



American Council of Engineering Companies of New York

ACEC NEW YORK SUPPORTS EMERGENCY RESPONDER LEGISLATION

The American Council of Engineering Companies of New York (ACEC New York) strongly supports emergency responder legislation to prevent future misguided lawsuits against engineering firms for on-site conditions that are entirely outside their assigned responsibility. Unlike Good Samaritan Laws, which protect only unpaid volunteers from liability for work performed during state or national disasters, emergency responder legislation would provide design professionals immunity from lawsuits that attempt to make engineers responsible for work outside their scope. This legislation will ensure that engineering firms will be available and able to respond to future emergencies.

One example of an inequitable lawsuit is the air quality litigation against structural engineers following the site cleanup from the September 11th attacks. The immediate response by the engineering community in providing structural consulting services at Ground Zero contributed to perhaps the largest recovery and site cleanup in modern history. Structural engineers were hired to assess the structural stability of the surrounding buildings and the massive debris pile that in areas reached the height of a ten-story building. They performed this task successfully as no serious injury or fatality resulted from structural instability. Unfortunately, there are numerous lawsuits against these firms not pertaining to their work as professional engineers, but rather to claims by over 10,000 plaintiffs who allege illness due to toxic exposures. We support pending federal legislation establishing an adequate compensation fund for individuals who participated in the rescue, recovery and debris removal effort. Accordingly, structural engineers should not be held liable, as air quality is outside of their expertise and scope of work.

The engineering profession is committed to public safety and integrity, but their responsibility to the public can only extend to the areas in which they are knowledgeable. The lawsuits pertaining to air quality at Ground Zero are an exacerbating problem to these firms hired to assess structural matters. Not only are the lawsuits themselves enormously expensive, but they also call into question whether firms can afford to offer their services in the event of future catastrophes. Following Hurricane Katrina, there were virtually no engineering volunteers from New York because of their fear of litigation. It is unfortunate that litigation regarding health effects at Ground Zero would prevent engineers from aiding in catastrophic situations, where their expertise is not only helpful, but necessary.

ACEC New York is promoting common-sense change so that in the future, engineers will be able to step up and provide necessary expertise without putting their businesses or personal property at risk.

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ACEC New York is the leading advocate for New York State's consulting engineering community, striving to enhance the business practices of professional engineering companies in the planning, design and construction industry. Founded in 1921, ACEC New York presently consists of more than 240 engineering firms employing more than 100,000 people worldwide.