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 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. State Legislation will ensure that engineering firms will be available and able to respond to future emergencies.

Unfortunately, events such as the World Trade Center attack and Hurricanes Katrina and Sandy have shown that many design professional firms face devastating lawsuits following providing emergency response services. 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 supported 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 and for which their services were retained. The lawsuits pertaining to air quality at Ground Zero were enormously expensive and cast a chilling effect on firms’ willingness 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 unreasonable 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.

There is a strong public interest in protecting the lives and property of victims during and after a disaster. It is in the interest of all to encourage those with critical expertise to volunteer and provide services that will aid in recovery. 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.

Founded in 1921, the American Council of Engineering Companies of New York (ACEC New York) is the state’s premier organization for consulting engineering firms, representing 280 companies and over 20,000 employees in New York. The organization’s mission is to further the business interests of its members through advocacy, networking, education and business services. For more information, visit www.acecny.org.