

**Testimony of Angela Licata,
Deputy Commissioner for Sustainability
New York City Department of Environmental Protection
before the
New York City Council Committee on Environmental Protection
concerning**

**Intro. 867: In Relation to the Creation of a Voluntary Master Environmental Hazard
Remediation Technician Registration Program**

**250 Broadway, 16th Floor
December 9, 2013, 10 am**

Good morning Chairman Gennaro and Members. I am Angela Licata, Deputy Commissioner for Sustainability in the New York City Department of Environmental Protection (DEP). Thank you for the opportunity to testify on Introduction 867, which would create a voluntary master environmental hazard remediation technician registration program.

Superstorm Sandy was the most recent event that brought home how daunting an undertaking environmental cleanup can be; many New Yorkers are still dealing with its damage. And that is not to discount the devastating effects of more mundane yet disruptive events such as a house fire, sewer backup or major water leak. Self-help in such instances goes only so far, at which point, home- and property owners will turn to professionals to perform the cleanup properly so they can feel sure that their health will not be compromised by lingering problems.

Introduction 867 proposes to enhance the trust and confidence homeowners feel in a contractor they hire after such events. This bill would put a program in place that will assure that a remediation technician's training in cleanup and management of the range of pollutants, contaminants and materials has been comprehensive and is up to date. The bill sets forth the minimum course requirements for certification and specifies that DEP will approve and possibly audit the various courses offered; promulgate rules for application and certification as a master environmental hazard remediation technician; amend the list of training programs as needed by rule; and provide notice and the opportunity to comment in the case of revocation of a practitioner's certification. The certification fees are to be set at a level adequate to cover the costs of administering the program.

While we support the intent of this bill, we would point out that environmental remediation technicians already have the option of pursuing training and certification programs offered by The New York State Department of Labor (DOL) and the U.S. Environmental Protection Agency (EPA). There are also a number of qualified environmental firms with Certified Industrial Hygienists (CIH), a professional designation that encompasses the range of environmental assessment and remediation activities. These professionals provide important services to the public during cleanup and remediation following environmental releases.

Second, we have difficulty envisioning how the fee set for individual certifications will offset all the costs of establishing and administering the program, from promulgating rules, devising and

processing applications, monitoring and maintaining the rigor of the requirements, and handling the procedural and legal costs of rule changes and revocations.

Finally, even recognizing that the program is voluntary, it would create jurisdictional issues for contractors and workers from other states and localities who might be equally qualified but have not sought this particular certification and who would thereby suffer a competitive disadvantage. That is the advantage of relying instead on certification as an industrial hygienist or on training offered by DOL or EPA.

We hope going forward to work with this committee to address these concerns and craft a bill that would fulfill the intent to ensure that environmental cleanups are done at a uniformly high level of professionalism by qualified contractors. Thank you for the opportunity to testify.



**NYSFAH Testimony before the Committee on Environmental Protection
Intro 867-A
December 9, 2013**

Good morning. My name is Alexandra Hanson and I am here representing the New York State Association for Affordable Housing (NYSFAH), the trade association for New York's affordable housing industry statewide. Our 300 members include for-profit and nonprofit developers, lenders, investors, attorneys, architects and others active in the financing, construction, and operation of affordable housing. Together, NYSFAH's members are responsible for most of the housing built in New York State with federal, state and local subsidies.

I would like to thank Chair Gennaro and the members of the Committee on Environmental Protection for the opportunity to testify today on Intro 867-A. NYSFAH recognizes the Council's efforts to develop a voluntary Master Environmental Hazard Remediation Technician registration, which will recognize individuals who have completed the outlined training related to environmental hazard remediation. However, we are concerned that the definition of "department approved training provider" outlined in the bill is overly narrow and will exclude qualified individuals from registering.

