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Written Testimony Regarding the Proposed Rule Amending Construction Superintendent License Qualifications

(Reference No. DOB-208 / 2025 RG 108)

I write on behalf of the Contractors' Association of Greater New York, Inc. (CAGNY). CAGNY is a multi-employer association representing Construction Managers and General Contractors in New York City. Our members build some of the largest and most complex projects in the city, including work at NYU Langone Medical Center, 2 Penn Plaza, the Shirley Chisholm Center, and 220 Central Park South.

CAGNY opposes this proposed rule. Our members prioritize safety and maintain some of the safest jobsites in New York City, and we are proud of that record. After careful review, we believe this rule, as currently written, will reduce the number of qualified construction superintendents, disrupt the careers of experienced professionals, and ultimately make jobsites less safe. We have organized our comments around the specific issues we see with the proposal, and for each one, we have provided a proposed solution to the concern raised.

Issue One: Eliminating Experience Pathways That Have Worked

The proposed rule would eliminate qualification pathways that have been part of the licensing framework for ten years, including experience as a safety official, safety manager, safety engineer, or working with plans in a relevant construction trade, with a hard cutoff of December 31, 2026 for people with those qualifications to obtain a superintendent license. Professionals have been building their careers around these pathways for nearly a decade, and as the types of projects that require a construction superintendent license have been expanded, the panoply of pathways to obtain the license ensures both adequate numbers of people for the work that needs to get done, as well as proper qualifications and training.

DOB's own statement of basis states these pathways were "unclear and difficult to quantify;" the appropriate correction to this uncertainty, however, is clarification, not elimination. Reducing the pathways for obtaining a license leaves professionals with reduced opportunities, which in turn will reduce the number of qualified professionals which does not result in better safety – it simply results in fewer projects that can be built safely. Additionally, the December 31, 2026 deadline does not reflect the practical realities individuals on track to obtain a superintendent license under the current

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framework face of demanding schedules, limited training availability, financial constraints, and the time it takes just to gather employer affidavits and supporting documentation.

CAGNY recommends that: DOB keep the current qualification pathways and define what is required to be a safety official, safety manager, or safety engineer, and what working with plans in a relevant construction trade means. In the alternative, DOB should at least extend the transition period well past December 31, 2026, and establish a meaningful grandfather provision for professionals who are currently working toward licensure under these pathways. In sum, providing definitions and clarification with respect to unclear and difficult to quantify terms will ensure that there are adequate, qualified licensed personnel to work on all of the projects that need to be built.

Issue Two: Safety Certifications Alone Don't Capture What a Superintendent Does

The proposed rule establishes qualifying pathways almost exclusively toward safety certifications like the Certified Safety Professional (CSP) or Construction Health and Safety Technician (CHST). We understand and agree that safety credentials matter. A construction superintendent, however, is not simply a safety compliance officer: licensed construction superintendent is a career construction management role held by some of the most experienced people in our industry. Superintendents manage complex logistics to keep the public safe, sequence work to avoid hazards before they develop, control schedules and budgets, and are directly accountable for safety, quality, and efficiency on the job. That kind of expertise is not learned in a certification course; it comes from years of training, course work, and critically, hands-on experience in the field. Pushing all qualifying pathways toward expensive certifications with significant fees and exam burdens creates financial barriers for highly qualified workers and not only shrinks the pool of future superintendents at exactly the wrong time, but does not foster a safer work environment because a lot of what keeps a work site safe is the knowledge and experience gained from working in the field.

CAGNY recommends that: DOB should revise the rule to recognize the full range of construction work, training, and experience as a qualifying basis for the license. The qualifying pathways should reflect what a superintendent actually does on the job and not treat a single type of safety certification as a stand-in for overall competency.

