



LONG ISLAND  
BUILDERS INSTITUTE

Advocating Responsible Building & Remodeling

Congressman Lee Zeldin  
1517 Longworth House Office Building  
Washington, DC 20515

RE: HR 3808 on Scaffold Law

Dear Congressman Zeldin:

The Long Island Builders Institute, the largest residential home building trade association in New York State, wishes to ask you to co-sponsor HR 3808, sponsored by Congressman John Faso, which would preclude absolute liability against a contractor or property owner involved in the construction of an infrastructure or transportation development project receiving federal financial assistance.

New York State is the only state in the country which allows for absolute liability against a contractor or property owner for injuries suffered in the course of employment in an infrastructure or transportation development project. While 49 other states allow the contractor to plead the actions of the employee who was injured, New York State and only New York State does not allow in any manner for the actions of the employee to be taken into account in determining liability for the injuries caused. Such a result has caused a significant increase in general liability insurance in New York and has caused a number of insurance companies to decline to write such insurance, thus leaving New York contractors and property owner with few options from whom to purchase such insurance. This has resulted in the highest liability insurance rates in the country being in New York State, a fact which significantly increases the cost of such projects because of the higher insurance rates being charged. It is estimated that the recent construction of the Mario M Cuomo Tappan Zee Bridge was \$400 million higher than it would have cost absent the higher insurance premiums. This is not the best way to use limited federal infrastructure funds solely to pay higher insurance premiums.

It is time for the federal government to say no more to the State of New York with regard to this artificial increase in building costs and to allow for the use of regular comparative negligence so that the employer and the employee are responsible for their own actions. There has been no specific study which indicates that employee safety is better in New York and in fact many studies have concluded just the opposite

We urge you to co-sponsor this legislation and to support it when it comes to the floor of the House of Representatives.

Sincerely,

Mitchell H. Pally  
Chief Executive Officer

Cc: Long Island Congressional Delegation