL: Absolutely.

24 MR. MERK: Absolutely.

25 MR. NEILL: The Local 98

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2 contractors are required to have a safety
3 policy in place, and the amount of safety
4 training that they provide to their
5 employees will reduce their amount of
6 insurance premium by providing that.

7 COUNCILMAN JONES: As well as
8 the safety plan attached?

9 MR. NEILL: Yes.

10 COUNCILMAN JONES: All right.
11 Councilwoman Sanchez and then
12 Councilman Henon.

13 COUNCILWOMAN SANCHEZ: Thank
14 you. Mine will be brief. Something you
15 said that stuck in my head, a good caring
16 owner who hires a quality, responsible
17 contractor. And I think those are a
18 profound charge for us, because
19 unfortunately this honor system does not
20 work for us, and I think you've provided
21 some very good insight.

22 Can all of you provide for us
23 for the record as we work on this -- and,
24 again, there will be workgroups that will
25 help us ultimately come up with a report

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2 and a checkoff list. You very quickly
3 spouted off to me an on-site visual
4 review - uniform, safety jacket, clean
5 site, safe setup, those kinds of things.
6 Any documents or any checkoff list that
7 you have that could be helpful for the
8 Committee? Can you provide that to the
9 Chair? For me that would be helpful.
10 You spouted off stuff that appeared to be
11 common sense, but clearly part of what
12 we're charged with is ensuring that some
13 of this stuff happens. So I would like
14 that submitted to the Chair. I think
15 those documents are important.

16 MR. MERK: Yeah. That
17 checklist is 17 years of safety in my
18 head, but could I produce one?
19 Absolutely. I would be glad to do so.

20 COUNCILWOMAN SANCHEZ: If all
21 the panelists could do that.

22 You know, you specified hours,
23 you specified certain trainings, and
24 absolutely the checkoff list. That would
25 be important for us.

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2 Thank you.

3 COUNCILMAN KENNEY: Councilman
4 Henon.

5 COUNCILMAN HENON: I think
6 Councilwoman was right on target. You
7 depicted a safe work environment and
8 observation, and I'm sure cost goes with
9 providing safety measures, such as hard
10 hats, safety glasses, vests, covering up
11 holes, fencing, netting, making sure that
12 the job site is like -- a clean work site
13 is a safe work site. I mean, that goes
14 without saying.

15 So there is a cost to the
16 contractor. So if a job costs \$10,000
17 and you're demoing -- I'm going to go
18 towards something else -- a seven-story
19 building, you know that something doesn't
20 seem right, there's something wrong,
21 fishy in Denmark. So that is a visual of
22 a safe work site. Can you give some
23 examples of what's not a safe work site.
24 And what is not a safe work site that you
25 would not subject, as far as Pat is

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2 saying, your responsibility as a training
3 director?

4 MR. MERK: Unsafe job sites are
5 all around. We mentioned it earlier
6 about housekeeping, trucks that are not
7 identifiable, oftentimes trucks without
8 state license plates, workers who aren't
9 wearing shirts, workers who don't show up
10 on time, workers who let outside
11 influences affect the way they work, even
12 dress, a look of professionalism is
13 lacking. That's the few off the top of
14 my head.

15 Anyone else?

16 MR. SULLIVAN: The same thing.
17 Tardiness. You can always tell late, 9
18 o'clockers. They're usually -- trash all
19 over the place, fences falling down. I
20 guess PPE would be the best answer for
21 that, Bobby, Councilman.

22 MR. NEILL: Personal protection
23 equipment when you walk on the job and
24 you see if people have the hard hats,
25 safety glasses, safety vests on, safety

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2 shoes. For our industry, of course,
3 exposed electrical installations would be
4 a major hazard, but on any construction
5 site, holes in floors, scaffoldings that
6 ain't guarded right, railings ain't
7 supported, things like that. You could
8 walk on and a trained safety professional
9 would be able to identify very quickly.

10 COUNCILMAN HENON: Are any of
11 the safety directors affiliated with
12 national organizations, training boards,
13 code-making panels, so I get a good
14 understanding on their experience.

15 MR. NEILL: As I reported
16 earlier that I'm presenting testimony on
17 Jim Dollard, who is a nationally known
18 safety expert, but he's a master OSHA 500
19 instructor, which means he can train
20 anyone to train anybody in any OSHA
21 course. He sits on two code-making
22 panels that write the code procedures for
23 the National Electrical Code that's
24 governed all around the country. He sits
25 on the committee of the NFPA 70E, which

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2 is electrical safe work practices for the
3 workers. This is a requirement of what
4 safety clothing an electrician has to
5 wear if by chance he's exposed to a
6 hazardous electrical condition, and many
7 more.

8 MR. SULLIVAN: Councilman, our
9 instructors are all same thing as
10 electricians, our instructors go away for
11 three weeks a year for OSHA training and
12 hazardous material training over in
13 Beckley, Virginia, and I'm a Commissioner
14 for the National Certification of Crane
15 Operators, but we all go to training
16 every year and update everything.

17 COUNCILMAN HENON: So you have
18 ongoing continuing training --

19 MR. SULLIVAN: All the time.

20 COUNCILMAN HENON: -- for the
21 directors, which is --

22 MR. SULLIVAN: Directors, our
23 instructors. Everybody gets training
24 every year.

25 COUNCILMAN HENON: To the

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2 entire membership, correct?

3 MR. SULLIVAN: Right.

4 COUNCILMAN HENON: Last, when
5 it comes safety -- there's a lot more,
6 but I'll end with this. Can you explain
7 OSHA training, OSHA training 30, OSHA
8 training 10, and how important that is?

9 MR. MERK: I'll give you just a
10 short story. OSHA requires you or each
11 training entity to address certain
12 topics - fall protection, struck by,
13 caught in between, electrical, and you
14 have at your leisure to choose other
15 topics that fit your particular trade
16 group.

17 Our ten-hour training takes
18 about 16 hours. So I don't want you to
19 get confused that you're in and out in
20 two days. It is comprehensive in nature.
21 Our OSHA 30-hour -- I don't want to go
22 out on a limb and say you're a safety
23 expert after the 30. I like to give the
24 students tidbits of information from
25 every topic. If they digest several bits

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2 or tidbits of information from those
3 topics that directly affect them, then
4 it's a big win.

5 OSHA 30, you can address a
6 myriad of safety classes - sexual
7 harassment, fire protection, respiratory,
8 forklift, material handling, welding and
9 burning, personal protective equipment,
10 scaffolding. I could go on and on. It
11 is a hazard recognition class where you
12 have a basic understanding of OSHA rules
13 and regulations.

14 However, just because you
15 participate and take an OSHA 10 or an
16 OSHA 30 doesn't mean hazards and unsafe
17 behaviors are out there. Put safety in a
18 big circle and there's a bunch of folks
19 that take part in that. I mentioned
20 before competent persons, qualified
21 persons, lead persons, forepersons,
22 company owners, site safety reps, general
23 contractors, construction managers, and
24 even the general public.

25 I visit many job sites. One

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2 young man actually near the Comcast
3 Center made me aware of an unsafe
4 condition on a job site. I have a moral
5 obligation to repeat it, simply thanked
6 him, went on my way.

7 So everyone's safety training
8 can be a little bit different, yet it is
9 most beneficial.

10 COUNCILMAN HENON: So I know
11 coming from the trades, I know that
12 there's a hierarchy on the safety when it
13 comes to having apprentices, journey
14 people, and foremen, sub-foremen,
15 stewards or something like that. How
16 does that play into proper safety on the
17 job site? So there is a hierarchy in how
18 you report safety concerns and issues
19 and/or is the foreman, the stewards, and
20 the sub-foreman trained in addition to
21 the apprentices that come through the
22 programs?

