

# Scaffold Law Reform - Fighting The Good Fight

## INSURANCE INSIGHTS

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YONKERS—In our Nov./Dec. Impact column (“Do You Hire Contractors? This New Insurance Certificate Could Be ‘Your New Best Friend’”), we highlighted the new “Acord 855 Certificate.” The column stated:

- The Acord Certificate 855 helps protect you and your company from Contractors/Sub-Contractors with inadequate insurance coverages.
- Exclusions in the contractor’s liability policy could include: work outside your building; hiring sub-contractors or day laborers; work performed above a certain height or number of stories; contractor’s liability created by the hold-harmless.
- The new “Acord Certificate 855” can help determine if that contractor you hired has quality insurance, or insurance filled with exclusions that leave you unprotected.

### The Reason

Our last column did not take the time to identify a primary reason for the above-referenced exclusions in New York Contractor liability insurance policies, which created the need for the Acord 855. It’s the same reason the contractors pay more for liability insurance in New York than in any other state. It’s the same reason why property owners’ liability insurance is so expensive.

And, the same reason that causes seven-figure (or higher) settlements/judgments against contractors and/or property owners for claims involving a worker who has suffered a gravity-related injury. It’s the same reason that so few insurance carriers are willing to insure contractors and certain types of buildings in New York.

The reason, of course, is New York Labor Law 240/241,

aka, the “Scaffold Law.” The law assigns absolute liability to building owners and general contractors for ensuring the safety of laborers working above the ground. Insurance carriers, contending with massive court costs and settlements/judgments stemming from this 100+-year-old law, have imposed substantially higher liability premiums on New York building owners and contractors working in the state.

New York building owners and general contractors usually try to “transfer the risk” to trade contractors or subcontractors, resulting in higher insurance rates for trade/subcontractors, and higher costs for their services (higher costs that hurt everything from housing affordability, to school budgets, to project feasibility). The Scaffold Law has resulted in the introduction of various ex-

clusions designed to eliminate liability carriers’ responsibility for claims related to the law, and provide cheaper insurance to contractors, particularly smaller contractors.

### A Longtime Fight

For years, the New York construction and real estate industries have fought to reform the Scaffold Law. Similar laws have been reformed or eliminated in all other states in the

ment, but the lobbying efforts, a coalition of over 60 industry associations, and criticism of the law from editorial boards across the state (including The New York Daily News, The New York Post, and Crain’s New York), may not be enough.

You can learn more about the law at [www.scaffoldlaw.org](http://www.scaffoldlaw.org), and then contact your New York State Assembly Member and/or Senator. Scaffold Law Reform may be among the

## Scaffold Law Reform may be among the best causes to take part in the democratic process and ‘Fight the Good Fight!’

U.S. Jason Schiciano was one of more than 100 people representing the construction/real estate industries, and affiliated trade groups and organizations, which met with state lawmakers in Albany on Feb. 10, to once again appeal for reform.

Changes in the state legislature—most notably the replacement of former Assembly Speaker Sheldon Silver—have re-energized the reform move-

best causes to take part in the democratic process and “Fight the Good Fight!”

**Editor’s Note: Levitt-Furst Associates is the Insurance Manger for The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region. For more information on the previous topic, contact Jason Schiciano or Ken Furst at (914)457-4200.**

## C.W. Brown Awarded Prestigious Certification From Green Business Challenge

### Armonk Company Employs Many Sustainable Practices, From Solar Panels to LED Lighting to Compost Garden

ARMONK—C.W. Brown, Inc. has long held a commitment to sustainability, as seen in everything at its Armonk headquarters, from its non-reflective roof to the compost garden on the company grounds.

Thanks to that commitment, C.W. Brown has received the prestigious Westchester Green Business-Certification from the Westchester Green Business Challenge. The WGB-Certified program, which was launched last year, is the region’s only green business certification program that provides the tools, training and expertise for organizations to become true green business leaders within their industries, program officials said.

