

COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
COMMITTEE ON OVERSIGHT AND INVESTIGATIONS 1
CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS
JOINTLY WITH COMMISSIONER ON
OVERSIGHT INVESTIGATIONS

----- X

February 27, 2023
Start: 11:17 a.m.
Recess: 11:47 a.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Pierina Ana Sanchez, Chairperson
Committee on Housing and Buildings

Gale A. Brewer, Chairperson
Committee on Oversight and
Investigations

COUNCIL MEMBERS COMMITTEE ON HOUSING AND BUILDINGS:

Charles Barron
Tiffany Caban
David M. Carr
Eric Dinowitz
Oswald Feliz
Crystal Hudson
Ari Kagan

COUNCIL MEMBERS COMMITTEE ON OVERSIGHT AND
INVESTIGATIONS:

Diana Ayala
Rita C. Joseph
Kalman Yeger

COMMITTEE ON HOUSING AND BUILDINGS JOINTLY WITH
COMMITTEE ON OVERSIGHT AND INVESTIGATIONS 2

A P P E A R A N C E S

Kazimir Vilenchik, Acting Commissioner of the New
York City Department of Buildings

Guillermo Patino, Deputy Commissioner for
External Affairs at New York City Department of
Buildings

Patrick Walsh, Counsel to the Plumbers Local
Union Number 1

Robert Stulberg, Counsel to the Plumbers Local
Union Number 1

Arthur Klock, Director of Trade Education for
Local 1's Trade Education Fund

April McIver, Executive Director of the Plumbing
Foundation of the City of New York

Terence O'Brien, Executive Vice President of the
Association of Contracting Plumbers

George Bassolino, Technical Director for the
Master Plumbers Council

Arthur Goldstein, Counsel for the Masters
Plumbers Council

SERGEANT-AT-ARMS: Testing one, two, one,
two. Today is February 27, 2023. Today's hearing is
on Investigation jointly with Housing and Buildings.
Being recorded by Keith Polite.

SERGEANT-AT-ARMS: Please kindly start the
Zoom webinar.

HOST: Webinar is began.

SERGEANT-AT-ARMS: Thank you. Good
morning, everyone, and welcome to the New York City
hybrid hearing of the Committees on Oversight and
Investigation together with Housing and Buildings.

Please silence all electronic devices.

Chairs, we are ready to begin.

CHAIRPERSON BREWER: [GAVEL] Good morning.
I'm Gayle Brewer, City Council Member and Chair of
the City Council's Committee on Oversight and
Investigations. We're joined today by Committee on
Housing and Buildings, Chair Sanchez.

As we're all aware, the city is in the
middle of a major staffing crisis. Critical
government services are in short supply. We just
don't have enough people to do the work. This
Committee uncovered earlier this session, the
Oversight and Investigations, that one of the

1 agencies hardest hit by the staffing crisis is the
2 Department of Buildings. DOB has consistently had a
3 vacancy rate of over 20 percent, one of the highest
4 among City agencies, with at least 100 full-time
5 employees missing. At our September hearing, we asked
6 the Administration how vacancies at DOB were
7 impacting the Department's ability to perform its
8 important work. The Administration did not have many
9 details to share at that time. Now, and the subject
10 today, is that allegations have surfaced asserting
11 that the Department is failing to scrutinize the
12 qualifications of gas line workers as required by
13 Local Law 150 of 2016. One would hope that DOB, the
14 agency responsible for ensuring safety at
15 construction sites and in buildings throughout our
16 city, would take great pains to carefully review the
17 qualifications of anyone who performs hazardous gas
18 work, but we do feel that these allegations paint a
19 different picture. The people who are concerned claim
20 that individuals without the requisite qualifications
21 are performing gas work on projects through the city,
22 putting public health and safety at risk. These
23 allegations are deeply concerning and warrant a
24 thorough investigation, and that's why we're here
25

1
2 today. Today, we will be asking DOB about the process
3 for reviewing gas worker qualifications pursuant to
4 Local Law 150. We will also attempt to learn whether
5 the high vacancy rate at DOB is having any impact on
6 the Department's ability to ensure robust compliance
7 with the law. I know there's a lawsuit and I know DOB
8 officials may be reluctant to share certain
9 information given the lawsuit, but this is a matter
10 of public concern. New Yorkers deserve to know what
11 DOB is doing to ensure that gas work performed in
12 their neighborhoods is completed safely. I hope we
13 can approach today's conversation with public's need
14 for transparency on this topic.

15 I would like to thank all my Colleagues
16 who have joined us today. I see Council Members
17 Barron and Dinowitz. I would also like to thank the
18 Staff of the City Council's Oversight and
19 Investigations Division, Kevin Frick, Zach Meher, and
20 Katie Sinise for all their hard work putting this
21 hearing together, and I certainly want to thank from
22 my staff, Shula Warren (phonetic) and Sam Goldsmith.

23 I'll now turn it over to the awesome co-
24 Chair of Housing and Buildings, Council Member
25 Sanchez.

CHAIRPERSON SANCHEZ: Thank you so much,
Chair Brewer. Good morning, everyone. I am Council
Member Pierina Sanchez, Chair of the Committee on
Housing and Buildings. Thank you to my co-Chair,
Council Member Brewer, for holding this joint hearing
today.

As my co-Chair stated, today we are
conducting oversight on gas qualification work, which
is overseen by the Department of Buildings. Any
person working on a gas line in New York City today
is required to have a license. This requirement came
into place after a series of truly devastating and
avoidable gas explosions several years ago. An
explosion in East Harlem in March of 2014 killed
eight New Yorkers, left more than 50 people injured,
and destroyed two buildings. In the East Village in
2015, two people died, over 20 people were injured,
and multiple buildings were destroyed as a result of
an illegal installation of a gas delivery system.
Those tragedies brought to the light the potential
dangers of unqualified gas line work so in 2016 the
City Council took action, passing a package of
legislation to enhance safety standards for gas
piping systems. Those laws outlined the

1
2 qualifications needed for gas work, going into effect
3 January of 2020. The laws did the following: They
4 required periodic inspections of gas piping systems;
5 required building owners to notify tenants of
6 procedures that should be followed when there is a
7 suspected gas leak, and designated gas piping
8 violations as immediately hazardous. But passing
9 legislation isn't enough. It is vital that laws are
10 both followed and properly enforced. It is the
11 responsibility of DOB to administer and uphold them,
12 and it is the responsibility of the City Council to
13 conduct oversight over the Department of Buildings to
14 make sure that New Yorkers are safe. As my co-Chair
15 stated, we've heard disturbing allegations that the
16 Department of Buildings is failing in its duty to
17 properly enforce these laws, potentially putting New
18 Yorkers at risk of the exact same types of tragedies
19 that led to the laws' passage in the first place.

20 I look forward to hearing from the
21 Department today about their efforts to increase the
22 safety of our gas infrastructure and exploring ways
23 the City Council can be partners in improving these
24 processes where improvements can be made.

1
2 Before turning it over to the Committee
3 Counsel to administer the oath, I'd like to in
4 addition to the Oversight and Investigations Staff,
5 I'd like to thank my Staff, Chief-of-Staff Sam
6 Cardenas, Communications and Legislation Director
7 Kadeem Robinson, Housing and Buildings Dream Team,
8 Audrey Son, Taylor Zelony, Jose Conde, and Charles
9 Kim as well as all of my Colleagues that are here
10 today. I'd like to acknowledge Council Member Carr.

11 With that, Counsel, can you administer
12 the oath, or back to my co-Chair.

13 CHAIRPERSON BREWER: Council Member Kagan
14 is here too. Thank you very much. Go ahead.

15 COMMITTEE COUNSEL: Thank you, Chairs.
16 We'll now here testimony from the Department of
17 Buildings. Before we begin, I will administer the
18 affirmation. Panelists, please raise your right hand.

19 Do you affirm to tell the truth, the
20 whole truth, and nothing but the truth before these
21 Committees and to respond honestly to Council Member
22 question?

23 ADMINISTRATION: (INAUDIBLE)

24 COMMITTEE COUNSEL: Thank you. You may
25 begin.

ACTING COMMISSIONER VILENCHIK: Good

morning, Chair Sanchez, Chair Brewer, and Members of the Committee of the Housing and Buildings and Oversight and Investigations. I'm Kazimir Vilenchik, Acting Commissioner of the New York City Department of Buildings, and I'm joined today by Guillermo Patino, Deputy Commissioner for External Affairs.

We are pleased to be here to discuss the important issue of gas safety. Before I discuss the Department's efforts to ensure that gas work is conducted in a safe manner and our work to improve gas safety over the years, I would like to thank the City Council for its partnership on this issue. The City Council has a strong track record of working to improve gas safety. In 2016, following the tragic gas explosion in the East Village in 2015, the City Council passed a package of laws intended to improve gas safety, which built upon stringent regulations in the New York City Construction Codes, some of which I will discuss in my testimony today.

Keeping New York City construction regulations updated is a top priority for the Department. This work involves hundreds of dedicated professionals who volunteer their time to update the

1
2 Construction Codes alongside the Department including
3 regulations related to who can conduct plumbing work
4 and how plumbing work, including gas work, can be
5 conducted. Regarding the professionals who can
6 conduct plumbing work, the Department has a robust
7 licensing program and currently licenses or registers
8 nearly two dozen different trades, including
9 approximately 1,150 master plumbers and 1,600
10 journeyperson plumbers. Only licensed master plumbers
11 or those working under their supervision can perform
12 plumbing work. With respect to those working under
13 the supervision of licensed master plumbers, it is
14 important to emphasize that the master plumbers
15 licensed by the Department is responsible for their
16 work and the work of the individuals working under
17 their supervision. This includes ensuring that the
18 individuals they retain to work under their
19 supervision are appropriately qualified to conduct
20 the work they engage in. In order for an individual
21 to be licensed as a master plumber, they must
22 demonstrate that they have the appropriate experience
23 to the Department, which generally includes relevant
24 education or experience planning, designing, or
25 installing plumbing supervision of a licensed master

1
2 plumber. It should also be noted the Department
3 regularly takes actions to suspend or revoke the
4 licenses, registrations, or filing privileges of
5 professionals who work unsafely and put their lives
6 or the lives of others at risk, which include
7 licensed master plumbers. Information regarding this
8 disciplinary history of such professionals is made
9 public on the website so the public can make informed
10 decisions when hiring a professional to work on a
11 construction project. We urge New Yorkers to research
12 the construction professionals they plan on
13 retaining, which includes ensuring that they are
14 appropriately licensed or registered and able to
15 conduct permitted construction work.

16 Within the plumbing discipline, the
17 Construction Code regulations that apply to a
18 particular construction project can vary. The
19 Construction Codes include the plumbing code, which
20 largely contain the provisions that would apply to a
21 construction project involving plumbing work
22 including, but not limited to, chapters dedicated to
23 water heaters, water supply and distribution,
24 sanitary drainage, and storm drainage. There is also
25 a separate Fuel Gas Code, which contains the

1 provisions that would apply to a construction project
2 involving fuel gas piping systems or appliances.

3 Licensed master plumbers are responsible for
4 complying with the applicable Construction Code
5 provisions and for performing applicable progress
6 inspections, special inspections, and final
7 inspections for certain scopes of work that they have
8 been issued permits for. Where work does not pass any
9 code-required inspections, permit holders are
10 responsible for ensuring that all necessary
11 corrections be made to such work before final
12 inspection is requested from the Department. With
13 respect to final inspection by the Department, Local
14 Law 151 of 2016 requires the Department to perform
15 all final inspections of gas piping systems in the
16 presence of the permit holder or their
17 representative, which further increases gas safety by
18 ensuring that gas is not turned on until the
19 Department's Inspector has performed their own
20 independent inspection after work has been completed.

