

**NEW YORK CITY COUNCIL
COMMITTEE ON STATE & FEDERAL LEGISLATION**

**Testimony of Robert Sweeney
Chief of Operations
New York City Fire Department**

April 28, 2010

Introduction

Good afternoon Chairperson Foster and Council Members. Thank you for the opportunity to speak with about a proposed State bill mandating certain training for officers of the New York City Fire Department (FDNY).

The proposed bill would require the FDNY to provide all of our fire officers with at least 40 hours of training and instruction in the City Fire Code and at least 40 hours of training and instruction in the City Building and Construction Codes. The bill mandates the training be provided by January 1, 2011. We estimate the training mandates of this bill would cost the FDNY more than \$16 million.

Training

Before I discuss the bill, I would like to make the Committee aware of our commitment to training and how we have vastly improved and strengthened the training that we provide.

Since 9/11, we have increased our academy training four-fold at every rank. On any given day, the FDNY has 20 units at our training academy utilizing state-of-the-art high-rise, subway, flashover and other simulators. Our training – in terms of quantity, quality and breadth -- is light years ahead of where we were when, for example, I entered the fire service years ago.

Regarding training specifically in the Fire and Building Codes, we feel very strongly that we are using our existing resources to provide essential training to familiarize our fire officers and Firefighters with the key aspects of the Fire and Building Codes; we place special emphasis on fire safety, fire prevention and building construction.

Probationary Firefighters now receive approximately 24 hours of training in fire prevention and approximately 24 hours of training in building construction. Newly promoted fire Lieutenants and Captains receive approximately 16 hours of training in each of those categories, and our Chiefs receive 16 hours of training in fire prevention and approximately 20 hours in building construction.

Starting last June, a specialized Training Unit visits firehouses to train firefighters and officers in the FDNY Inspectional Guides -- and the changes to the Fire and Building Codes that they incorporate. The Training Unit is visiting each house at least four times to ensure that all members are trained.

Additionally, the FDNY has recently taken a number of steps to improve and streamline inspections and enforcement. Significantly, we have established a specialized unit with 15 uniformed officers who are highly trained in the new Fire and Building Codes. They provide training and operate a hotline to respond to questions from the field. These officers also have developed new user-friendly inspection forms to facilitate and guide inspections, new training materials to improve building inspections, and enforcement guides to demonstrate how to complete summons and violation forms and reports.

In addition to the firehouse visits I just mentioned, all FDNY officers receive two days of dedicated Building Inspection Safety Program (BISP) training, which includes Fire and Building Code training. This training, along with the new BISP manual and instruction forms and checklists, provides all the information and guidance an officer needs to perform effective inspections.

The Bill

With unlimited resources, I would not dismiss the idea of adding even more training on top of what we already provide. But bearing the \$16 million plus cost of the training contemplated by the bill would prove to be a severe hardship for the FDNY in light of the extraordinary budget reductions we now face. The Mayor's Preliminary Budget called for the closing of 20 fire companies, with the possibility of an *additional* 42 closures depending on the State budget process. This is in addition to the 30 ambulance tours we lost last year, a longstanding civilian hiring freeze and the delay of more than a year in hiring a new Probationary Firefighter class.

Cost alone – while significant -- is not the sole reason we oppose this bill. The FDNY is the leader in fire personnel training, at every level, nationwide. The FDNY is uniquely qualified to assess the Department's training needs. The proposed bill undermines our discretion to make decisions about the training we provide to our members. The Fire Commissioner is responsible for establishing the training prerogatives of the FDNY. By mandating an inflexible requirement and timetable for providing the training, this legislation encroaches heavily on that responsibility, impeding the Commissioner's City Charter-mandated decision-making authority to establish the Department's training prerogatives. In addition, the mandate that all of this training be completed by January 1, 2011 is completely unrealistic. We have a full schedule of critically important training scheduled at our Fire Academy every single day.

Lastly, I am advised that the Department of Buildings (DOB) and OMB estimate that DOB's costs as a result of this bill would be approximately \$1.4 million for trainers and curriculum. This roughly \$18 million expenditure just makes no sense when we are possibly facing 20 or more fire companies closings.

In sum, the FDNY strongly opposes the bill. Thank you for the opportunity to speak with you today. I would be happy to take your questions at this time.

