



March 13, 2023

Testimony of Commissioner Laura Kavanagh

Preliminary Budget Hearing

Good morning Chair Ariola and all Council Members present. My name is Laura Kavanagh and I am the Commissioner of the New York City Fire Department. I am joined today by John Hodgins, Chief of Department; Lizette Christoff, Acting First Deputy Commissioner; Michael Fields, Chief of EMS; and Nafeesah Noonan, Assistant Commissioner for Recruitment and Retention. Thank you for the opportunity to speak with you today about the preliminary budget for the Fire Department.

I would like to acknowledge and thank the City Council for its recent legislation on e-mobility devices. As you know, New York City has experienced a great number of incidents of fire caused by lithium-ion batteries commonly found in e-bikes, e-scooters, and other powered mobility devices such as electric skateboards and hoverboards. A recent five-alarm fire in the Bronx is an example of the extraordinary destruction that can be caused by a single e-bike. As we testified last fall, we have seen a steep growth in the rate of these batteries causing fires. He gave you numbers at that time and I can provide for you an updated picture as of this past Friday:

<p>As of 3/10/2023</p>

Year	Investigations	Injuries	Deaths	Structural	Non-Structural
2019	30	13	0	23	7
2020	44	23	0	37	7
2021	104	79	4	77	27
2022	220	147	6	162	58
2023	38	45	2	27	11

This is an issue of great importance and I am very grateful for the Council's attention to it. We are working with policymakers at the state and federal level, and we have developed a strong cooperative relationship with the Consumer Product Safety Commission, including sharing information with their investigators and having them attend training sessions with FDNY Fire Marshals. But there is no partnership more important than our work with the City Council and the recent passage of several bills through Chair Ariola and this committee. I know that there is other legislation in the works and I look forward to our continued collaboration on this topic.

A mandates from the public and small business community upon becoming Commissioner was to improve the way that the Fire Department serves customers who need plan approval and inspections in order to open or renovate a business. An inspection is often the last stop for a small business, a theater, or a school that is opening for business. For too long, the plan approval and inspection process associated with this ability to open took months – and sometimes even several months.

We used internal specialists to investigate our software processes and implement tools that help reviewers more quickly evaluate plans. We met with the City's Chief Efficiency Officer, Melanie La Rocca, and members of her team, and we worked with several fellow agencies and experts. We welcomed counterparts and exchanged best practices, learning from their experience other types of plan reviews. We eliminated redundancies that added time to the process and frustrated applicants. Just as importantly, we emphasized customer service among our staff so that not only does the process take less time than it used to, but applicants have a better experience as well. We solicited feedback from the end-users and we took their suggestions into account. Listening to the people who navigate our processes gave us great perspective about our system.

As we eliminated inefficiencies and streamlined the permitting workflow, we generated meaningful improvement. To give you an example, in August 2022, we had more than 2700 fire alarm plans in the queue to be reviewed. As of last month, that number has dropped to approximately 300. At one point in 2022, the process took approximately 22 weeks. By January, that wait time had dropped to approximately 3 weeks. Outside of plan review, I'm pleased to note that we also have 50 additional inspectors coming on board today. Upon completion of their training, they will help us continue to boost our headcount in the Bureau of Fire Prevention.

2022 was also a very successful year for the Fire Department in terms of education and outreach to the community. As the city recovered from the pandemic and many community groups returned to in-person events, the FDNY Community Affairs Unit combined newly-developed virtual

programming and tools with traditional forms of outreach. Using a best-of-both-worlds approach, the Fire Safety Unit, the Mobile CPR unit, and the Community Engagement unit all used digital platforms to maximize reach. We are constantly analyzing and expanding our outreach targeting, engaging with youth and senior centers, immigrant groups, civic and community organizations, schools, community board, elected officials, just to name a small number.

The Fire Safety Education unit conducted more than 2400 fire safety presentations, updating members of the community on topics like basic fire safety, safe cooking, education about e-bikes and electronic mobility devices, and making an emergency plan. We held approximately 700 events in schools, making classroom presentations and engaging 156,000 students. Overall, FDNY Fire Safety Educations engaged nearly 300,000 individuals with educational programming. In fact, tomorrow our FSE team is partnering with City Council and training City Council staffers on fire safety. This included an active Fire Prevention Week, during which firefighters held tabling events across the city coordinated to coincide with aggressive social media and email campaigns, youth-oriented programming at the Fire Zone, and more than 200 firehouse Open Houses at which residents received apparatus tours and equipment demonstrations. We also held more than 25 “Change Your Clocks, Change Your Batteries” programs across the city to promote safer smoke alarms. We partnered with other New York City agencies to magnify our outreach efforts, partnering with the Department of Housing Preservation and Development to launch the “Keeping Homes Fire Safe” campaign, the Department of Youth and Community Development to provide fire safety education at Cornerstone programs, and the Department for the Aging to coordinate programming for seniors. We also installed more than 14,000 fire alarms and distributed many more for residents to install themselves.

It was also a busy year for the Mobile CPR Unit. I want to highlight their work here today because I think that many councilmembers and community leaders associate the Fire Department with fire safety education, but we also run a very successful compressions-only CPR training program and we are eager to engage with your offices. This unit is made up of active and retired FDNY EMTs and paramedics who perform in-person and virtual CPR training, enabling New Yorkers to go out into their communities and, should the occasion arise, use their skills to assist their neighbors. In 2022, through aggressive outreach, engaging schools and community groups, and erecting pop-up sites across the city, we trained approximately 30,000 individuals, a third of whom were high school students. One of those 30,000 individuals was Mayor Eric Adams, who joined me and members of the CPR team for a brief demonstration at an FDNY Block Party last summer.

Last month, an off-duty FDNY EMT waiting to start a fitness class heroically revived a patient who suddenly went into cardiac arrest. After instructing a bystander to call 911, the EMT began rounds of CPR and used an AED, after which the patient slowly began to breathe again. Moments later, an ambulance arrived on the scene. This incident exemplifies just how crucial it is for New Yorkers to learn CPR — it is a life-changing skill.

We've found that high profile incidents drive interest in members of the public learning CPR, and we pride ourselves on being ready to capitalize on this uptick in engagement when it happens. An example occurred on January 2nd on Monday Night Football when Buffalo Bills safety Damar Hamlin collapsed and was revived after receiving CPR on the field. The FDNY CPR unit took immediate action to engage members of the community and, as a result, January of this year was the most successful month in the history of the program. FDNY educators trained more than 3500 individuals in CPR, a nearly 400% increase from the same time period last year. Numbers were

elevated in February as well with over 4,000 individuals trained, a 620% increase from last year and we are on record-breaking pace for the year. If anyone listening today is interested, please reach out to the Community Affairs Unit and we'd be delighted to sign up your group for a training.

Looking ahead, we have a packed calendar of outreach events scheduled for 2023. We are continuing to partner with community groups, agencies, and elected officials and we have expanded our outreach to faith-based communities, convening an FDNY Clergy Council. Through this group, we will be assisting houses of worship with fire alarm giveaways, educational programming, and culturally-competent education.

Looking ahead, this budget contains funding for several modest New Needs. We work in close collaboration with the Mayor's Office of Management and Budget to assess and project current year spending and make adjustments as necessary. The largest of these include several adjustments to OTPS (Other than personal service) and PS (personal service) funding in FY23, which will fund mainly overtime spending in uniform operations. Other New Needs include an adjustment for motor fuel to meet rising fuel costs.

The Fire Department did receive a modest Program to Eliminate the Gap (PEG) requirement in this budget. We're being asked to eliminate 16 civilian positions, which will save the city more than \$1.1 million dollars. This reduction includes positions that do not impact fire operations or Emergency Medical Services and likewise will not impact Fire Alarm Dispatchers or Fire Protection Inspectors.

My focus - and the Mayor's focus - is on making sure that the level of service that we provide to New Yorkers remains at its highest level. We take pride in protecting the people and property of this city. Nobody in the world is more qualified to provide emergency response than the members of the FDNY, and we are grateful to the Council for its support and assistance in this mission.

I would be happy to answer your questions at this time.



Testimony of Commissioner Zach Iscol
New York City Department of Emergency Management
Preliminary Budget Hearing
March 13, 2023

Good morning Chairperson Ariola and Brannan and members of the Committee on Fire and Emergency Management and Committee on Finance. I am Zach Iscol, Commissioner of New York City Emergency Management. I am joined today by First Deputy Commissioner Christina Farrell, Chief Financial Officer Chris Blanco, and Deputy Chief Financial Officer Elisa Urena.

As the agency serving New Yorkers before, during, and after emergencies, Emergency Management coordinates the City's preparedness, response, recovery, and mitigation efforts in an ever-evolving threat landscape. We are thankful for our government, non-profit, private-sector, and community partners for helping us serve New Yorkers as we build a more inclusive and resilient city. 2022 was yet another busy year as we responded to disasters of various size and complexity, including five-alarm fires, an active shooter in the transit system, multiple flooding incidents throughout the city, disease outbreaks, mass migrations, storms and other extreme weather events, as well as deployments to other hurricane-impacted jurisdictions. Time and time again, our staff adapted plans and strategies and responded, always incorporating lessons learned from previous incidents to improve outcomes for our city. I am incredibly proud to work with the best, brightest, and hardest working emergency management professionals in the world.