21
22 In addition to being licensed by the
23 Department to perform plumbing work and complying to
24 stringent Construction Code regulations, individuals
25 performing gas work must separately demonstrate that

1 they are qualified to perform such work. This
2 requirement was created by Local Law 150 of 2016 and
3 requires that anyone performing gas work possess
4 either Department-issued master plumber license or
5 qualification for gas work, which would allow an
6 individual to perform gas work under the supervision
7 of a licensed master plumber. In order to qualify for
8 a gas work qualification, an individual must
9 demonstrate that they have appropriate experience to
10 perform gas work and may need to take a Department-
11 approved training program of at least 16 hours
12 relating to gas work. A gas work qualification card
13 must be carried by individuals at all times while
14 they engage in gas work. Separately, the Fuel Gas
15 Code also requires individuals performing gas work to
16 demonstrate additional qualifications if the work
17 they engage in requires welding, which includes
18 obtaining additional certification.

19
20 Finally, Local Law 152 of 216 also
21 requires that gas piping systems in all buildings
22 except for one- and two-family homes be inspected by
23 a licensed master plumber or an individual working
24 under the supervision of at least once every four
25 years. As part of this inspection requirement,

1
2 building owners must hire a licensed plumber to
3 inspect exposed gas piping within their building
4 periodically. The results of this inspection must be
5 submitted to the Department, and any unsafe or
6 hazardous conditions identified during such
7 inspections must be corrected. The current inspection
8 cycle began in 2020 and will run through this year.

9 It should be noted that the building
10 owners including owners of small properties have
11 expressed that they have had challenges complying
12 with this newly introduced inspection requirement,
13 citing the cost of inspections and the availability
14 of plumbers as a concern. Recognizing such concern,
15 the City Council has delayed inspection deadlines
16 through the passage of Local Laws in the past and
17 have created the opportunity for building owners to
18 apply for extensions to complete the inspections. The
19 Department certainly understands the concerns
20 building owners have raised and has focused on
21 conducting extensive outreach to building owners to
22 educate them about the new inspection requirements,
23 which has resulted in increased compliance since the
24 special requirements took effect.

1
2 We thank the City Council for its
3 attention to this important issue and look forward to
4 continuing our work together to improve the
5 Department for the benefit of all New Yorkers. We
6 welcome any questions you may have.

7 CHAIRPERSON BREWER: Thank you very much.
8 I know some Colleagues have questions and so does my
9 co-Chair, but I guess I want to understand if Local
10 Law 150 of 2016, I know it's 151 and 152, makes it
11 unlawful to perform gas work unless the work is
12 performed either a licensed master plumber or a
13 person who holds a DOB-issued gas qualifications
14 working under supervision. I know you said that, but
15 I just want to have you expand on that a little bit.

16 ACTING COMMISSIONER VILENCHIK: Thank you,
17 Council Member, for this question. Department-
18 licensed master plumber and in addition to the
19 license, we issue gas qualification cards. Gas
20 qualification normally, the way it works a person
21 qualified to perform gas work working directly under
22 direct supervision of the master plumber, and the way
23 the system is established is there are two types gas
24 qualification. There's full gas qualification and
25 limited gas qualification. Full gas qualification as

1
2 the sort of requirements like master plumber could
3 qualify for full gas work. We have limited gas
4 qualification which technically expires in five
5 years, and the difference between with journeyperson
6 performing work. In order to become qualified, you
7 need to take the 16-hour gas work course which
8 technically comply to verifying knowledge of Chapter
9 4 Gas Code requirements. In addition, if a gas work
10 installer plans to be involved in welding, he or she
11 need to obtain the required certification from
12 American Welding Society.

13 CHAIRPERSON BREWER: Okay, and how do you
14 enforce the law and how many staff people do you have
15 to enforce the law? I assume that any staff person is
16 doing other things also, but obviously I mean both
17 Comptrollers and this Committee have all talked about
18 the lack of staffing so how much have you done about
19 enforcing and what's the number of people that have
20 the ability to enforce and how many vacancies do you
21 have in that enforcement?

22 ACTING COMMISSIONER VILENCHIK: I'm
23 looking at my staffing, budgeted count for Planning
24 Inspection 68 people.

25 CHAIRPERSON BREWER: 68 people?

1
2 ACTING COMMISSIONER VILENCHIK: 68, right,
3 and actual headcount is 61 so it's not such a
4 tremendous shortage. I would say that we have
5 sufficient number of people the way we perform work
6 right now, and our service level for development
7 inspections is two business days which is kind of
8 unprecedented, between two to three business days,
9 which is unprecedented, and the way I see we can
10 improve this even better is with introduction of
11 artificial intelligence or remote inspections. This
12 is how we can improve. Hiring additional staff, I
13 don't believe it's going to change the situation much
14 with that.

15 CHAIRPERSON BREWER: All right, okay, then
16 the question I also have is how many I guess either
17 plumbers or those that are supposed to be working
18 under them with the right qualifications, how many
19 people have received any kind of either taking their
20 plumbing license away or any kind of an infraction?
21 How many have received that in the last year for
22 instance, if any?

23 ACTING COMMISSIONER VILENCHIK: I don't
24 have the exact number of how many licenses we took
25 away, but I would say that we issued violations for

1
2 unlicensed gas work. Just give me a moment. I'm going
3 to find this number. Okay, first of all, we have a
4 number for where we found plumbing work had been
5 performed without a permit, and I would say in 2021
6 it was 1,150, in 2022 it was 842, and in 2023 year-
7 to-date 91.

8 CHAIRPERSON BREWER: Okay.

9 ACTING COMMISSIONER VILENCHIK: In
10 addition to, to answer the question how many
11 violations the Department issued where plumbing work
12 has been performed by unlicensed individuals in 2022
13 was 17, in 2023 it's 0 so far.

14 CHAIRPERSON BREWER: Okay, all right.
15 Thank you very much. Go ahead.

16 CHAIRPERSON SANCHEZ: Thank you, Madam co-
17 Chair. Commissioner, you stated in your testimony
18 that some owners have expressed hardship with
19 conducting inspections that are required on a four-
20 year cycle by Local Law 152 so what is the present
21 rate of self-certification of buildings that are
22 using licensed master plumbers?

23 ACTING COMMISSIONER VILENCHIK: This
24 question kind of contains two components over here.
25 When you use the self-certification, it's applied to

1 plumbing work done by (INAUDIBLE) supervision and
2 what's happening is when the plumber completes the
3 construction project, he has ability to self-certify
4 certain types of the project, and in most of the
5 cases, plumbers should certify (INAUDIBLE)
6 installation, but I cannot give you an exact number,
7 but this is quite high. I don't have it, and I have
8 to research for it, but the way it works, plumbers
9 self-certify roughing and installation submit
10 notification, what they used to call a P-98, submit
11 it to the Department which gives the Department 48
12 hours opportunity to inspect this installation, and
13 we do inspect these installations randomly based on
14 random selection. We don't cure a lot of issues with
15 that installation.

17 CHAIRPERSON SANCHEZ: Thank you. I'm
18 living in a building, as your Deputy Commissioner
19 knows, that is struggling with gas issues, what
20 percentage of, it should be 100 percent, but what
21 percentage of buildings that are undergoing gas work
22 are in communication with DOB? Let me frame it this
23 way. How many violations is DOB issuing on an annual
24 basis for buildings that receive gas complaints, gas
25 work is being conducted without proper licensing?

1
2 ACTING COMMISSIONER VILENCHIK: It's
3 difficult to say because plumbing work, when a
4 project is conducted in an apartment or in building,
5 in most of the cases it contains a variety of
6 plumbing work, and it could be drainage, it could be
7 water installation and including gas. We do not have
8 a separate account only when it's gas work. Based on
9 the complaints for gas work, we can take a look. We
10 will just report it, it's not specific to gas. I can
11 say in 2021 we issued 1,150 work without permit
12 violations.

13 CHAIRPERSON SANCHEZ: I'm sorry. You said
14 2021?

15 ACTING COMMISSIONER VILENCHIK: In 2021.
16 In 2022, 842, and in 2023 year-to-date 91.

17 CHAIRPERSON SANCHEZ: How are these
18 complaints coming in?

19 ACTING COMMISSIONER VILENCHIK: Through 3-
20 1-1 system.

21 CHAIRPERSON SANCHEZ: Okay, thank you. You
22 said in most cases plumbers choose to certify
23 roughing and installation work. Is that what is
24 required? Is there anything else that they should be
25 reporting to DOB?

1
2 ACTING COMMISSIONER VILENCHIK: No, it's
3 not. It's not required. This is an option the plumber
4 has.

5 CHAIRPERSON SANCHEZ: Okay, thank you. You
6 also spoke of DOB checking on this work randomly so
7 does the Local Law require DOB to audit self-
8 certifications?

9 ACTING COMMISSIONER VILENCHIK: No, we
10 don't have a Local Law to audit, but we do random
11 inspections. We have what we call Enforcement Unit
12 which contains 10 inspectors, and they do (INAUDIBLE)
13 random selection verification of the installations.

14 CHAIRPERSON SANCHEZ: Okay, thank you.
15 What is the rate of that random spot-checking, what
16 percentage?

17 ACTING COMMISSIONER VILENCHIK: I don't
18 have an exact number for that, but I would say close
19 to 100. It's quite high because normally plumbers
20 expecting that the inspection might occur, and they
21 normally test the system and verify completeness of
22 installation so I would say passage rate is quite
23 high.

24 CHAIRPERSON SANCHEZ: Okay. You said close
25 to 100 percent?

1
2 ACTING COMMISSIONER VILENCHIK: I would
3 say so.

4 CHAIRPERSON SANCHEZ: Okay. I don't have a
5 specific number, I would have to check, but it's very
6 high.

7 CHAIRPERSON SANCHEZ: Okay, thank you.
8 I'll ask one more question, and I know Colleagues
9 have questions as well and we can circle back.

10 In speaking, you talked about checking on
11 the back-end spot checks, but can you walk us through
12 the process if done correctly of a building, if it's
13 the owner or if it's the licensed master plumber,
14 what is the process of and what is the communication
15 between DOB, that building, and the licensed master
16 plumber seeking gas authorization specifically?