23 Mike, we'll start with you, I
24 guess.

25 MR. NEILL: As a Local 98

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2 contractor, they require their foremen to
3 be OSHA 30, have a minimal of OSHA 30.
4 Any apprentice who has started the
5 program has received an OSHA 30
6 certification.

7 The hierarchy would be
8 reporting an incident to a steward or a
9 foreman, who would then address it to the
10 general contractor, who then would
11 hopefully take care of the situation.

12 MR. SULLIVAN: It's the same
13 with us, Bob, the foreman, the steward to
14 your business agent to have them address
15 any issues with -- if you feel an unsafe
16 act.

17 One other thing that I wanted
18 to bring up that Councilman Kenney talked
19 about earlier. We do have drug testing.

20 COUNCILMAN KENNEY: That's
21 where I was going. I wanted you to
22 describe your drug testing policies, if
23 you could.

24 MR. SULLIVAN: We have a
25 ten-panel -- we do a ten-panel drug test,

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2 which will not justify illegal test for
3 anything, because obviously you don't
4 want somebody running an excavator that
5 may be on Oxycontin or an illegal one,
6 marijuana. Now, Oxycontin could be legal
7 for some people, but we do a testing of
8 it to where if you are prescribed 10
9 milligrams of it and you got 100
10 milligrams in your system, well, you're
11 abusing the system. I mean, we do offer
12 it for rehab before -- you will go
13 through a rehab before you go back to
14 work. And that's any of our contractors
15 can test anybody any given time.

16 MR. MERK: I visited the
17 Philadelphia Convention Center a few
18 years ago, tried to get in the gate.
19 They told me to walk down a block for a
20 urine test. I went and contributed to
21 that urine test, waited for 45 minutes,
22 and then I was allowed to access the job
23 site. So drug testing important, as well
24 as post accident or incident drug
25 testing.

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2 COUNCILMAN KENNEY: Mr. Neill.

3 MR. NEILL: All Local 98

4 apprentices are drug tested and

5 throughout their apprenticeship are

6 randomly drug tested for five years.

7 COUNCILMAN KENNEY: I'll wait

8 for the Chairman to take a seat. I have

9 no more questions.

10 COUNCILMAN JONES: Gentlemen,

11 thank you for your testimony, and I want

12 you to understand that all of this

13 information from various sources is going

14 to be codified and hopefully a part of a

15 useful document that will change the

16 safety expectation in the City of

17 Philadelphia for private-sector folk as

18 well as public-sector jobs. So I want to

19 thank you for taking the time out to

20 enlighten us on what some of the best

21 practices are.

22 MR. SULLIVAN: I'd like to

23 introduce Deacon Jones -- or Deacon Alvin

24 Davis. If anybody has any questions, I'd

25 really like to direct them towards his

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2 way.

3 COUNCILMAN KENNEY: I wanted to
4 ask an overall question, and, Deacon, you
5 could also chime in when you get up here.

6 Of all the reputable companies
7 in the City of Philadelphia or in the
8 region, whether they're union signatories
9 or whether they're not, would it be safe
10 to say that all of those companies that
11 are reputable, that have payroll
12 accounts, for example -- I mean, for
13 example, the company in question on this
14 tragic situation didn't have active wage
15 tax accounts in their file, which proved
16 to me they weren't paying taxes of any
17 kind, let alone unemployment compensation
18 and workmen's compensation.

19 So do you think that any
20 reputable company in this region, union
21 or non-union, would operate in such a way
22 without the training, without the drug
23 testing, without the tax compliance? I
24 mean, I can't -- the problem with this
25 whole thing for me is that there are so

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2 many reputable companies out here who
3 follow these rules -- and, again, it's
4 not union versus non-union. It's
5 reputable versus unreputable and
6 qualified versus unqualified. So you can
7 just speak safe versus unsafe. Could you
8 just speak to your experience in dealing
9 with companies and that the reputable
10 ones follow these rules. Whoever.

11 MR. NEILL: You pretty much
12 summed it up in your comment.

13 COUNCILMAN KENNEY: I tend to
14 do that. I'm sorry.

15 MR. NEILL: A reputable
16 contractor is going to have a qualified
17 staff to make sure that their people are
18 working safe and that they're abiding by
19 the law.

20 COUNCILMAN KENNEY: And they're
21 available for hire. I mean, it's not
22 like you have to go seek and find them.
23 They're listed in a book somewhere.

24 MR. SULLIVAN: We all work for
25 them. They're all out there. They're

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2 easy to get to.

3 COUNCILMAN JONES: Thank you,
4 Councilman.

5 I want to recognize our
6 colleague Councilman Squilla has joined
7 us in Chambers. So thank you for your
8 attendance.

9 Will the Clerk please read the
10 next panel of witnesses.

11 Thank you so much, gentlemen.

12 MR. MERK: You're welcome.

13 THE CLERK: Roscoe Green, John
14 Macklin, Jerry Vallery.

15 COUNCILMAN JONES: I want to
16 thank you gentlemen for your patience.
17 Would you please approach the witness
18 table, and thank you for bearing with us
19 through our processes.

20 (Witnesses approached witness
21 table.)

22 COUNCILMAN JONES: Pull the mic
23 closer to you, gentlemen, and you can
24 state your name for the record and submit
25 your testimony, please.

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2 MR. MACKLIN: My name is John
3 Macklin. I represent the National
4 Association of Minority Contractors,
5 Philadelphia Chapter. I just want to
6 thank this Committee for bringing this
7 hearing together. Long overdue.

8 My name is John Macklin. I'm
9 President of the National Association of
10 Minority Contractors.

11 Revising the City of
12 Philadelphia's regulation regarding
13 demolition sites, convening of an
14 investigative grand jury to meticulously
15 examine what caused the collapse and who
16 is criminally responsible, City Council
17 forming a special investigation committee
18 to run its own probe of the incident, all
19 this will turn to the OSHA technical
20 manual. This was not adhered to.

21 OSHA's regulations require an
22 engineering survey of a structure be
23 performed prior to actual demolition.

24 Every demolition contractor
25 must make the appropriate steps and

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2 planning to safeguard workers at site.
3 Planning of the demolition job, including
4 the methods to be used to bring the
5 structure down, the equipment necessary
6 to do the job, and the measures to be
7 taken to perform the work safely is a
8 must.

9 It is necessary to implement
10 the same heightened control on private
11 demolition activity that you have on
12 public demolition to ensure continued
13 safety.

14 When a building is being
15 demolished, it's supposed to be done like
16 a layer cake, from the top down, the
17 roof, then the walls, then the floors,
18 section by section until you reach the
19 ground level.

20 After the fact, new standards,
21 permit issuance, demolition site
22 inspection, new internal audit processes,
23 recommendations for code and regulation
24 changes, all these are already in place.
25 You have to have integrity to implement

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2 what is already on the books. Greed has
3 no place in government. When its ugly
4 head lifts up, it's the blueprint for
5 construction and corruption and
6 destruction.

7 All new permit applications for
8 complete demolition must include prior to
9 issuance of permits detail on the
10 experience and qualification of the
11 contractor; site safety plan detailing
12 how contractor propose to protect
13 pedestrians and adjacent properties; a
14 schedule of the demolition work;
15 professional engineer's report on
16 adjacent property protection for
17 demolition of commercial buildings above
18 three stories; no active violations for
19 contractor and review all previous
20 violations.