In 2022, we responded to 955 incidents and monitored 2,754; this includes building collapses, infrastructure incidents, watermain breaks, incoming weather, fires, and more. Our most public-facing program, Notify NYC, available in 13 languages plus American Sign Language, issued over 2,000 messages and hit one million subscribers in 2022, a huge milestone that we are both incredibly proud of while simultaneously pushing for millions more. In an effort to further expand our presence in your communities, we embarked on a long-term project to have borough command centers strategically located throughout the city. Emergency Management's Queens Borough Command Center opened in March 2022 at Fort Totten, and the Staten Island Borough Command Center opened in June 2022 at the Petrides Campus. In 2022, we added nine Community Emergency Networks to our Strengthening Communities program, bringing the total number of community emergency plans developed to 16. Our networks in Far Rockaway and Southern Brooklyn activated to disseminate critical information to their communities during the December coastal flooding and were able to reach almost 10,000 people through phone, text messages, email and social media. In December, we received an unprecedented number of applications from community emergency networks interested in joining the program – 55 applications. From that number, we selected and enrolled 21 new networks that are currently working to develop their emergency plans by the end of June 2023.

As always, throughout all emergencies, we continue our blue-sky programs and responsibilities. We held over 650 Ready New York preparedness events, released 17 podcasts, sent 60 press releases, held over 80 briefings with the private sector, and provided hundreds of notifications to elected officials. We trained 113 new Community Emergency Response Team (CERT) members who are now volunteering their time to their communities. And, of note, we continue to strive to make this agency reflect the city that we serve. For example, continuing our commitment to best prepare our non-English speaking residents, New York City Emergency Management conducted a multilingual biennial



emergency preparedness survey and we continue to explore new and innovative approaches to better reach diverse communities with critical life safety messaging and support.

As ever we stand ready to support the emergencies that we don't expect and be able to pivot at any moment into a response posture. Beginning in August 2022, Emergency Management coordinated the City's efforts to support asylum seekers arriving in New York City. City response activities include staffing a Welcome Center at the Port Authority Bus Terminal to greet newly arriving asylum seekers; working with the American Red Cross (ARC) and Catholic Charities to open and operate a Navigation Center to connect asylum seekers with City and non-profit services; and establishing Humanitarian Emergency Response and Relief Centers with NYC Health + Hospitals to provide short-term sheltering. NYCEM continues to closely partner with the Mayor's Office of Immigrant Affairs and other agencies to identify a long-term strategy for the influx of asylum seekers.

We continue to look ahead to find new ways to prepare the city and our residents for the next emergency. With that, let me now provide a snapshot of our budget for next fiscal year.

Our projected total Fiscal Year 2024 City Tax Levy expense budget is \$31.5 million. We rely on our City tax levy expense budget to support the majority of the agency's administrative, technological and operational costs.

The projected Fiscal Year 2024 City Tax Levy Personnel Services budget is \$9.6 million, which supports the 81 personnel lines paid directly through our tax levy funds. This includes \$1.5 million in funding for 16 staff members dedicated to working on increasing communication and services to people with disabilities, access and functional needs. Our other staffing is supported through grant funds and personnel on assignment from multiple City agencies.

Our projected Fiscal Year 2024 Other Than Personnel Services budget is \$21.9 million, which covers all agency operating and administrative costs. This budget includes a significant portion of nondiscretionary funding. These funds are designated to cover our warehouse lease, utilities, and telecommunications costs including the maintenance and operations of our Emergency Operations Center and backup facilities. This money also supports our fleet and all additional equipment, supplies, and materials needed to run the agency.

The agency receives grant funding to support many of our core programs. In the past year, we secured \$31.1 million in federal funding, primarily through the Urban Area Security Initiative grant. This funding is vital to our ability to run many of our initiatives, including the Ready New York public education program, Community Emergency Response Team program, Continuity of Operations Program, Geographic Information Systems, Training and Exercises, Watch Command and Response, and Citywide Incident Management System planning, and the Emergency Supply Stockpile. We work with City Hall, OMB, the City's congressional delegation, and our partner agencies to push for full homeland security funding in future years; this money supports critical operations within ours and several other agencies' budgets and is critical to the City.

I would like to express my admiration for our incredibly hardworking and dedicated emergency managers who continue to work tirelessly to ensure our city meets challenges. I am honored to lead this agency and look forward to continuing our progress and growth. Thank you for the opportunity to testify today. I look forward to working with the Council and I am happy to take your questions.

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Mechanical Contractors Association of New York, Inc. Testimony

New York City Council Committee on Fire and Emergency Management

T2023-2993

New York City Council Budget and Oversight Hearings on The Preliminary Budget for Fiscal Year 2024, The Preliminary Capital Plan for Fiscal Years 2024-2027, Fiscal 2024-2033 Preliminary Ten-Year Capital Strategy and The Fiscal 2023 Preliminary Mayor's Management Report

The Mechanical Contractors Association of New York, Inc. (MCA), representing union fire sprinkler and HVAC mechanical contractors as well as industry suppliers and manufacturers, would like to underscore how critical it is for the city to have well-crafted, intentional laws addressing fire prevention. There have been several large fires in the last calendar year, and the budget cycle is one moment to consider the resources and legislation being proposed to curtail these tragic incidences. When considering the important issue of fire safety in our city's buildings, it is critical to ensure we take an 'all-of-the-above' approach to ensure fires like Twin Parks in the Bronx never happen again.

Fire sprinkler systems are the single most effective tool for extinguishing a fire in its early stages. As mechanical contractors, we see firsthand the importance of ensuring buildings are equipped with reliable and effective fire suppression systems, specifically automatic fire sprinkler systems. These systems play a critical role in preventing the spread of fires, protecting property, and saving lives in the event of a fire emergency. There are too many instances where a fire sprinkler system would have made the entire difference had one been required.

The effectiveness of a sprinkler system is only as good as the quality of its installation and maintenance. Our Building Code requires fire sprinkler systems be installed by licensed individuals and systems are maintained in accordance with our Fire Code. We must ensure our Department of Buildings and New York City Fire Department have the training, resources and staffing to sufficiently enforce our current code. The MCA believes proper installation and maintenance of these systems should be a top priority for building owners, operators and our City government. Should a fire take place, it is imperative systems function as expected, and building occupants have confidence in their functionality.

Code Development and education should also remain a priority. It is important to continuously take a proactive look at what is being implemented around the country and examine how our current codes are performing. It also means providing training for inspectors and agency staff on our current code requirements as well as education for building owners, operators, and tenants on how to prevent fires and respond in the event of an emergency.

We urge the New York City Council to take action to ensure fire prevention remains a priority. We believe by working together, we can create a safer and more resilient city for all our residents. The Mechanical Contractors Association of New York, Inc. is prepared to be a proactive partner in constructing a safer, more equitable city.

Thank you.

Melissa Barbour

melissa@nymca.org

**Testimony of Noelle Peñas, Health Justice Community Organizer on behalf of
New York Lawyers for the Public Interest before the Council of the City of
New York Committee on Fire and Emergency Management’s Preliminary
Budget Hearing**

March 13, 2023

My name is Noelle Peñas and I am the Health Justice Community Organizer at New York Lawyers for the Public Interest (NYLPI). Thank you for the opportunity to present testimony today on the Preliminary Budget for Fiscal Year 2024, specifically regarding the funds in the Fire Department Budget allocated to B-HEARD or Behavioral Health Emergency Assistance Response Division. B-HEARD is a deeply flawed pilot program which purports to move the City away from responding to people experiencing mental health crises as a threat to public safety – but in fact is part of the long tradition of policing, criminalizing, and under- and mis-serving people with mental disabilities. NYLPI, as a member of Correct Crisis Intervention Today – NYC (CCIT-NYC), a coalition of over 80 New York City Organizations committed to mental health issues, advocates for non-police first response teams for people experiencing mental health crises. Funding B-HEARD diverts money from what we need – a true non-police response system that offers

voluntary healthcare, including teams of peers (those with lived mental health experience) 24/7 operating hours, calls routed through 988, and above all, prioritizes the self-determination of people with mental disabilities.

Last year, the City's budget dedicated \$55 million to B-HEARD. On March 2, 2023, Mayor Adams announced a Mental Health Agenda with expanded funding for B-HEARD, despite the program's failure to adequately respond to mental-health crises. The preliminary FY24 budget dedicates \$18 million to the Health and Hospitals Department for B-HEARD, but left unclear where the remainder of the funding requested by the Mayor will come from in the budget. NYLPI is concerned that, like last year, B-HEARD will continue to receive substantial city funding, despite its major faults and that it will again be funded through the Fire Department budget. Resources for mental-health crisis response should be funded as healthcare, not public safety. Instead of draining funds from the Fire Department, the City should properly fund a non-police response system led by healthcare workers. There is no role for the Fire Department (or Police Department) in providing healthcare to people experiencing mental health crises.