17 ACTING COMMISSIONER VILENCHIK: Of course.
18 If a regarding owner or owner of the building decided
19 to perform plumbing, there are two types of filing
20 available through DOB. You apply for a regular permit
21 or you apply for what we call LAA, Limited Alteration
22 Application. The way it works if work does not
23 involve removing of the walls or fire-rated
24 partitions, you don't need to hire a licensed
25 professional engineer, you can hire only a plumber

1
2 who will perform the work just moving pipes around.
3 You have to find a licensed master plumber who will
4 file in the majority of cases LAA if they do it
5 themselves, and through LAA division, LAA division
6 will verify what type of filing, type of work to be
7 performed, and issue the permit. The permit will
8 reflect that the scope of work reflects what the
9 installation intends to be for this particular
10 project. Once work is initiated, and the plumber is
11 supposed to initiate the work, if work contains
12 obviously gas installation, the plumber must hire or
13 have on his or her payroll a qualified gas installer
14 and in case work will involve welding they must also
15 verify that this person possesses welding
16 certification as well. Once work is completed, in
17 part let's say gas work involved, and plumber decided
18 to certify roughing installation, he or she can call
19 the Department to announce that they're self-
20 certifying this particular work, and, in this case,
21 the Department will have 48 hours to perform an
22 inspection. Within this 48 hours, the walls are not
23 closed yet. Once this period expires, (INAUDIBLE)
24 might close the walls and the plumber may complete
25 work with final finishes. Once final installation is

1
2 complete, plumber can call for final inspection, and
3 final inspections are always performed by the
4 Department in the presence of the inspector. If work
5 involved gas work, and normally if you refer to a
6 building case, we're talking about installation of
7 under pressure of (INAUDIBLE) pounds per square inch,
8 the system must be pressurized in presence of the
9 inspector and keep the pressure unchanged for 30
10 minutes. Once the inspector sees that, the system can
11 be considered as passed an inspection, and final gas
12 authorization issued, and after that, if gas was
13 turned off by the utility company, gas can be turned
14 on again.

15 CHAIRPERSON SANCHEZ: That's exactly where
16 I wanted to go. Just two quick followups. Is the
17 scope of work that the licensed master plumber puts
18 forward, is that approved by the Department?

19 ACTING COMMISSIONER VILENCHIK: It's
20 considered approved.

21 CHAIRPERSON SANCHEZ: Has to be approved?

22 ACTING COMMISSIONER VILENCHIK: Whenever
23 the permit is issued, everything is considered
24 approved by the Department.

25

CHAIRPERSON SANCHEZ: What's the title of the professionals at DOB that approve that plan?

ACTING COMMISSIONER VILENCHIK: Depends on how you're filing. If a plumber files it through LAA, it's approved by the clerical staff based on the scope of work, but LAA is subject to audit as well so being audited by plumbing examiners. If it goes through the regular filing, when a permit's involved, it's approved by the plumbing examiner.

CHAIRPERSON SANCHEZ: Okay, thank you. Right at the end you said there's a role that the utilities play. What is the role of the utility at the end of the process?

ACTING COMMISSIONER VILENCHIK: Utility company, normally they turn on the gas when gas authorization is issued. We do not communicate directly with the utility company. Normally, it's initiated by the master plumber, but utility company is alerted when gas authorization is issued by DOB.

CHAIRPERSON SANCHEZ: They only listen to DOB or do they do their own inspection as well?

ACTING COMMISSIONER VILENCHIK: They're looking for our authorization. If this authorization is not issued, they're not going to turn on the gas.

3 CHAIRPERSON SANCHEZ: Okay, thank you.

4 CHAIRPERSON BREWER: Council Member Carr
5 and then we've also been joined by Council Members
6 Joseph and Hudson, and Council Member Ayala is on
7 Zoom. Council Member Carr.

8 COUNCIL MEMBER CARR: Thank you, Chair
9 Brewer, Chair Sanchez, for convening this important
10 hearing. Commissioner, good to see you.

11 I want to talk a little bit about timing.
12 I think one of the things that I heard in the prior
13 administration was there was a lot of backlog with
14 LAA permitting. Can you talk a little bit about what
15 you've done to sort of improve that and what the
16 current sort of average time is for folks seeking
17 permit approvals for gas work?

18 ACTING COMMISSIONER VILENCHIK: I believe
19 at this point we do not have any sufficient or any
20 backlog in LAA. Technically, LAA filing is a
21 professionally certified type of filing, and DOB is
22 not supposed to have a lot of role, but I'm saying
23 we're still applying our filters to make sure that
24 nothing inappropriate goes through.

25 In terms of plumbing examination,
whenever the plumbing (INAUDIBLE) my goal is to keep

1
2 our turnaround (INAUDIBLE) two business days with new
3 system DOB has now implemented so we can't get
4 exactly to two business days but we're keeping within
5 two to five days. Depends on the workload and depends
6 on the availability of plumbing examination staff.

7 COUNCIL MEMBER CARR: What I still hear
8 anecdotally sometimes, usually I'm talking about like
9 three-family buildings at this stage that there's a
10 significant amount of time that goes on before
11 they're able to get the authorization for the utility
12 company to turn on the gas. Why would there be
13 significant delays that would prevent a home from
14 getting gas, particularly when we have occupied units
15 and it's cold season or a cold season is just around
16 the corner?

17 ACTING COMMISSIONER VILENCHIK: Thanks for
18 that great question. There are two sides of the story
19 so we need to obviously look at what's happening
20 exactly. Yes, we pay attention whenever the cold
21 season and wintertime, we pay attention, the
22 homeowners, because we know heat is important and we
23 give priority to that. In terms of authorization, as
24 I said, there is only one thing. You must pass the
25 test. We send an inspector, we pressurize the system.

1
2 The system is supposed to contain this pressure for
3 30 minutes. If anything less than that happens, we
4 are not going to allow gas to be authorized so there
5 are always two sides, as I said, to the story. We
6 need to take a look at each particular case. There is
7 no intention to delay. Our service level is
8 excellent. As I said, I'm very proud of it and just
9 only looking to make it better.

10 COUNCIL MEMBER CARR: In terms of you
11 talked about self-certification, a lot of this is
12 done by master plumbers, at what point would DOB
13 decide that's not good enough because I hear of
14 situations where design professionals are required to
15 get involved to do filings, permits can be audited
16 and determined that a different procedure should've
17 been employed in the particular instance, and that
18 could be burdensome to suddenly bring in a design
19 professional where the plumber did their work, there
20 was a final inspection and a sign-off by DOB, but now
21 there's another regulatory scheme at play so can you
22 kind of shed some light on that because I've heard
23 that a couple of times from master plumbers in my
24 District serving the community about why their
25 procedures might not be good enough and a design

1
2 professional may need to be brought in to seek in
3 additional permitting from DOB?

4 ACTING COMMISSIONER VILENCHIK: Thank you
5 for this question. These more technical matters are
6 explained (INAUDIBLE) circumstances where a plumber
7 filed the job which reflects only removal of the
8 pipes but, as I said, whenever there is fire
9 (INAUDIBLE) involved, egress involved, moving
10 partitions, you have to hire a licensed professional
11 who is a licensed engineer or a registered architect
12 in that situation. We do not allow plumbers to file
13 work which involves any types of removal. The only
14 thing a plumber is allowed is whenever the piping is
15 penetrating fire-rated walls.

16 COUNCIL MEMBER CARR: So anything more
17 than replacement of the piping, then it would require
18 a design professional?

19 ACTING COMMISSIONER VILENCHIK:
20 Absolutely, right.

21 COUNCIL MEMBER CARR: Okay.

22 ACTING COMMISSIONER VILENCHIK: We try to
23 keep this separate and responsibility (INAUDIBLE) in
24 the construction project.

1
2 COUNCIL MEMBER CARR: All right. Thank you
3 for your answers. Thank you, Chairs.

4 CHAIRPERSON BREWER: Council Member
5 Barron.

6 COUNCIL MEMBER BARRON: Thank you very
7 much. Commissioner, in the last decade, how many
8 deadly gas explosions have their been?

9 ACTING COMMISSIONER VILENCHIK: I don't
10 want to speculate.

11 COUNCIL MEMBER BARRON: You don't want to
12 speculate? This is a hearing around safety. You had
13 prior notice that you were going to be at this
14 hearing. You shouldn't have to speculate. We should
15 have some numbers on that. It's interesting I find
16 too many Commissioners come and say thank you for the
17 question and then don't answer it and say they have
18 to get back to you, have to do some research. Do you
19 have any number of deadly explosions that occurred
20 that you remember since you didn't come prepared for
21 that?

22 ACTING COMMISSIONER VILENCHIK: Thank you
23 for the question as a matter of fact.

24 COUNCIL MEMBER BARRON: Yeah, I would
25 appreciate an answer.

1
2 ACTING COMMISSIONER VILENCHIK: Yes, we
3 do. We discussed my initial testimony. We talked
4 about East Village gas explosion. It is the deadliest
5 in the history..

6 COUNCIL MEMBER BARRON: About how many
7 deadly explosions do you recall in the last year, two
8 years, three years, five years?

9 ACTING COMMISSIONER VILENCHIK: We are not
10 aware of any. Give me a second. I'll ask Guillermo
11 here..

12 CHAIRPERSON SANCHEZ: Commissioner, just
13 as you continue to answer, if you can pull the
14 microphone a little bit closer to you.

15 DEPUTY COMMISSIONER PATINO: Beyond the
16 East Village gas explosion in 2015, we're not aware
17 of deadly gas explosions, but there have been gas
18 explosions in recent years..

19 COUNCIL MEMBER BARRON: About how many gas
20 explosions?

21 DEPUTY COMMISSIONER PATINO: In 2021,
22 there was a gas explosion in Brooklyn at 58 Vermont
23 Street. That was a two-family home. In 2022, there
24 was also a gas explosion at 869 Fox Street in the
25 Bronx.

1
2 COUNCIL MEMBER BARRON: So you know of
3 three?

4 DEPUTY COMMISSIONER PATINO: Those two
5 that I mentioned weren't deadly. They didn't have any
6 fatalities..

7 COUNCIL MEMBER BARRON: Okay. Take out
8 deadly. Gas explosions, you have a number for gas
9 explosions.

10 DEPUTY COMMISSIONER PATINO: It would be
11 those three that we're aware of.

12 COUNCIL MEMBER BARRON: That's the only
13 three you have within the last 10 years.

14 DEPUTY COMMISSIONER PATINO: Yes, that
15 we're aware of.

16 COUNCIL MEMBER BARRON: That you're aware
17 of? Could there possibly be an explosion that you're
18 unaware of?

19 ACTING COMMISSIONER VILENCHIK: I don't
20 believe so.

21 COUNCIL MEMBER BARRON: So you're saying
22 only three?

23 ACTING COMMISSIONER VILENCHIK: Three that
24 we are aware about.

1
2 COUNCIL MEMBER BARRON: That you're aware
3 of? That's an interesting expression. Let's take
4 those three. Were there licensed master plumbers or
5 certified plumbers from DOB that were under the
6 supervision of a licensed master plumber, and how
7 many inspections did those three have?

8 ACTING COMMISSIONER VILENCHIK: Okay, we
9 have to clearly separate work performed by licensed
10 master plumbers...

11 COUNCIL MEMBER BARRON: I got that. Only
12 because I'm on a time limit, how many licensed master
13 plumbers were at those three?

14 ACTING COMMISSIONER VILENCHIK: I don't
15 believe none of them.

16 COUNCIL MEMBER BARRON: None of them?

17 ACTING COMMISSIONER VILENCHIK: Right. The
18 point is...

19 COUNCIL MEMBER BARRON: I'm only going to
20 cut you because I need to cut to the chase because I
21 have a time limit. So there were none at those three?

22 ACTING COMMISSIONER VILENCHIK: Not that
23 we're aware of those...

1
2 COUNCIL MEMBER BARRON: What about a
3 certified by DOB? Was that done at any of those three
4 sites?

5 ACTING COMMISSIONER VILENCHIK: No DOB was
6 involved in those sites, in the construction work.

7 COUNCIL MEMBER BARRON: At all.

8 ACTING COMMISSIONER VILENCHIK: It's an
9 excellent question because...

10 COUNCIL MEMBER BARRON: I'm not interested
11 in excellent questions. I want excellent answers.
12 Y'all good at promoting our questions, but I need
13 some excellent answers.