Issue Three: This Rule Will Make an Existing Shortage Worse

Currently, a licensed superintendent must be on-site whenever a project is open. Construction managers are already stretched thin — they are routinely forced to bring in outside, unfamiliar licensed superintendents on weekends and off-hours, with real consequences for safety and

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project costs. An outside superintendent who does not know the job, the crew, or the site conditions does not provide the same level of oversight as an in-house superintendent who is invested in the project and knows every detail of the work. This rule will exacerbate the existing shortage of qualified licensees and require that more job sites more often will have to bring in people who are not familiar with the site or the workers. Eliminating reasonable, viable pathways to obtaining a license means fewer qualified in-house superintendents, which means more reliance on outside hires, which means less safe jobsites. This would seem to be the opposite of what DOB is trying to accomplish. It is also worth noting that this proposal follows Local Law 149 of 2021, which is already expected to tighten on-site presence requirements and increase competition for licensed superintendents starting in 2027. Narrowing the licensing pathway at the same time will not improve safety outcomes and will make it harder to complete the housing and infrastructure projects we desperately need done.

CAGNY recommends that: DOB should create a structured apprenticeship pathway for the construction superintendent license. Under this model, an applicant would complete an 18-month apprenticeship under a licensed superintendent, maintain a daily log of their work and responsibilities, and the sponsoring superintendent would take a short course on their obligations in the program. This would build a pipeline of trained, qualified in-house superintendents through real, supervised experience.

Issue Four: Removing the Education Credit Closes the Door on Promising Professionals

The proposed rule would eliminate the provision that allowed up to three years of college, technical, or trade school education to count toward the experience requirement. This negatively impacts younger workers, career changers, and people who made real investments in their education. This would especially affect graduates with degrees in Construction Management, Engineering, or Architecture who chose to go into the field rather than pursue professional licensure and are currently being mentored on major projects. It also eliminates pathways for immigrants, union tradespeople, and safety professionals who came into the industry in less traditional ways. DOB's justification for this change is that the superintendent is "a senior level position." However, the proposed rule itself allows someone with just five years of experience to qualify, which most companies would consider a mid, not senior, level role. Again, the more prudent approach would be to work with industry stakeholders to redefine how the industry describes these positions.

CAGNY recommends that: DOB engage in discussions with experienced industry stakeholders to define what a "senior level" superintendent is and should reinstate the educational credit option and accept a broader range of accreditations rather than narrowing

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them. Formal degrees in Construction Management, Engineering, and Architecture should count as partial substitutes for work experience.

Issue Five: The Rule Says Nothing About Major Building Experience

The proposed rule does not address Major Building experience at all as that term is defined in the New York City Building Code. Under the rule as written, someone with five years of general construction experience could qualify to supervise a building over 75 feet tall, which is defined as a Major Building, without any demonstrated experience in the New York City market or the specific DOB code requirements that apply to those structures. That is a gap we cannot overlook, because these are among the most complex and high-stakes projects in the city.

CAGNY recommends that: DOB should amend the rule to require that applicants seeking to supervise Major Buildings show specific experience on Major Building projects, including familiarity with the NYC DOB Building Code requirements that apply to that work.

Issue Six: There Is No Examination Requirement

Lastly, the proposed rule does not require applicants to take an examination, which does not seem consistent with the goals of the proposed changes. Without an exam, there is no consistent, objective way to verify that a licensed superintendent actually knows the NYC Building Code. The FDNY requires a rigorous exam just to get a Certificate of Fitness. A construction superintendent license should require no less. An exam would set a clear, uniform competency baseline across all qualifying pathways and would give DOB and the public greater confidence in the license itself.

CAGNY recommends that: DOB should add a mandatory examination covering NYC DOB Building Code provisions, site safety requirements, and core construction management knowledge.

Conclusion

To summarize, CAGNY opposes this proposed rule as written. It eliminates experience pathways that have worked for a decade because of a lack of clarity, rather than providing clarity to those pathways, which in turn will deepen an already-serious licensed superintendent shortage, making construction less, not more safe; it relies too heavily on safety certifications at the expense of real construction management expertise; it removes educational credits that support workforce diversity; it does not address Major Building experience; and it does not contain an examination requirement or adequate time for affected professionals to adjust. CAGNY is invested in ensuring that projects get built in New York City and get built with the highest safety standards. We want to work with DOB to ensure this outcome. We are asking the

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Department to retain the experience-based pathways with clearer documentation standards, establish a meaningful grandfather provision, expand rather than narrow the role of education and accreditation, address the Major Building gap, and explore a competency examination as a safeguard. We stand ready to provide expertise and assistance in that process.

Thank you for your consideration.

Written testimony submitted on behalf of the Contractors' Association of Greater New York, Inc. (CAGNY).

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