CCIT-NYC has proposed an alternative program for a non-police response system – one that avoids the many flaws and shortcomings of B-HEARD. Our proposal is based on CAHOOTS (Crisis Assistance Helping Out On The Streets), a highly successful Oregon program that has a 35-year track record of success responding to mental health crises without causing a single serious injury, much less death. As a member of CCIT-NYC, and as an organization fully committed to the

rights of New Yorkers with disabilities, NYLPI is asking today for the City Council to enact into legislation and fund – including by utilizing the \$18 million currently allocated for B-HEARD in the Fire and Emergency Management budget – to the CCIT-NYC proposal, which is a true, safe alternative to police-driven first responses for mental health crises.

THE CITY MUST ENTIRELY REVAMP THE B-HEARD PILOT AS THE PILOT AUTHORIZES EXTENSIVE POLICE INVOLVEMENT AND IS LIKELY TO CONTINUE OR EVEN INCREASE THE RATE OF VIOLENT RESPONSES BY THE NYPD

The City, via its Mayor’s Office of Community Mental Health (formerly ThriveNYC), introduced a pilot program in 2021 that it contends is responsive to the need to cease the killings at the hands of the police of individuals experiencing mental health crises. Unfortunately, that is simply not the case, despite the City’s glowing description of the program. Among B-HEARD’s grim statistics are the following:

- An astronomical **84% of all calls** in B-HEARD precincts continue to be **directed to the NYPD**, even twelve months after its kick-off.
- Even when all kinks are ironed out, the City anticipates continuing to have a nearly-as-astronomical **50% of all calls directed to the NYPD**.
- Moreover, **all calls continue to go through 911**, which is under the NYPD’s jurisdiction.

- The entire **program is run by the Fire Department and other City agencies**, with ***NO* role whatsoever for community organizations**. And there is not even any delineation of the lines of authority and communication among the various city agencies.
- **The crisis response teams are composed of emergency medical technicians (EMTs) who are City employees (from the Fire Department) who are deeply enmeshed in the current police-led response system**. Peers do not trust these EMTs. The other team members are *licensed clinical* social workers. The licensure and clinical orientation requirements are unnecessary and they also preclude a vast array of potential candidates who have excellent skills and a long history of working with people experiencing crises.
- B-HEARD has ***NO* requirement to hire peers**.
- **The training of the teams does *NOT* require a trauma-informed framework, need *NOT* be experiential, and need *NOT* use skilled instructors who are peers or even care providers**.
- The anticipated **response time for crisis calls could be as long as half an hour**, and when last reviewed averaged over **fifteen minutes**, which is not even remotely comparable to the City's response times for other emergencies of 8-11 minutes.
- **The pilot operates only sixteen hours a day**.
- **There are no outcome/effectiveness metrics**.

- **There is no oversight mechanism.**

A comparison of the CCIT-NYC proposal, which is based on the CAHOOTS model with a stellar track record, and the B-HEARD program, which is not aligned with any best practices, is illustrated in the following chart:

Critical Attributes of a Mental Health Crisis Response System	CCIT-NYC's Proposal	NYC's B-HEARD Proposal
Removal of police responders	YES	NO (currently, 84% of calls are still responded to by police, and even when all kinks are removed, 50% of calls will still be responded to by police)
Three-digit phone number such as 988, in lieu of 911.	YES	NO
Response team to consist of an independent EMT and a trained peer who has lived experience of mental health crises and know best how to engage people in need of support	YES	NO (licensed clinical social worker and EMT employed by the New York City Bureau of Emergency Medical Services)
Crisis response program run by community-based entity/ies which will provide culturally competent care and will more likely have a history with the person in need and can intervene prior to a crisis	YES	NO (run by New York City Police Department and other City agencies)
Peer involvement in all aspects of planning/implementation/oversight	YES	NO
Oversight board consisting of 51% peers from low-income communities, especially Black, Latinx, and other communities of color	YES	NO

Creation/funding of non-coercive mental health services (“safety net”), including respite centers and 24/7 mental health care to minimize crises in the first place and to serve those for whom crisis de-escalation is insufficient	YES	NO
Response times comparable to those of other emergencies	YES	NO (Current response time of 15 minutes, 30 seconds -- compared with average response time of 8-11 minutes for non-mental health emergencies)
Response available 24/7	YES	NO (Response only available 16 hours/day)
Training of the teams to use a trauma-informed framework, be experiential, and use skilled instructors who are peers	YES	NO

NYLPI therefore urges the Council to ensure that the money previously allocated for a non-police mental health crisis response, be utilized solely for a truly non-police response such as the CCIT-NYC model, and not be utilized for the B-HEARD program in its current iteration.

THE CITY MUST WHOLLY TRANSFORM ITS RESPONSE TO MENTAL HEALTH CRISES BY ELIMINATING POLICE AND REPLACING THEM WITH A PEER-LED HEALTH RESPONSE

The City must join other cities across the country – including Los Angeles, San Francisco, Albuquerque, Denver, New Haven and many more – to ***remove police*** entirely from the equation, and ***ensure that healthcare workers respond to healthcare crises***.

The City must establish a system whereby individuals who experience a mental health crisis receive appropriate services which will de-escalate the crisis and ensure their wellbeing and the wellbeing of all other New Yorkers. Only those who are trained in de-escalation practices should respond to a mental health crisis, and the most appropriate individuals to receive such training are peers and health care providers.¹ Reliance on police officers and FDNY EMTs in these situations is burdensome to the NYPD and to the FDNY. At the February 6 City Council Hearing regarding Mental Health Involuntary Removals and Mayor Adams' Recently Announced Plan, Oren Barzilay, a 25-year veteran of the FDNY EMS, shared his concern about the additional burden placed on the EMS system.² He testified that the police, who are trained to uphold law and order, are ill suited to deal with individuals experiencing mental health crises. New York's history of police killing 19 individuals who were experiencing crises in the last six years alone is sad testament to that. Eliminating the police as mental health crisis responders has been

¹ Martha Williams Deane, *et al.*, "Emerging Partnerships between Mental Health and Law Enforcement," Psychiatric Services (1999), http://ps.psychiatryonline.org/doi/abs/10.1176/ps.50.1.99?url_ver=Z39.88-2003&rft_id=ori%3Arid%3Acrossref.org&rft_dat=cr_pub%3Dpubmed&#/doi/abs/10.1176/ps.50.1.99?url_ver=Z39.88-2003&rft_id=ori%3Arid%3Acrossref.org&rft_dat=cr_pub%3Dpubmed.

² <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5993303&GUID=CFEF7D06-B00B-4B22-8D71-B74AD1529788&Options=&Search=>

shown to result in quicker recovery from crises, greater connections with long-term healthcare services and other community resources, and averting future crises.³

The scores of people experiencing mental health crises who have died at the hands of the police over the years is a microcosm of the police brutality around the world. Disability is disproportionately prevalent in the Black community and other communities of color,⁴ and individuals who are shot and killed by the police when experiencing mental health crises – and certainly we must all oppose the Mayor’s efforts to increase the role and funding of the NYPD as it relates to people with mental disabilities. Lives are literally at stake.

[Correct Crisis Intervention Today – NYC](#) has developed the needed antidote. Modeled on the [CAHOOTS](#) program in Oregon, which has successfully operated for over 30 years without *any* major injuries to respondents or responders – let alone deaths -- the CCIT-NYC proposal is positioned to make non-police responses available to those experiencing mental health crises in New York City. The proposal avoids the enormous pitfalls of the City’s B-HEARD pilot, which it inaccurately refers to as a non-police model. Hallmarks of the CCIT-NYC proposal are:

³ Henry J. Steadman, *et al.*, “A Specialized Crisis Response Site as a Core Element of Police-Based Diversion Programs,” *Psychiatric Services* (2001), http://ps.psychiatryonline.org/doi/10.1176/appi.ps.52.2.219?utm_source=TrendMD&utm_medium=cpc&utm_campaign=Psychiatric_Services_TrendMD_0.

⁴ Mayor’s Office for People with Disabilities, “Accessible NYC” (2016), https://www1.nyc.gov/assets/mopd/downloads/pdf/accessiblenyc_2016.pdf.

- teams of trained peers and emergency medical technicians who are independent of city government;
- teams run by culturally-competent community organizations;
- response times comparable to those of other emergencies;
- 24/7 operating hours;
- calls routed to 988 rather than the city-operated 911; and
- oversight by an advisory board of 51% or more peers.

The full text of the CCIT-NYC proposal can be found at <http://www.ccitnyc.org/who><http://www.ccitnyc.org/who-we-are/our-proposal/we-are/our-proposal/>.

The B-HEARD program is deeply flawed, and its budget can and should be used to create a program based on the CAHOOTS program instead. This program would cost \$190 million annually to implement.⁵ This investment is necessary for the long-term health and care of New Yorkers, as community-response programs have been shown not just to reduce fatal encounters and free up valuable police resources, but to also generate net-positive financial and social benefits.

