



**NEW YORK CITY DEPARTMENT OF BUILDINGS
TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS
COMMITTEE ON OVERSIGHT AND INVESTIGATIONS
FEBRUARY 27, 2023**

Good morning Chair Sanchez, Chair Brewer, and members of the Committees on Housing and Buildings and Oversight and Investigations. I am Kazimir Vilenchik, Acting Commissioner of the New York City Department of Buildings (“the Department”). I am 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 work 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 (“Construction Codes”), some of which I will discuss in my testimony today.

Keeping New York City’s construction regulations updated is a top priority for the Department. This work involves hundreds of dedicated professionals who volunteer their time to update the Construction Codes alongside the Department, including regulations related to who can conduct plumbing work and how plumbing work, including gas work, can be conducted. Regarding the professionals who can conduct plumbing work, the Department has a robust licensing program and currently licenses or registers nearly two dozen different trades, including approximately 1,150 master plumbers and 1,600 journeyman plumbers. Only licensed master plumbers or those working under their supervision can perform plumbing work. With respect to those working under the supervision of a licensed master plumber, it is important to emphasize that the master plumber

licensed by the Department is responsible for their work and the work of the individuals working under their supervision. This includes ensuring that the individuals they retain to work under their supervision are appropriately qualified to conduct the work they engage in.

In order for an individual to be licensed as a master plumber, they must demonstrate that they have the appropriate experience to the Department, which generally includes relevant education or experience planning, designing, or installing plumbing systems under the supervision of a licensed master plumber. It should also be noted that the Department regularly takes action to suspend or revoke the licenses, registrations, or filing privileges of professionals who work unsafely and put their lives or the lives of others at risk, which includes licensed master plumbers. Information regarding the disciplinary history of such professionals is made public on our website so the public can make informed decisions when hiring a professional to work on a construction project. We urge New Yorkers to research the construction professionals they plan on retaining, which includes ensuring that they are appropriately licensed or registered and able to conduct permitted construction work.

Within the plumbing discipline, the Construction Code regulations that apply to a particular construction project can vary. The Construction Codes include the Plumbing Code, which largely contain the provisions that would apply to a construction project involving plumbing work, including, but not limited to, chapters dedicated to water heaters, water supply and distribution, sanitary drainage, and storm drainage. There is also a separate Fuel Gas Code, which contains the provisions that would apply to a construction project involving fuel-gas piping systems or appliances. Licensed master plumbers are responsible for complying with applicable Construction Code provisions and for performing applicable progress inspections, special inspections, and final inspections for certain scopes of work that they have been issued permits for. Where work does not pass any code-required inspections, permit holders are responsible for ensuring that all necessary corrections be made to such work before a final inspection is requested from the Department. With respect to final inspections by the Department, Local Law 151 of 2016 requires the Department to perform all final inspections of gas piping systems in the presence of the permit holder or their representative, which further increased gas safety by ensuring that gas is not turned

on until Department inspectors perform their own independent inspection after work has been completed.

In addition to being licensed by the Department to perform plumbing work and complying with stringent Construction Code regulations, individuals performing gas work must separately demonstrate that they are qualified to perform such work. This requirement was created by Local Law 150 of 2016 and requires that anyone performing gas work possess either a Department-issued master plumber license or a Qualification for Gas Work, which would allow an individual to perform gas work under the supervision of a licensed master plumber. In order to qualify for a Gas Work Qualification, an individual must demonstrate that they have appropriate experience to perform gas work and may need to take a Department-approved training program of at least 16 hours relating to gas work. Gas Work Qualification Cards must be carried by individuals at all times while they are engaged in gas work. Separately, the Fuel Gas Code also requires individuals performing gas work to demonstrate additional qualifications if the work they engage in requires welding, which includes attaining additional certifications.

Finally, Local Law 152 of 2016 also requires that gas piping systems in all buildings, except for one- and two-family homes, be inspected by a licensed master plumber or an individual working under their supervision at least once every four years. As part of this inspection requirement, building owners must hire licensed plumbers to inspect exposed gas piping within their buildings periodically. The results of these inspections must be submitted to the Department and any unsafe or hazardous conditions identified during such inspections must be corrected. The current inspection cycle began in 2020 and will run through this year. It should be noted that building owners, including owners of small properties, have expressed that they have had challenges complying with this newly introduced inspection requirement, citing the cost of inspections and the availability of plumbers as a concern. Recognizing such concerns, the City Council has delayed inspection deadlines through the passage of local laws in the past and has created the opportunity for building owners to apply for extensions to complete their inspections. The Department certainly understands the concerns building owners have raised and has focused on conducting extensive outreach to building owners to educate them about this new inspection requirement, which has resulted in increased compliance since the inspection requirement took effect.

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

REBNY Testimony | February 27, 2023

The Real Estate Board of New York to REBNY Testimony to The Committee on Housing and Buildings and The Committee on Oversight and Investigations of the New York City Council Regarding Gas Pipe Inspections

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association. Founded in 1896, REBNY represents commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople and other organizations and individuals active in New York City real estate. REBNY appreciates the opportunity to submit testimony concerning qualifications for gas pipe work.

Under Local Law 152 of 2016, all buildings except one- and two-family homes and certain other buildings in Occupancy Group R-3, must have their gas pipes inspected every four years. Inspections are carried out by a Licensed Master Plumber (LMP) or a qualified individual working for an LMP. Forms must then be filed via DOB's dedicated portal showing that the inspection has been done and, if needed, that any repairs have been completed by a specific time period. REBNY appreciates the importance of proactively inspecting gas piping to increase public safety. However, the program could be improved in several ways.