UNIFORMED
FIRE DEPARTMENT, CITY OF NEW YORK
FIRE OFFICERS
LOCAL 854, INTERNATIONAL ASSN. OF FIREFIGHTERS, AFL-CIO
ASSOCIATION

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TESTIMONY BY CAPTAIN ALEXANDER HAGAN, PRESIDENT
UNIFORMED FIRE OFFICERS ASSOCIATION
BEFORE THE STATE AND FEDERAL LEGISLATIVE COMMITTEE
APRIL 28, 2010

My name is Eddie Boles, and I'm a Lieutenant in the New York City Fire Department. I also serve as the Treasurer and Legislative Chair of the Uniformed Fire Officers Association, a union of over 2,500 lieutenants, captains, battalion chiefs, deputy chiefs, supervising fire marshals and medical officers of the FDNY.

I appreciate the efforts of the Committee, Committee Chair Foster, and Speaker Quinn for your consideration of a Home Rule Message for a Training Bill that will provide necessary training of Fire Officers in Building Inspection.

The New York City Fire Department has been conducting fire inspections for nearly fifty years without formally training their Fire Officers on how to conduct proper inspections. Fire inspections done by the FDNY were never really meant to enforce the law or adequately protect the public. In fact, I have nearly 17 years in fire service and I have never been formally trained on how to inspect buildings or even write a summons. Other than units familiarizing themselves with the buildings in their fire response district, fire inspections done by our Fire Officers were nothing more than teachable moments for our units.

That was the way it was for fifty years until the infamous fire in August 2007 at the "Deutsche Bank" building. The tragic fire at 130 Liberty Street, next to the site where we experienced our worst day in the history of the FDNY, saw two of our brother firefighters -- Bobby Beddia and Joe Graffagnino -- succumb to a horrific fire where many more firefighters could have been killed. In fact, if it were not for the heroic efforts of many of our Fire Officers and Firefighters and the personal ropes used by many of our Firefighters to escape this death trap by rappelling to the exterior scaffolds, many more would have died.

After that fatal fire, the finger pointing ensued to cast blame on everyone but the real culprits. Unfortunately, they scapegoated three Fire Officers who possessed impeccable records and storied fire careers for not conducting 15 day inspections in a building under abatement and demolition. This was a rule buried deep within the Fire Prevention Manual, that most Fire Officers didn't even know existed, forget about enforcing it. It was rarely, if ever done. Even if 15 day inspections were performed in that building, our Officers would never have been able to conduct an adequate fire inspection or recognize some of the hazards that existed -- because our members were never formally trained on how to properly inspect toxic buildings and enforce the Fire and Building Codes.

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So since the City of New York and the Fire Department are holding our members more accountable in performing fire inspections, we are requesting a Home Rule message on a Training Bill that will provide our members with a minimum of eighty (80) hours of fire and building inspection training. This is a modest request, especially since Firefighters and Fire Officers in the State require about 180 hours of training and NYC civilian fire inspectors who conduct audits of the inspections done by our FDNY units have well over 200 hours of training.

A great deal of time, money and effort was used to revamp the NYC Fire and Building Codes, which were implemented in July, 2008. Wouldn't it make sense to properly train those Fire Officers who are asked to enforce these codes on a daily basis? We think it makes common sense.

The UFOA strongly encourages this committee to vote in favor of this "Home Rule" message, which will further enhance the professional training of our Fire Officers who are committed to keeping the citizens of this City safer.

We appreciate the Committee's efforts and I am available to answer any questions that you may have.



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GREATER NEW YORK & LONG ISLAND * NATIONAL SAFETY COUNCIL



Testimony

of

Daniel Kass

**Acting Deputy Commissioner, Division of Environmental Health
New York City Department of Health and Mental Hygiene**

before the

New York City Council Committee on State and Federal Legislation

regarding

**A 6158-A/ S 4278: Creating an Animal Population Control Fund and the Animal
Population Control Program**

April 28, 2010

250 Broadway
New York

Good morning Chairperson Foster and members of the Committee on State and Federal Legislation. My name is Daniel Kass, Acting Deputy Commissioner for the Division of Environmental Health at the New York City Department of Health and Mental Hygiene (DOHMH). On behalf of Commissioner Farley I would like to thank you for the opportunity to testify regarding Assembly Bill 6158A and Senate Bill 4278.