21 OSHA has very specific
22 regulations as to how demolitions are to
23 be done, and any revisions the City is
24 implementing should reflect OSHA
25 standards.

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2 National Association of
3 Minority Contractors has members to do
4 all phases of construction, including
5 demolition. This is our 44th year in
6 operation, 11 years here in Philadelphia.

7 That ends my statement.

8 COUNCILMAN JONES: Thank you,
9 Mr. Macklin. And for the record, you
10 served with distinction the City of
11 Philadelphia by way of the Minority
12 Business Enterprise Council, also helped
13 to author the laws of inclusion 17-500.
14 I thought I'd add that on the record. I
15 had the privilege of working for you a
16 number of years. People thought you
17 worked for me, but in truth be told, I
18 worked for you.

19 So thank you for your
20 testimony.

21 MR. MACKLIN: Thank you.
22 You're very kind.

23 COUNCILWOMAN BLACKWELL: May I
24 state --

25 COUNCILMAN JONES: I'm sorry.

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2 Councilwoman Blackwell.

3 COUNCILWOMAN BLACKWELL:

4 Whenever I have the opportunity, I thank
5 John Macklin, because it was he who put
6 his life and job in jeopardy when Lucien
7 Blackwell received the information that
8 minorities were getting less than --
9 blacks were getting less than one-tenth
10 of one percent of all contracts let in
11 the City of Philadelphia, which started
12 all of this and backing everything that
13 goes with it.

14 So I would be remiss, and I'll
15 never be in his presence without thanking
16 him for all he's done to help put us on
17 the right track. For some reason we've
18 fallen back, but you said it here. When
19 standards are not adhered to, that's what
20 happens. But we always thank you and owe
21 you. Thank you.

22 MR. MACKLIN: Thank you.

23 COUNCILMAN JONES: Thank you.

24 MR. GREEN: Mr. Chairman,
25 members of the Committee, my name is

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2 Roscoe Green. I'm Training Director for
3 Laborers District Council Education and
4 Training Fund. I've been in that
5 position since 1982. I've also been an
6 adjunct instructor at the Temple
7 University Small Business Development
8 Corporation Contractor/Construction
9 Management Certificate Series. I guess
10 about ten years ago, I was also doing
11 instructing for the NIT program.

12 I'd like to start off by saying
13 that my perspective is coming from the
14 relationship between contractors and
15 laborers, and it reflects on what the
16 relationship is between those two to make
17 it a safe job site.

18 I'd like to start off by giving
19 you a quote, and this quote says a
20 well-trained laborer is an asset to the
21 building and construction industry. It
22 is wildly held that such a laborer gets
23 the job done, gets it done safely, on
24 budget and on time. The reward for his
25 or her effort is the probability of

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2 increased recognition on the job and
3 increased earnings. Certainly every
4 laborer wants to be a member of this
5 group, the well-trained laborer.

6 Demolition work is highly
7 hazardous by nature. Contractors are
8 required by OSHA's General-Duty Clause
9 and many other requirements to provide a
10 workplace free from seriously recognized
11 hazards and complying with standards,
12 rules, and regulations issued under the
13 OSHA Act. Likewise employees have
14 responsibilities. Read the OSHA poster
15 on the job site; comply with all
16 applicable OSHA standards; follow all
17 lawful employer safety and health rules
18 and regulations; report hazardous
19 conditions to the supervisor; report any
20 job-related injury to the employer and
21 seek treatment promptly; and exercise
22 rights under the Act in a reasonable
23 manner.

24 Through training, we team with
25 the contractor to help facilitate the

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2 process by providing knowledgeable
3 employees, that with supervision that is
4 observant, alert, attentive, aware,
5 discerning, and perceptive to job site
6 hazards, they can enhance the safety of
7 the project.

8 Training benefits are available
9 to members and others that are employees
10 or potential employees of signatory
11 contractors in the five-county area of
12 Southeaster Pennsylvania - Philadelphia,
13 Bucks, Montgomery, Chester, and Delaware
14 Counties - that need basic upgrading or
15 specialty construction craft laborer
16 training. Those participating in our
17 state-registered apprenticeship program
18 must be 18 years of age, physically able
19 to perform the work of the trade, have
20 dependable transportation, and be drug
21 free and pass a drug screening. Program
22 requirements can be found on our website.

23 An apprentice must complete 240
24 hours of classroom learning and 4,000
25 hours of on-the-job training to become a

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2 journeyman. Introductory classes,
3 normally eight hours in length, such as
4 craft orientation, which explains the
5 duties and responsibilities of the
6 construction craft laborer; job security,
7 which covers interpersonal relationships
8 on the job, PA flagger, hoisting and
9 rigging; and an 80-hour general
10 construction program must be taken before
11 an apprentice can take journeyman level
12 classes for a specific job assignment.
13 Journeyman can concentrate in many
14 different areas requiring varying degrees
15 of training: Building, heavy and
16 highway, environmental remediation,
17 utility, et cetera. Course hours can
18 vary from four hours to 80 hours.

19 Lifelong learning is promoted
20 by everyone. Through our affiliation
21 with the Laborers' Training and Education
22 Fund, the American Council on Education
23 approved college credit recommendation
24 for each of the 13 LIUNA training course
25 applications.

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2 The Laborers District Council
3 Education and Training Fund was created
4 in 1980 in accordance with the agreement
5 and declaration between the Laborers
6 District Council of the Metropolitan Area
7 of Philadelphia and Vicinity, Laborers
8 International Union of North America,
9 Contractors Association of Eastern
10 Pennsylvania, and the General Building
11 Contractors Association. The Fund was
12 established to assist in providing
13 training that will equip them for
14 profitable employment and citizenship and
15 to further the assurance that the
16 employers of proficient -- will be
17 provided with proficient workmen to the
18 end that they may receive the best
19 possible workmanship. The Laborers
20 District Council Fund is affiliated with
21 the LIUNA Training and Education Fund
22 that provides support and guidance in
23 training the participants. There are
24 over 75 training programs throughout the
25 United States and Canada. The Laborers

1 6/27/13 - SPECIAL COMMITTEE - RES. 130546
2 District Council Fund offers over 65
3 different classes.

4 LIUNA training programs feature
5 several well-respected industry and
6 professional credentials: The
7 International Accreditation Service, an
8 independent accreditation of our trade
9 curriculum and instructor training
10 program, government accreditation or
11 trade certification in industry
12 specialties, such as EPA and OSHA, and
13 the American Council on Education
14 recommendation of our programs for
15 college eligibility.

16 The type of courses and total
17 hours that each member gets varies
18 depending on their core skills and what
19 specific training they need. In 2013, we
20 conducted over 200 presentations. And
21 that's a carryover from 2012. And about
22 750 members were trained, and a total
23 again of about 20,000 contact hours.
24 Actual licenses held by members are
25 dependent on the specialty area.

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2 Contractor associations have their own
3 standards for membership, and architects
4 and engineers follow national industry
5 and government, either state or federal,
6 guidelines. Our members are employed by
7 signatory contractors. OSHA standards
8 are voluntarily followed, and the term of
9 labor-management agreements include
10 safety provisions. A partnership is
11 formed to protect the health and safety
12 of workers and the public. Because
13 training provides awareness of best
14 practices and hazard recognition that is
15 comprehensive and consistent for both
16 contractors and workers, they both
17 benefit most when supervision is
18 observant of job site hazards and
19 changing conditions. Members are
20 encouraged to get training by local
21 unions and it's sometimes written into
22 specifications and required by the
23 contractors. Training is an important
24 aspect of eliminating or minimizing
25 dangers from accidents, injuries or

1 6/27/13 - SPECIAL COMMITTEE - RES. 130546
2 fatalities involving property, workers or
3 the public.

