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Tragedies prompt builders to probe safety measures

Boston Business Journal - September 29, 2006 by [Joyce Pellino Crane](#) Special to the Journal

A scaffolding accident causes the paralysis of a 36-year-old construction worker. A 38-year-old woman is crushed when a piece of tunnel ceiling gives way.

Despite stringent government regulations and private safety training programs by independent contractors, construction calamities continue to cause the highest number of workplace fatalities in the state, according to the **Bureau of Labor Statistics**.

It's a statistic that's been given an all too human face over the years by such tragedies as the death of Milena Del Valle in July when a ceiling panel in the Interstate 90 connector tunnel crushed her car -- leading to a barrage of criticism leveled against the **Massachusetts Turnpike Authority** over the recently completed Big Dig -- or the April day when a scaffold at the construction site of an **Emerson College** dormitory on Boylston Street gave way, killing 27-year-old Romildo Silva, 41-year-old Robert Beane and 28-year-old Michael Ty.

The recent disasters have raised public awareness about construction dangers and forced architects, engineers, and contractors to probe how they approach a project from the schematic to the last punch list item.

"The death of a person is devastating," said Hubert Murray, a Cambridge architect and planner, who had a hand in designing lighting fixtures and railings for the Ted Williams Harbor Tunnel, a portion of which was closed after De Valle's death. "But if you look at the big picture, the issue is the public loss of trust."

Public scrutiny is increasing, alerting contractors to the need for improved safety awareness programs. Some, like **TLT Construction Corp.** of Wakefield, make it a critical aspect of business operations.

"Safety is good business," said Ed Dann, TLT's director of business development. "The safer your job sites are, the more competitive your insurance rates are. Therefore, we can bid more competitively on a job and pass the savings on to the owners."

Dann said the company sends an independent safety consultant to job sites weekly to identify areas of concerns, and an insurance representative makes monthly visits. Superintendents and subcontractors meet each week to review safety matters, and each superintendent is certified in federal government regulations.

Workplace safety experts, such as Grace Applegate, continue to crusade for safer work conditions

and advocate for construction companies to take a more proactive approach.

"All of my clients came to me after they had a problem," said the president of **Applegate Associates**, which is based in Manasquan, NJ, and has a Boston satellite office. "This is something that is very close to my heart. I see workers killed and maimed for the rest of their lives."

On June 20, 2001, three brick layers stepped onto a scaffolding extension at 80 Lansdowne Street in Boston. As they waited for someone to deliver mortar, the extension -- which was heavily laden with bricks -- gave way, said Boston attorney Will Van Lonkhuyzen, who represented the worker most seriously injured in the accident. The three men plunged 40 feet, landing under the pile of bricks. Von Lonkhuyzen said that his client, now 41, and a father of two, suffered paralysis as a result and has not worked since.

In April, two days into a trial in which the general contractor, the scaffolding contractor and the scaffolding supplier, were being sued, the parties agreed to settle for \$8 million, said Von Lonkhuyzen, who asked that his client not be identified. The other two men, represented by another Boston lawyer, settled prior to the trial.

Applegate, who wrote the safety report for the court case, helps construction companies comply with government safety regulations. She is one of 23,000 nationwide members, including 425 in Massachusetts, of the **Associated Builders and Contractors**, which she said recently boosted safety training efforts.

James Dechene, director of public affairs for the local chapter of the Arlington, Va.-based ABC, said accidents force the industry "to re-evaluate the status quo."

"The industry is constantly reacting to all the different ways a person could get injured on the job," he said from his Burlington office.

Between 1992 and 2004, an average of 67 workplace fatalities occurred annually in Massachusetts, according to the Bureau of Labor Statistics. The majority -- about 20 each year -- occurred in the construction industry.

Dann said a state law that went into effect in July will give contractors that specialize in public projects a chance to get involved at the design stage. This, he said, will reduce problems that arise midway through a project.

"Because of the general contractor having real experience in the field," he said, "they can advise for alternate options."

Architect Scott Dunlap of Wayland, who has collaborated on projects with TLT, said the new law can be an advantage.

"I think there's certainly value in full collaboration during the process," he said. "Introducing the contractor early on, from a practical standpoint of safety, there's certainly value in that. Over the years we've gotten our best practical advice from those people who do it every day, which are the contractors."

But Dunlap noted the sharp difference between regulations guiding public and private projects, and the complexities involved. Construction projects that are not funded with public money have always had more flexibility for earlier collaboration between designer and builder. In fact, private colleges, he noted, have used a hybrid of the design/build model for years.

On the other hand, a project that uses taxpayer money must adhere to construction laws in Massachusetts. Until recently, those laws did not allow for a contractor to get involved until designs were completed, so that the bidding process was fair and equal.

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Both Dann and Murray said that once any project begins, however, changes in the plans can become a safety tripwire.

"Change orders are so risky," said Murray. "Even a small thing has a domino effect ... so anything that can reduce the number of change orders is a good thing."

From 1989 to 1992, Murray was the chief architect for the now-defunct Wallace, Floyd, Associates of Boston; in 1997 he became a principal at the firm, working on the artery contract with **Bechtel/Parsons Brinckerhoff**, the entity that oversaw the Big Dig tunnel project.

He likened the tunnel tragedy to the 2004 collapse of the roof at Charles De Gaulle International Airport in Paris, causing several fatalities, citing the lack of a third-party reviewer for both projects.

"The pressure (of designing and constructing such a project) is enormous ... so that having a third check is important," said Murray, who is slated to become the 2007 president of the Boston Society of Architects. "From my experience, there was no third-party review."

But Murray stressed that the process for building Boston's tunnels was rooted in sound planning.

"The overall goals of the central artery, despite the tragedies, are still rock solid valid in doing what Boston needed to do to keep it a viable place," he said.

The infrastructure of the elevated highway was aging and the cost of reinforcing it would have been prohibitive, he said.

But more important, the project's safety record was "almost unprecedented."

"As far as I know," he said, "the entire project had only one or two construction-related deaths since construction began in 1989."

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