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## *To All Our Clients & Friends*

Once again, another innocent construction worker has been killed while doing his job. This is a terrible situation, and we call on all New Yorkers to write letters of protest to your assemblyman, congressman, and state senator. This is a terrible tragedy for the family of Anthony Esposito, and for all New Yorkers, that employers are not providing safe, accident-free places to work.

Whether you are a construction worker or day laborer, whether you deliver food for restaurants or work in a nail salon or garment factory; from skilled asbestos removers and stage hands in theaters, to city and state employees – you all deserve a safe workplace, a decent, legal wage, and the right to work free from harassment and threats.

Let's all work together so that one day we can proudly say that New York is the safest city for workers in the world.

All best wishes,

David Klein

September 5, 2008

## Worker Is Killed in City's Latest Crane Accident

By KEN BELSON and WILLIAM K. RASHBAUM

A construction worker fell about 400 feet to his death on Thursday as he and others worked to lower a tower crane at a building site on the West Side of Manhattan. It was the latest in a series of high-rise accidents in recent months — and the third fatal accident involving cranes — that are certain to bring renewed scrutiny to the Bloomberg administration.

The accident occurred about 9:30 a.m. as a team of seven men worked to lower part of a tower crane that had been used to erect a 58-story tower at 600 West 42nd Street, between 11th and 12th Avenues, where the developer Larry A. Silverstein is building the Silver Towers on the River, a 1,350-unit residential building scheduled to open next year.

The worker, Anthony Esposito, 48, a crane rigger, was on a 20-foot working platform attached to the crane about 40 floors up, said Deputy Chief Anthony DeVita of the Fire Department. The platform apparently tilted, according to one investigator, and Mr. Esposito lost his footing.

Mr. Esposito was wearing a safety harness, but it was not attached to anything, Mayor Michael R. Bloomberg said.

The authorities are trying to determine whether the platform was properly anchored, the investigator said. It appeared to have been secured at only two points instead of four, the investigator added.

Tony Sclafani, a spokesman for the Buildings Department, said the platform was inspected on Tuesday. But he would not say whether it had been moved or altered since then.

Hours after the accident, a stream of family and friends had gathered at Mr. Esposito's house in Baldwin, on Long Island.

A family friend who called himself Rocky but would not give his last name said Mr. Esposito had three children — one who just received confirmation, and a 13-year-old daughter and a child in high school.

"He worked for his family first," Rocky said, adding that Mr. Esposito knew his job was risky. "He caught the train at 5:30 a.m. every morning, he worked Saturdays, holidays, whenever he can for his family."

Chief DeVita and other city officials said the crane did not appear to have any structural problems.

The operation and inspection of tower cranes have received considerable scrutiny this year after nine people were killed when two of them fell in separate accidents.

The first accident occurred in March on East 51st Street, and left seven people dead. In that case, nylon straps snapped as they were being used to help "jump" the crane — in that case, raising it. The crane in Thursday's accident was also being jumped, although in this case it was being dismantled, or lowered — an equally perilous operation.

The March collapse prompted the Buildings Department to issue tougher safety protocols for jumping cranes, and this was the first fatal accident to occur during a jump since.

Those protocols required that a Buildings Department inspector be present when a crane is jumped.

That provision was eliminated when the department issued a later set of protocols just two days before a second fatal crane accident in May.

That accident, on East 91st Street, did not involve a crane jump and left two workers dead.

There was no inspector at the scene on Thursday, Mr. Sclafani said.

In issuing the protocols in May, the department said it stopped requiring an inspector because a review of crane jumps found it unnecessary.

As friends of the Esposito family gathered in Baldwin, the New York City Council voted unanimously to adopt a series of crane safety measures, many of which echoed the new protocols.

The accident happened early in the workday at the gleaming glass towers overlooking the Hudson River, as cars and tourist buses streamed past on the West Side Highway.

Several construction workers, visibly shaken, waved off reporters as they left the building and walked to their cars.

Keith Gray, 44, the foreman of the sheet metal workers at the site, said he saw Mr. Esposito half-covered with an orange tarp as emergency workers worked on him. Mr. Gray, who works for Aabco Sheet Metal, said Mr. Esposito was wearing a yellow body harness that stretched from his thigh area up to and around his shoulders.

"The guy had a harness on when he was on the ground," Mr. Gray said, "but I heard he was not attached — he was not hooked off. If he was hooked off, we have supports along the building and he'd have been attached to that, and then if he fell he'd have been dangling in the air."

One investigator involved in the inquiry said Mr. Esposito had unhooked the harness shortly before he fell.

Another investigator said federal safety officials were looking into whether the platform was sufficiently secured and whether one of the safety railings on the back side of it — where Mr. Esposito apparently fell — had been removed.

Experts said jumping a tower crane was one of the most dangerous phases in the use of the giant machines.

Mr. Sclafani said the department had issued a stop-work order on the site, which includes two 58-story towers. Mr. Esposito fell from the northwest corner of the complex. Work began in October 2007, and the towers have been built to their full height.

Richard Mendelson, the area director for the federal Occupational Safety and Health Administration who will supervise the agency's investigation, said it was too soon to draw conclusions about what led to Mr. Esposito's death.

In the investigation, OSHA and the Buildings Department are being joined by prosecutors from the rackets bureau in the office of the Manhattan district attorney, Robert M. Morgenthau, which has looked into the two earlier fatal tower crane accidents, and the city's Department of Investigation.

As Chief DeVita briefed reporters about two hours after the accident on Thursday, a large black section of the crane was being lowered to the ground behind him, with nylon straps clearly visible securing a section of the crane's frame.

The bills that the City Council approved late Thursday would, among other things, require that general contractors hold safety coordination meetings with engineers, riggers and safety managers before erecting or dismantling a crane, and that crane workers take a 30-hour training course. The law allowed stop-work orders to be imposed faster.

"We're not going to tolerate sloppiness that leads to injury and death," Mayor Bloomberg said.

The general contractor at the site of Thursday's accident was Gotham Construction, and the concrete subcontractor was DiFama Concrete, according to city records. Mr. Esposito worked for DFC Structures, an affiliate of DiFama, according to a spokesman for the company.

A worker for DiFama died in January when he fell 42 stories from the top of Trump SoHo, a condominium hotel under construction at Varick and Spring Streets in Manhattan.

DiFama has a history of safety violations at projects in Manhattan and has been fined tens of thousands of dollars in penalties, according to federal records.

In November 2004, another DiFama employee died when he fell 60 feet from a platform on the mast of a construction crane at what is now the Lumiere, a seven-story condominium on 53rd Street, west of Eighth Avenue.

A woman who answered the phone at the company on Thursday said it would have no comment.

Mr. Morgenthau's rackets bureau and the city's Department of Investigation are conducting a broad criminal investigation into corruption in the Buildings Department's cranes and derricks division, which has already resulted in the arrests of an inspector and the unit's acting chief inspector. The office of a crane company, Nu-Way Crane Services, were searched as part of the investigation and more charges are expected, people briefed on the inquiry have said.

*Reporting was contributed by Charles V. Bagli, Al Baker, Russ Buettner, David W. Dunlap, Ann Farmer,*

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