The overarching goal of LL 152 is to prevent catastrophic fires related to gas leaks. As stated above, if unsafe or hazardous conditions are identified, the building fails the inspection, and the conditions must be immediately resolved. Unfortunately, under DOB rules, buildings with "abnormal conditions" also fail the inspection, even though these conditions may not create a threat to public safety. In fact, often these abnormal conditions are mild code violations that do not cause leaks. As such, requiring the building to be re-piped immediately is often not necessary to protect the public but is very burdensome and expensive. The DOB should develop a different schedule and process for addressing these relatively minor situations.

In addition, the current program leaves too much discretion regarding inspections to the LMPs. As a result, our members report that it is often difficult to get apples to apples quotes for the inspections from various LMPs, which complicates efforts to control costs. For example, one REBNY member reports that three quotes for one building ranged from \$11,000 to \$350,000. The vastly divergent proposed scopes leave property managers in a bind, as they want to comply with all requirements,

but do not want to pay for work that is not required by the inspection process. It would be helpful if DOB could put out guidance that spells out exactly what elements need to go into an inspection, so managers could better evaluate bids.

Third, LL 152 has its own stand-alone web portal, which is difficult to use and does not provide that kind of useful information that DOB NOW does. The portal should be moved to DOB NOW for a better user experience.

Thank you for considering these thoughts.

CONTACT:

Daniel Avery
Director of Policy
The Real Estate Board of New York

212-616-5268
davery@rebny.com



February 27, 2023

RE: NYC Council Joint Oversight & Investigation and Housing & Buildings Committees
Hearing on the Department of Buildings' Enforcement of Qualification for Gas Line
Work

OFFICERS

Robert Greenberg
President

Nick Covino
Vice President

Eugene Bocchieri
Treasurer

Adam Levy
Secretary

EXECUTIVE BOARD

Peter Bisso
Eugene Bocchieri
Michael Breslaw
Raymond Cardoza
Nick Covino
Michael Gallagher
Vincent Gamba
Robert Greenberg
Nick Katragis
Adam Levy
Andrew Moran
Christopher Strnad
Edward Vitanza

Terence O'Brien
**Executive Vice
President**

Good Morning. I am honored to be here at the City Council at this joint Oversight and Housing & Buildings Committees hearing. My name is Terence O'Brien and I am the Executive Vice President of the Association of Contracting Plumbers (ACP) of the City of New York. I am also the Senior Director of the Plumbing Foundation. The ACP was founded in 1881 and is the oldest plumbing contractor organization in the country. Currently, the ACP is an organization of union contractors who employ labor from Plumbers Local 1; our collectively bargaining union partners. In 1986, the Plumbing Foundation was founded when the ACP determined that it was a necessity to speak for the entire plumbing industry—not just for the unionized plumbing firms—to effectively advocate, regulate, and enhance the full plumbing community of New York City. I must note that all the tenants of the Foundation are a part of the ACP; but to fully speak for an industry an organization must be blind to business practices and union affiliation, which is the purpose of the Foundation. I defer to my colleague the Executive Director of the Foundation, April McIver, for further background on the invaluable work the Foundation does for the plumbing industry. Additionally, I second all of the testimony Ms. McIver will provide the Council regarding needed changes to Local Law 152 (periodic gas inspections) and the Department of Buildings' (DOB) 's rules governing the law, better enforcement of Local Law 150 (gas qualifications), resurrection of the Master Plumbing and Fire Suppression License Board, and a couple other items.

Considering this is a broad oversight hearing on gas work, under the purview of DOB, I thought it would be invaluable to provide some context and perspective on DOB, its processes, and overall functions. Personally, I must add that I feel that the Department of Buildings is in my blood, and I sympathize for the hard-working people of the Department and the thankless work they do for New Yorkers. For a decade my father served DOB in varying capacities from Inspector General, Deputy Commissioner, First Deputy Commissioner and even for a time as Acting Commissioner in 1994. I think much of the following has not changed since my father left DOB almost 30 years ago:

Association of Contracting Plumbers of the City of New York, Inc.

535 8th Avenue, 17th Floor, New York, NY 10018
Tel: (212) 481-4580 ♦ Fax: (212) 481-7185 ♦ Web: www.acpcny.org ♦ Email: info@acpcny.org

- DOB is unfortunately more reactionary than proactive, especially when dealing with changing their processes.
- DOB as a Department is severely underfunded in comparison to the work they do and the money they generate in permitting, fines, etc.
- Understaffing has been an issue for years and the Mayor's concept of taking some FDNY functions and transferring them to DOB will only compound the Department's issue.
- Staff compensation and training, especially field inspections, is not adequate nor aligned to industry needs.
- Action by the Department takes too long on matters, which should take very little time. If and when action is taken and punishment is levied, penalties are nominal (e.g., it is illegal to even advertise plumbing work in NYC without a license, but the practice is pervasive and growing with the digital age)
- The Department has grown more bureaucratic with more red tape. DOB needs to have more written transparent procedures and policies (e.g., better field inspection guides).
- Oddly, licensees, not only plumbers, but other licensees want more regulation and oversight, within reason, to strengthen their trade, regulate unscrupulous actors, and keep unlicensed people from performing work.