4 Building trade organizations
5 spend millions of dollars on training.

6 That concludes my statement,
7 Mr. Chairman.

8 COUNCILMAN JONES: Thank you so
9 very much.

10 Mr. Green, were you involved
11 with the NTI design of the Emerging
12 Contractors safety training program?

13 MR. GREEN: No. I was
14 subcontracted to NTI through the Temple
15 University Small Business Development
16 Corporation.

17 COUNCILMAN JONES: So your
18 involvement came through Temple
19 University, and what was your role within
20 that?

21 MR. GREEN: I probably taught
22 one of the first safety programs for the
23 people that were participating in NTI
24 program.

25 COUNCILMAN JONES: And how many

1 6/27/13 - SPECIAL COMMITTEE - RES. 130546
2 participants did you deal with?

3 MR. GREEN: The range probably
4 follows the 32 to the 65 that was talked
5 about earlier.

6 COUNCILMAN JONES: And in your
7 thinking of designing that program, what
8 was your thought methodology? What did
9 you want to accomplish?

10 MR. GREEN: Well, Mr. Vallery
11 came to me with the idea that they were
12 having some problems with the contractors
13 in the program meeting the OSHA
14 standards, specifically in scaffold
15 building, and what he asked me to do was
16 to put together a program that generally
17 covered safety, sort of focused on the
18 scaffold building aspect of it, the
19 various types of scaffold and how it's
20 properly put up and that sort of thing.

21 COUNCILMAN JONES: And how do
22 you determine what level of scaffolding?
23 Is there a square footage? Is there a
24 height? Is there a proximity to occupied
25 properties? What do you consider when

1 6/27/13 - SPECIAL COMMITTEE - RES. 130546
2 you develop a safety training or
3 recommendation plan?

4 MR. GREEN: Most of what it
5 involves is the area that you're working
6 in. When people talk about scaffold,
7 they talk about being plumb and square,
8 which means that things have to be
9 upright, 90-degree angles. The footing
10 area of the scaffold has to be level,
11 well compacted, and adjustments have to
12 be made so that it's stable. The last
13 thing you want to happen is either
14 someone using the scaffold or someone
15 building the scaffold to be on an
16 unstable piece of equipment there.

17 COUNCILMAN JONES: So the City
18 pretty much adopted your training method
19 as the floor by which safety would be
20 measured?

21 MR. GREEN: No. That gets back
22 to the questions that were answered and
23 comments that were made about the
24 specifications and the requirements for
25 doing that already existing. If you look

1 6/27/13 - SPECIAL COMMITTEE - RES. 130546
2 in the 1926 standards, there's a whole
3 section in there, Subpart L, that deals
4 with scaffolding and all of the technical
5 aspects of how it's supposed to be built,
6 what's it made out of, what the specs on
7 the scaffold boards are. All of that
8 information is contained right there in
9 the book.

10 I think one of the important
11 things to look at is when it was
12 discussed earlier about the OSHA 10 or
13 the OSHA 30, the proper site-specific
14 training for what the worker is going to
15 do on the job and not only how that
16 affects that person's health and safety
17 but the possible danger not knowing how
18 to do it properly is to people that are
19 working around them and the general
20 public.

21 COUNCILMAN JONES: So a lot of
22 reference today was given to fast food
23 employees coming on construction sites.
24 What would you recommend the minimum
25 level of training for our municipality

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2 for demolitions both residential and then
3 those above two stories?

4 MR. GREEN: I think it involves
5 two things. One is certainly the
6 apprenticeship programs that the trades
7 have can serve as a model in terms of
8 bringing someone into a particular craft
9 area. And also you have a situation
10 where the person that's actually running
11 or supervising the company has to have a
12 certain baseline amount of knowledge in
13 terms of what doing the job safely means.

14 COUNCILMAN JONES: What is that
15 baseline?

16 MR. GREEN: Yeah.

17 COUNCILMAN JONES: What is it?

18 MR. GREEN: That baseline,
19 there are industry standards across the
20 country in terms of municipalities,
21 states, cities setting up standards for
22 different contracting. Some of the
23 trades in this room, their craftsmen take
24 an international code examination.
25 That's a fair scale for anyone to take a

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2 test.

3 COUNCILMAN JONES: And so do
4 you say to the record that we should have
5 at least one person on a job site that
6 has those kinds of certifications?

7 MR. GREEN: I say one isn't
8 enough.

9 COUNCILMAN JONES: Okay.

10 MR. GREEN: I'd say that you
11 have to have multiple people. One of the
12 things that we tell our construction
13 craft laborers, that ultimately you are
14 responsible for your safety, because
15 you're the only one that's with you a
16 hundred percent of the time. So if a
17 foreman or a steward or a superintendent
18 walks away from that particular area of
19 the job, then you're left on your own.
20 So you have to take responsibility to
21 participate in the safety training aspect
22 of your work and learn the ins and outs
23 and what it is you're supposed to be
24 doing.

25 COUNCILMAN JONES: So I'm going

1 6/27/13 - SPECIAL COMMITTEE - RES. 130546
2 to ask you the question I asked
3 everybody. How much did the training
4 cost?

5 MR. GREEN: It costs millions.
6 I agree with what everyone said earlier.
7 On average -- and I'm just talking about
8 our program, like they were talking about
9 their programs. Our program costs at
10 least \$3 million a year to run.

11 COUNCILMAN JONES: So if you
12 were to break it down to the number of
13 participants that went through it, what
14 is the roundabout number to train
15 adequately at the baseline a safety --

16 MR. GREEN: It's still going to
17 be in the \$15,000 a year range, the same
18 that was quoted earlier.

19 COUNCILMAN JONES: Per?

20 MR. GREEN: Per person.

21 COUNCILMAN JONES: All right.

22 That gets me closer. All right.

23 Are there any questions?

24 Councilman Henon.

25 COUNCILMAN HENON: Thank you,

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2 Chairman.

3 Mr. Green, thank you for
4 testifying, and it seems to be kind of
5 consistent, \$3 million is the start for
6 training members of each organization so
7 far in the industry.

8 Some of the testimony that I've
9 heard here today mentioned that there are
10 no real -- I mean, I guess there's
11 standards, but it's not in depth or
12 conclusive on the demolition. We have to
13 go by national standards on the book here
14 in the City of Philadelphia.

15 How does your training and your
16 directors and your membership from
17 foreman, sub-foreman, steward, and
18 apprentices, how does that training match
19 up to the national standards or to
20 Philadelphia's standards here? I'm
21 assuming it's a little bit higher with
22 that extensive investment.

23 MR. GREEN: Yeah. Councilman,
24 I was here several years ago at the
25 invitation of Councilman Juan Ramos, and

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2 one of the things that I commented on at
3 that time is that I would suggest,
4 strongly suggest, that at a minimum that
5 anybody that walks on the job site has to
6 have at least OSHA 10 training; that for
7 people that are in supervisory positions,
8 crew chief, foreman, shop stewards on
9 that part, superintendents, project
10 managers, have to have at least an OSHA
11 30; and that you want to have multiple
12 persons on the job site having OSHA 30.
13 Because, you know, attentiveness on the
14 job is very, very important, and I may
15 sometimes overlook because I have
16 something on my mind, but if you have
17 multiple sets of eyes, you have multiple
18 sets of people that are concerned about
19 the health and safety of the workers and
20 the public, you're going to sort of close
21 some of those loopholes that in the blink
22 of an eye someone can get injured, an
23 incident can happen or someone could get
24 killed.