14 ACTING COMMISSIONER VILENCHIK: Right, why
15 I'm saying this is because it makes me think and
16 understand that we have to separate where crime
17 occurred, and I consider this a crime, and unlicensed
18 or unqualified...

19 COUNCIL MEMBER BARRON: Still that has
20 nothing to do, whether it was a crime, accident, I
21 just want to know what role DOB played in inspecting
22 and requiring licensed master plumbers or those under
23 the supervision of licensed master plumbers or did
24 they have neither, nothing?
25

1
2 ACTING COMMISSIONER VILENCHIK: We were
3 not involved. We didn't have a chance to be involved
4 in those.

5 COUNCIL MEMBER BARRON: All right. Let me
6 ask you another question. What is the cost of an
7 inspection because you said some of the building
8 owners said that inspections are costly and they also
9 had difficulties finding licensed master plumbers?

10 ACTING COMMISSIONER VILENCHIK: This
11 question probably would be better answered..

12 COUNCIL MEMBER BARRON: That's another
13 good question I'm asking, you find that another good
14 question? Do you have the answer? What is the cost of
15 an inspection, a range, because I know it might
16 differ in different buildings, what's the range?

17 ACTING COMMISSIONER VILENCHIK: I would
18 say between 500 to 1,000, but I am just guessing
19 because I'm not a master plumber, and I know..

20 COUNCIL MEMBER BARRON: Well, you're not a
21 master plumber, but you should be about inspections
22 and you should be monitoring inspections so you
23 should know how much an inspection would cost because
24 if building owners are saying it's too costly, what
25 does DOB respond to that, because we're talking about

1
2 inspections and you said every four years for
3 inspections?

4 ACTING COMMISSIONER VILENCHIK: Every four
5 years.

6 COUNCIL MEMBER BARRON: Wow. That's a long
7 time to wait to be inspected. A lot of stuff could
8 happen within four years. Is it because of the cost?

9 ACTING COMMISSIONER VILENCHIK: It's
10 because the way the law is set.

11 COUNCIL MEMBER BARRON: That's the way the
12 law stands?

13 ACTING COMMISSIONER VILENCHIK: Yeah.

14 COUNCIL MEMBER BARRON: We have to change
15 that law. I just want to say that I'm always
16 fascinated by the fact that high level Commissioners
17 can come to a hearing so unprepared and just cite how
18 we ask good questions and yet we don't get excellent
19 answers so I just want to encourage you, because this
20 is a life and death issue, that we get serious about
21 inspections, that we get serious about licensed
22 master plumbers, people under supervision, that you
23 know more about deadly or non-deadly explosions so we
24 can have safer buildings and keep people safer. Thank
25 you.

3 CHAIRPERSON BREWER: Thank you. Council
4 Member Kagan.

5 COUNCIL MEMBER KAGAN: Thank you, Chairs.
6 Thank you very much. I just was very surprised that
7 you did not even mention gas explosion last year in
8 Gravesend in my District where Mayor, DOB, and Fire
9 Department, everybody was there on the scene of
10 explosion, it was a big explosion, 69 Bay 35th
11 Street, February 4th. It was a very bad explosion,
12 several people became homeless after that. Two
13 private homes were basically gone. It was a gas
14 explosion so I just wanted to clarify this for the
15 record.

16 CHAIRPERSON BREWER: Thank you. I have
17 more questions. Anybody else? Council Member Joseph.

18 COUNCIL MEMBER JOSEPH: Good morning. My
19 quick question was what's the current vacancy rate at
20 DOB?

21 ACTING COMMISSIONER VILENCHIK: It varies
22 by the staff, inspection rate is 10 percent, plumbing
23 examiner 14 percent, administration and management 25
24 percent, and clerical only 6 percent.
25

1
2 COUNCIL MEMBER JOSEPH: That's the vacancy
3 rate? What position is responsible for reviewing the
4 qualifications for gas work?

5 ACTING COMMISSIONER VILENCHIK: It's
6 inspection.

7 COUNCIL MEMBER JOSEPH: How many do you
8 have?

9 ACTING COMMISSIONER VILENCHIK: We have 10
10 percent vacancy rate. We have budgeted headcount is
11 630 and actual headcount 567.

12 COUNCIL MEMBER JOSEPH: Altogether you
13 (INAUDIBLE) have how many inspectors? Give me a
14 number.

15 ACTING COMMISSIONER VILENCHIK: 567.

16 COUNCIL MEMBER JOSEPH: And how many do
17 you have now?

18 ACTING COMMISSIONER VILENCHIK: That's
19 what we have right now.

20 COUNCIL MEMBER JOSEPH: What are you
21 supposed to have at capacity?

22 ACTING COMMISSIONER VILENCHIK: 630.

23 COUNCIL MEMBER JOSEPH: How long does it
24 take for you to do this kind of work. To put in the
25 inspection for the gas lines, how long does it take?

1
2 ACTING COMMISSIONER VILENCHIK: Our
3 service level is two business days I said.

4 COUNCIL MEMBER JOSEPH: How long?

5 ACTING COMMISSIONER VILENCHIK: Two
6 business days.

7 COUNCIL MEMBER JOSEPH: Two business days?
8 Okay, thank you.

9 CHAIRPERSON BREWER: I want to know how
10 DOB proactively tries to detect unqualified gas work.
11 I think we all feel that you need to do more than
12 just respond to 3-1-1 complaints. What do you do to
13 be proactive? You talked about spot checks. Is that
14 the way that you are proactive? How are you proactive
15 to find the unqualified?

16 ACTING COMMISSIONER VILENCHIK: Besides
17 doing the spot checks and reacting to complaints to
18 3-1-1, we are expanding our outreach to Community
19 Boards, to the public. We expanded our website
20 (INAUDIBLE) information the homeowners. We're also
21 going to introduce community-based inspection team
22 who will be reaching out directly to the
23 neighborhoods, (INAUDIBLE) and talking directly to
24 the people, not just the Community Board members, but
25 directly to the residents of the community

1 explaining, handing out fliers, answering questions,
2 directing people to the proper DOB website, handling
3 cards so this is a new thing that's never been done
4 before. Obviously, our outreach is included also,
5 we're trying to buy some time on tv to run
6 advertisements with MTA, with TikTok (INAUDIBLE) as
7 have our social media platforms so we use everything
8 at our disposal to extend our outreach to the public.

9
10 CHAIRPERSON BREWER: When people are
11 buying a new appliance, how do you let them know, for
12 instance, what is qualified and what is not, what
13 paperwork they should be asking for, etc.? Is that
14 what you're talking about now when you say you're
15 doing that outreach..

16 ACTING COMMISSIONER VILENCHIK: Yes.

17 CHAIRPERSON BREWER: Because people have
18 no clue.

19 ACTING COMMISSIONER VILENCHIK: Our
20 outreach, I would say it works because I know if you
21 call Costco, Costco no longer installs gas stoves in
22 houses so the same applies to Home Depot, and I know
23 some stores handing out the cards of licensed master
24 plumbers to install gas appliances so it means our
25 message seems to be working.

CHAIRPERSON BREWER: Okay. There's more work to be done there.

ACTING COMMISSIONER VILENCHIK: Of course.

CHAIRPERSON BREWER: Has DOB taken action against plumbers who submit false documents, and, if so, how many? We talked about this a little bit earlier but if you could be more specific? How many plumbers have submitted false documents and what actions do you take against them? By the way, the whole Department and City would collapse if Guillermo Patino was not here. Just so you know.

ACTING COMMISSIONER VILENCHIK: I'm sorry. We have to get back to you on this information because we don't have it in front of me how many master plumbers were disciplined, but it's available on our website. We need to take a look at it.

CHAIRPERSON BREWER: Okay, but it would be good to know. I have to tell you. That's an incredibly important question I think, false documents, how many, that's a big deal to have false documents.

DEPUTY COMMISSIONER PATINO: I can tell you on any given year we have about 500 instances where we find not just plumbers but other licensed

professionals and design professionals who submitted false statements to DOB, but we can get back to you with respect to how many are plumbing specific.

CHAIRPERSON BREWER: Okay. The same thing about welders, has DOB approved gas authorization requests where the licensed master plumber has not submitted a statement (INAUDIBLE) the welder who has performed the work because I know welders are part of this. I don't even know if we have enough welders in the city, I have no clue, but I want to know has DOB approved gas authorization requests where there's no supported documentation at all as to the legal qualifications of a gas pipe welder?

ACTING COMMISSIONER VILENCHIK: No, none of them.

CHAIRPERSON BREWER: None, zero?

ACTING COMMISSIONER VILENCHIK: No.

CHAIRPERSON BREWER: So what you're saying is there have been no problems with welders whatsoever?

ACTING COMMISSIONER VILENCHIK: I wouldn't say there's no problems, but not problems which I am aware of, but when finished inspection requested master plumber must have been submitted information

1
2 who performed the gas work and with the proper
3 clarification who performed welding as well.

4 CHAIRPERSON BREWER: Okay. Does DOB audit
5 the supporting documentation submitted by the LMP? If
6 so, how frequently, how many staff at DOB are trained
7 to do that, and then we talked about the vacant
8 positions, but do you audit the supporting
9 documentation submitted by the master plumbers and,
10 if so, how often and how many people do that? You
11 talked about the clerks doing it. That's basically
12 what you said earlier, but do you audit it on a
13 constant basis, how often does it get audited, the
14 supporting documentation?

15 ACTING COMMISSIONER VILENCHIK: I just
16 want to clarify, clerks only do audit of the work
17 submitted as a part of LAA submission. For regular
18 plumbing work submitted on the development division,
19 all the documents go through the technical review and
20 is reviewed by an Assistant Chief or a Chief Plumbing
21 Inspector.

22 CHAIRPERSON BREWER: In occurrences where
23 a master plumber or an unlicensed plumber is
24 disciplined for the records they submit or illegal
25

1
2 gas line work, what is done to reinspect their other
3 prior gas line work?

4 ACTING COMMISSIONER VILENCHIK: The way it
5 works right now if our inspector observes work being
6 done by unlicensed individual, a stop work order is
7 issued, in most of the cases a partial stop work
8 order, to stop the work and, in this case, part of
9 work which was performed by licensed individual, it
10 has to be replaced or demonstrated to the Department
11 it is quality of work and uncompromised.

12 CHAIRPERSON BREWER: And you feel like
13 that is sufficient for any problems that might occur?

14 ACTING COMMISSIONER VILENCHIK: Right.
15 Yes, I feel it's sufficient because based on the fact
16 that final gas inspection will be performed by the
17 Department in the witness of the Department
18 inspectors.

19 CHAIRPERSON BREWER: Okay, and if there is
20 bad behavior and you find it, are fines high enough,
21 are stop work orders frequent enough, and have you
22 seen instances where the master plumbers or
23 unlicensed gas workers reoffend, participate in the
24 same problem in the future?
25

2 ACTING COMMISSIONER VILENCHIK: I believe
3 fines are sufficient at this point. Fines range
4 between 5,000 dollars and 6,000 dollars per
5 occurrence. I wouldn't say that a plumber would go to
6 a high extent and try to reoffend, not in the same
7 job, I never see this happening. It's happened with
8 other trades, but master plumbers are more
9 disciplined and I never see a reoccurrence to answer
10 your question.