I would be remiss if I didn't remind the Council that during hearings in this chamber in 2016, wherein this Council determined that enhanced safety measures were needed to prevent future gas related fatalities, the then-DOB Commissioner Rick Chandler was not in favor of many of the measures considered, including periodic gas inspections (now Local Law 152 of 2016). It was odd that an enforcement and safety agency would be publicly against further safety standards and inspections. I know the current leadership of the Department does not operate in the same manner and is fortunately not fully aligned with perspectives of other commissioners under other Mayors, including having an adversarial relationship with the construction industry. We all have the same goal to ensure public safety in the construction industry and maintenance of the million plus buildings in the City.

In regard to Local Law 150 (gas qualification), enforcement, including gas pipe welding paperwork and DOB issued gas cards, should be required as an upload to job's permit folder and accessible to the public, in addition to being required for inspection on jobsite. In addition, when a DOB inspector is on a jobsite, they too should be required to photograph all qualifications (i.e., cards) of those present on a project. This is not a difficult function with technology in 2023. It ensures not only licensed plumbers and their employees are in compliance, but DOB inspectors are reconfirming those requirements, which will strengthen transparency of proper practices.

I will gladly continue to speak with the Department on a regular basis, which I have for over a decade in my capacities at the ACP and the Plumbing Foundation, but I implore the City Council during upcoming budget discussions that it must increase funding to the Department of Buildings. I refer you to the testimony of Ms. McIver for very thorough technical changes needed to enhance the plumbing industry and gas safety governed by DOB. Thank you for your time and I am available to answer any questions you may have on any of the many topics I mentioned in my testimony.

Association of Contracting Plumbers of the City of New York. Inc.

535 8th Avenue, 17th Floor, New York, NY 10018
 Tel: (212) 481-4580 ♦ Fax: (212) 481-7185 ♦ Web: www.acpcny.org ♦ Email: info@acpcny.org

Testimony of Patrick J. Walsh, Esq.
Stulberg & Walsh, LLP
Counsel to Plumbers Local Union No. 1, U.A.

**Hearing on NYC Department of Buildings'
Enforcement of Qualifications for Gas Line Work**

Before
The Committee on Oversight and Investigations
and
The Committee on Housing and Buildings

Monday, February 27, 2023
Council Chambers
City Hall, New York

Submitted by:
STULBERG & WALSH, LLP
14 Wall Street, Suite 5G
New York, NY 10005
212-268-1000
pwalsh@stulbergwalsh.com

Good Morning, Chair Brewer, Chair Sanchez, Members of the Committee on Oversight and Investigations, Members of the Committee on Housing and Buildings and other members of the City Council.

My name is Patrick Walsh and I'm a Partner in the law firm Stulberg & Walsh, counsel to Plumbers Local Union No. 1, U.A. I am joined by my partner Robert Stulberg, and the Director of Trade Education for Local 1's Trade Education Fund. Mr. Klock also will testify this morning.

On behalf of Local 1, we thank you for the opportunity to address the Committees on this important public health and safety matter.

The Union represents more than 6,000 plumbers, welders and related titles throughout the City. Some 700 of the Union's members proudly work for the City itself.

Founded in the 1850s in response to the City's urgent need for sanitary water and safe, reliable gas, the Union has a foundational commitment to public safety for more than a century.

At every point in the City's growth and progress in the modern era, the Union and its highly-trained members have been at the forefront of public safety, developing best practices for the Plumbing and Gas-Fitting industry; supporting enactment of safe plumbing and fuel gas codes; and training tens of thousands of journeymen and apprentices at its Trade Education Center.

The Union's officers have worked in partnership with the City and industry stakeholders, serving on Department of Buildings' licensing boards, and committees to develop and improve the New York City Construction Codes.

Most recently, the Union's officers served on Mayor Adams' Commission addressing the integrity and reliability of DOB's regulatory oversight of fuel gas and other plumbing systems.

In 2016, following several deadly gas explosions in the City, the Union, and Mr. Klock, had the privilege of testifying before the Committee on Housing and Buildings concerning new measures to improve and enhance gas safety throughout the City.

At the conclusion of those hearings, the City Council enacted a landmark package of legislation intended to strengthen regulatory oversight of hazardous gas work and protect the public from future catastrophic gas explosions.

The linchpin of that legislation was Local Law 150, which established a new “Qualification for Gas Work” requirement governing who could perform dangerous gas work.

Local Law 150 states unequivocally that it “shall be unlawful to perform gas work unless such work is performed by”:

- A licensed master plumber
- Or a person working under the direct and continuing supervision of a licensed master plumber if such person holds a DOB-issued gas qualification.

This gas qualification requirement was intended to ensure that only the most experienced, skilled and highly trained individuals would perform dangerous gas work; and that workers seeking a Gas Qualification either had substantial experience, or undertook the rigorous study and training required to obtain one.

But, this new gatekeeper requirement only works if it is enforced. And unfortunately, DOB—the gatekeeper—has not enforced it.

Soon after the law took effect in January 2020, the Union discovered a culture of wholesale non-compliance with the Gas Qualification requirement. While hundreds of workers undertook the training and study necessary to obtain a Gas Qualification, workers lacking the requisite qualification continued to perform gas system work all over the City.

Even more disturbing, the Union learned that DOB did nothing at all to enforce the Gas Qualification requirement, or other requirements for approval of gas work.