25 COUNCILMAN HENON: In light of

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2 my earlier walk, taking a slow walk
3 through somebody becoming a general
4 contractor -- so myself, forget about my
5 background or whatever, so I like to talk
6 a lot. So just because I like to talk a
7 lot doesn't make me a qualified
8 contractor, but I could get a license to
9 be on site without any safety training.

10 What are some of the hazards,
11 aside from the proper way to demo a
12 building? What are some of the changing
13 materials, ever-changing materials,
14 asbestos, the HAZMAT trainings, the
15 specialty trainings that your \$3 million
16 invests and how critical it is for -- if
17 I were to go get a contractor's license,
18 I would need to hire some people to do
19 that. So I guess it's important to have
20 that kind of training getting on the job
21 site; is that correct? What are some of
22 the HAZMATs?

23 MR. GREEN: One of the things
24 that happens is with the higher level
25 OSHA training, which is the OSHA 30 --

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2 and you get some of it in OSHA 10 -- you
3 have four basic ways to deal with job
4 site hazards and how to manage them. You
5 have engineering controls, where before
6 the job starts you can engineer it out.
7 You can design it so that those hazards
8 are not there. You have what's called
9 administrative controls, where you can
10 rotate people from position to position
11 or juggle how the job is done so that
12 some of those dangers and some of those
13 hazards are eliminated from affecting
14 people. Then you have personal
15 protective equipment, which is the last
16 thing in the defense of trying to
17 eliminate hazards or to control them.
18 And then you have an idea of
19 substitution. So you just completely
20 take it out. You redesign it so that
21 that particular hazard, that particular
22 condition is non-existent on the job.

23 COUNCILMAN HENON: Such as like
24 asbestos?

25 MR. GREEN: Such as asbestos,

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2 encapsulations, lead, silica dust, spray
3 downs to decrease the concentration.

4 In terms of the statements that
5 were made earlier about the engineering
6 survey that has to take place before
7 demolition jobs done, you know, most of
8 the documents you see are going to say a
9 competent person does it. We need to
10 kick it up a notch and say that a
11 professional architect, registered
12 professional architect, or professional
13 registered structural engineer has to be
14 the one that puts their seal on that
15 engineering survey.

16 COUNCILMAN HENON: And I'll end
17 with, so I'm a contractor. I say to one
18 of your trained members, Hey, go down in
19 that pit, manhole or ditch and start
20 doing this. I mean, they wouldn't just
21 go ahead and jump on that, right?

22 MR. GREEN: It's not going to
23 happen, because if it's a trench or a
24 similar situation or working in a
25 confined space, then prior to the person

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2 being on that job site, you want to make
3 sure that they've had trenching and
4 shoring training, which includes the
5 confined space training.

6 COUNCILMAN HENON: I have no
7 further questions.

8 COUNCILMAN JONES: First of
9 all, thank you again for giving us your
10 testimony, and I appreciate the insight
11 that you have to this and the history
12 that you bring to this.

13 By way of future participation,
14 just like the other members of the labor,
15 would you be willing to work with this
16 Committee to come up with a private
17 sector, public sector equal standard for
18 safety and help us out to draft that?

19 MR. GREEN: Certainly.

20 MR. GILLESPIE: He's my main
21 guy.

22 COUNCILMAN JONES: Say it
23 again.

24 MR. GILLESPIE: He's my main
25 guy.

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2 COUNCILMAN JONES: He's my main
3 guy now too.

4 We appreciate it. Thank you so
5 much.

6 MR. GREEN: Thank you.

7 COUNCILMAN JONES: Will the
8 Clerk please read the next panel of
9 witnesses. And thank everyone for their
10 patience. I know we can be a little
11 wordy at times, but it's all a part of
12 the process to make it better.

13 THE CLERK: Deacon Alvin Davis,
14 Mary Tebeau, Luis Cruz.

15 (Witnesses approached witness
16 table.)

17 COUNCILMAN JONES: Thank you so
18 much for your patience. Would you please
19 state your name for the record. Good
20 seeing you again. And begin your
21 testimony.

22 DEACON DAVIS: Good afternoon,
23 Council. My name is Deacon Alvin Davis.
24 I'm an operating engineer for the Local
25 Operating Engineer 542. I come as to

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2 give you an idea in my experience in the
3 demolition field. I've been in the
4 demolition field for 37 years. I have
5 knocked down some of the biggest
6 buildings in the City, the Convention
7 Center, Spectrum, Byberry, even goes all
8 the way back to Connie Mack Stadium.
9 That might be before your time, Council,
10 but...

11 COUNCILMAN KENNEY: Who, me?

12 COUNCILMAN JONES: You're
13 talking about Councilwoman Blackwell and
14 Councilwoman Sanchez.

15 COUNCILMAN KENNEY: I was at
16 Connie Mack Stadium.

17 DEACON DAVIS: Well, it goes
18 back a while. And we've been in this
19 industry for a few years and we have a
20 good record, safe record. We also have
21 the experience in also training
22 apprenticeships that's coming from the
23 Operating Engineers with a hands-on
24 training, which we believe that it's the
25 safest and the best important training,

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2 is to have the hands-on training. It's
3 one thing you can get someone training
4 from a book and show them from the book,
5 but when you get them out in the field,
6 it's a totally different ball game.

7 But we've certainly been out
8 there for 37 years. We have the
9 experience in the demolition industry and
10 do all of that. We have done putting
11 cranes together, operating cranes,
12 running some of the most heaviest
13 equipment that you could think of, and
14 fortunately we never had an accident,
15 never had anyone killed, never had anyone
16 hurt out of the whole 37 years. And as I
17 said, we've been around in the City for a
18 long time doing some of the biggest jobs
19 in Philadelphia.

20 COUNCILMAN JONES: Thank you so
21 much.

22 Good afternoon.

23 MS. TEBEAU: Good afternoon.

24 My name is Mary Tebeau. I'm the
25 President and CEO of the Associated

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2 Builders and Contractors, ABC, Eastern
3 Pennsylvania Chapter. First off, of
4 course, we'd like to extend our
5 condolences to all those that were
6 affected or perished in that accident a
7 few weeks ago.

8 Safety is the utmost importance
9 to the construction industry and is a
10 priority for ABC and its members.

11 Give you some info on ABC. We
12 represent over 15,000 merit shop
13 construction employees who work for our
14 more than 400-member companies. It was
15 founded on the shared belief that
16 construction projects should be awarded
17 based on merit to the most qualified and
18 responsible low bidders. Nationally, ABC
19 is comprised of 72 chapters representing
20 more than 22,000 construction and
21 construction-related firms and nearly two
22 million employees that work safely,
23 ethically, and profitably for the
24 betterment of the communities that they
25 live in.

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2 ABC's construction contractor
3 members can participate in the safety
4 training and evaluation process or our
5 STEP program. It's one of our key
6 programs that we promote. It's written
7 by contractors. It's for contractors.
8 It's been around for over 20 years.

9 Now, to achieve the highest
10 level of that, the STEP platinum, some of
11 the requirements are that a company must
12 have a total recordable incident rate of
13 at least 25 percent below the specific
14 industry averages for the previous year's
15 data in their trade and maintain an EMR,
16 Experienced Modification Rate, of 0.800
17 or lower and submit their Department of
18 Labor OSHA forms, the 300, 300A for
19 review so that that is evident to all.

20 In addition, for over a decade,
21 ABC Eastern PA has been engaged in a
22 partnership with the local OSHA office
23 holding meetings. Our companies
24 participate in that and signal their
25 commitment to safety and a healthy work

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2 environment for construction employees.