THE CITY COUNCIL MUST ENSURE THAT NEW YORKERS HAVE ACCESS TO A WIDE RANGE OF VOLUNTARY NON-HOSPITAL, COMMUNITY-BASED MENTAL HEALTH SERVICES THAT

⁵ The cost is based on the sum initially allocated by the City Council in 2021 to implement B-HEARD city-wide of \$112 million, and the need to extend the program from 16 hours a day to 24 hours a day, for a cost of \$168 million. An additional \$22 million is required for trainings, evaluations, equipment, and uniforms, which also were not in the B-HEARD budget.

PROMOTE RECOVERY AND WELLNESS, AS WELL AS A FULL PANOPLY OF COMMUNITY SERVICES, INCLUDING HOUSING, EMPLOYMENT, AND EDUCATION, BY ALLOCATING FUNDING FOR SUCH PROGRAMS

Since NYLPI was established nearly 50 years ago, we have prioritized advocating on behalf of individuals with mental health conditions, and we have consistently fought to ensure that the rights of individuals with mental health conditions are protected by every aspect of New York’s service delivery system. Core to our work is the principle of self-determination for all individuals with disabilities, along with the right to access a robust healthcare system that is available on a *voluntary, non-coercive* basis.

We have long been on record opposing mandatory outpatient and inpatient treatment for insufficiently safeguarding the rights of persons with mental health concerns and failing to offer appropriate healthcare. New York City must invest in models of care that utilize trained peers instead of police as first responders, which will facilitate the successful implementation of harm reduction and de-escalation techniques during crises.

If individuals experiencing mental health crises or alcohol/drug addiction receive community treatment, society will benefit from reduced incarceration.⁶ Additionally, the use of community-response programs for mental health or alcohol/drug addiction crises can improve police job satisfaction, as many police

⁶ Ashna Arora & Panka Bencsik, *Policing Substance Use: Chicago’s Treatment Program for Narcotics Arrests*, (Working Paper, 2021).

officers do not see these incidents as part of their job and would prefer not to respond to these calls.⁷ This proposal will alleviate the burden on police officers, and is also a fiscally sensible alternative. Community-response programs lead to net positive savings in terms of total government expenditure, both in direct savings (reduced policing costs) and indirect savings (reductions in incarceration and emergency room visits).⁸

We know how to help those with the most severe mental illness, but we fail to do so as a society by providing services that are insufficient or not held to the highest accountability. We face complete system failure, yet we have done little to correct the failure, and even point our fingers at those most affected by the system failure. We must stop the finger pointing and fix the system. We must invest in innovative, voluntary health programs. As we now surely know all too well, the police, who are steeped in law and order, are not well-suited to deal with individuals with mental health concerns. We must invest in supportive housing and quality community services. B-HEARD, instead of providing people the help they need, fails to connect individuals to care and also places them at risk of violence from the police.

⁷ Waters, *supra* note 16, at 867; Simmons et al., *supra* note 6, at 33; Toby Miles-Johnson & Matthew Morgan, *Operational Response: Policing Persons with Mental Illness in Australia*, 55 J CRIMINOLOGY 260, 260 (2022). Trevor Viersen, *Exploring Police Officers' Perceptions of Mobile Crisis Rapid Response Teams Within a Nodal Policing Framework*, (Theses and Dissertations, 2017).

⁸ See Natania Marcus & Vicky Stergiopoulos, *Re-examining Mental Health Crisis Intervention: A Rapid Review Comparing Outcomes Across Police, Co-responder and Non-police Models*, 30 HEALTH & SOC. CARE COMMUNITY, *supra* note 3, at 1674–75 (2022).

CONCLUSION

NYLPI respectfully requests that the Council:

- .Enact into legislation and fund the CCIT-NYC proposal to create a non-police, peer-driven mental health crisis response that offers voluntary healthcare, operates 24/7, routes calls to 988 rather than the NYPD-operated 911, and above all, prioritizes the self-determination of individuals experiencing mental health crises;
- Ensure that any funding allocated to B-HEARD in the Fire and Emergency Management budget be spent on the CCIT-NYC proposal.; and
- Ensure that New Yorkers have access to a wide range of non-hospital, community-based mental health services that promote recovery and wellness, as well as a full panoply of community services, including housing, employment, and education, by allocating funding for such programs. Thank you for your consideration. I can be reached at (212) 244-4664 or npenas@nylpi.org, and I look forward to the opportunity to discuss how best to respond to the needs of individuals experiencing mental health crises in New York City.

###

About New York Lawyers for the Public Interest

For nearly 50 years, New York Lawyers for the Public Interest (NYLPI) has been a leading civil rights advocate for New Yorkers marginalized by race, poverty,

disability, and immigration status. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. Our work integrates the power of individual representation, impact litigation, and comprehensive organizing and policy campaigns. Guided by the priorities of our communities, we strive to achieve equality of opportunity and self-determination for people with disabilities, create equal access to health care, ensure immigrant opportunity, strengthen local nonprofits, and secure environmental justice for low-income communities of color.

NYLPI's Disability Justice Program works to advance the civil rights of New Yorkers with disabilities. In the past five years alone, NYLPI disability advocates have represented thousands of individuals and won campaigns improving the lives of hundreds of thousands of New Yorkers. Our landmark victories include integration into the community for people with mental illness, access to medical care and government services, and increased accessibility of New York City's public hospitals. Working together with NYLPI's Health Justice Program, we prioritize the reform of New York City's response to individuals experiencing mental health crises. We have successfully litigated to obtain the body-worn camera footage from the NYPD officers who shot and killed individuals experiencing mental health crises. In late 2021, NYLPI and co-counsel filed a class action lawsuit which seeks to halt New York's practice of dispatching police to respond to mental health crises, and in the context of that lawsuit, seeks relief on behalf of individuals affected by the Mayor's Involuntary Removal Policy.

Community Voluntary Long-Term Innovations for At-Risk Individuals

Residential

Crisis Respite – Intensive Crisis Residential Program: OMH program: “a safe place for the stabilization of psychiatric symptoms and a range of services from support to treatment services for children and adults. are intended to be located in the community and provide a home-like setting.” <https://omh.ny.gov/omhweb/bho/docs/crisis-residence-program-guidance.pdf>.

Crisis Respite (shorter term and less intensive): OMH Program: “Crisis Respite Centers provide an alternative to hospitalization for people experiencing emotional crises. They are warm, safe and supportive home-like places to rest and recover when more support is needed than can be provided at home. The Crisis Respite Centers offer stays for up to one week and provide an open-door setting where people can continue their daily activities. Trained peers and non-peers work with individuals to help them successfully overcome emotional crises. <https://www1.nyc.gov/site/doh/health/health-topics/crisis-emergency-services-respite-centers.page>.

Peer Crisis Respite programs: OMH funded; Peer operated short-term crisis respites that are home-like alternatives to hospital psychiatric ERs and inpatient units. Guests can stay up to seven nights, and they can come-and-go for appointments, jobs, and other essential needs. Offers a “full, customizable menu of services designed to help them understand what happened that caused their crisis, educate them about skills and resources that can help in times of emotional distress, explore the relationship between their current situation and their overall well-being, resolve the issues that brought them to the house, learn simple and effective ways to feel better, connect with other useful services and supports in the community, and feel comfortable returning home after their stay.” <https://people-usa.org/program/rose-houses/>.

Housing First: a housing approach that prioritizes permanent housing for people experiencing homelessness and frequently serious mental illness and substance use issues. Supportive services including substance use counseling and treatment are part of the model, but abstinence or even engagement in services is not required. <https://endhomelessness.org/resource/housing-first/>.

Soteria: a Therapeutic Community Residence for the prevention of hospitalization for individuals experiencing a distressing extreme state, commonly referred to as psychosis. We believe that psychosis can be a temporary experience that one works through rather than a chronic mental illness that needs to be managed. We practice the approach of “being with” – this is a process of actively staying present with people and learning about their experiences. <https://www.pathwaysvermont.org/what-we-do/our-programs/soteria-house/>.

Safe Haven: provides transitional housing for vulnerable street homeless individuals, primarily women. “low-threshold” resources: they have fewer requirements, making them attractive to those who are resistant to emergency shelter. Safe Havens offer intensive case management, along with mental health and substance abuse assistance, with the ultimate goal of moving each client into permanent housing. <https://breakingground.org/our-housing/midwood>.

Family Crisis Respite: trained and paid community members with extra space in their homes provide respite for individuals who can thereby avoid hospitalization.

Living Room model: a community crisis center that offers people experiencing a mental health crisis an alternative to hospitalization. health crises a calm and safe environment. The community outpatient centers are open 24 hours a day, 7 days a week and people receive care immediately. Services include: crisis intervention, a safe place in which to rest and relax, support from peer counselors; intervention from professional counselors including teaching de-escalation skills and developing safety plans, Linkage with referrals for emergency housing, healthcare, food, and mental health services. https://smiadviser.org/knowledge_post/what-is-the-living-room-model-for-people-experiencing-a-mental-health-crisis.