Based on data located on the Department’s DOB NOW public portal and obtained through “Freedom of Information” law requests, the Union learned that

DOB routinely approves gas authorization requests even when the contractor has not submitted any of the legally required documentation.

These documents include welder's affidavits identifying the welder who performed the work; and Welder Qualification Reports certifying the welder's compliance with Section IX of the ASME (American Society of Mechanical Engineers) Boiler and Pressure Vessel Code.

Worse still, on the rare occasion that a contractor submits a welder's affidavit identifying the welder who performed the gas work, DOB routinely approves the gas work even when DOB's own records confirm that the welder lacks a Gas Qualification; or when proper ASME certification or indicia of the requisite direct and continuing supervision is missing.

The Union learned, from outreach to DOB, that DOB does not even verify whether a contractor has submitted necessary documents before granting gas approval, nevermind whether the welder on the job has necessary qualifications.

For more than two years, the Union brought these concerns to DOB's attention, through letters, FOIL advocacy, and eventually, meetings with top DOB officials.

The Union demonstrated to DOB that unqualified, uncertified workers performed gas work in large residential towers, schools, luxury hotels and other buildings throughout the City.

The Union identified contractors who ignored the Gas Qualification and welder certification requirements. The Union also directed DOB to specific locations, in real time, where work performed by unqualified welders was underway. And the Union identified possible falsification of records in submissions by contractors.

The Union showed DOB that it was not enforcing the Gas Qualification or ASME-certification requirements.

But DOB never investigated or meaningfully addressed the Union's concerns and ultimately stopped responding. In one case, DOB even tried to paper

over the fact that an unqualified welder was performing gas work by issuing that welder a Gas Qualification, despite clear evidence that the welder did not meet the eligibility requirements.

Instead of enforcing Local Law 150 and the ASME certification requirements, DOB simply ignored them, approving gas requests, at a rate of hundreds per week, with no supporting documentation at all; or where DOB's own records established that the welder identified as having performed the work was not qualified or properly certified.

DOB's failure to enforce the gas qualification and welder certification requirements has created a public safety time bomb. Regrettably, it also has forced the Union to take legal action to compel DOB to perform its mandatory duty to enforce the Gas Qualification and welder certification requirements and protect public safety.

We are disappointed to report that since the Union filed its lawsuit on December 8, 2022, DOB's abdication of responsibility has continued.

In addition to DOB's refusal to enforce the Gas Qualification and ASME certification requirements addressed in the Union's lawsuit, there are additional systemic problems concerning DOB's oversight of gas safety, including its inspections oversight; the elimination of the Master Plumbers License Board; and the disbanding of the Office of the Buildings Marshal. Mr. Klock will address these issues.

The union shares and welcomes the city council's commitment to assuring that gas work is safely and legally performed throughout the city of New York, in full compliance with the package of laws you enacted six years ago.



To: NYC Council Committees on Oversight & Investigations and Housing & Buildings

From: April McIver, Executive Director, The Plumbing Foundation

Date: February 27, 2023

Re: Oversight - Department of Buildings' Enforcement of Qualifications for Gas Line Work

INTRODUCTION

My name is April McIver, and I am the Executive Director of the Plumbing Foundation City of New York, Inc. The Plumbing Foundation was founded in 1986 and is a non-profit organization of small and large, union and non-union plumbing contractors, engineering associations, supply houses, and manufacturers whose mission is to protect the public health and safety of New York City through the enactment and enforcement of safe plumbing codes.

We commend the NYC Council Committees on Oversight & Investigations and Housing & Buildings for holding today's hearing on this very important topic: gas safety. We have been actively engaged with the NYC Council, NYC Department of Buildings (DOB), utility companies (Con Edison and National Grid), and other organizations for the last decade to ensure work done on gas lines is safe and proper. As you are likely aware, the Council adopted several gas safety bills in 2016 in response to two horrific gas explosions in 2014 (East Harlem) and 2015 (East Village). As those laws have come into effect and now are fully implemented, specifically Local Laws 150 and 152 of 2016, we have seen issues arise that we believe must be addressed. As recently as 2022, there was a large gas explosion in the Bronx impacting multiple homes and leading to at least one death¹ and an explosion at a pizza parlor on 4th Avenue due to a gas leak, which injured a utility worker.² The Plumbing Foundation has a series of concerns as recommendations, set forth below, which will ensure compliance with the law, increase transparency by the Department, and protect the safety of gas piping systems in NYC.

COMMENTS

I. Local Law 150 of 2016

The main topic of discussion for today's hearing agenda is the enforcement of Local Law 150 of 2016 by the DOB. The law³ requires gas work, as covered by the NYC Fuel Gas Code section 101.2, to be performed by a NYC Licensed Master Plumber⁴ (LMP), or someone working under the direct and continuing supervision of an LMP holding a DOB-issued "full" gas qualification card, or someone

¹ *Bronx home explosion caught on doorbell camera in New York; 1 dead, several injured*, ABC7, Jan. 19, 2022 (available at <https://abc7chicago.com/new-york-city-bronx-explosion-yesterday-home-gas/11487809/>).

² Elizabeth Keogh, *Small Greenwich Village gas explosion injures Con Ed worker inspecting pizzeria*, NY DAILY NEWS, Jul. 3, 2022 (available at <https://www.nydailynews.com/new-york/ny-greenwich-village-gas-explosion-pizzeria-20220703-5xf47yy4jncczasvwlchtjgk3y-story.html>).

