

**STATEMENT OF THE BTEA TO THE NEW YORK CITY DEPARTMENT OF
BUILDINGS ON PROPOSED RULE CHANGE
MARCH 23, 2026**

Good afternoon,

My name is Samuel Eluto, Director of Member Relations for the Building Trades Employers' Association (BTEA). The BTEA is made up of more than 1,200 union construction managers, general contractors, and specialty trade subcontractors across New York City. Our members build the subways, schools, hospitals and other critical civil infrastructure projects. Furthermore, on these transformational projects, our contractors set a very high standard for safety. They are proud to be the safest contractors.

Through SafeBuild, our annual national conference on construction worker safety, and our monthly Safety Committee, which brings together the leaders overseeing New York City's largest active jobsites, the BTEA has long been a partner to DOB in advancing both safety practices and safety culture. It is from that position of partnership that we submit these comments today.

After careful review by our Safety Committee, the BTEA has serious concerns about this proposed rule. We believe that in its current form, it will reduce the pool of qualified construction superintendents, disrupt active licensees, and result in less safe jobsites.

This proposal is most disruptive to construction superintendents whose licenses have lapsed or are approaching expiration and who would normally just reapply and continue working. Under this proposed rules change, many professionals with perfect safety records spanning decades would find themselves unable to renew because their credentials no longer fit the newly narrowed pathway criteria. A licensee with no accidents and a demonstrated record of safe jobsite management should not be treated as unqualified. We strongly urge DOB to establish a grandfather provision for current and recently lapsed licensees, allowing them to renew under the standards by which they were originally licensed.

More broadly, the experience-based pathways have produced excellent professionals. DOB's stated rationale is that these pathways are unclear and difficult to quantify, but we find a better solution is clearer documentation standards, not elimination. Similarly, removing the provision that allowed college, technical, or trade school education to substitute for a portion of work experience closes yet another legitimate route into the profession. Rather than contracting the pathway to licensure, we urge DOB to accept a broader range of accreditations and strengthen evidentiary requirements where needed. We would also recommend that DOB consider adding a competency-based examination as an alternative route to licensure.

Finally, this proposal cannot be considered in isolation. Recent legislation under Local Law 149 of 2021 has already limited construction superintendents to a single primary jobsite designation, with even stricter on-site presence requirements taking effect in 2027, changes that are widely anticipated to increase competition for licensed superintendents and constrain project staffing. It is counterproductive to simultaneously narrow the pathway to obtaining that license.

To summarize, we urge DOB to retain the experience-based pathways with clearer documentation requirements, establish a grandfather provision for current and recently lapsed licensees, expand rather than narrow the role of education and accreditation, and also to explore a competency examination as an additional pathway. We stand ready to work with DOB to get this right, and we thank the Department for the opportunity to be heard today.