Assembly Bill 6158A and Senate Bill 4278 would amend the New York State Agriculture and Market Law and the Administrative Code of the City of New York to establish an animal population control fund and a New York City animal population control program. This program would provide low cost spay and neuter services for the pets of low-income New Yorkers. We believe that increasing the ability for voluntary sterilization of owned pets will reduce the number of animals entering the City's shelters and therefore reduce the number of animals that are euthanized.

The Department of Health and Mental Hygiene contracts with New York City Animal Care and Control (AC&C) to operate the animal shelter system. AC&C is required by our contract to sterilize dogs and cats that are adopted out of the shelters, but it does not have sufficient funding to provide or subsidize spay and neuter services for pets belonging to the general public. One reason that funding is lacking for spay and neuter services at AC&C is that under the current state law, which was enacted in 1995, only private veterinarians are eligible for reimbursement from the state's animal population control fund and excluded veterinarians in a shelter. This bill would enable the Department to establish a NYC Animal Population Control Program to be funded by a newly created NYC Animal Population Control Fund. The Fund would receive \$3 from the fees paid for each license purchased by owners of dogs older than four months of age that are not spayed or neutered.

At the current time, AC&C relies on partnerships with other entities such as ASPCA to provide public spay and neuter services; however, with funding AC&C would be able to do much more. With the support of the Fund, the Department and AC&C would be able to reestablish and expand mobile clinic operations to provide thousands of spay and neuter operations each year using this sustainable funding stream that is currently unavailable for these

purposes. The creation of the NYC Animal Population Control Program and access to the Fund will provide more direct services to the public and allow for responsible and humane care necessary for the animals in New York City. Accordingly, we ask the City Council for their support of this legislation.

Thanks you for this opportunity to testify. I am happy to take any questions.

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To: State and Federal Legislation Committee, New York City Council
From: Catherine Beason, President, Animal Friendly NYC
Date: April 28, 2010

Memorandum in Support of SLR to pass A6158 and S4278 NYC Animal Population Control Program and Fund

Animal Friendly NYC would greatly appreciate your support for Assembly Member Linda Rosenthal's and Senator Thomas Duane's bill – **A6158** and **S4278** – which will create low-cost spay and neuter clinics for low-income pet owners in New York City.

The bill would allow the city to set up its own low-cost spay and neuter program using money from a license surcharge on intact dogs. There's been a state program since 1997, but it's never worked well in New York City. It's a veterinary-reimbursement program, and very few New York City vets participate. **For example, in the last fiscal year, only 144 surgeries were performed under the state program in New York City.**

This bill will dramatically increase the number of surgeries and reduce the cost per surgery. The 144 state-program surgeries performed in FY 2008/2009 cost the state an average \$166 per surgery. A clinic can perform the surgeries at an average subsidy of \$65.

Significantly, the bill has the **support of the city Department of Health and Mental Hygiene**, which oversees the city's animal shelters and would oversee this program. And it has the **support of the state Department of Agriculture and Markets**, which administers the current state program.

In the last six years, New York City has struggled to reduce the number of homeless cats and dogs euthanized each year. The heroic efforts of the city's rescue and adoption community have managed to more than double the number of cats and dogs adopted out, saving many pets from death. However, the number of animals entering the city's shelters has stayed stubbornly at about 41,000.

Here's a startling set of numbers taken from NYC Animal Care and Control's own statistics:

Shelter Intake 2002:	40,968	Adoptions 2002:	8,678
Shelter Intake 2009:	40,743	Adoptions 2009:	25,873

Unfortunately, increasing adoptions doesn't solve the problem of homeless pets. We know from successful programs in other states that **offering low-cost spay and neuter to low-income pet owners is the only way to significantly reduce shelter intake**. That's because the cost of spaying and neutering is out of reach for many pet owners, and when pets reach sexual maturity or have litters, their owners often abandon them.

That's not only tragic for the animals who are abandoned. It's also expensive for the city. **It costs about \$255 to take an animal into the city's shelters, whether that animal ends up adopted or dead.** A subsidized surgery costs roughly \$65 when delivered in a clinic setting and not only keeps that animal in his or her home, but also keeps potential offspring out of the city's shelters.

For the last five years, Animal Friendly NYC has been working with state and city legislators and the New York City Department of Health and Mental Hygiene to create low-cost clinics in each of the city's five boroughs. This bill would provide a good financial footing to get the first of those clinics off the ground.

Thank you for your time and attention.

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