³ NYC ADMIN. CODE § 28-423.

⁴ NYC ADMIN. CODE § 28-408.

working under the personal and immediate supervision⁵ of the person holding the gas card or the LMP and who also holds a DOB-issued limited gas qualification.

When Mayor de Blasio signed the bill into law on December 6, 2016, the effective date was immediate. However, the law provided a process for the DOB to issue gas cards to “grandfathered” journeymen before January 1, 2019. After that period, the DOB set forth a new process including an examination to receive a “full” gas card as well as to take a 16-hour course to receive a “limited” gas card.

According to a September 2018 DOB Service Update, the Department planned on enforcing the 2016 gas qualification law beginning January 2020.⁶ It has been three years since DOB stated it would enforce the requirement to have a gas card on any gas job under NYC Fuel Gas Code (FGC) 101.2. Upon information and belief, enforcement has been lacking, sporadic, and inconsistent. In December 2022, the UA Plumbers Union Local No.1 filed suit against the DOB for lack of proper enforcement of gas and welding qualifications.⁷ The Plumbing Foundation has heard similar complaints from licensed plumbers in the field regarding shoddy workmanship and lack of proper qualifications on gas plumbing jobs. We also have asked DOB several times in the past three years regarding enforcement of gas cards in the field and DOB’s issuance of violations on gas jobs where gas cards were not present. Based on our experiences, enforcement of the gas card requirement has been sporadic at best. We do believe that there is room for improvement by the DOB regarding enforcement of this vital gas safety requirement.

While we are eager to hear the Department’s testimony today, including updates on violations issued, we find it important to highlight major areas of concern and offer recommendations.

First, DOB must increase and streamline its enforcement of gas cards in the field and update the DOB NOW system to ensure that gas cards are being required as part of the permitting process and viewable via the public portal on DOB NOW.

Second, we believe that the gas card requirements within NYC FGC 101.2 remain underenforced. Specifically, section 101.2.3 states “[r]equirements for gas appliances and related accessories shall include installation, combustion and ventilation air and venting and connections to piping systems.” This means any venting related to gas equipment shall be done according to Local Law 150. Upon information and belief, this is not necessarily being enforced and should be enforced by the DOB as work requiring a gas card.

Third, offsite prefabrication of gas piping should also be covered under Local Law 150 and FGC 101.2, regardless of where the gas piping is being worked on offsite. DOB personnel did confirm with the Plumbing Foundation via email that such gas piping work, including welding, happening offsite must comply with Local Law 150, however it is unclear that this is being enforced but should be part of the permitting process and viewable via the public portal on DOB NOW.

⁵ NYC RULES § 104-12.

⁶ *New Gas Work Qualification Requirement*, NYC BUILDINGS, Sept. 2018 (available at https://www.nyc.gov/assets/buildings/pdf/gas_works_sn.pdf).

⁷ Carl Campanile and Priscilla DeGregory, *NYC accused of allowing unqualified laborers to work on building gas lines: ‘Public safety time bomb’*, NEW YORK POST, Jan. 8, 2023 (available at <https://nypost.com/2023/01/08/nyc-accused-of-allowing-unqualified-laborers-to-work-on-building-gas-lines/>).

Fourth, the dissolution of the Master Plumber and Master Fire Suppression Contractor License Board (“License Board”) only hindered enforcement of illegal plumbing work. The License Board was comprised of industry representatives that had first-hand knowledge of illegal gas plumbing work, which would be reported directly to the Board and allowed the Department to gather information it might not otherwise have. The Plumbing Foundation regularly submits illegal construction tips to the Department and always attended the License Board’s general sessions to discuss illegal work, including gas work. The License Board meetings provided a pertinent forum to discuss bad actors and what the DOB was doing to stop said bad actors. However, in the most recent Code Revision passed by the NYC Council as Local Law 126 of 2021, the Council accepted DOB’s proposal to remove the existence of the License Board, against the industry’s protest. The License Board not only provided a transparent peer review process but an open opportunity to provide the DOB with evidence of illegal gas work. Therefore, as the Plumbing Foundation has opined before, the License Board must be reinstated.⁸

Finally, the DOB may testify today that lack of personnel and funding causes the lack of enforcement. Thus, we urge the Council to consider a funding increase in this year’s budget specifically for DOB life-safety inspections which includes plumbing. If DOB cannot do their job due to funding and personnel constraints, people’s lives are at risk.

II. Local Law 152

Another major gas safety topic is Local Law 152, also passed in 2016. This law requires periodic inspections of building gas piping systems. Since Local Law 152 became effective, flaws and loopholes are undermining the purpose of the important gas safety law. This includes lack of compliance by building owners and lack of and delay in enforcement by DOB. Therefore, we have worked with industry partners, including utility companies, to devise a comprehensive revision to the law (attached as *Addendum 1*). Please see a summary of the revisions:

- Clarify and streamline the process for owners to obtain certification of no gas piping or if their building has gas piping, certification it is not being supplied with gas. The process to require a utility letter is not a procedure the utility companies can or will do, rendering the law impracticable. Licensed Master Plumbers (LMP) are in the best position and best qualified to certify gas supply status.
- Ensure DOB keeps abreast of the NYS Public Service Commission (PSC) inspection regulations on jurisdictional gas piping and any changes to inspection cycles in order to align inspection cycles to ease burden on owners.
- Require that the inspection is conducted by an LMP or individual under the LMP that is a journeyman plumber registered with the DOB. This is consistent with DOB’s rule that a person has 5 years of experience to conduct these inspections but provides an easier and clearer way to certify that the experience requirement is met. Currently, upon information

⁸ Article 417 was stricken as part of Local Law 126 of 2021 and should be reinstated. Further, the DOB should make use of the expert representatives on the License Board in terms of enforcement against bad actors and not just for the review of new license applications. Upon information and belief, the DOB did not hold the statutorily required monthly meetings, yet used the delay in approval of applications as a reason for dissolving the License Board. Not only should Article 417 be reinstated but the DOB should be required to actually hold the meetings at minimum every month.

and belief, DOB is not verifying the experience of these gas piping inspectors working under LMPs.

