

Bronx Construction Fire Injures Three as Construction Fires on the Rise

Contractors have a legal duty to protect worker safety, says Bronx construction accident injury lawyer. by Christopher Hazlehurst, J.D.

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/EINPresswire.com/ -- Three construction workers were injured recently in a fire on a Bronx construction site which had been the subject of numerous safety violations. The recent fire, which occurred on the morning of May 15th, is another data point in the country's growing construction fire problem.

The fire in question occurred while the three workers were conducting waterproofing. The waterproofing material caught fire and burned the workers, hospitalizing all three.

In response to the fire, the City issued a stop-work order. Apparently, it was not the site's first encounter with building inspectors. An [investigative report by local news outlet CBS2 New York](#) discovered that the site had been subject to more than 25 violations over the past year. Twelve of the violations were still listed as open on the date of the fire. All of the citations pertain to construction safety concerns.

Five more citations were issued after the fire, demonstrating an alarming pattern of improper training and lack of proper permits for hazardous equipment such as using a propane torch on site. The general contractor operating the site had even been cited for continuing to work after a prior stop-work order had been issued. Despite the violations, the general contractor continues to obtain work permits through the City.

According to Kevin Kohn, a construction accident and personal injury attorney who leads the



Kevin J. Kohn, Bronx Personal Injury Lawyer



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*Kevin Jay Kohn, New York
Personal Injury Lawyer*

Bronx-based [Kohn Law Firm](#), several parties are responsible for ensuring the safety of construction workers on New York construction worksites. “Under New York’s scaffold law,” says Kohn, “contractors, owners and their agents are all responsible to furnish or erect safety devices to give proper protection to workers.” Kohn goes on to explain that contractors and owners are “absolutely liable” for injuries caused by violations of the scaffold law, which covers gravity-related injuries such as falls from heights or being struck by a falling object.

“New York labor law also contains a general negligence statute that can be used against owners and general contractors, regardless of whether the accident is related to an elevation differential,” continues Kohn. “This law, New York Labor Law section 200, would cover situations like construction fires where the owner or contractor did not arrange and operate the construction site to provide reasonable and adequate protection for the lives, health and safety of all persons employed on the site,” Kohn explains.

Whether or not New York officials could have done more to prevent the recent incident, construction fires have been on the rise around the country. [A 2022 report from the National Fire Protection Association \(NFPA\)](#) found an average of 4,300 estimated fires in buildings under construction each year between 2016-2020. 2020 alone saw an estimated 4,750 construction fires, up an alarming 35 percent from the 3,510 construction fires in 2010.

According to the report, compiled from data drawn from local fire departments around the country, the most common cause of construction fires (as with all other structure fires) is cooking equipment. Electrical and lighting equipment are also leading causes of fires, accounting for 16 percent of the total fires but almost half (46 percent) of property damage. Cooking equipment and heating equipment tend to cause smaller, more concentrated fires but are more likely to lead to injury. Fires involving torches and other similar equipment--like the recent Bronx fire--account for only around seven percent of fires. Only one in ten fires is set intentionally, per the estimates.

The NFPA points to a number of commonalities among the fires and offers suggestions for how construction sites can aim for better fire prevention. An outsize share of fires occurs in the winter months, for example, suggesting that temporary heating equipment--or improperly using other gear for heating, despite the presence of combustible materials on site--is a large contributing factor. The safety organization also suggests that temporary electrical wiring and lighting is an especially common culprit, emphasizing the need for proper installation, maintenance, and review by qualified personnel.

The leading factors contributing to ignition, including placing heat sources too close to

combustible materials as well as electrical failures or malfunctions, suggest that a lack of fire safety precautions and adequate training are strongly correlated with construction site fires. Measures such as prohibiting the use of temporary cooking equipment, ensuring electrical installations follow established protocols, and enforcing cool-down periods for hot work (torches, soldering irons, burners, etc.) would go a long way in stemming the rising tide of construction fires nationwide.

Local safety officials should take heed of the problem and enforce more stringent fire safety protocols to avoid further risk to workers and civilians alike. Meanwhile, workers are encouraged to call 911 to report an immediate danger such as natural gas odors or other potential gas leaks, as well as falling debris and accidents. Workers can also file a building construction complaint with the city to report building construction work that is unsafe, done without a permit, after hours, or outside approved plans. Construction workers who are injured on the job might also be able to pursue a civil claim for monetary damages under statutes like the scaffold law or the general negligence law in addition to any workers' compensation claims they may have.

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