



# News

**FOR IMMEDIATE RELEASE**  
**September 19, 2017**

**CONTACT: Brooke Rayder**  
**518-456-1134**

**STATEMENT FROM AGC NYS PRESIDENT AND CEO MIKE ELMENDORF ON  
CONGRESSMAN JOHN FASO'S INFRASTRUCTURE EXPANSION ACT OF 2017,  
ADDRESSING THE WASTE & INJUSTICE OF NEW YORK'S SCAFFOLD LAW  
ABSOLUTE LIABILITY STANDARD**

“New York’s construction industry applauds Congressman John Faso for his leadership and courage in introducing legislation to address at the federal level the manifest injustice and waste of the absolute liability standard of New York’s ‘Scaffold Law.’

This law, a more than a century-old anachronism which has been twisted by trial lawyers and the courts to impose an absolute liability standard—the likes of which exists nowhere else in the nation—on both contractors and owners for any gravity related injury on a construction site. Unlike every other area of civil liability in New York and America, the facts don’t matter. Defendants don’t get their day in court.

The result? Every New York taxpayer, business owner, local government, farmer, homeowner and property owner—public and private—is paying more. Our already too scarce resources to rebuild our schools, hospitals, roads, bridges, affordable housing and economy are being drained by this law, which must be one of the last sanctioned rackets in America. It has cost New York billions.

Research has shown that this law also makes construction sites less safe—and that makes sense. It treats contractors who do the right thing on safety, investing the time, energy and resources required for a rigorous safety program, the same as irresponsible contractors who cut corners, putting workers at risk and violating this organization’s deeply held principles of skill, integrity and responsibility. That’s just wrong—and it is un-American.

That’s why business owners, affordable housing advocates, local elected officials, minority and women owned business advocates, education advocates, civil rights leaders and, well, pretty much everyone but the personal injury trial lawyers, have joined together to call for this law to be reformed. What we have been asking for is simple—that the same standard of comparative negligence that applies to every other type of civil liability in New York and across the country apply to these cases. Put more simply, that the facts should matter, that parties should get their day in court, and that whoever is responsible for an injury should be held responsible, period.

Sadly, those calls have for far too long largely fallen on deaf ears in Albany. Despite bi-partisan support for reforming this outrageous law, Albany has continually failed to act and as a result, this law continues to harm taxpayers, force kids into dilapidated schools and undermine our economy.

Congressman Faso’s bold action aims to eliminate the absolute liability standard on projects receiving federal funding. It would help to protect all federal taxpayers by insuring that federal funding will go as far as possible toward rebuilding our state and economy, and not be siphoned off by the excess costs imposed by this law. It would be a critical first step toward restoring justice and reforming a law that is driving up costs on virtually every New Yorker and harming every sector of our economy.

AGC NYS looks forward to working with Congressman Faso and other members of the Congressional Delegation to make this bill law. At the same time, we will continue our efforts in Albany and across New York to reform this law at the state level. We commend Congressman Faso for his strong leadership and determination to get this done. At the state level, we also applaud Assemblyman John McDonald and Senator Fred Akshar for their strong leadership and diligence in working to advance Scaffold Law Reform in the Legislature.

Fixing this ridiculous law will protect taxpayers and all our citizens, the economy and construction workers. Enough talk. Enough waste. Let's get it done.”

###

For more information about AGC NYS, please visit [www.agcnys.org](http://www.agcnys.org).

*AGC NYS is New York's leading statewide contractor association providing advocacy and education for contractors and affiliated firms helping grow the State's economy and constructing its \$30 billion annual building, transportation, civil and environmental infrastructure.*