- Clarify that the scope of the inspection includes commercial tenant spaces but not residential tenant spaces and clarify that the point of entry of the gas piping must be inspected regardless of location. This ensures a more thorough and accurate safety inspection, especially in restaurants, etc.
- Replace “imminently dangerous” with “immediately hazardous” conditions to ensure law aligns with industry training.
- Clarify the provision on reporting and correction of unsafe or hazardous conditions to adopt industry training and terminology, e.g., use of “abnormal operating conditions” (AOC), and to distinguish between immediately hazardous and non-immediately hazardous AOCs.
- Increase fines for non-compliance to ensure required inspections are completed.

We appreciate your time and attention to this additional important gas safety law and consideration of the proposed revisions.

CONCLUSION

We thank the NYC Council Committees on Oversight & Investigations and Housing & Buildings for their consideration of our comments. While the NYC Council passed a gas ban bill in 2021 for new construction in 2024, gas piping infrastructure still exists and will exist for many decades to come. This means we must do our due diligence to ensure NYC residents, workers, and visitors have safe and reliable gas piping in their buildings.

Please do not hesitate to contact us for any reason.

ADDENDUM 1

Section 1. Article 318 of chapter 3 of title 28 of the administrative code of the city of New York is amended to read as follows:

§ 28-318.1 General.

Commencing January 1, 2019, building gas piping systems, other than gas piping systems of buildings classified in occupancy group R-3, shall be periodically inspected in accordance with this article.

[Exceptions:]

1. **As part of the inspection, if it is determined that a building that contains no gas piping and is not currently serviced by a utility for gas** [and for which the owner of such building has submitted to the commissioner, in a form and manner determined by the commissioner, a certificate of] a registered design professional, a licensed master plumber or an individual under the direct and continuing supervision of a licensed master plumber **with appropriate qualifications under section 28-318.3.1,** [or a person satisfying other qualifications that the commissioner may establish,] **shall submit, in a form and manner determined by the commissioner, certification** that such building contains no gas piping.

2. **As part of the inspection, if it is determined that a** building [that] contains gas piping but that is not currently supplied with gas, a licensed master plumber or an individual under the direct and continuing supervision of a licensed master plumber **with appropriate qualifications under section 28-318.3.1,** [or a person satisfying other qualifications that the commissioner may establish,] **shall submit, in a form and manner determined by the commissioner, certification that such building is not currently supplied with gas.** [that does not contain any appliance connected to any gas piping and that complies with section 28-318.3.5.]

§ 28-318.2 Frequency of inspection. An inspection of a building's gas piping system shall be conducted at periodic intervals as set forth by rule of the commissioner, but such inspection shall be conducted at least once every five years.

Exceptions:

1. If the New York state public service commission adopts a **revised** rule or other requirement for periodic inspections of service lines, as defined in section 255.3 of title 16 of the New York codes, rules and regulations, with a frequency other than five years, the commissioner may, by rule, require that the periodic inspections required by this article be conducted with such frequency.
2. The initial inspection for a new building shall be conducted in the tenth year after the earlier of (i) the issuance by the department of a letter of completion or, if applicable, a temporary or final certificate of occupancy for such building or (ii) the date such building was completed as determined by department rule.

§ 28-318.3 Inspection process.

Gas piping systems shall be inspected and tested in accordance with sections 28-318.3.1 through 28-318.3.4.

§ 28-318.3.1 Inspection entity. Inspections of gas piping systems shall be conducted on behalf of the building owner by a licensed master plumber or by an individual **holding a journeyman plumber registration issued in accordance with article 409 of chapter 4 of title 28 of the administrative code of the city of New York and working** under the direct and continuing supervision of a licensed master plumber, with appropriate qualifications as prescribed by department rule **but shall include successful completion of a training program acceptable to the department. The department shall require proof of such qualifications on any report and certification as required under Section 28-318.3.3.**

§ 28-318.3.2 Scope. At each inspection, in addition to the requirements prescribed by this article or by the commissioner, all [exposed] **visually accessible** gas lines from point of entry of gas piping into a building , [including building service meters, up to individual tenant spaces] **through the point of connection to any appliance that uses gas supplied by such piping,** shall be inspected for evidence of [excessive atmospheric corrosion or piping deterioration] **abnormal operating conditions** that **represents** [has resulted in dangerous an] **immediately hazardous** condition, illegal connection[s], and **or** non-code compliant installation[s]. The inspection entity shall also [test] **conduct a leak survey of all visually accessible gas lines from the point of entry of gas piping into a building through the point of connection to any appliance that uses gas supplied by such piping to determine if there is any indication of a gas leak. In addition to the above, all** public spaces, hallways, **and** corridors, [and mechanical and boiler rooms;] **on floors that contain gas piping or gas utilization equipment shall also be leak surveyed.** [with a portable combustible gas detector to determine if there is any gas leak, provided that such testing need only include public spaces, hallways and corridors on floors that contain gas piping or gas utilization equipment.] **The leak survey shall be conducted utilizing an instrument approved for leak surveys by the New York State Department of Public Service. The scope of the inspection shall be in compliance with Part 255 of Title 16 of the New York State Codes, Rules, and Regulations.**

Exception: Other than as required to provide access to a point of entry location, gas piping or gas utilization equipment located inside of an individual dwelling unit, as defined by section 202 of the New York City Building Code, shall not be required to be inspected.