11 CHAIRPERSON BREWER: Council Member Yeger.
12 Thank you for being here. Council Member Sanchez.

13 COUNCIL MEMBER SANCHEZ: Thank you so
14 much, Chair Brewer. Going back to the initial
15 interaction between the licensed master plumber and
16 DOB, when a construction includes gas line work, what
17 documentation, if any, does a master plumber have to
18 include with the permit application before that
19 permit is approved? What staff at DOB reviews that
20 documentation, some of which you've touched on, and
21 what percentage of permit applications have been
22 denied for insufficient work?

23 ACTING COMMISSIONER VILENCHIK: My
24 understanding is you're referring to the work filed
25

1 through LAA division where no engineer or architect
2 is involved.
3

4 COUNCIL MEMBER SANCHEZ: I'm sorry. Can
5 you remind me what the LAA division stands for?

6 ACTING COMMISSIONER VILENCHIK: Sorry?

7 COUNCIL MEMBER SANCHEZ: What the name of
8 the division...

9 ACTING COMMISSIONER VILENCHIK: LAA,
10 Limited Alteration Applications. When the work is
11 filed directly by the master plumber through LAA
12 division, paperwork needs to be submitted where the
13 master plumber identifies scope of work, identifies
14 capacity and number of installations, what types of
15 installation, (INAUDIBLE) pressures, establishing his
16 own credentials. It's being checked by our LAA clerks
17 in the majority of cases, and permits have been
18 issued. Sometimes if information is missing in any
19 case or not sufficient enough to satisfy for the
20 scope of work, obviously application is considered
21 denied. Once the permit is issued, the application
22 goes through the audit. We involve our plumbing
23 examiner staff to perform the audits on LAA
24 applications, a percentage of which I would say, I
25 would just guess, probably between 5 to 10 percent,

2 and the majority of them is because it's confusing or
3 missing information that's denial basis.

4 COUNCIL MEMBER SANCHEZ: Those
5 applications that are denied, whether they're
6 confusing or missing information, do they receive a
7 greater level of scrutiny when they follow up?

8 ACTING COMMISSIONER VILENCHIK: They
9 receive the scrutiny already because they're being
10 reviewed, and obviously if something is wrong, it
11 means everything is being checked. Of course, yes, I
12 would say this would be correct to say that they get
13 a higher level of scrutiny, but the inspection stays
14 the same as for any other level of application
15 filings.

16 COUNCIL MEMBER SANCHEZ: Got it. How many
17 inspectors are in the plumbing division and how many
18 focus specifically on gas inspections?

19 ACTING COMMISSIONER VILENCHIK: We have 57
20 inspectors total who are interchangeably used for a
21 variety of inspections.

22 COUNCIL MEMBER SANCHEZ: Is that 57
23 focused on plumbing or that includes...

24 ACTING COMMISSIONER VILENCHIK: 57
25 focusing on plumbing, and we have 10 inspectors who

1
2 work for Enforcement, the majority of work involves
3 gas work inspection.

4 COUNCIL MEMBER SANCHEZ: Okay, so if these
5 inspectors are inspecting for multiple topics, what
6 plumbing do they have, what training do they have?

7 ACTING COMMISSIONER VILENCHIK: Majority
8 of our inspectors are well-trained individuals who
9 have experience working with industry, and they also
10 go through the vigorous training of our Building
11 Inspector Academy.

12 COUNCIL MEMBER SANCHEZ: Okay, do any of
13 the DOB plumbing inspectors have a DOB gas
14 qualification card?

15 ACTING COMMISSIONER VILENCHIK: I cannot
16 answer this question. I need to check this. I don't
17 have those records with me.

18 COUNCIL MEMBER SANCHEZ: Okay.

19 ACTING COMMISSIONER VILENCHIK: Yes.
20 Guillermo qualifies they are not required to have
21 because they're not doing work. They're just
22 inspecting this work.

23 COUNCIL MEMBER SANCHEZ: Okay. Do we know
24 how many do have it?

1
2 ACTING COMMISSIONER VILENCHIK: No, we
3 don't know this number.

4 COUNCIL MEMBER SANCHEZ: Does DOB check?
5 Is this something you can go back to the agency and
6 check?

7 ACTING COMMISSIONER VILENCHIK: We can
8 check, but I don't think it's applicable because
9 they're not performing gas work, they're just
10 inspecting so they don't need have the qualification
11 to perform gas work.

12 COUNCIL MEMBER SANCHEZ: Okay. The Fuel
13 and Gas Code requires gas welders to adhere to ASME
14 Section 9 and be qualified under the supervision of a
15 certified welding inspector. Do any DOB inspectors
16 hold the CWI qualification?

17 ACTING COMMISSIONER VILENCHIK: Again, I
18 don't know. I don't have this number with me. It's
19 not required. Inspectors do not perform this work so
20 they're not required to have this certification.

21 COUNCIL MEMBER SANCHEZ: Okay. Why doesn't
22 DOB now show DOB gas qualification information on a
23 gas work permit, and does a licensed master plumber
24 not have to provide that info when applying for the
25 permit?

1
2 ACTING COMMISSIONER VILENCHIK: If a
3 permit indicates there is gas work involved on a
4 permit application, and the copy of the permit
5 reflects that the gas work will be performed and the
6 master plumber is required upon completion of the
7 work to demonstrate to the Department that a gas-
8 qualified individual performed the work including
9 welding certification. Everything is supposed to be
10 submitted at the time of sign-off.

11 COUNCIL MEMBER SANCHEZ: But why isn't it
12 online? Why isn't it available to the public?

13 ACTING COMMISSIONER VILENCHIK: Because
14 it's submitted (INAUDIBLE) that's why it was not
15 online. We changed our procedure to submit it
16 initially so this way we can implement this to have
17 this information available to the public as well.

18 COUNCIL MEMBER SANCHEZ: Okay. We'll be
19 making sure to follow up on that just to make sure
20 that information is available. My last question,
21 Madam Co-Chair, what is the status of the Building
22 Marshall's office, are they investigating illegal
23 plumbing work?

24 ACTING COMMISSIONER VILENCHIK: The
25 Building Marshall's office does not exist anymore at

1
2 this time. We changed to (INAUDIBLE) and we
3 eliminated the Building Marshall office.

4 COUNCIL MEMBER SANCHEZ: Where is that
5 function within the agency?

6 ACTING COMMISSIONER VILENCHIK: We have
7 multiple enforcement divisions. We have a Tenant
8 Protection Unit, we have Construction Enforcement,
9 Plumbing Enforcement, as well as Electrical
10 Enforcement Unit. We have Special Enforcement, we
11 have Padlock Unit so it's all covered by other units
12 performing this work.

13 COUNCIL MEMBER SANCHEZ: Understood. Okay.
14 Thank you so much, Commissioner.

15 CHAIRPERSON BREWER: There was a lot of
16 concern as I understand it when the Plumbers Advisory
17 Board was disbanded. How has that changed the
18 discipline and do you think that was a good idea,
19 should it be reinstated, how is the staff taking over
20 that job if they are?

21 ACTING COMMISSIONER VILENCHIK: We're in
22 communication with the plumbing industry right now in
23 negotiation. It was eliminated from the requirements
24 to have the Advisory Board, and we're in negotiation
25 I would say with the plumbing industry to learn the

1
2 lessons because my understanding, the lessons learned
3 from the prior (INAUDIBLE) when the Advisory Board
4 existed. Some negative feedback on our employees so
5 we're trying to understand what was right. We're
6 negotiating currently with plumbing industry. I think
7 maybe we want to reinstate this and how we're going
8 to reinstate, what are the established guidance and
9 conditions, what licensing board will be tasked with,
10 what staff, who is going to manage the licensing
11 board, who is going to attend to the licensing board,
12 who is going to manage the minutes, issue
13 recommendations, technical guidance, all these
14 questions are being discussed right now. There is no
15 affirmative answer that it will be, but we are in
16 negotiations so that's good.

17 CHAIRPERSON BREWER: Okay, thank you. Just
18 back to the welders, because I know this is of
19 concern, had DOB approved gas authorization requests
20 when the welder identified as having performed the
21 work does not meet the legal qualifications to
22 perform gas pipe welding? I know you sort of answered
23 that, but I mean I would be really concerned about
24 welders. I don't know how many exist. I know that we
25 have obviously a lack of plumbers, a lack of

1
2 electricians, a lack of welders, CUNY, Department of
3 Education, everybody needs to step up. That's not
4 your problem, but it is the City's problem so I'm
5 just wondering because there aren't a lot of welders,
6 making sure that those who are are doing the right
7 job so how do we make sure about the welders?

8 ACTING COMMISSIONER VILENCHIK: In order
9 to become qualified welders, you need to pass a
10 certification exam with American Welding Society, and
11 this involves obviously plumbing. This certification
12 is supposed to be maintained by master plumber and,
13 in addition to passing the test, passing the required
14 course, you need to pass the test with specialized
15 welding agency, and this agency will issue
16 certification to the welder to perform the work. As I
17 said, master plumbers are supposed to submit this
18 certification to the Department upon requesting final
19 signoff to authorize the gas. In order to answer your
20 question, how to make it more accessible and make it
21 more than that, I was thinking about it and I think
22 we have to understand the industry perspectives, that
23 in order to become certified, you need to not just
24 pay for the course, which involves sufficient
25 (INAUDIBLE) you just need to pay for the time,

1
2 welders are supposed to take the course, for the
3 welders are supposed to take the test to demonstrate
4 knowledge, and this is all involved, and the only way
5 to do this better is to bring (INAUDIBLE) into the
6 jobsite so see if we can certify welders based on
7 actual work completion in the exact condition where
8 they're performing work along with the master
9 plumber. That should sufficiently shorten their time
10 and expense.

11 CHAIRPERSON BREWER: Okay. In the outreach
12 world, are there plans to make DOB now easier to use?
13 People complain that it's not easy to use. Is that
14 part of your outreach efforts?

15 ACTING COMMISSIONER VILENCHIK: Yes.
16 That's exactly what we're trying to do. We never had
17 a chance to hire graphic designers to make it more
18 user friendly. We tried to feed as much information.
19 DOB now allowed us to obtain this recent
20 unprecedented service level because just simply
21 explaining to you, (INAUDIBLE) Department of
22 Buildings used to work, applicant, architect, or
23 engineer brings entire set of plans and submit it to
24 the examiner and the examiner going through a bunch
25 of drawings, could be hundreds of pages, and right

1
2 now DOB allowed to submit plans according to the
3 worktypes so the project is broken into smaller
4 projects and architects or engineers are just
5 coordinating between different (INAUDIBLE) which is
6 working exceptionally well, and this allowed us to
7 obtain this extreme two-day business day service
8 level which we're striving to achieve. To make it
9 more user friendly, absolutely, that's our goal.
10 We're looking at it because as I said it's too much
11 information and, obviously, when it's too much
12 information it's very difficult to recognize what is
13 important so right now our efforts are concentrated
14 on understanding what is important for each
15 particular viewer and if we can customize this, like
16 if you look for homeowners, that's important for you,
17 licensed individual, scope of work, who's involved in
18 the work, so that's not important maybe for owner
19 what zoning is for this particular area so
20 customization obviously is our goal and we're looking
21 at it to (INAUDIBLE) .

22 CHAIRPERSON BREWER: Thank you. I don't
23 think there's any other questions. We thank you for
24 participating today, and I'm sure there'll be much
25 more as time goes on. Thank you very much.

1
2 ACTING COMMISSIONER VILENCHIK: Thank you.