Crisis Stabilization Centers: 24/7 community crisis response hub where people of all ages can connect immediately with an integrated team of clinical counselors, peer specialists, and behavioral health professionals, as well as to our local community's health & human service providers, to address any mental health, addiction, or social determinant of health needs. People use the Stabilization Center when they're experiencing emotional distress, acute psychiatric symptoms, addiction challenges, intoxication, family issues, and other life stressors. <https://people-usa.org/program/crisis-stabilization-center/>.

Parachute NYC / Open Dialogue: provides a non-threatening environment where people who are coming undone can take a break from their turbulent lives and think through their problems before they reach a crisis point. Many who shun hospitals and crisis stabilization units will voluntarily seek help at respite centers. Parachute NYC includes mobile treatment units and phone counseling in addition to the four brick-and-mortar respite centers. <https://www.nyaprs.org/e-news-bulletins/2015/parachute-nyc-highlights-success-of-peer-crisis-model-impact-of-community-access>.

Non-residential

Safe Options Support teams: consisting of direct outreach workers as well as clinicians to help more New Yorkers come off of streets and into shelters and/or housing. SOS CTI Teams will be comprised of licensed clinicians, care managers, peers, and registered nurses. Services will be provided for up to 12 months, pre- and post-housing placement, with an intensive initial outreach and engagement period that includes multiple visits per week, each for several hours. Participants will learn self-management skills and master activities of daily living on the road to self-efficacy and recovery. The teams' outreach will facilitate connection to treatment and support services. The SOS CTI Teams will follow the CTI model – a time-limited, evidence-based service that helps vulnerable individuals during periods of transitions. The teams will be serving individuals as they transition from street homelessness to housing. https://omh.ny.gov/omhweb/rfp/2022/sos/sos_cti_rfp.pdf.

Intensive and Sustained Engagement Team (INSET): a model of integrated peer and professional services provides rapid, intensive, flexible and sustained interventions to help individuals who have experienced frequent periods of acute states of distress, frequent emergency room visits, hospitalizations and criminal justice involvement and for whom prior programs of care and support have been ineffective. MHA has found that participants, previously labeled “non-adherent,” “resistant to treatment” or “in need of a higher level of care” and “mandated services,” become voluntarily engaged and motivated to work toward recovery once offered peer connection, hope and opportunities to collaborate, share in

decisions and exercise more control over their lives and their services and supports. their treatment plans. Engaged 80% of people either AOT eligible or AOT involved. <https://www.mhawestchester.org/our-services/treatment-support>.

NYAPRS Peer Bridger™ program: a peer-run and staffed model providing transitional support for people being discharged from state and local hospitals, with the goal of helping people to live successfully in the community, breaking cycles of frequent relapses and readmissions. The program include inpatient and community based intensive one on one peer support groups, discharge planning, connection to community resources; provides access to emergency housing, wrap around dollars and free cell phones and minutes. <https://www.nyaprs.org/peer-bridger>.

NYC Mayor's Office of Community Mental Health Intensive Mobile Treatment teams: provide intensive and continuous support and treatment to individuals right in their communities, where and when they need it. Clients have had recent and frequent contact with the mental health, criminal justice, and homeless services systems, recent behavior that is unsafe and escalating, and who were poorly served by traditional treatment models. IMT teams include mental health, substance use, and peer specialists who provide support and treatment including medication, and facilitate connections to housing and additional supportive services. <https://mentalhealth.cityofnewyork.us/program/intensive-mobile-treatment-imt>.

Pathway Home™: a community-based care transition/management intervention offering intensive, mobile, time-limited services to individuals transitioning from an institutional setting back to the community. CBC acts as a single point of referral to multidisciplinary teams at ten care management agencies (CMAs) in CBC's broader IPA network. These teams maintain small caseloads and offer flexible interventions where frequency, duration and intensity is tailored to match the individual's community needs and have the capacity to respond rapidly to crisis. <https://cbcare.org/innovative-programs/pathway-home/>.



Testimony before Fire & Emergency Management – 3/13/23 @ 10:30am

Speaker Adams, Committee Chair Ariola,

Thank you for this opportunity to testify regarding a critical issue for the safety and efficiency of our brave New York City Firefighters. This year, the New York City Council is expected to see the Department of Buildings implement new rules for Natural Gas Detection. Detectors are expected to be required for all New York City dwellings where natural gas appliances exist, and these rules will require a substantial investment of time and resources by the FDNY. These new requirements are part of Local Law 157, which was passed in 2016 after the devastating losses of eight lives in the 2014 East Harlem explosion, and two lives in the 2015 East Village explosion. Local Law 157 required the installation of smoke and carbon monoxide detectors - with the gas detector requirement being tabled until there was a national standard for Natural Gas Detectors. Once that standard was established, the DOB was to promulgate a rule requiring all New York City dwellings to install natural gas detectors, where natural gas appliances exist.

While most New Yorkers forgot Local Law 157, the National Fire Prevention Association and Underwriters Laboratories have been working with manufacturers to create a standard for natural gas detection. This past April, the National Fire Prevention Association published the standard for natural gas detection and the DOB is currently writing the regulation.

Today, when the fire department receives a notification of a gas leak in a multi-tenant building, they must move slowly through the halls with their gas sensors, with the hopes of finding the source of the gas leak before the gas concentration reaches explosive limits; a kind of terrible game of Russian roulette.

In recent years, new technology has emerged allowing cost effective and wireless monitoring of many environmental conditions, including natural gas detection. This technology provides notification of a gas leak, including the precise location of the leak, within seconds of a leak reaching 10% of what it would take to explode. Prompt notification sent to the fire department's dispatch, providing the precise location of the leak along with the percentage of gas within the space, allows fire fighters to efficiently respond to a call. This technology provides continuous updates on gas levels, ensuring fire fighters are constantly aware of the explosion risk - enabling a safer environment to address the call.

While the sensors don't notify falsely, the fire department will be notified of many more gas leaks, both where the presence of leaks hasn't previously been noticed or the requirement to notify authorities was less prevalent. As the fire department deals with additional calls, making New York safer for all of us, the Council must prepare for additional dispatches as New York City makes itself safer from explosions and improves indoor air quality.

Respectfully Submitted,

John Rusk
Founder, ProSentry

The Benefits of using Monitoring for Natural Gas Leak Detectors

A white paper to assist municipalities as they consider implementation of National Fire Prevention Association NFPA 715, Standard for the Installation of Fuel Gases Detection and Warning Equipment, Compliant with UL Standard UL-1484

By:

John Rusk, Founder of ProSentry

Marc Huestis, Former Senior Vice President at Consolidated Edison

Ron Lazarus, Chief Operating Officer at New Cosmos, USA

Executive Summary

While not common, natural gas explosions can be devastating for residents and first responders. With the development of advanced, 10-year battery powered technologies to sense natural gas leaks without false positives, the National Fire Prevention Association has now created a standard for these natural gas detectors.

As Municipalities consider how best to implement this new standard, they must assess two critical issues for themselves: Must the devices be hardwired to power? Should the devices be monitored? The requirement for devices to be hardwired generally prevents existing housing to be part of the mandate and increases costs. As hardwired devices can still be offline because of power issues without anyone knowing the issue, they still account for 6% of fire deaths per year.¹ Monitored devices provide timely notification if a device goes offline for any reason; and during a gas leak they provide precise notifications to first responders of location and concentration of gas leaks allowing for safe, quick, and efficient remediation of gas leaks. They notify first responders within seconds, even if residents aren't home, and by giving the concentration of the gas within a residence, give fire fighters and utilities workers critical information about the chance the building is about to explode. Municipalities will need to balance these advantages against the cost.

With the technological advances to make small detectors capable of sensing natural gas leaks at early stages, are advances in cost efficient, wireless, monitored technologies, saving millions compared to traditional wired sensors.

This paper briefly explores the history of detectors, the advance of wireless technology and specifically, LoRaWAN technology, the benefits of monitored detection, the move of states towards allowing wireless technology and the move in New York State towards making all gas detectors monitored.

By permitting wireless technologies for mandated regulations, municipalities are easing the transition to smart building technologies, such as water leak detection and mechanical monitoring. These then help address other building issues such as mold, a leading cause for Asthma, improving indoor air quality, and monitoring a building's mechanical equipment. The relative low cost of these devices combined with the

¹ [Smoke Alarms in US Home Fires, Supporting tables \(nfpa.org\)](https://www.nfpa.org/research-and-statistics/research-and-statistics-topics/smoke-alarms)

savings due to early detection of common building issues, lead to lower repair and maintenance costs, lower insurance costs, and an increase in building values.

The History of Monitoring Alarms

The first fire alarm system² invented by Channing and Farmer in 1852 required a person to notice the fire, insert a key into a special fire alarm box and crank a handle. This would send a coded telegraphic message to a nearby alarm station which would then take the message to a nearby fire department.

In 1902, George Andrew Darby patented the first heat and smoke detector in Birmingham England³. His device used technology to sense what had previously required human eyes and noses.

Technology serves humankind by providing an always vigilant machine to watch for dangers and alert help. Because of the sensitivity of machines and swiftness of telecommunication response, dangerous conditions can often be nipped in the bud before the problems become more difficult to contain.