3 I know today we focused quite a
4 bit on occupational safety, the safety of
5 the workers, which is extremely
6 important, but the safety of public and
7 those that are around a construction job
8 site is also, I believe, extremely
9 important.

10 ABC is a founding member of the
11 Construction Coalition for a Drug and
12 Alcohol-Free Workplace, created to
13 provide companies and organizations with
14 the resources necessary to implement an
15 effective substance abuse policy within
16 their companies.

17 We also operate Pennsylvania
18 and U.S. Department of Labor-approved
19 apprenticeship and safety training
20 program currently in seven different
21 trades annually at our training center.
22 The director of the training center is a
23 certified CSH&T individual, construction
24 safety and health technologist
25 individual.

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2 As part of the apprenticeship
3 training program, each student is
4 required to complete the OSHA 10-hour
5 right out of the gate -- that's an
6 introductory safety class -- their first
7 year in the program. In addition, the
8 requirements in the apprenticeship and
9 training program, we provide many safety
10 classes throughout the year for those
11 that want to attend, including OSHA
12 10-hour, 30-hour, 500, first aid, CPR,
13 fall protection, rigging, crane
14 operation, just to name a few. Those are
15 obviously core competencies that lay a
16 groundwork for safe construction.

17 As the City reviews and
18 potentially revises the construction
19 rules, please know that we support sound
20 and fair regulations in the areas of
21 workers comp, safety, and unemployment
22 compensation.

23 We also believe that the right
24 to protect -- to protect the right of
25 employees to work regardless of their

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2 race, their color, creed, age, sex,
3 national origin or membership or
4 non-membership in a labor organization.
5 We oppose violence, coercion,
6 intimidation, and the denial of rights of
7 employees and employers.

8 We believe it's incumbent upon
9 all branches of government to be
10 responsible stewards of taxpayers'
11 dollars, and that's why we believe in the
12 lowest, most qualified and responsible
13 bidder.

14 Thank you for the opportunity
15 to be here today to comment, share our
16 thoughts with you. I look forward to
17 working towards and creating and
18 maintaining a safe working environment,
19 looking at the standards that are here,
20 seeing if they're the current correct
21 ones that should be in place and are they
22 being enforced appropriately.

23 Thank you, Councilman.

24 COUNCILMAN JONES: Thank you so
25 much for your testimony.

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2 MR. CRUZ: Good afternoon. My
3 name is Luis Cruz, Cruz Development.
4 We're a local contractor here in
5 Philadelphia and we're also a member of
6 the building trades and GBCA.

7 I was asked to come in and
8 participate in this, being a smaller
9 contractor and trying to have the effects
10 of how it's going to affect smaller
11 companies that don't have the big
12 infrastructure to be able to deal with
13 some of these things. And in our
14 position, it's the contractor
15 understanding what their capabilities
16 are. And I know now the City, we
17 received notifications that there's going
18 to be qualifications and verifications,
19 the trainings that the companies have. I
20 think that's very important for the City
21 to do so we could be able to categorize
22 to what experience level the contractor
23 has specifically with the demolition
24 projects.

25 It is a very site-specific type

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2 of a situation for contracts. Each
3 project is different. You could have a
4 brand new demolition be just as critical
5 as a 50-year-old project, just because of
6 how it was built, what was done with it.
7 So each project is site specific.

8 I know we had received also
9 information that there's going to be
10 requirements of an engineer or licensed
11 architect for these projects that are
12 going to be required. Specifically on
13 demos, it's great to have, but
14 unfortunately, you're out there and if
15 you run into a situation that you have a
16 competent person that has the experience
17 to correct the matter there on site at
18 the moment, I think that that's where we
19 require our people to do. We look at the
20 projects on a project by project. We
21 won't put a person that's only done
22 one-story demos or interior demos on a
23 five-story building. First of all, we
24 won't do it, because we know that I need
25 to bring a crane, the different aspects

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2 that I don't feel comfortable.

3 I mean, I have knots in my
4 stomach ever since this accident. I feel
5 terrible for the families and their
6 losses, because every day that the guys
7 go out there, especially when we have
8 heavy equipment and machinery out there,
9 you're putting your reputation, your
10 life, their lives out there and the
11 general public. So it goes back to
12 training. You know, all of our employees
13 are required to have a minimum of
14 eight-hour, ten-hour OSHA training, have
15 the refresher -- and have the ten hours
16 with eight-hour renewals every year. So
17 they understand what the new mandates
18 are, what their qualifications are. It's
19 not that hard.

20 I don't have the infrastructure
21 to have an in-staff person. Well, we've
22 gone outside. We've brought in an
23 outside consultant that comes in and
24 trains our guys every year. The GBCA has
25 programs, the building trades has

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2 programs that we could be able to reach
3 out to and get that information.

4 They have -- when people go
5 through the trainings, they have the
6 people trained already. So when we need
7 to have additional folks, they have the
8 qualified employees that we could be able
9 to reach out to.

10 Our foremen, superintendents
11 have to have the 30-hour, because it's
12 just -- they need to understand the
13 maximum. They need to have the
14 experience. It's all experience by the
15 job. Really you can't throw a blanket on
16 everything and cover everything, because
17 you're not going to be able to. I'm not
18 going to send a foreman with an
19 unexperienced operator.

20 It was mentioned earlier that
21 we need to have more than one person.
22 Yeah, if we have equipment on the site,
23 there needs to be a competent operator
24 who has been in those situations or worse
25 so they could be able to understand what

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2 they're doing. And on the ground, the
3 foreman and the employees need to
4 understand what they're doing and
5 watching and following protocol, you
6 know. Site-specific safety is the utmost
7 importance to us.

8 I really don't have much more
9 to answer to that, but I'd be glad to
10 answer any questions.

11 COUNCILMAN JONES: First of
12 all, you've said a lot in a few words,
13 which is an art. One of the things that
14 I would like to ask all of you -- and any
15 of you are free to answer it -- in your
16 professional opinions, when you approach
17 a job -- and I heard your words of each
18 job is individual, you do an individual
19 assessment. At what point do you say we
20 need scaffolding on this and how much,
21 and then also at what point does a kick
22 come in that says we need to not have the
23 building adjacent occupied?

24 DEACON DAVIS: I come from a
25 competent --

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2 COUNCILMAN JONES: Can you pull
3 the mic up and then say again your name.

4 DEACON DAVIS: It comes from a
5 competent person that has the experience
6 in the field and knowing what they doing
7 to be able to see and look beyond the
8 actual of a demo job. Let's say
9 specifically a demo job. Now, if we take
10 like the job downtown -- we're not going
11 to mention it, but an experienced person
12 would have known to say, Well, wait a
13 minute. First of all, we got an
14 adjoining building next to us that's only
15 one story, and it's occupied. Why would
16 I go -- even think about doing any kind
17 of demo with an occupied building right
18 underneath me? You got a building
19 hovering over top of you and you got an
20 adjacent store that's in operation. I
21 mean, everybody that's on that job to me
22 just didn't consider the circumstances
23 that they was in, and it's a shame. But
24 as we mentioned before about the safety
25 and the training, if they had the safety

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2 and the training, I think it would have
3 kicked in, and that's --

4 COUNCILMAN JONES: So we're not
5 going to mention --

6 DEACON DAVIS: Correct. We
7 ain't going to mention it.

8 COUNCILMAN JONES: But in a
9 case when you come out to a job site and
10 you see a multiple-story building above a
11 single story, what are the things that
12 you start to factor?