§ 28-318.3.3 Report and certificate of inspection.

The inspection entity conducting an inspection of a building pursuant to this article and the owner of such building shall comply with the following requirements:

1. No later than 30 days after such inspection, such

inspection entity shall submit to such owner (i) a report of such inspection, on a form and in a manner determined by the department, and (ii) a certification of the licensed master plumber who performed or exercised direct and continuing supervision over such inspection that an inspection pursuant to this article has been completed for such building. Such report shall be certified by such licensed master plumber and, where applicable, by any individual who performed such inspections under the direct and continuing supervision of such licensed master plumber, and shall include, for each gas piping system inspected, a list of conditions including instances where a part or parts of such system is worn to such an extent that the safe and reliable operation of such system may be affected, gas leaks, any observed non-code compliant installations or illegal connections, any conditions described in section 28-318.3.4 and any additional information required by the department.

2. No later than the due date for such inspection, in accordance with department rules, and no earlier than 60 days before such due date, such owner shall submit a certification from a licensed master plumber that an inspection pursuant to this article has been completed by such licensed master plumber for such building, provided that the department may by rule establish an alternative timeframe for such submissions.

3. No later than 90 days after the due date for such inspection, in accordance with department rules, such owner shall electronically submit, or cause to be submitted by such inspection entity, such report to the utility company providing gas service to such building. Such submission shall only be required if, before the date that such submission would be required, the department has determined and set forth in a rule that such utility company will accept such electronic submission at no cost to such owner.

4. No later than 120 days after the due date for such inspection, in accordance with department rules, such owner shall submit to the department, in a form and manner determined by the department, (i) a certification from a licensed master plumber that all conditions that were identified in the inspection report for which a

certification was submitted pursuant to item 2 of this section have been corrected, except that such certification may note that correction of one or more conditions identified in such report, other than conditions referred to in section 28-318.3.4, will reasonably take additional time to complete and (ii) a certification from such owner that such owner is in compliance with item 3 of this section. If such certification notes that one or more conditions will take additional time to complete, such owner shall, no later than 180 days after the due date for such inspection, or by such later date as the department shall determine, submit to the department, in a form and manner determined by the department, a certification from a licensed master plumber that all conditions identified in such report have been corrected.

5. All reports and certifications required by this section shall be kept on file by the inspection entity and the building owner for at least eight years after the date of inspection and made available to the department at the department's request.

§ 28-318.3.4 Reporting and correction of [unsafe or hazardous condition.] **abnormal operating conditions that present an immediately hazardous condition.** If an inspection reveals [any of the following conditions]**an abnormal operating condition presenting an immediate hazard the inspection entity shall immediately take safety actions to protect life or property.**[t]The inspection entity shall notify the building owner, the utility, and the department immediately and the building owner shall immediately take action to correct such condition in compliance with the New York city construction codes.

1. **[A gas leak;**
2. **Evidence of illegal connections or non-code compliant installations; or**
3. Any other conditions which (i) if verified by a utility company or utility corporation , would constitute a class A condition as described in part 261 of title 16 of the New York Codes, rules and regulations or (ii) constitutes an

imminently dangerous condition.]

§ 28-318.3.4.1 Reporting and correction of abnormal operating conditions that do not present an immediate hazard. If an inspection reveals an abnormal operating condition that does not present an immediate hazard, the inspection entity shall:

1. For abnormal operating conditions occurring on service piping, the inspection entity shall follow the requirements under Part 261 of Title 16 of the New York State Codes, Rules, and Regulations, and follow the applicable utility procedure(s). The condition(s) shall be noted on the inspection form submitted to the Department.

2. For abnormal operating conditions occurring downstream of the point of delivery, the inspection entity shall notify the Department in a manner prescribed by the Department as well as the utility in a manner prescribed by the utility. The inspection entity shall note the conditions on the report form. For abnormal operating conditions that do not pose an immediate hazard, where the remediation of which could potentially increase risk of a piping system failure or would require a shutdown of the gas piping system, the Department shall notify the building owner of the abnormal operating condition while allowing for it to remain in service. The Department shall determine by rule the corrective work that will be required to remediate the conditions. Gas service shall only be interrupted when necessary to eliminate an immediate hazard to life or property. The Department shall notify the local gas utility company and the building owner of the decision prior to taking such action. The building owner shall take action to correct such conditions in compliance with the New York City Construction Codes. For conditions that are classified as non-hazardous and are permitted to remain in service, the owner shall remediate those conditions in accordance with Department rule. If the Department determines that no remedial work is required that information shall be noted on the report form by the inspection entity.

[§ 28-318.3.5 Buildings without active gas service.