If Not Monitoring, at Least Hard Wiring or Long-Life Batteries

Balanced against the desire for rapid response is the cost of the implementation of technology. Though monitored fire alarm systems have existed since 1852, according to a 2004-2005 Consumer Products Safety Commission Report, only 12% of homes have smoke alarms connected to a home security service.⁴

Monitored systems have clear benefits for residents, property owners, and first responders, but the cost of running wires through existing apartment buildings is too great. New York City's last update to the smoke and carbon monoxide code, Local Law 157 of 2016⁵, recognized this issue. While it required monitored smoke and carbon monoxide sensors for new buildings, except when covered by an automatic fire sprinkler system that notifies the fire department on activation⁶, it does not require monitored systems in existing housing stock.

New York is not alone in compelling fire alarm systems in new construction, recognizing the dangers of fire in large buildings; but many states require smoke detectors to have a constant power source,⁷ i.e., "hard wired" rather than relying on replaceable batteries which may go dead. To deal with this issue for battery powered alarms, states are requiring the batteries to be non-replaceable and have a 10-year life. However, states are recognizing the benefits of "low-power radio frequency wireless communications devices" as these devices will also notify the alarm monitoring company of a device going offline

² <https://www.lifesafetycom.com/the-history-of-fire-alarms/#:~:text=The%20first%20fire%20alarm%20system%20ever%20was%20invented%20way%20back,telegraphic%20key%20and%20a%20handle.>

³ <https://www.mysmokealarm.org/smoke-alarm-history/#:~:text=Smoke%20detectors%20have%20been%20around,pollution%20gas%2C%20but%20was%20failing.>

⁴ <http://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Detection-and-signaling/ossmokealarmstables.pdf>

⁵ [ll157of2016.pdf \(nyc.gov\)](#)

⁶ [CHAPTER 9 - 2008CC BC Chapter 9 Fire Protection Systems.pdf \(nyc.gov\)](#)

⁷ <https://www.firstalert.com/us/en/legislation/#smoke>

because of a dead battery or other issue. States are allowing these low-power wireless devices to be exempt of the 10-year battery.⁸

Is Now the Time to Consider Wireless Monitoring?

As New York City prepares to implement the code for natural gas detection devices as mandated by Local Law 157, a consideration should be made whether devices in new construction must be constantly powered via hardwire, or can these devices take advantage of the cost savings of wireless connectivity while being continuously monitored by a central monitoring station? Should New York city's existing stock continue to be battery powered, or is it time to begin to connect emergency warning devices directly to first responders, using new low-powered radio frequency wireless communications devices?

Connecting New York's housing stock to first responders will provide dramatic benefits in saving time and lives during emergencies; and is now much more fiscally possible as wireless technology has driven down the costs for installation and monitoring.

Low-powered Radio Frequency Wireless Communications Devices

Wi-Fi technology sends large amounts of data, such as video and audio, for short distances using considerable energy over free radio spectrum. Cellular technology sends large amounts of data such as video and audio longer distances but uses even more energy over a licensed radio spectrum (except CBRS spectrum local networks).

For the "Internet of Things" (IOT), it was necessary to establish a protocol to send much smaller packets of information in a way that was both energy and cost efficient. In 2009, two friends in France, Nicolas Sornin and Olivier Seller, began working on a technology using Chirp Spread Spectrum (CSS) modulation technology. This technology was used in sonar in the maritime industry and radar in aviation. Bats and dolphins also use it to detect insects and fish. Convinced of the long range and lower power capabilities of the protocol, Semtech, a technology manufacturer acquired their company, Cycleo, in 2012, and developed the use. In 2015, Semtech founded the non-profit LoRa Alliance, and the networking protocol was renamed LoRaWAN, standing for Long Range Wide Area Network.⁹

Unlike a mesh network, where individual end nodes may forward the information of other nodes before traveling to a signal booster and then back to a router to expand range, LoRaWAN end nodes communicate directly to multiple gateways. The gateways then communicate to a network server to process the information and remove duplicates. This simplifies the power requirements for the individual end nodes as power is only used to transmit or receive information specifically for that device. Device battery lives are now easily reaching 10 years utilizing the LoRaWAN protocol, and where a Wi-Fi enabled device may require a wireless router and a few boosters within a medium size apartment, LoRaWAN devices would typically require only one gateway every 3-5 floors, in a typical apartment building, with no need for signal boosters. This reduction in equipment, paired with a ten-year battery life, creates vital economies that make the Internet of Things possible.

⁸ <https://www.firstalert.com/us/en/legislation/#power-source>

⁹ <https://www.daviteq.com/blog/en/lorawan-technology-the-new-era-of-iot/>

Because the typical LoRaWAN application sends packets of data a tenth the size of a text message and cannot transmit video or audio (alleviating privacy concerns), the technological demands are much simpler. While cell service and Wi-Fi have technology upgrades approximately every two years with advancements moving respectively from 1G to 5G¹⁰ and from 802.11 to 802.11af¹¹, LoRaWAN's simple protocol has no expectation for a technology upgrade for 20 years.

As a result, LoRa devices running on LoRaWAN networks are being used to provide energy management, natural resource reduction, pollution control, infrastructure efficiency, and disaster prevention. Devices are being used in hundreds of use cases for smart cities, homes and buildings, communities, metering, supply chain and logistics, agriculture, and more. Hundreds of millions of devices are connected to networks in more than 100 countries.

Natural Gas Detectors: Un-Monitored vs. Monitored

The National Fire Prevention Association (NFPA) created the national standard for gas detection devices: NFPA 715,¹² which refers to Underwriters Laboratory UL 1484 Standard for Safety Residential Gas Detectors¹³. Together the standards describe two types of gas detectors-- un-monitored and monitored. Un-monitored detectors simply sound an alert when the device detects a concentration of gas at 10% of the Lowest Explosion Limit (LEL). Monitored detectors sound a local alert as well, but also notify a Central Monitoring Facility upon reaching the concentration limit. In addition, the monitored version provides its location (for example, the kitchen in Apartment 21J at 230 Frederick Lewis Boulevard, New York), but also provides continuous updates on the gas concentration, as first responders move towards the emergency. Finally, the monitored version provides trouble signals when a device goes offline, or low battery, as well as providing a permanent record of gas leaks for governmental record keeping, research, and action.

The un-monitored device does not contact first responders but relies on residents or visitors to hear the alarm and notify the proper authorities.

As an example, Con Edison of New York has mounted a substantial public relations campaign to remind people to "Smell gas, act fast" and to evacuate and call 911.¹⁴ Too often the smell of gas triggers people to investigate the smell themselves, call their building super, or assume others have reported it and do nothing. While the Fire Department's policy is to discover the cause of the gas leak, address the leak locally, and turn off gas service to the building only as a last resort, building managers have substantial concerns that if 911 and the utility are called for a gas leak, they may shut down the building's main gas service. While this concern may be unfounded, many building managers will report a reluctance to call 911 or the utility in the event of a gas leak for this reason.

In the case of an unmonitored smoke detector, which are common throughout the United States, when the fire department arrives, the location of the fire is often self-evident from smoke exiting the building. In the case of unmonitored carbon monoxide detectors, while the location can't be determined, the

¹⁰ <https://www.cengn.ca/information-centre/innovation/timeline-from-1g-to-5g-a-brief-history-on-cell-phones/>

¹¹ <https://www.cablefree.net/wireless-technology/history-of-wifi-technology/>

¹² <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=715>

¹³ [UL Standard | UL 1484 \(shopulstandards.com\)](#)

¹⁴ [Gas Safety | Con Edison](#)

greatest risk of a CO leak is to any sleeping inhabitants in the apartment, and the local alarm should wake them.

However, in the case of gas leaks, particularly when the resident with the leak is not home, it can be difficult to hear the alarm and locate it. Currently, when notified of a gas leak, the fire department and the Utility must slowly walk through the floors with gas detection devices to locate the gas leak. As they search for the leak, the leak concentration can be building towards the 100% of the Lowest Explosion Limit, when entry into the apartment or switching on a light switch could cause an explosion.

With monitored gas detectors, the location of the alarming device is communicated to the resident, the building's management team, and the fire department so that action can be taken swiftly. Rather than searching for the apartment with the leak and hesitating before breaking through a door, all parties have the concrete knowledge of the location of the device sensing a leak and it's current, updated percentage of LEL. First responders arriving at a site can respond confidently, knowing the device in the kitchen in apartment 21J is reporting a leak, and with a 22% of the LEL, they can safely enter to turn off the gas and open the window.

While missing, disconnected or dead batteries were responsible for 79% of deaths from failed, unmonitored smoke detectors,¹⁵ monitored gas detectors alert the central station, resident, and maintenance team of a loss of power or any other failure which breaks the communication chain.

Con Edison of New York's Natural Gas Detector Program¹⁶

After two catastrophic natural gas explosions causing multiple fatalities and numerous injuries in the New York City neighborhoods of East Harlem in 2014 and the East Village in 2015, Con Edison of New York sought natural gas detector technology that could be integrated with its Advanced Meter Infrastructure (AMI) communication system to provide continuous natural gas leak monitoring and early warning of potentially hazardous conditions. The program started as a pilot in 2018 and has since progressed to full scale deployment across Con Edison's service territory.