13 DEACON DAVIS: First of all,
14 safety, the pedestrians, make sure that
15 it's being done safe with the
16 scaffolding, or if they don't have the
17 scaffolding, make sure that they have the
18 high reach, make sure they have the
19 proper equipment to be able to safely do
20 the job under no matter what
21 circumstances the job require, make sure
22 that, first of all, safety is first and
23 make sure that the person that's doing
24 the job is a competent person that would
25 be able to do the job without harming

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2 anyone.

3 COUNCILMAN JONES: So you have
4 people who have experience, if I
5 interpret what you said, that know about
6 multiple-story jobs. That's the first
7 thing.

8 DEACON DAVIS: Correct.

9 COUNCILMAN JONES: Second thing
10 is, by way of occupied versus not
11 occupied, how do you approach it then?
12 What do you say? Do you recommend
13 evacuation of the occupied building or
14 during it on off hours? What is your
15 process?

16 DEACON DAVIS: I would
17 recommend to do it on off work hours. If
18 the building is still in existence, just
19 do it on off work hours. You can't knock
20 down an occupied building when people
21 that's going in and out and you doing
22 demo right next door. We have to do it
23 off work hours. The timing has to be
24 offset where there could be no danger, no
25 harm to come to anyone on that site.

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2 COUNCILMAN JONES: And there
3 are no occasions when you would do that
4 in an occupied adjacent building?

5 DEACON DAVIS: No. Wouldn't
6 even think of it.

7 COUNCILMAN JONES: Anybody else
8 want to comment on that?

9 MR. CRUZ: I just think, again,
10 each project is individual. You have to
11 go out there prior to doing any kind of
12 work and do an assessment of the
13 structural integrity of the building.
14 But I do agree if you're demoing a
15 multi-story building next to a one-story
16 building, obviously you have to really
17 evaluate it on a project-by-project basis
18 and, I mean, any building over the one
19 story, you're really going to take that
20 caution. And it's true, I wouldn't now
21 or before take a multi-story building,
22 anything over two stories next to a
23 one-story occupied where that building is
24 being demolished because of structural
25 defects or the integrity is of concern.

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2 COUNCILMAN JONES: Do you
3 concur, ma'am?

4 MS. TEBEAU: Yeah. Councilman,
5 you asked at what point do you know when
6 you need all of that in a job site, and
7 that should be known up front. If you
8 know you're going to be working on that
9 job, that should be in your bid, in your
10 estimate, a site visit and, as he
11 mentioned, every site is individual,
12 every site is different to see what's
13 around, what's our access/egress. If
14 it's an urban area, what's the traffic
15 pattern, where are we going to be
16 bringing equipment. All that should be
17 in the plan from the get-go. The
18 scaffolding should be in there. That
19 should be known that assuming all goes
20 well, six weeks into the job we will need
21 to bring this on site, eight weeks into
22 the job we'll need to bring this on site.
23 Now, that said, every job is
24 unique and there are always situations
25 that arise that you didn't originally

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2 anticipate, and at that moment, you need
3 to make a decision, the project manager,
4 whomever is in charge of it, and it goes
5 back to a competent person ultimately
6 responsible for that, the line of
7 authority, to make a decision that this
8 is a curb, we've got this building over
9 here, something is happening, they're
10 paving their lot, we need to make a
11 decision now with what we're doing to
12 address what's happening over there.

13 COUNCILMAN JONES: So
14 assuming -- and I do assume all of you
15 are reputable, and I don't want you to
16 think -- who should make sure that you
17 are held to that standard in a private
18 job? Is it OSHA? Is it the City? Who
19 holds folk to that level of
20 thoughtfulness that I just heard? Is it
21 an honor system?

22 MS. TEBEAU: In a private job,
23 that's a good question. OSHA is a
24 regulatory body. To defend OSHA, they
25 can't be on every job all the time. We

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2 follow their standards. They have the
3 minimum standards that all construction
4 companies must follow on projects. But
5 as far as who is responsible, whoever the
6 owner is of that building should have
7 designated responsible people for the
8 construction, demolition, whatever it is
9 that's going on on the project.

10 COUNCILMAN JONES: Again, I see
11 reputable people who have common sense
12 and ethics, but we have to be safeguarded
13 as a municipality against those who
14 don't. So I guess it was a rhetorical
15 question that at the end of the day, we
16 are, and we're going to have to step up
17 to that plate to make sure that not just
18 people of good intent, that those who may
19 be profit motive and profit driven to cut
20 a corner do not get away with that as
21 well, and I guess the answer to that is
22 us.

23 Councilman Henon.

24 COUNCILMAN HENON: Thank you,
25 Mr. Chairman.

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2 Just a quick few questions, but
3 to just expand on who is responsible, we
4 can have a long ongoing conversation
5 regarding that, whether it's the owners,
6 but I think responsible contractors who
7 hire people who are trained, who complete
8 apprenticeship programs and who have OSHA
9 training, who have some of the
10 qualifications that the two contractors
11 are up there -- I think your testimony
12 was awesome. Your judgments on
13 on-the-job decisions were excellent, and
14 I think on our ongoing hearings, because
15 we're going to have another one with best
16 practices, I hope that you come back and
17 tell us about the best practice, because
18 you gave us a glimpse today on what a
19 responsible contractor does out in the
20 field and how the employees, the direct
21 employees, not 1099s who pay cash and
22 circumvent the system, are paid.

23 The question is to the Reverend
24 and to you, Mr. Cruz, is, how critical is
25 it, not just in safety but the success of

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2 your business? Because you can be a
3 successful businessman or woman in this
4 the City regardless on having people who
5 are trained working as direct employees
6 for you. And how critical -- now, this
7 is important -- how critical is it that
8 somebody has completed an apprentice
9 program that you hire? So that's the
10 question to both of you.

11 MR. CRUZ: Well, I think the
12 training is the most important for
13 anyone, you know. And what I always say
14 is, if I'm going to be putting out new
15 employees out there that are new to the
16 industry, I'm going to have them around
17 majority of seasoned guys with them that
18 have been out there and that have had the
19 training, so they could be able to learn
20 by seeing the different situations out
21 there, so they could be able to
22 understand and see the different
23 situations.

24 You know, I mean, it's really
25 difficult to pinpoint specifically, since

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2 I know this is primarily around
3 demolition, the demolition is really -- I
4 was talking to a couple colleagues from
5 some majority firms, and I called them a
6 couple days after and I said, Hey, I
7 said, what's going to happen to our
8 industry? I mean, this is just
9 unbelievable. I can't stop thinking
10 about this because -- I mean, that same
11 day, I went to every single job site,
12 grabbed everybody and said, Look, we have
13 to really concentrate and think about the
14 stuff. Don't let it drive you nuts, but
15 at the same time, we have to be very
16 careful.

17 I try to be at the shop first
18 thing in the morning and meet everybody
19 and talk to everybody when everybody is
20 coming in, just because, you know, you
21 have to know who and what's going out
22 there. I like to visit my jobs every day
23 during the day. I mean, it's crazy, but
24 you have to see what's happening out
25 there. I mean, we have machines that are

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2 80,000-pound machines, and we were
3 talking about it the other day. I mean,
4 it just taps you. You're breaking your
5 arm, your collar bone and hopefully not
6 your vertebrae, because that's how -- and
7 it's because you're too close to the
8 machine. Don't be around the equipment
9 if you can't have direct eyesight with
10 your operators. And something just that
11 simple.

12 So, Councilman Henon, you're
13 absolutely right. You have to have that
14 training to be able to understand it.
15 You're going to get the fundamentals in
16 the trainings, but out in the field is
17 where they're going to start getting
18 seasoned. But I wouldn't have somebody
19 that just came out from a training and
20 put them out on a major five-story demo.