3 COMMITTEE COUNSEL: We'll now be turning
4 to public testimony. I'd like to invite our first
5 panel, which will be an in-person panel, to the
6 table. That will include Patrick Walsh, Robert
7 Stulberg, and Arthur Klock.

8 CHAIRPERSON BREWER: We're ready whenever
9 you are. Thank you very much for joining us.

10 PATRICK WALSH: Good morning, Chair
11 Brewer, Chair Sanchez, Members of the Committees on
12 Oversight and Investigations and Housings and
13 Buildings. My name is Patrick Walsh, and I'm a
14 partner in the law firm Stulberg and Walsh, Counsel
15 to the Plumbers Local Union Number 1. I'm joined by
16 my partner, Robert Stulberg, and the Director of
17 Trade Education for Local 1's Trade Education Fund,
18 Arthur Klock. On behalf of Local 1, we thank you for
19 the opportunity to address the Committees on this
20 matter of urgent public concern.

21 The Union represents more than 6,000
22 plumbers, welders, and other skilled tradespersons
23 throughout the city. Some 700 of the Union's members
24 proudly work for the City itself. Founded in response
25 to the City's urgent need for sanitary water and safe

1
2 reliable gas, the Union has had a foundational
3 commitment to public safety for well over a century.
4 The Union's officers serve on DOB licensing boards
5 and code committees, establish best practices for the
6 plumbing industry, and have trained tens of thousands
7 of journeymen and apprentices.

8 In 2016 in response to deadly gas
9 explosions across the city, this Council and the
10 Committee on Housing and Buildings convened hearings
11 to act to improve and enhance gas safety. Mr. Klock
12 was among the Union's officers who testified in those
13 hearings in support of legislation to increase
14 oversight of highly hazardous gas work. The result of
15 those hearings was that the Council passed a landmark
16 package of laws to prevent future catastrophic gas
17 explosions. The linchpin of that package of laws was
18 Local Law 150, which established a new qualification
19 for performing gas work. The law unequivocally made
20 it unlawful to perform gas work unless such work is
21 performed by a licensed master plumber or a person
22 with a DOB-issued gas qualification working under the
23 direct and continuing supervision of a licensed
24 master plumber. The purpose of the gas qualification
25 was to make sure that only the most experienced,

1 skilled, and highly trained individuals can perform
2 dangerous gas work.
3

4 But this new gatekeeper requirement only
5 works if it's enforced, and, unfortunately, DOB, the
6 gatekeeper has not enforced it. Almost as soon as the
7 law took effect in January 2020, the Union discovered
8 wholesale noncompliance with the gas qualification
9 requirement. Workers lacking the gas qualification
10 continued to perform gas work in large residential
11 towers, schools, luxury hotels, and other buildings
12 throughout the city. Even more disturbing, the Union
13 discovered that DOB did nothing at all to enforce the
14 gas qualification or other preexisting requirements
15 for gas pipe welding. The Union learned that DOB
16 routinely approved gas work authorizing the gas to be
17 turned on when its own records demonstrated that the
18 welder who did the gas work lacked the gas
19 qualification. The Union also learned that DOB
20 routinely approved gas work when the licensed master
21 plumber failed to submit any of the legally required
22 documentation at all, including a statement
23 identifying who welded the gas piping and a welder
24 qualification report, a document which must be
25 witnessed by a representative of the contractor

1 certifying that the welder is in compliance with
2 Section 9 of the ASME Boiler and Pressure Vessel
3 Code. For more than two years, the Union brought
4 these concerns to DOB's attention. The Union wrote
5 letters, filed complaints, made Freedom Of
6 Information Law requests, and met with top DOB
7 officials. It identified for DOB specific contractors
8 using unqualified welders. It directed DOB to
9 specific job sites where unqualified welders were
10 performing illegal gas pipe welding in real-time, and
11 it identified possible falsification of records in
12 submission to DOB by contractors. DOB, however,
13 refused to investigate the Union's complaints and
14 stopped responding to the Union's inquiries. Instead,
15 it simply chose not to enforce the law, approving
16 hundreds of gas requests every week in violation of
17 Local Law 150 and welder certification requirements.
18 DOB's abdication of its responsibility to enforce
19 these requirements has created a public safety
20 timebomb, which undermines the entire purpose of the
21 City Council's 2016 enactment, to increase gas safety
22 and oversight. Regrettably, the Department's refusal
23 to do its job has forced the Union to take legal
24 action to compel DOB to perform its mandatory duty to
25

1
2 protect public safety by enforcing the gas
3 qualification and welder certification requirements.

4 We are disappointed to report that since
5 the Union filed its lawsuit in December 2022, DOB's
6 abdication of responsibility has continued. A review
7 of the DOB Now portal since the lawsuit was filed
8 confirms that DOB continues to approve gas requests
9 at a rate of hundreds per week with no supporting
10 documentation at all or where DOB's own records
11 confirm that the welder identified as having
12 performed the gas work lacks the requisite gas
13 qualification or welder certification.

14 Mr. Klock will address additional
15 systemic problems concerning DOB's oversight of gas
16 safety including noncompliant inspections, the
17 elimination of the Master Plumbers License Board, and
18 the disbanding of the Office of the Buildings
19 Marshall. The Union shares and welcomes the City
20 Council's commitment to assuring that gas work is
21 safely and legally performed throughout the City of
22 New York in full compliance with the package of laws
23 that the Council enacted six years ago. Thank you.

24 ARTHUR KLOCK: My name is Arthur Klock,
25 and I've worked in the plumbing and gas-fitting

1 industry in New York City for more than 40 years. I'm
2 currently Director of Trade Education at Plumbers
3 Local 1 Trade Education Fund. I was described as an
4 officer. I've never been an officer of the Union.
5

6 The Fund I work for is jointly managed by
7 the Union and the Employers Association to do
8 training. There's an unpleasant subject here that
9 needs to be focused that focuses on two words, safety
10 and enforcement. There is no safety without
11 enforcement. We know that. These terrible gas
12 explosions, tragic, in 2014 and 2015 were
13 preventable. Afterwards, the City Council looked into
14 this. They asked the plumbing and gas-fitting
15 industry to come in and speak to them about what
16 might be done. A package of 10 bills was put together
17 to make sure that the things that had happened before
18 wouldn't happen again. These 10 bills, had they been
19 enforced or were they being enforced, would make a
20 big difference in gas safety. Recently, the City has
21 talked about doing away with gas altogether, and we
22 accept that that's something that's going to happen
23 in the future, but we also know that 10 years out, 20
24 years out, there is still going to be gas in this
25 city. As people move away from gasoline-operated

1
2 cars, those who can afford a Tesla or the City when
3 they buy an electric bus, they run it up and down
4 Fifth Avenue. They don't bring it to the outer
5 boroughs, right. It's for those that can afford it.
6 The same thing is going to happen with gas. Those
7 that can afford to move away from gas and move to
8 heat pump technology and things like that are going
9 to be the people who have the money to do that, but
10 for the next 10, 20, 30 years people of less means
11 are going to still be using gas. We need to bring gas
12 safety to the forefront because as we transition away
13 from gas, it'll become less well-funded and less
14 attention will be paid and there will be more danger
15 than there is currently.

16 I brought up seven points in my written
17 testimony. It's too much to read to you all right
18 now, but I hope you'll look through those seven
19 points. Number one is improper or nonexistent pipe
20 welder qualifications which the DOB blatantly
21 ignored. The folders were empty. We looked in the
22 folders. They were empty or they had improper
23 qualifications. We called an inspector who was sent
24 up onto a job site while we stood in the street. He
25 came down and told us it's okay, he has a structural

1 welder's license. We said that's not the
2 qualification that's needed for pipe welding, he's
3 not qualified for pipe welding. Oh, he isn't? They
4 didn't know that. It's their own license.
5

6 Two, appliance stores doing regulated gas
7 work illegally doing truck drivers and deliverymen.
8 Home Depot, PC Richards, other big box stores, Lowes,
9 they sell installation at a price, and they allege to
10 the customer that the people will be qualified.
11 They're not. It's a truck driver with a pair of
12 pliers and he goes up and manhandles a live gas line
13 in an occupied building, and when this is reported to
14 DOB, what did they do? They came to us with a
15 proposal that we drop that from the Code and
16 therefore anybody can do it. The Fire Department,
17 NYCHA, everybody was horrified. Can this really be
18 what you're suggesting? Then they hung on the
19 conversation, right.

20 Three, the DOB's arbitrary elimination of
21 the Master Plumbers License Board after 50 years of
22 service. This is a peer review committee that's
23 existed for 50 years. When they bring somebody in and
24 they say this guy wants to be a licensed master
25 plumber, let's look at his background. Also, when

1
2 they bring somebody in for discipline. Could this
3 have been a simple mistake that any plumber could've
4 made or is this something blatant? This was strictly
5 advice. It was all up to the Agency to do what they
6 want to do, but they got the advice from experts
7 which they now eschew. They do not want that advice
8 anymore.

9 DOB's complete nonenforcement of the
10 requirements for a worker to have a gas
11 qualification. This is something important that was
12 put in place in 2016. Who is allowed to touch gas
13 pipe and who is not allowed? Who is qualified, has
14 the training? The Commissioner sat here, he never
15 mentioned that they charge 525 dollars to take a test
16 to show that you are qualified. Common, middle-class
17 working plumbers had to put out 525 dollars to take a
18 test to show that they're qualified to do their own
19 job that they were doing for years. We accepted that.
20 We lived with that, but did it make any difference at
21 DOB? No. They issued the cards then they never asked
22 to see them, and they never notified anybody in the
23 public. Someone comes into your house to work on gas.
24 All you should have to do is say I want to see your
25 gas card just like you'd say I want to see your

1 driver's license, but nobody knows about it. It's a
2 big secret.
3

4 Five, the recent disbanding of the Office
5 of the Buildings Marshall. Safety through the
6 Buildings Marshall, we reported all the fake OSHA 30
7 cards we found, we reported all the fake SST cards
8 that we found to the Buildings Marshall, and they
9 investigated that. Where were they coming from? They
10 shut down a couple of bogus safety training programs
11 that were issuing OSHA 30 cards to people who didn't
12 sit in a room for more than an hour. They disbanded
13 this group, and now, as far as I know, nobody does
14 that work. They also looked into illegal gas work
15 when we brought it up. As far as I know, nobody is
16 specifically doing that. They talked about some other
17 people who are now going to do other things, but he
18 didn't say they were going to do this.

19 Six, elimination of the reporting
20 requirement for worked deemed ordinary plumbing and
21 gas work. For the last 15 years, there's been a
22 category, OPW. These were minor plumbing jobs.
23 Require a master plumber, absolutely require, but it
24 was decided that rather than filing a permit in order
25 to make it easier for people who just need a simple

1
2 job done that the master plumber did not need to take
3 out a permit at all, not an LAA or other permit, but
4 could simply file a report at the end of the month
5 listing the block and lot number of the building and
6 what they had done. This was to help the public and
7 cut costs. They have recently proposed that we do
8 away with the reporting of this. If you do away with
9 the reporting, there is zero paper trail. You're
10 encouraging bad actors. It's like laying food out and
11 waiting for the rats to come and eat it. You have to
12 either have a permit or you have to have a report.
13 You can't simply say it's required that a master
14 plumber do the work, but we don't want to know about
15 it. This is exactly what they just told us.