Intro 867-A defines approved training providers as training programs or courses that are conducted by a registered New York State Department of Labor Apprenticeship Program, by an educational institution recognized by the New York State Education Department, or by an Institute of Inspection, Cleaning, and Restoration Certification approved provider. This definition excludes many programs run or recognized by qualified organizations, such as the Red Cross, the American Society for Healthcare Engineering, or the American Medical Association.

Upon review of IICRC courses, it appears that many of the courses required by Intro 867-A for registration as a Master Environmental Hazard Remediation Technician are not currently offered in New York. Additionally, there are only 87 active DOL approved apprentice programs in New York City, none of which are specifically focused on the type of environmental hazard remediation training outlined in Intro 867-A. By definition DOL apprenticeships are exclusive to employees of companies that have approved programs and are not open to the general public. These DOL apprenticeship programs are also largely run by trade unions in New York City, excluding many smaller contractors and MWBEs from being eligible to be recognized through the registration program.

As such, we are concerned that the current criteria for department approved programs will exclude qualified individuals who have received the necessary training to be considered a "Master Environmental Hazard Remediation Technician" simply because their training program

fell outside of the narrow definition outlined in the bill. Additionally, under the current language in Intro 867-A, DEP would be required to accept training from DOL apprenticeship programs without oversight into the substance of the training, despite the fact that none of the active DOL programs in New York City specialize in environmental hazards remediation. Intro 867-A should be amended to allow for any provider of the required courses that DEP deems to be satisfactory to count towards the registration criteria.

Finally, the phrase “properly trained” in Section 24-1001 regarding “master environmental hazard remediation technician identification” should be replaced with “has completed the training outlined in this legislation relating to performing” in order to clarify the definition, as “properly trained” is insufficiently clear.

I would like to thank Chair Gennaro the Committee on Environmental Protections for the opportunity to testify today and for your consideration of NYSAFAH’s concerns.

December 9, 2013

Contact: Alexandra Hanson, New York City Policy Director, NYSAFAH (646) 473-1209



Council of New York Cooperatives & Condominiums
INFORMATION, EDUCATION AND ADVOCACY

250 West 57 Street • Suite 730 • New York, NY 10107-0700

**TESTIMONY COMMENTING ON INTRO 867-A
WHICH CREATES A VOLUNTARY PROGRAM FOR
MASTER ENVIRONMENTAL HAZARD REMEDIATION TECHNICIANS,
ESTABLISHES EDUCATIONAL REQUIREMENTS FOR THESE TECHNICIANS
AND FOUR-YEAR REGISTRATION FOR QUALIFYING MASTER TECHNICIANS**

Presented by Mary Ann Rothman, Executive Director

Monday, December 9, 2013

Good morning Chairman Gennaro and members Committee. My name is Mary Ann Rothman, and I am the Executive Director of the Council of New York Cooperatives & Condominiums (CNYC), a membership organization comprised of housing cooperatives and condominiums located throughout the five boroughs of New York City. More than 170,000 New York families make their homes in our member buildings. Like all New Yorkers, we want clean air to breathe both inside and outside of our homes. But we are also mindful of the cost in time and stress and dollars that legislation and regulations can impose on our members. Intro 867-A is clearly well-intentioned, but we are uncertain as to its purpose and concerned about the very broad reach of some of its provisions.

There may indeed be a need to create uniform standards of education and training for those who remediate hazardous environmental conditions, but we have not seen that need demonstrated and would urge the Council to proceed cautiously. It is our impression that only a few very large restoration/remediation firms would have the financial resources to comply with the standards that are proposed here. Their monopoly on this certification would greatly increase costs to buildings. And the Master Environmental Hazard Remediation Technician described here is a generalist, a jack of all trades. We believe that our member buildings are better served by retaining true experts and specialists whose area of knowledge and in-depth expertise and knowledge is in the one specific area where they face an issue (e.g. lead remediation, mold, asbestos, etc.).