21 COUNCILMAN HENON: But in
22 addition to that -- and that's why you're
23 good at what you do and a reputable
24 contractor company. But as far as
25 apprenticeship training, as far as

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2 training, just enrolling in a program, I
3 can enroll and then quit and then be
4 untrained. So having somebody for the
5 future growth of the industry, whether
6 it's demolition or construction, go
7 through and complete an apprenticeship
8 training program or some sort of training
9 program and then have the opportunity to
10 move on to supervisory positions or some
11 form of foreman or crew chief or
12 something like that. So I think it all
13 starts with training and completing a
14 training program. Would I be correct in
15 assuming that?

16 Reverend?

17 DEACON DAVIS: I would agree.
18 The completing of the program is very
19 important, and as you said, the training
20 is number one. As you said, when you
21 train apprentices -- and as I've said
22 often started out, the best way to train
23 an apprentice after he get done with the
24 book, the best way to train is in the
25 field, the hands-on experience. That was

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2 the best teacher.

3 COUNCILMAN HENON: Thank you.

4 Madam Tebeau?

5 MS. TEBEAU: Yes. Tebeau.

6 COUNCILMAN HENON: So in your
7 industry, people that you represent, you
8 mentioned training. What is the success
9 rate of your people completing your
10 training programs, especially when it
11 comes to demolition with the operators
12 specifically? So I'm going to ask you,
13 do you know your completion rates on each
14 trade craft that you represent and, two,
15 specifically when it comes to demolition
16 with the operator engineers and/or
17 operators, however you classify them, and
18 laborers, do you have any statistics?

19 MS. TEBEAU: Our training
20 center would have that information, yes.

21 COUNCILMAN HENON: Okay. But
22 you can't provide it here today?

23 MS. TEBEAU: I don't have that
24 information with me, no.

25 COUNCILMAN HENON: Well, my

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2 past experience shows it's incomplete
3 anyway. So if you could provide them to
4 the Chair, we'd appreciate it that.

5 I have no further questions.

6 MS. TEBEAU: Sure.

7 COUNCILMAN JONES: Thank you,
8 Councilman Henon.

9 Just real quick, should a crane
10 operation demolition instantly require
11 scaffolding?

12 DEACON DAVIS: It depends.

13 COUNCILMAN JONES:
14 Mr. Sullivan, feel free to answer that if
15 you want.

16 MR. SULLIVAN: I'm sorry,
17 Councilman. I didn't hear what you said.

18 COUNCILMAN JONES: Whenever we
19 operate a crane, just like I've gained
20 valuable insight by way of occupied
21 versus unoccupied buildings, whenever you
22 involve a crane, should it instantly
23 require scaffolding?

24 MR. CRUZ: Typically when
25 you're using a crane, you're in a safe

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2 zone. The crane is probably 100 foot

3 away from --

4 COUNCILMAN JONES: When I say

5 around, around maybe the perimeter.

6 MR. CRUZ: So you're saying

7 like a safe zone?

8 DEACON DAVIS: From an existing

9 building.

10 COUNCILMAN JONES: Come up --

11 MR. CRUZ: Absolutely.

12 MR. SULLIVAN: Maybe not

13 scaffolding, Councilman, but they do have

14 caution tape or whatever. They have it

15 barricaded off so nobody could get into

16 that work zone when you're building a

17 crane. But that's the way I got your

18 question.

19 COUNCILMAN JONES: I just

20 wanted that on the record. Thank you.

21 Councilwoman Blackwell.

22 COUNCILWOMAN BLACKWELL: Thank

23 you.

24 Thank you all for coming and

25 for your testimony. A special thanks to

1 6/27/13 - SPECIAL COMMITTEE - RES. 130546
2 Lui Cruz. We remember when the
3 Convention Center was being demoed in the
4 University of Pennsylvania area when you
5 were on that site. Thank you again.

6 COUNCILMAN JONES: Thank you,
7 Councilwoman.

8 Councilman Kenney.

9 COUNCILMAN KENNEY: Thank you,
10 Mr. Chairman.

11 MR. GILLESPIE: Did you get
12 paid for that?

13 COUNCILMAN KENNEY: I'd like to
14 ask the two contractors. You said you
15 were in business for 37 years?

16 DEACON DAVIS: Yes, sir.

17 COUNCILMAN KENNEY: And, Mr.
18 Cruz, you were in business for how long?

19 MR. CRUZ: We're going on 25.

20 COUNCILMAN KENNEY: Do you pay
21 prevailing wage?

22 MR. CRUZ: Absolutely.

23 COUNCILMAN KENNEY: Yes?

24 DEACON DAVIS: Yeah.

25 COUNCILMAN KENNEY: Do you have

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2 payroll accounts, so you have a payroll
3 for your company?

4 DEACON DAVIS: Yes.

5 COUNCILMAN KENNEY: And those
6 payroll accounts retain wage taxes, state
7 taxes, and federal taxes?

8 DEACON DAVIS: Correct.

9 COUNCILMAN KENNEY: Which you
10 will then remit to the government, and
11 your people are all trained?

12 DEACON DAVIS: Yeah.

13 COUNCILMAN KENNEY: They're all
14 drug tested, and you bid in the private
15 sector industry all the time, correct?

16 DEACON DAVIS: Correct.

17 COUNCILMAN KENNEY: Both public
18 and private, experience in both?

19 DEACON DAVIS: Yes.

20 COUNCILMAN KENNEY: And you've
21 been in business 37 years and you've been
22 in business 25 years. How many employees
23 do you have in general? I mean, I know
24 it might be seasonal, but at your max.

25 DEACON DAVIS: Full time?

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2 COUNCILMAN KENNEY: Yes, sir.

3 DEACON DAVIS: Three. For the
4 base of work that we have now, we have
5 about four.

6 COUNCILMAN KENNEY: Sir?

7 MR. CRUZ: Six to 12 depending
8 on the work schedule.

9 COUNCILMAN KENNEY: And despite
10 all of those requirements, you've been
11 able to stay in business. So it can be
12 done?

13 DEACON DAVIS: Certainly.

14 COUNCILMAN KENNEY: So there's
15 really no need in the end to be paying
16 people cash in an envelope and not paying
17 their taxes?

18 DEACON DAVIS: No.

19 COUNCILMAN KENNEY: Both, I
20 assume, are registered minority
21 contractors and you employ folks?

22 DEACON DAVIS: Right.

23 COUNCILMAN KENNEY: So all of
24 this can be accomplished, all these rules
25 can be followed without putting you out

1 6/27/13 - SPECIAL COMMITTEE - RES. 130546
2 of business?

3 DEACON DAVIS: Certainly.

4 COUNCILMAN KENNEY: Thank you.

5 COUNCILMAN JONES: Thank you,
6 Councilman Kenney.

7 Are there any other questions
8 for this panel?

9 (No response.)

10 COUNCILMAN JONES: Seeing none,
11 thank you very much for your testimony.
12 We appreciate your expertise, and I
13 guarantee you there are thoughtful
14 members of this Committee that are taking
15 this down. We're going to over the
16 summer put it to good use. Thank you so
17 much.

18 DEACON DAVIS: Thank you.

19 COUNCILMAN JONES: And if there
20 are no further questions or comments in
21 this regard, the members of the
22 Committee, we will be at recess until
23 July 18th, 2013, 10:00 a.m. in these
24 Chambers.

25 Thank you very much.

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2 (Special Investigating
3 Committee on Demolition Practices
4 concluded at 1:00 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter, and that this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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