Con Edison's Natural Gas Detector (NGD) program prioritizes installation of NGD's near the gas service point-of-entry (POE) in basements, as opposed to dwelling living spaces, to guard against migration of outside gas leaks into basements through gas, electric, telephone, sewer and water POEs which could accumulate unnoticed and create a hazardous condition.

To date, over 160,000 NGDs have been incorporated into a monitoring network that covers parts of New York City and Westchester County. These NGDs have already identified more than 1,500 natural gas leaks, of which 18% originated from gas infrastructure outside the building. Con Edison's full deployment plan calls for the installation of a NGD at every gas service POE, or approximately 375,000 by the end of 2025.

Con Edison has stated "Gas leak alarm results have been accurate and reliable, initiating prompt response from our first responders and fire department personnel to mitigate potentially dangerous conditions."

¹⁵ [Smoke Alarms in US Home Fires, Supporting tables \(nfpa.org\)](https://www.nfpa.org/research-and-statistics/research-and-statistics-topics/smoke-alarms)

¹⁶ In-Home Methane Leak Detection: A Case Study presented at Pipeline Safety Trust Conference, December 1 & 2, 2022. Hotel Monteleone, New Orleans, LA

This industry leading initiative has clearly demonstrated under real world conditions the public safety value of monitored gas detector technology.

The Fire Department

Calls for natural gas leaks are common. During these calls, fire fighter crews must slowly move through the hallways carrying handheld sensors to detect gas.¹⁷ Because of imperfect sealing between apartments, gas may appear a distance from where the leak is, creating uncertainty.

The average fire department response times is 5 to 7 minutes¹⁸ while the Utilities generally respond to the leak within 20-30 minutes when responsibility for the gas leak investigation is transferred to the Utility. Time spent by fire department crews attempting to locate the source of a gas leak when monitored gas detectors could provide apartment room level locational information is a distraction from being available for other calls, wasting resources and focus. If the cause of the gas leak is not identified, it leaves residents with the feeling that there is a gas leak, and the Utility and fire department did nothing.

Having solid, actionable evidence allows the fire department to respond swiftly and safely to the emergency, resolve it, and because of the permanent record keeping and ability to report to state agencies, an audit trail of the issue and the resolution of the issue.

States Recognize the Effectiveness of Monitored Low-Power Wireless Systems

Because missing batteries or battery failure account for 79% of deaths for failed smoke detectors¹⁹, states are beginning to require detectors with 10-year, non-removable batteries. However, states with this battery requirement,²⁰ including New York, are allowing an exemption for low-power wireless communicating alarms, recognizing the effectiveness of low battery or failure alerts on wireless monitored systems such as home security systems. In addition, 6% of deaths for failed smoke detectors are attributed to hardwired power failure²¹ and so some states, notably California and Florida, are allowing wireless detectors instead of hardwired powered detectors.

- Florida allows wirelessly interconnected and multi-sensor alarms to be exempt from the requirement for 10-year battery devices to replace hardwired alarms in Level 1 renovations and as battery operated solely smoke alarms.
- California requires all smoke alarms to either be hardwired, powered by a 10-year non-removable battery, or be wireless.

¹⁷ <https://firefighternow.com/will-the-fire-department-check-for-gas-leaks/#:~:text=Yes%2C%20most%20fire%20departments%20will,by%20discussing%20gas%20leak%20risks.>

¹⁸ <https://www.nyc.gov/site/911reporting/reports/end-to-end-reponse-time.page>

¹⁹ [Smoke Alarms in US Home Fires, Supporting tables \(nfpa.org\)](https://www.nfpa.org/research-and-statistics/research-reports/smoke-alarms-in-us-home-fires)

²⁰ <https://www.firstalert.com/us/en/legislation/#power-source>

²¹ [Smoke Alarms in US Home Fires, Supporting tables \(nfpa.org\)](https://www.nfpa.org/research-and-statistics/research-reports/smoke-alarms-in-us-home-fires)

- Florida allows battery powered devices to replace hard wired devices, if the batteries have a 10-year battery, but allow wirelessly interconnected alarms to be exempt for the 10-year requirement.
- Illinois requires hard wired smoke alarms for new construction, allows battery powered devices with a 10-year battery, but allows low-power radio frequency wireless communication signals, Wi-Fi or other Wireless Local Area Networking Capability to be exempt from 10-year requirement.
- Indiana Indianapolis-Marion County requires hardwired alarms in all new construction. When a device is battery powered in existing building and the device uses low-power wireless communication, it is exempt from the 10-year minimum on battery life.
- Massachusetts requires hard-wired smoke alarms for all new construction and requires 10-year battery life for battery powered devices, except for low-power radio frequency wireless communication signals, Wi-Fi or other Wireless Local Area Networking capability.
- New York requires hardwired smoke alarms in all new construction. Battery powered smoke alarms must have a 10-year battery, unless the devices use low-power radio frequency wireless, in which case they are exempt.

LoRaWAN Networks for Gas Detection Sets Stage for Other Benefits

Contemporary office buildings and high-rise residential buildings are frequently managed using Building Management Systems (BMS). These hard-wired systems of sensors provide information regarding boiler and elevator function, water usage, gas usage, power usage, HVAC, and other mechanical operations. The systems are generally composed of hard-wired sensors with a computer server somewhere in the building, monitored by a trained operator. While the benefits are substantial, this system is employed in some recently constructed buildings but the expense to hardwire a building, install a local server, and provide a trained person to monitor the system is generally considered too expensive.

The technological advances of the Internet of Things, made possible by low-power wireless communication through LoRaWAN, allows low-cost sensors to be installed wirelessly throughout a building, connecting to Gateways every three to five floors. These systems are controlled by cloud-based software and by providing simple texts and voice mail alerts to serious conditions, remove the requirement for trained personnel on site. The benefits of these systems can easily outweigh the costs.

By installing the initial LoRaWAN gateways to serve monitored gas leak detectors, the infrastructure is in place to add whatever additional monitors a building might need including water leaks at sinks, toilets, laundry and air conditioning equipment; monitors for temperature, humidity, air quality, the presence of cigarette and THC smoke, monitors for boiler, exhaust fan and elevator operation as well as monitored mouse and rat traps. Door position monitors can increase security by notifying building management when entrance doors have been propped open and can increase fire safety by notifying building management when fire doors have failed to close.

These sensors can cost-effectively transform existing housing stock to “smart” buildings decreasing damage due to water leaks. In the United States the average damage sustained from a leak is \$11,098²²

²² <https://ipropertymanagement.com/research/water-damage-statistics>

and in New York's luxury market the average is \$55,000.²³ Early water leak detection reduces mold. Mold is the source of 21% of all Asthma cases.²⁴ Rooftop exhaust fan failures also contribute to high humidity levels in bathrooms, leading to mold. The federal government seeks to monitor mold, heat, elevator operation, and rodent infestations in public housing with clear record keeping. Low-power wireless networks allow sensors for all these issues and the record keeping that aids in accountability and action.

Early notification of water leaks catches the first drip from a corroding pipe, rather than a collapsed ceiling a floor below, days later. Monitored rodent traps allow for the extermination of rodent families over a period of hours, rather than the ineffectual trapping of a single rat when the exterminator arrives. These advances improve resident satisfaction, improve the reputation of buildings, and provides solid economic return for the building owners, whether landlords are commercial or residential owners.

Value is Improved by Transition to being a "Smart Building"

A building's value is a simple calculation of its Net Operating Income (NOI) divided by its Cap Rate.²⁵ The Net Operating Income is the amount of rent collected less the cost to operate the building, including its mortgage cost. The Cap Rate depends on the market value of the property with the Cap Rate going down as the property is perceived as being more valuable.

Adding a sensor network to a building cost effectively will improve the market value of the property by decreasing maintenance & repair costs, while also decreasing insurance premiums to improve the NOI of the building while potentially improving the Cap Rate by decreasing the "riskiness" of the investment and increasing its desirability among residents to have a well-managed building.

Environmentally, natural gas leaks from stoves and driers account for as much global warming as 500,000 cars²⁶. Monitored natural gas detectors will naturally alert maintenance staff of leaks and reduce this negative environmental impact.

Socially, reducing mold occurrences by improving response for water leaks and exhaust fan malfunctions will decrease asthma rates. Asthma disproportionately affects lower income people, largely because many live in undermaintained, aging housing. Monitored sensors increases the ability to cost effectively maintain aging housing, extending its life. Installation of monitoring in buildings creates entry level technology jobs with opportunities for advancement. Gas detection will lead to better indoor air quality for residents and increased safety for residents and first responders when there is a gas leak.

