



# Empire State Forest Products Association

*The people behind New York's healthy forests and quality wood products*  
*www.esfpa.org*

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## **Memorandum of Opposition** **A 4947/S 621**

Honorable Rodneyse Bichotte Hermelyn  
Member of Assembly  
727 LOB  
Albany, NY 12248

Honorable James Sanders  
Senator  
711 LOB  
Albany, NY 12247

March 15, 2021

Dear Assembly Member Bichotte Hermelyn and Senator Sanders:

The Empire State Forest Products Association (ESFPA) has concerns with **A. 4947/S. 621** relating to crimes involving the death or injury of a worker and the fines and penalties that can apply to an employer and supervisor in the workplace.

The Empire State Forest Products Association (ESFPA) represents over 300 member businesses, industries and landowners engaged in forest resource production and stewardship of New York's 19 million acres of forest. In total, \$22.9 billion dollars in annual industry production and nearly 100,000 jobs are attributable to operations of various industries within the forest related sectors.

The forest products industry and forest-based economy from landowners to loggers, from haulers to heavy equipment operators, from mill owners to manufacturers take safety very seriously and despite the high risk of many facets of the industry, our rates of injury and compliance to safety standards has never been better. We value every worker and put tremendous resources into workplace safety training and implementation.

This legislation expands worker protection significantly beyond existing law and creates a new focus on the criminality of employers and, in particular, supervisors in the workplace. The bill states that a "person in a supervisory role" reaches a degree of liability that almost everyone on a work site in a managerial or oversight role could be criminally liable. A strict interpretation of this proposed language would make most any individual in an employer/employee, supervisor/subordinate, or contractor/subcontractor relationship subject to criminal liability.

The proposed law also expands the Penal Law dramatically, placing the breadth of the business community at serious risk beyond civil liabilities already in law. The proposed changes will also disproportionately impact small businesses and contractual relationships that will put pressure on insurance underwriters and carriers and significantly increase the cost and potentially availability of insurance to businesses and owners. The legislation will add to the already heavy burden of new businesses entering the economy due to costs associated with starting a small business or sole proprietorship. These types of businesses are very prevalent in New York's forest economy and already there is a scarcity of new workers entering the forest economy.

Like so many legislative pursuits that impact manufacturing and construction in New York, this bill will hurt small businesses and contractors engaged in our forest-based economy. Because of the broadness of the language and the overreach in liability and penalties associated with this legislation, ESFPA cannot support this legislation and opposes its adoption.

Cc: Senate Codes Committee Members  
Assembly Codes Committee Members

**For More Information Contact:**

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