16 Seven, ineffective enforcement and zero
17 followup of hundreds of illegally done gas safety
18 inspections. Hundreds by one plumber in one month,
19 and when they brought that guy in and they said your
20 inspectors are not qualified to be inspectors. They
21 let him go with a 10,000 dollar fine and they gave
22 him six months' probation, like double secret
23 probation, and they told him from now on you have to
24 follow all the rules. What about the hundreds of
25 buildings in the one-month period that they offered,

1
2 right? What about those hundreds of buildings that
3 were inspected by unqualified inspectors? Did they
4 send anybody back? Did they tell this plumber you
5 have to go reinspect those buildings or did they even
6 call the building owners and say you're building was
7 inspected by unqualified people? They just swept it
8 under the rug. The guy took a 10,000 dollar fine and
9 walked out the door. That was only in a 30-day
10 period. He had been doing inspections before that for
11 a long time, probably as well. Many, many of them,
12 most of them, by unqualified inspectors. It's a
13 disgrace.

14 I urge the Committee to read through my
15 testimony for details on each of the issues listed
16 above and that you currently carefully consider the
17 safety implications for the citizens of our city.
18 Codes and laws have no meaning without enforcement.
19 Thank you.

20 CHAIRPERSON SANCHEZ: Thank you. Just one
21 followup question and thank you so much for taking
22 the time and for sharing your testimony. The Office
23 of the Buildings Marshall, so I asked DOB about the
24 Office of the Building Marshall during Q and A, and
25 they said don't worry, their functions are now spread

1
2 out through different parts of the Agency. What is
3 your perspective on that response?

4 ARTHUR KLOCK: If somebody whose issue is
5 spread out, that means they're not going to focus on
6 it. They've got lots and lots of other things to
7 worry about. You take a critical issue like gas
8 safety and a critical issue like worker safety
9 training, the whole thing about the SST cards, these
10 were issues where we're looking to focus, not to
11 spread out. You see what the results are when they
12 spread out. They're spread thinner and thinner, and
13 they're not enforcing what's out there. I think it
14 was a mistake. I understand there was some logic of
15 their own, but to take a guy with a badge who says
16 hey, guy, you're doing something wrong, and then
17 spread it onto some clerks, it's not the same thing.
18 I think it was a mistake.

19 CHAIRPERSON SANCHEZ: Thank you. I just
20 want to acknowledge Council Members Yeger, Feliz, and
21 Caban who are also with us today.

22 CHAIRPERSON BREWER: I know you mentioned
23 in your testimony that you are, thank goodness,
24 teaching at the Department of Education so I wanted
25 to know even though it's not specific to today, is

1
2 DOE focusing on turning out more plumbers, welders,
3 etc.? Thank goodness you're there.

4 ARTHUR KLOCK: We are focused on that. I
5 work for Joint Training Fund, that's contractors and
6 the Union work together to fund this, and we work
7 very hard to turn out welders. We are recognized by
8 the DOB as a welder-qualification agency so we bring
9 people in, we train them, and then test them. They
10 have to pass a test. We do first a visual exam by a
11 CWI, which is the category Certified Welding
12 Inspector, that I said the DOB doesn't have. I don't
13 know how they checked the bad welding when they're
14 not qualified to check the bad welding. Did they hire
15 a CWI? No, so how did they check it? We train people
16 to do that, and that's just for welder qualification.
17 Gas qualification, we also train for that, and as our
18 apprentices are graduating now, when they're
19 apprentices they get that limited card which is like
20 a learner's permit and then as they graduate, they
21 get their full certification to do gas work. All of
22 our members, even though they've been doing gas work
23 for years, they had to prove they were capable and
24 competent so we've put a lot of effort into this. We
25 really bought into what happened in 2016 to improve

1
2 safety, but what we've found is that the DOB didn't
3 buy in.

4 CHAIRPERSON BREWER: Thank you. The same
5 question along the Marshall issue, the Plumbers
6 License Board, I asked about it, and it seems like it
7 was disbanded as you stated, and there are
8 negotiations going on. I don't know what that means.
9 What does that mean?

10 ARTHUR KLOCK: Yeah, I don't really know
11 what it means either. The reality is that arbitrarily
12 and against strenuous objection by the industry, they
13 decided that because it was in the Code and not a
14 Local Law, they could just make it disappear by
15 modifying the Code. I sat on the Code Committee that
16 he glowingly referenced. I objected strenuously as
17 did the other people on the Code Committee to the
18 Master Plumbers License Board being just made to
19 disappear, but, nonetheless, that's exactly what
20 happened. It just disappeared out of the Code. They
21 zapped it, right, and they told us even before it was
22 gone they stopped holding meetings and they said we
23 don't need you anymore and they just decided they
24 didn't need any peer review, they didn't need any
25 advice, they didn't need anything. They'll make their

1
2 own decisions and conduct their own affairs as they
3 sit fit. There's also something called BSIU, which is
4 a higher level of enforcement. They don't refer
5 things to BSIU on a routine basis. When they find
6 criminality, when they find illegal work, when they
7 find people submitting falsified documents, they
8 don't refer to BSIU. They handle it in-house, make
9 their own decision, and let people walk out the door.

10 CHAIRPERSON BREWER: Where are you with
11 the lawsuit?

12 ARTHUR KLOCK: I'm a fact witness in the
13 lawsuit only. I'm not (INAUDIBLE)

14 CHAIRPERSON BREWER: (INAUDIBLE)

15 ARTHUR KLOCK: Member of Local 1, but I'm
16 not a...

17 CHAIRPERSON BREWER: You have a lawyer
18 there.

19 PATRICK WALSH: The lawsuit is pending in
20 the Supreme Court in New York County, and DOB will be
21 filing responsive papers to the verified petition
22 later this week.

23 CHAIRPERSON BREWER: I think your listing
24 of the six or seven challenges is extremely clear,
25 and we'll be following up with lots of letters. It's

1
2 not the end of the hearing per se so even though we
3 got some answers that are not appropriate from DOB,
4 we can use your testimony and that of others to ask
5 questions that didn't get answered today so I really
6 appreciate your participation.

7 Thank you so much.

8 COMMITTEE COUNSEL: I'll now be calling up
9 our next panel. It'll include George Bassolino,
10 Arthur Goldstein, Terence O'Brien, and April McIver.

11 CHAIRPERSON BREWER: Whoever would like to
12 go ahead, go ahead.

13 APRIL MCIVER: I'm going to start if
14 that's okay. Thank you so much for your time today
15 for holding this hearing on this very important
16 topic. My name is April McIver. I'm the Executive
17 Director of the Plumbing Foundation of the City of
18 New York. It is a non-profit trade association
19 founded in 1986, representing small and large union
20 and nonunion licensed master plumbers, engineers,
21 manufacturers, and suppliers. One of the greatest
22 topics in our industry is gas safety. We've been
23 working with the New York City Council, the
24 Department of Buildings, Con Edison, National Grid,
25 and other organizations for the better part of the

1
2 decade on gas safety including Local Law 150 and 152
3 of 2016.

4 I'm still processing a bit of what the
5 Department testified today. I know that there are a
6 lot of unsatisfied answers that we were also hoping
7 to hear about today so like I said I'm still
8 processing, but I do encourage, I have written
9 testimony that I submitted. As Mr. Klock said, mine
10 is more comprehensive than what I'm going to speak
11 about so I do encourage you to look at it.

12 A couple of things that I wanted to
13 mention. The staffing crisis, we also heard that that
14 was an issue so I was a little surprised to hear the
15 Commissioner say that that's not necessarily a
16 problem. I still think it probably is an issue, and
17 we do encourage that to be looked at during the
18 budget season.

19 The other couple of things that I did
20 want to mention as highlighted in my testimony
21 include recommendations to strengthen enforcement and
22 transparency so that includes the DOB Now portal. I
23 know that they said they were working on that, what's
24 the public-facing portal, but I do think it's very
25 important to not only see who the DOB-gas-qualified

1 person is working on a job upfront but also we should
2 be able to view Local Law 152 inspections. Right now,
3 it's just the portal that a document gets submitted,
4 and I have to submit FOIA requests to look at those
5 documents when it should be public-facing.
6

7 The other issues that I think are very
8 important to highlight include the License Board
9 which we talked about I think at length. I did want
10 to say that a lot of what Mr. Klock testified to, we
11 are in complete agreeance on. The Marshalls Office,
12 the thing about that is I don't really know where
13 we're supposed to be issuing tips so part of what my
14 organization does is I get tips from the industry,
15 from building owners, people feel more comfortable
16 sometimes going through my organization over 3-1-1,
17 and I would always give those tips to the Marshalls
18 Office and now I don't know who I'm giving it to, and
19 we have asked and nobody's responded on that.

20 I'm going to defer to my Colleagues at
21 the table, but I do encourage you to read the full
22 testimony that I submitted. Thank you.

23 CHAIRPERSON BREWER: Thank you and you
24 have a Good Newsletter. We read your newsletter. I
25

1
2 don't always understand your newsletter, but I read
3 your newsletter.

4 APRIL MCIVER: Thank you.

5 TERENCE O'BRIEN: Good morning. I'll be
6 brief. Mind you, I have a little problem hearing. I
7 have a sinus infection so if I'm yelling, I
8 apologize. Council Member Brewer, Council Member
9 Sanchez, I think I've known y'all for many years. My
10 name is Terence O'Brien. I'm the Executive Vice
11 President of the Association of Contracting Plumbers.
12 Counter to Plumbers Local 1, we've been around since
13 1881, the longest-standing, first-of-its-kind
14 organization in the country. Like I said, most of the
15 information that Miss McIver, my Colleague, has said.
16 Mind you, I also have a dual role. Besides running
17 the Association, I'm the Senior Advisor to the
18 Foundation, and the Foundation came about in 1986
19 when my organization, the parent organization,
20 decided it's bigger than union/nonunion issues. This
21 is a global entity, the Foundation. I'm speaking on
22 behalf of the Association, but everything runs in
23 tandem. The tenants that she talks about, I talk
24 about as well. Giving you a little bit of guidance on
25 the consideration about this whole thing. I grew up

1
2 in DOB. I understand how it operates, and I'll say
3 this. My father was IG, First Deputy, Acting
4 Commissioner. I live and breathe DOB like no one
5 else. I have a soft spot for them. A lot of what they
6 said today hasn't changed too much, unfortunately, a
7 lot of non-answers like was said, hasn't changed too
8 much, but as Miss McIver alluded to, the fact that
9 DOB said their staffing level is sufficient because I
10 don't think anyone in this Chamber would agree that
11 they have enough staffing. Every agency needs more,
12 more so with DOB than others considering it's a life-
13 saving organization. As mentioned, I also would be
14 remiss not to mention that DOB at the time, in 2016,
15 then Commissioner Chandler under a different
16 administration vehemently opposed the 10 bills in
17 that package, at least a couple of them, 150 and 152
18 in particular, DOB said they didn't want that. I
19 never heard of an agency in the purview of
20 enforcement and safety being contrary to that. All
21 this is sharing light on it, which is kind of absurd.
22 Regarding budget, I say again, I implore the City
23 Council during the budgetary hearing process to
24 actually look at DOB in terms of increasing staff,
25 not just the line items for overall but the inspector

1
2 level is kind of, I think, not in tandem where it
3 should be. Like I said, most of these things, not a
4 single person in this panel or the previous one says
5 anything different. The industry as a whole doesn't
6 mind regulation. They actually implore it because it
7 roots out a lot of problems. I think DOB has a
8 fundamental issue. Like I said, I have a soft spot
9 for them, I feel for them, but they also shirk a lot
10 of their responsibility and I don't understand why in
11 this day and age with technology they should be
12 actually comprehensively asking for and categorizing
13 and making things more public. They're doing the
14 exact contrary. With that, I yield the rest of my
15 time back to the rest of the panel.