We respectfully request that the Committee continue its investigation of this issue and not move this legislation until it has had an opportunity to address the levels of seriousness of potential hazards, the ramifications of consolidating all environmental issues in this way, and, should it then choose to proceed, to identify the specific types of conditions where the services of a Master Environmental Hazard Remediation Technician would be appropriate.

Notwithstanding our desire for further study, we do have a few comments on the specifics of this bill.

Please turn the page

REQUIREMENTS MUST BE REASONABLE

The introductory paragraph of this legislation contains an exhaustive list of "irritants", including bird droppings and construction dust that building staff regularly cleans up. CNYC cannot support legislation that would suggest to litigious tenants or others that routine maintenance must be performed by someone educated and certified to deal with environmental hazards. Buildings cannot be asked to obtain a costly report from a Master Environmental Hazard Remediation Technician for every small event or risk the accusation that an in-house clean-up was "haphazard, incomplete, insufficient and unsafe"

EDUCATION

The training requirements are very comprehensive. Are all these classes are presently available in New York City, with the focus on New York City laws that the legislation properly requires. If this is not the case, will six months be sufficient time for DEP to ensure their establishment and to approve their content? And with so comprehensive a curriculum, is this a worker certification or a semi-professional one? Would the Master Environmental Hazard Remediation Technician be authorization for any filing or certification with any agency?

REGISTRY

If such a registry is created, where will it be housed? Will it be available to the public? If a registration is suspended or revoked, what disclosure will be made to the public?

WILL OPTIONS BECOME MANDATES?

We are also concerned about the very realistic possibility of a slippery slope where this voluntary opportunity to be certified evolves into a mandate for certification, paralleled by a change from where it is voluntary for our members to hire Master Environmental Hazard Remediation Technicians becoming a requirement to hire them to perform periodic inspections or tasks.

MORE DETAILED LEGISLATION

Finally, these and many other details are left to the Commissioner of Environmental Protection in establishing the Rule to implement Int. 867-A. This is also a cause for concern, as we have frequently found Rules to be far more stringent than the legislation that led to them, and organizations such as ours rarely are able to have input once Rules are proposed. The legislative process is far more democratic, where hearings such as this one offer genuine opportunities to make suggestions that improve a proposed law.

Thank you for this opportunity to comment.

Environmental Contractors Association of New York, "ECA" Intro 867A Testimony before the NYC Council Environmental Committee, December 9, 2013 by Robert Avaltroni, ECA advisor/consultant on behalf of the "ECA"

Good Morning Chairman Gennaro and members of the NYC Council Environmental Committee. I'm Robert Avaltroni, advisor/consultant of the Environmental Contractors Association of New York. Chairman Gennaro, you also know me as former Deputy Commissioner of the NYC Department Environmental Protection, your former colleague in government during your run as the greatest chairman in the history of this Committee. We've worked closely for many years to pass responsible meaningful legislation together and this likely marks our last endeavor in that regard. My professional and personal respect for you is immense and goes beyond the boundaries of these council walls. As I'm sure you know, the Environmental Contractors Association of New York "ECA" advances the needs of professional environmental contractors by adhering to the highest professional safety and integrity standards. In 1996, a small group of contractors, led by Frank Garito, established the "ECA" with a goal to make a positive impact on the industry that serves the city and region. Frank Garito is a man I came to know and admire during my tenure in government. Frank's passing this past year was felt by many and we at the "ECA" dedicate this hearing and Intro 867A to his memory. Frank's "ECA" has grown to include over 50 members that are committed to raising industry standards. Karen Grando, our current president, carries on Frank's legacy to ensure we make the industry better and responsive during these challenging times. The "ECA" contractors specialize in the areas of hazardous materials removal, emergency response, asbestos removal, infectious, oil, sewage, chemical spills, brownfield, mold, contaminated water and re-insulation. I'm here today with Morris Napolitano, ECA board member and president of Degmor, Incorporated on behalf of the "ECA". We're