Compliance with Potential Future State Regulation

²³ <https://www.chubb.com/us-en/individuals-families/resources/5-questions-to-help-you-prevent-water-damage-in-your-home.html>

²⁴ <https://pubmed.ncbi.nlm.nih.gov/19230464/>; realtimelab.com

²⁵ <https://www.investopedia.com/terms/t/terminal-capitalization-rate.asp#:~:text=The%20terminal%20capitalization%20rate%2C%20also,to%20get%20the%20terminal%20value.>

²⁶ <https://news.stanford.edu/press/view/42487#:~:text=A%20new%20Stanford%20Dled%20study,about%20500%2C000%20gasoline%2Dpowered%20cars.>

In 2021, New York State Senator Leroy Comrie, representing the 14th District in Queens and Chairman of Committee on Corporations, Authorities, and Commissions introduced "State Law 3705 Requiring Combustible Gas Detectors in Certain Structures."²⁷ A feature of the bill was that all gas detectors

Shall further be equipped with technology enabling such devices to automatically report the occurrence of each gas leak detected by such devices to the company providing gas to the dwelling in which such device is located.

And that

Standards for the reporting of gas leaks reported via automatic transmission to a gas company by a gas detector by such gas companies. Provided, however, that such standards shall require a gas company to issue an annual report detailing the number of leaks received in a calendar year disaggregated by county.

It is expected that the law will be reintroduced in the 2023 session with leak reports being transmitted according to Underwriters Laboratory guidelines to resident, building management, and 911 or fire departments who would in turn notify the Utilities.

Conclusion

As municipalities consider the implementation of natural gas detection to stand alongside the innovations of smoke and carbon monoxide detectors, they should also consider including future technological innovations as part of new legislations. The low-cost benefits of using monitored natural gas alarms is significant.

Deploying detectors using a LoRaWAN network, is a non-invasive and cost-effective solution for existing and new housing. Monitored gas detectors increase safety for first responders and residents, reduce natural gas leaks, while providing environmental benefits, and provide for additional safety against battery and equipment failures. By allowing wireless monitored systems, additional benefits are realized, which increase building values and reduce operating costs.

John Rusk is a construction professional and has taught Residential Construction Management at Columbia University's School of Professional Studies for the past 15 years. He is the founder of ProSentry, a building monitoring company using the power of LoRaWAN to cost effectively provide building managers and first responders the tools to manage problems while they are small while increase building value. He is also the founder of Rusk Renovations, a 35-year-old construction firm in New York City and is the founder of Constructive Decisions, a 25-year-old construction dispute resolution firm.

Marc Huestis is a utility industry professional with nearly 40 years of experience, including nuclear and fossil power plant operations as well as project management, construction and operation of electric and natural gas distribution and transmission systems. He served 13 years in executive leadership positions including nearly 7 years as the senior executive of Con Edison of New York's natural gas utility business. He is currently the principal of Huestis Consulting LLC.

²⁷ <https://www.nysenate.gov/legislation/bills/2021/S3705>

Ron Lazarus understands the products that keep people and communities safe. Safety alarm leaders New Cosmos USA, Firex, and Universal Security Instruments have relied on Ron for his vast international sales, regulatory and manufacturing operations expertise. Ron currently serves on the Boards of Global Midwest Alliance and previously the U.S.-India Chamber of Commerce – Midwest, demonstrating his dedication to cooperation, growth, and innovation through education on a global scale. After leading several successful businesses throughout the past 35 years in industries ranging from life safety products to cutting-edge drone and IoT technology, Ron now serves as the COO of New Cosmos USA, committed to saving lives by encouraging the utilization of natural gas alarms.

Fact Sheet #17J: First Responders and the Part 541 Exemptions Under the Fair Labor Standards Act (FLSA)

The FLSA requires that most employees in the United States be paid at least the federal minimum wage for all hour worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 in a workweek. However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempts certain computer employees. To qualify for exemption, employees must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455* per week.

Police Officers, Fire Fighters and Other First Responders

Police officers, detectives, deputy sheriffs, state troopers, highway patrol officers, investigators, inspectors, correctional officers, parole or probation officers, park rangers, fire fighters, paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees ("first responders") who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; and other similar work are not exempt under Section 13(a)(1) or the regulations and thus are protected by the minimum wage and overtime provisions of the FLSA.

First responders generally do not qualify as exempt executives because their primary duty is not management. They are not exempt administrative employees because their primary duty is not the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers. Similarly, they are not exempt learned professionals because their primary duty is not the performance of work requiring knowledge of an advanced type in a field or learning customarily acquired by a prolonged course of specialized intellectual instruction. Although some first responders have college degrees, a specialized academic degree is not a standard prerequisite for employment.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
Contact Us

Note (added January 2018):

*The Department of Labor is undertaking rulemaking to revise the regulations located at 29 C.F.R. part 541, which govern the exemption of executive, administrative, and professional employees from the Fair Labor Standards Act's minimum wage and overtime pay requirements. Until the Department issues its final rule, it will enforce the part 541 regulations in effect on November 30, 2016, including the \$455 per week standard salary level. These regulations are available at: <https://www.dol.gov/whd/overtime/regulations.pdf>

Dear Councilmembers,

My name is Krista O'Dea and I was terminated from the FDNY in March 2022 due to the vaccine mandate. At the time, I was a 17 year veteran to the company, beginning my career in 2005 as an EMT and working my way up to a Paramedic, Hazardous Materials trained Paramedic and finally a Rescue Paramedic. I graduated from Medic Basic 9 in 2008 and was paid to be trained solely by the FDNY EMS Academy. I was also paid to attend and train as a Hazardous Materials Technician by the FDNY and EMS HAZ-TAC Battalion. Lastly, I was paid to attend and train as a Rescue Paramedic by the same FDNY and EMS HAZ-TAC Battalion. The training and investment did not stop there. Every year, I was paid to upkeep the above certifications by attending NYS DOH refresher courses, Continued Medical Education lectures, REMAC exams, Haz-Mat refreshers and Rescue refreshers. Add to that the amount of money for staff to be paid to train me and the number multiplies exponentially. It is abundantly clear that the amount of money that was poured into my career by the FDNY was an investment for the FDNY. I was a highly specialized member of the EMS service, with almost 2 decades of experience.

I was placed on leave without pay on February 25, 2022 and terminated from my employment as a Rescue Paramedic with FDNY on March 15, 2022. All of the money invested into me by the FDNY over the course of 17 years, simply thrown away. In addition, I was full time on the truck 22R3, which is the overnight tour, servicing the Park Hill section of Staten Island. Since then, how much overtime was paid to cover my vacancy? To be clear, Rescue Paramedics are the most highly paid paramedics within the FDNY. In order to run a truck with a Rescue designation, there has to be 1 fully trained Rescue Paramedic riding. How many times did the FDNY have to pay overtime to a Rescue Paramedic to have my position covered for a 48/36 hour 2-week rotation over the course of the last year? How many times did the Rescue unit run down due to my termination? How many, already disadvantaged people, suffered from not having an ambulance respond to their emergency as quickly as possible when overtime wasn't covered?

The FDNY has paid tens of thousands, if not hundreds of thousands, in overtime to cover the shifts of all of those who were terminated, forced to retire and placed on LWOP. And here we are, over a year later, being asked to waive our rights to back pay, waive our rights to take legal action and waive our civil service rights if we would like the opportunity to be considered for reinstatement. What incentive to return to the FDNY is this? Is the FDNY complacent with paying overtime to cover the shifts of terminated members instead of hiring them back with no strings attached? Is the FDNY complacent with running an EMS service that works on a skeleton crew regularly, relying on overtime to fill standard shifts? Are the residents of NYC not afforded the safety of having an ambulance cover their neighborhood? How about the amount of money poured into specially trained members like myself? Does the FDNY have an abundant amount of funds to simply throw away their investment?

There have been enough double standards, discrimination and pointing of fingers over the last 3 years. Who will be brave enough to make things right?

Sincerely,
Krista O'Dea
kkolanovic@hotmail.com

**THE COUNCIL
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☐ in favor ☐ in opposition

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Name: Nuelle Peñas

Address: 151 West 30th

I represent: New York Lawyers For the Public Interest

Address: 151 West 30th

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I represent: _____

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Name: OREN BARZILAY

Address: 14 AVE WILTONSIDE NYC 10037

I represent: FDNY EMS LOCAL 2507

Address: _____

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Name: Chief John Hodgins - Chief of Department

Address: 9 metrotech center

I represent: _____

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Address: Budget and Finance

I represent: _____

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Name: Fire Commissioner Kenneth A. Brannan

Address: _____

I represent: _____

Address: _____

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Address: Monroe NY

I represent: SELF

Address: _____

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Name: Chief of EMS Michael Flood

Address: _____

I represent: _____

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Name: John Rusk

Address: West 245th St. The Bronx 10471

I represent: ProSentry

Address: 39 West 3rd Street 15th NY NY 10018

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Name: MICHAEL REARDON

Address: _____

I represent: Local 2507 FDNY

Address: _____

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Name: DANNY CHAMBERS

Address: _____

I represent: LOCAL 2507 UNION FDNY

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BUDGET HEARING Date: 3/13/23

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Address: _____

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I represent: NYCEM COMMISSIONER

Address: _____

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