16 GEORGE BASSOLINO: Hello. George
17 Bassolino, Technical Director for the Master Plumbers
18 Council. Qualifications for the gas work are just one
19 component required for gas safety, the tangible proof
20 of a person's ability and, more importantly,
21 authority to perform gas work. The subject matter is
22 very technical, but the takeaway for this Committee
23 should be very simple. You're either properly
24 qualified or you're not, and you have to have those
25 qualifications before you do the work. Gas safety is

1
2 public safety. Council's priority must be to
3 determine if the level of enforcement is effective.
4 How do we determine effective enforcement? Is it
5 measurable? Is it affordable? Is it attainable? Why
6 do some people make the choice not to comply with the
7 Code? Is it cost, is it ignorance, or because they
8 feel that they will not be held accountable? Does
9 perception that a Code is not being enforced makes
10 people think that they don't have to follow it? Do
11 people believe that if a Code is not important that
12 it doesn't need to be followed? That logic is very
13 dangerous if it's applied to gas safety. What if they
14 decide then if they're not going to follow gas safety
15 that they won't follow other plumbing sections?
16 Enforcing only some sections of the Code could create
17 a dangerous dynamo effect. Enforcement must be
18 applied to all equally, not just the licensees. To be
19 deemed effective, it must provide a deterrent effect.
20 It requires a streamlined work process, adequate
21 messaging, discipline, and violations. Conditions
22 that allow some to violate the Code must be
23 diminished or removed. The plumber protects the
24 health of the nation. That's only true when licensed
25 plumbers and qualified persons do this work in

1
2 accordance with the Code. We're presently seeking to
3 have three bills introduced, two directly related to
4 gas safety and the other would benefit the Code
5 enforcement, and that's the License Board. The MPC
6 and our industry partners recently had a productive
7 dialogue with the Commissioner and his senior staff
8 to discuss them. The Commissioner personally presided
9 over this meeting, and it was made clear that the
10 Department does not want unqualified persons doing
11 plumbing and fuel gas work. We agree and look forward
12 to working with the Department and Council to move
13 this legislation forward.

14 As stated, natural gas is being replaced,
15 and during the wind-down process, we must guard
16 against paying less attention to it. In 2016, the
17 Council passed 10 gas safety laws in response to
18 tragic gas explosions. Tragic because they were
19 preventable had the existing codes, rules, and
20 procedures in place been followed. The same
21 conditions that existed then still exist today, and
22 effective enforcement is essential to prevent them
23 from reoccurring. Thank you very much for your time.

24 ARTHUR GOLDSTEIN: Good morning. Arthur
25 Goldstein. I represent the Masters Plumbers Council.

1
2 I don't have prepared testimony, just a couple of
3 comments maybe to answer some of the questions.

4 What I think is needed here is a
5 combination of things. Public education with maybe
6 the Mayor or the City Council joining together, the
7 Buildings Commissioner, and educating the public
8 through public service announcements on gas safety
9 and using licensed master plumbers. I think the
10 problem I think was commented in some of the early
11 testimony. Why don't some owners use master plumbers
12 to do the work? Some of it has to do with the cost of
13 filing. If you reduce the cost of filing or possibly
14 eliminate it, you take that factor out of it. If you
15 walk into a Home Depot and you purchase a 700-dollar
16 stove and now you have an add-on of whatever that
17 installation costs, and it's usually in the 300-
18 dollar range, but that person's unqualified. If they
19 were doing it right, they'd also have to pay for a
20 permit so in the proposed legislation that we
21 discussed earlier in the year with the Chair of
22 Housing and Buildings and Council Staff, we move to
23 change that. Thanks to the Council Staff interaction
24 with DOB and our meeting last week, we think we're
25

1
2 going to have some movement on that, the meeting with
3 DOB last week.

4 Just on the License Board, last week that
5 issue was discussed with DOB, and the Commissioner is
6 going to put forth as I think he tried to describe, I
7 don't think he's against putting back the Licensing
8 Board, he didn't take it away, the previous
9 Commissioner did, so we're waiting for some comments
10 from Mr. Patino to tell us what they want this
11 Advisory Board to look like going forward. The
12 Council at the end of the last session, Council Staff
13 after hearing our dialogue on it actually has a draft
14 bill that the Commissioner is looking at to add
15 language to. We're here for questions.

16 CHAIRPERSON BREWER: Thank you very much.
17 One question I have is on the staffing because it
18 does seem to me, first of all, I think the City
19 Council is going to push on staffing. Obviously, it's
20 not just DOB. Every single agency is in trouble. I
21 just wanted to know specifically, if we do push on
22 staffing, what would be the way of type of staffing,
23 places where you think it needs to be improved, that
24 might be everywhere, but I just wanted to get a
25 little input on that. Staffing, staffing, staffing

1
2 because that means enforcement. Without staffing, you
3 don't have enforcement.

4 APRIL MCIVER: Sure. I think one of the
5 things we heard was there are people wearing multiple
6 hats. I think there should be people dedicated to
7 certain work, especially gas safety at DOB.

8 TERENCE O'BRIEN: This is not totally
9 germane to your question, but the question was posed
10 to DOB how proactive they are in terms of unlicensed
11 activity. DOB is by definition unfortunately is more
12 reactive than proactive, but they used to actually
13 have sting operations to root out unlicensed
14 activity, not just plumbing. You can use this
15 discussion and this talk about gas work applicable to
16 elevators, electrical. It's systemic. There's no
17 question about it, but that's one thing DOB in the
18 capacity, they're getting more and more insulated and
19 that's part of their domain of getting rid of the
20 Licensing Board, Marshalls Office, no sting
21 operations because they said they're not proactive,
22 they just go out and put stuff in Community Boards.
23 That's all well and good, but you need to actually
24 catch bad apples in the action and they don't seem to
25 be doing that.

1
2 CHAIRPERSON BREWER: Council Member
3 Sanchez.

4 CHAIRPERSON SANCHEZ: Thank you, Madam
5 Chair. Just a quick followup. To your knowledge, we
6 don't have the Marshalls Office anymore. You
7 mentioned that you don't know where to complain, but
8 when complaints are submitted to 3-1-1, to your
9 knowledge what happens to those?

10 APRIL MCIVER: So what we typically do is
11 we don't go through 3-1-1. There was a Building
12 Marshalls email and also BSIU depending on the type
13 of complaint it was, whether it's illegal plumbing
14 work, illegal plumbing advertisement which happens
15 more often than anything else really, or if it's what
16 we call a coverup plumber, a plumber who is just
17 giving their license out to otherwise illegal
18 plumbing work, so we have direct email addresses with
19 the Department. In the last couple of weeks, we've
20 been sending it to the email addresses that we always
21 used. We have not gotten any response, even regarding
22 this is the new way to report it. We did talk to
23 somebody last Friday about it, and we are waiting for
24 a response from the Department on where we should be
25 sending these.

2 CHAIRPERSON SANCHEZ: Okay, thank you. Do
3 your members, constituencies, do they ever submit
4 through 3-1-1? Do you have knowledge of what happens
5 in that mechanism outside of your direct...

6 APRIL MCIVER: I mean I personally have
7 submitted through 3-1-1 when I was living in
8 Manhattan, when I was actually seeing work in a
9 building that I lived in, and it gets forwarded to
10 the Department. To be honest with you, I don't ever
11 remember getting a response myself, but I mean if
12 anybody has anything else on 3-1-1, I think that's a
13 good question.

14 TERENCE O'BRIEN: To that point, with the
15 Marshalls Office, they give you a tracking number. 3-
16 1-1, it's an abyss. Directly with the Marshalls
17 Office or DOB, as much as we are kind of, I don't
18 want to say belittling them, but we are critical of
19 them today, they have processes where you could
20 follow up. It may not be in a timeline that made
21 sense to the industry. When you catch someone red-
22 handed, it shouldn't take, 6, 12, 18, 24 months, but
23 at least you had a reference point to go back and see
24 where they were on something. Right now, I'm not sure
25 what the process is.

1

2

CHAIRPERSON SANCHEZ: Got it. Thank you.

3

4

CHAIRPERSON BREWER: Did you want to say something?

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

GEORGE BASSOLINO: Thank you. Yes. Part of our proposal, if they did reinstate the License Board, the second function of it is advisory for illegal practices, and we had a plan to propose to create a taskforce. The Board is composed of industry subject matter experts, plumbers, fire suppression contractors, those people can identify what to look for and put together a taskforce, let's say, that would be able to handle the complaint all the way through because you have both licensed plumbers, unlicensed plumbers doing this work, and it really needs somebody to put everything together. As I said, a deterrent effect, if you catch plumbers doing certain things, once that's published, you are going to eliminate and greatly reduce the amount of those occurrences. Same thing with unlicensed plumbers. That's the answer to this problem. Thank you.

CHAIRPERSON BREWER: Do you ever report to the Department of Investigation or that wouldn't be something that you would do? Just out of curiosity.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TERENCE O'BRIEN: That being said, they talked about BSIU. BSIU is a subset within, even though it's controlled by DOB, historically it was an AID component so yes, they were a little more proactive but, like I said, they are reactionary as well but they had a pretty hefty payload and brief on their own part, but things do move there, but I'm not sure in the last couple of years if it's been to a level, it was better many years ago. Put it that way. Both unlicensed activity and work on license coverup actors.

GEORGE BASSOLINO: Again, I served on the Licensed Plumbing (INAUDIBLE) License Board until it was disbanded, and years ago when people were brought before, the people on the Board would be able to say okay, this person made an innocent mistake or this person did it on purpose and we were able to advise the Department and BSIU on exactly what's happening. As you can see, there's a lot of very technical subject matter here, and it's really important to have people in that advisory capacity that can break it down to very simple terms. Like I said, you're either properly qualified or you're not. That's all you really need to know, and it breaks down to such a

1
2 simple place so sometimes when BSIU gets something,
3 they're really not sure of the gravity of it.

4 CHAIRPERSON BREWER: I just want to
5 reiterate that we are going to be following up using
6 your testimony and others for questions, a letter.
7 This is not the end of this conversation, and I
8 really appreciate you being here today. This is a
9 very important topic, and we are going to follow up.
10 Thank you very much. Thank you for your newsletter
11 again.

12 CHAIRPERSON SANCHEZ: Please add me. Thank
13 you.

14 COMMITTEE COUNSEL: We'll now turn to our
15 only Zoom panelist, that is Vadya Ramen (phonetic).
16 Vadya Ramen, you may begin upon the Sergeant's
17 announcement.

18 SERGEANT-AT-ARMS: Time starts now.

19 COMMITTEE COUNSEL: Vadya Ramen, we can't
20 hear you. You've been unmuted so if you're there, if
21 you can hear us, please us the Zoom raise hand
22 function.

23 Chair, I'm not seeing a hand raised so I
24 think we can close it out.

Vadya Ramen, if you're there, go ahead
and deliver your testimony. If not, we'll move on.

CHAIRPERSON BREWER: All right. Hopefully
this person will submit testimony since they're not
here.

I want to thank my Co-Chair, Council
Member Sanchez. I want to thank everyone who
testified. This is a topic that we take very
seriously, and we will be following up.

This hearing concludes. Thank you very
much. [GAVEL]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 5, 2023