especially proud to be here as the management link in solidarity with our partners in business and labor. We are here to identify the importance of having people protected in any situation. I will speak of our outreach to REBNY and their genuine support of Intro 867A that protects individuals and businesses alike. I will give personal experiences and reference my role as former deputy commissioner of the DEP. I will spell out the need to pass Intro 867A based on my real life experiences and the impacts it has on the citizens of our great city. I will explain that most incidents have a unfortunate environmental consequence. I will explain how the increase of environmental illnesses right now threatens society and any status quo is unacceptable and irresponsible. I will explain that we no longer have the luxury of time on our side as we wait for the next unknown disaster. I will speak about the devastation of Sandy and our participation in a successful mold treatment program that addressed over 2,000 homes. I will discuss how this bill is not relegated alone to disasters and how comprehensive remediation is required in any situation. I will speak about the Grand Central Terminal area steam pipe explosion in 2007, building collapses, super storm Sandy and of course manmade disasters like the cowardly attacks of 9-11. Chairman Gennaro and members of this good committee, I will speak of how virtually every incident of magnitude has an environmental footprint and we must now take this first bold step to further protect people through progressive change. We are all protectors of the environment and must not shirk our respective responsibilities by not passing Intro 867A. Intro 867A does not give the "ECA", Mason Tenders or REBNY any advantage regarding the needs highlighted in this needed piece of legislation. In fact, this legislation seeks to have many more truly skilled remediation experts by raising the bar and imposing more stringent expectations on our industry to protect people. Knowing Chairman Gennaro and this distinguished Committee, I trust we'll embark on a new day of environmental protection with the passage of Intro 867A. Let me now dialogue with you speaking from my personal experiences. I thank you for the opportunity to come before you today to give testimony on behalf of the "ECA".

FOR THE RECORD

December 6, 2013

**Diane D. Buxbaum, MPH, Master Environmental Health Science
365 Sackett St.
Brooklyn, NY 11231-4703**

Re: Int. No. 867-A To amend the administrative code of the city of New York in relation to the creation of a voluntary master environmental hazard remediation technician registration program.

I am stating my support for the proposed legislation. It will fill a gap that exists in the protection of workers at hazardous waste and disaster sites.

In the light of the health outcomes of some of the volunteers and workers from working on damaged sites from Sandy and in some cases, still ongoing exposures, this piece of legislation comes as a welcome step forward in worker protection.

The proposed training requirements are rigorous, but not onerous: including among them OSHA Safety Standards..., NYS Asbestos Handler....EPA Lead Worker, HAZWOPER, etc. are thorough and hopefully will ensure safe working conditions for all workers, licensed, documented and even those who are not documented.

This legislation will not only protect workers, it will protect all citizens New York City, especially those vulnerable populations with respiratory and perhaps other illnesses.

This piece of legislation comes from an enlightened government, and again, I strongly support it and the purpose for which it has been developed.

Diane D. Buxbaum, MPH

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

77

I intend to appear and speak on Int. No. 867 Res. No. _____

in favor in opposition

Date: 12/9/13

(PLEASE PRINT)

Name: Rick Muller

Address: on behalf of D.C. Angela Licata DEP

I represent: NYC DEP

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. 867 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Angela Pinsky

Address: Real estate Board of New York

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. 867-A Res. No. _____

in favor in opposition

Date: 12-9-13

(PLEASE PRINT)

Name: Mary Ann Rothman

Address: 110 Riverside Drive, NYC 10024

I represent: Council of NY Cooperatives & Condominiums

Address: 250 West 57 Street, NY 10017

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. 867 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MIKE MCGUIRE
Address: 206 W. 37th St, FL 7 10018
I represent: MASON TENDERS D.C.
Address: same

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. 867-A Res. No. _____

in favor in opposition

Date: 12/9/13

(PLEASE PRINT)

Name: Alexandra Hanson
Address: 242 W 36th St 3rd Fl.
I represent: NYSAFAM
Address: same

Please complete this card and return to the Sergeant-at-Arms