C.W. Brown announced the honor at a Mar. 3 ceremony held at its Armonk headquarters, a building that already holds LEED Platinum certification for environmental sensitivity, the highest level of recognition given by the U.S. Green Building Council, officials added.

“We are very excited to be recognized as a Westchester Green Business-Certified company,” said Renee Brown, president and chief executive officer (CEO) of C.W. Brown. “It was important when we built our new headquarters back in 2010 that we lessen its environmental impact as much as possible.

We felt that sustainability was the future, not just to benefit the environment, but to attract talented younger employees who value a more sustainable lifestyle. The Westchester Green Business certification takes our efforts to the next level and renews our commitment to be green,” she said.

The ceremony was attended by Westchester County Executive Robert P. Astorino; Dr. Marsha Gordon, president and chief executive officer (CEO) of The Business Council of Westchester; and Dani Glaser, co-founder of the Westchester Green Business Challenge.

“Congratulations to C.W. Brown on taking its already impressive sustainability efforts to an even higher level,” said Astorino. “We are thrilled that C.W. Brown is growing its business and its green practices here in Westchester. It’s smart for the environment and for its company’s bottom line.”

“C.W. Brown embodies the type of businesses that are leading the way to a more sustainable Westchester County,” said Gordon. “With its commitment to forward-thinking policies and business practices, C.W. Brown shows us that sustainability is both good for the environment and good for business. We are so pleased that they are part of our Westches-

ter Green Business Challenge and are now WGB-Certified.”

“It’s very special to be here at C.W. Brown,” said Glaser, co-founder of the Westchester Green Business Challenge. “C.W. Brown has participated in and championed the Westchester Green Business programs from the beginning, and we are here to honor them for achieving Westchester Green Business certification. Congratulations Renee, Erika, Kimberly and your entire staff for this fantastic achievement and for continuing your sustainability journey with us.”

### Specifics

WGB-Certified is an expansion of the highly successful Westchester Green Business Challenge program, a public-private partnership launched in 2009 by Westchester County and The Business Council of Westchester to help businesses become more environmentally sustainable, while saving money and improving performance. To date, 275 businesses have taken part in that challenge, officials said.

The WGB-Certified title takes environmental sensitivity a step further. The program offers business tools, training and support and requires the company to develop a plan to become more sustainable in its

energy efficiency, transportation, waste management, land use and water, officials said.

The C.W. Brown office building at 1 Labriola Court earned its LEED Platinum certification with many special design features. Built in just 88 days, the headquarters makes optimal use of sunshine, allowing natural light into inner offices, partly with the use of Solatubes, which use mirrors to carry light further. The roof is coated with a non-reflective surface that reduces the “heat island” effect. Solar panels can provide enough power to meet the offices’ electricity needs—demands that are further reduced by the building’s use of LED lighting. Waterless urinals and automatic faucets help reduce water use, spokesmen added.

C.W. Brown officials added that the company also follows environmentally friendly policies. The staff recycles diligently, buys paper with a high content of recycled material, restricts purchases of supplies and equipment with contaminants, VOCs and toxins, and even uses the backs of documents as scratch paper.

At C.W. Brown, employees can pedal their bikes to work (rather than driving a car or SUV) and lock their rides to a bike rack on site, then wash up in showers provided in

the offices. They carpool for work-related travel. Employees are also treated to vegetables grown in the compost garden on the grounds. Rainwater is collected for irrigation. These measures and many others combine to make C.W. Brown’s impact on the environment as light as possible, company spokesmen said.

### Background

Since 1984, C.W. Brown, company officials said, has built its reputation based on the ability to exceed the expectations of its wide and diversified range of clients. Providing general contracting and construction management services to commercial clients in the Tri-State area, the company specializes in high-end interior alterations and renovations, offering a well-organized and highly professional approach to construction that has been developed and continually refined over the years, officials added.

In addition, C.W. Brown directly employs a workforce of more than 50 full-time carpenters and laborers who perform tasks such as carpentry, dry-wall and acoustical work. The team approach gives the company control over the quality, budget and scheduling of projects, bringing added value to every job, spokesmen said.

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