A building otherwise required to undergo an inspection pursuant to section 28-318.1 that is not currently supplied with gas, and that has no appliance connected to any gas piping, shall not be required to undergo such inspection when the following is submitted to the department:

1. A signed statement from a person with authority to sign such statement on behalf of any utility company that would be responsible for the provision of gas service if such service were provided containing the following:
 - 1.1. The last date upon which gas was supplied to the building; and
 - 1.2. The date upon which gas service was no longer provided to the building.
2. A signed statement from the owner of such building containing the following:
 - 2.1. A certification that the building no longer receives gas service; and
 - 2.2. A certification that the building no longer contains appliances connected to gas piping.]

[§ 28-318.3.6 Resumption of gas service. Where the owner of a building that has complied with section 28-318.3.5 seeks to resume gas service to such building, the owner must:

1. Obtain a certificate of approval of gas installation from the department; and
2. Comply with the inspection and certification requirements of sections 28-318.1, 28-318.2 and 28-318.3 and the rules of the department before gas service is resumed, regardless of whether such inspection and certification would otherwise be required for that building at that time.]

§ 28-318.3.7 Extension of time to complete inspection. Owners who are unable to obtain an inspection of a building pursuant to this article

by the date set forth in the rules of the department may receive a 180 day extension of the due date for such inspection, and the filing of any certification required to be filed after such inspection, upon notification to the department in a manner established by the department. The department shall conduct periodic outreach to owners of buildings with gas piping systems that must be inspected pursuant to this article regarding the availability of this extension.

§ 28-318.4 Fees. The department may charge filing fees for the certifications required by section 28-318.3.3, as set forth in the rules of the department.

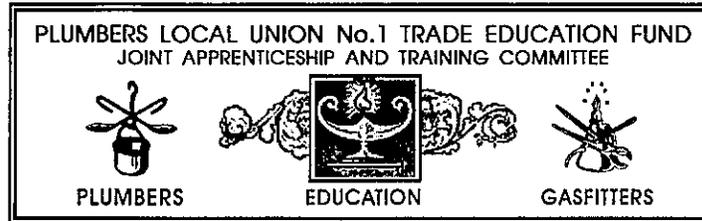
§ 28-318.5 Enforcement. Failure to submit a certification required by this article shall be classified as a major violation.

PROPOSED REVISIONS TO 28-318.5

- 1. Raising minimum fine above \$5k to ensure compliance; and/or**
- 2. Make it an immediately hazardous violation. This is consistent with the intent of LL 159.**

§ 2. This law shall take effect immediately.

PAUL O'CONNOR
JATC Co-Chair - Labor



VINCENT ASPROMONTE
JATC Co-Chair - Management

Ph. (718) 752 - 9630

Fax (718) 752 - 9634

UA PLUMBERS & GAS-FITTERS LOCAL 1
TRAINING CENTER - NEW YORK CITY
37-11 47th Avenue, Long Island City, N.Y. 11101

ARTHUR O. KLOCK JR.
Director of Trade Education

Date: February 27, 2023

To: NYC Council Committee for Oversight & Investigations and
NYC Council Committee for Housing & Buildings in a joint session.

From: Arthur O. Klock Jr. – Plumbers Local 1 Trade Education Fund

Re: New York City Department of Buildings

My name is Arthur Klock and I have worked in the Plumbing Industry in New York City for more than 40 years. I have been an Apprentice, Journeyman, Foreman, and Superintendent working for NYC Licensed Master Plumber firms. I have been a Plumbing Instructor holding a Trade Teacher License from the NYC Board of Education for over 35 years, teaching part-time in evening classes and subsequently full-time in daytime classes. I am currently the Director of Trade Education for the Plumbers Local Union No.1 Trade Education Fund, overseeing a 500 student New York State approved Apprenticeship program as well as Journeyman training and certification programs including qualification of pipe welders.

I have had the good fortune to get a front row seat for many important legislative activities at the NYC City Council over the years. The most recent being the latest updates to our NYC Plumbing Code and NYC Fuel Gas Code. Working with Licensed Master Plumbers, Licensed Professional Engineers, representatives of FDNY, DEP, SCA, HPD, DOHMH, NYCHA, PANYNJ, Con Edison, National Grid, and of course all the dedicated code professionals of the NYC Department of Buildings, was a great privilege.

All that being said, there is an unpleasant subject that I feel must be brought to the attention of these Committees. It focuses on two words – Safety and Enforcement.

On March 12, 2014, there was a tragic gas explosion in East Harlem that killed 8 people. Almost exactly one year later, on March 26, 2015, there was another preventable fatal gas explosion on 2nd Avenue in the East Village. Again, the ensuing investigation revealed ineffective enforcement of existing Codes and procedures that caused the deaths of two New Yorkers, one working to support his family and another simply out on a date.

These two events exposed several glaring omissions in the enforcement of procedures and regulations protecting New Yorkers. In 2016 the City Council took action and passed a package of 10 gas safety bills needed to enhance safety in the city. Critical to these efforts was regulating exactly who would be deemed “qualified” to work on gas piping and gas appliances. Another important step was to initiate long overdue inspections of gas piping that had never been inspected since it was originally installed, in most cases many decades ago.

The Plumbing and Gas-Fitting Industry and the Utilities which supply natural gas embraced the safety enhancements. Hundreds of workers undertook the lengthy process of credentialing and testing to become officially recognized as “qualified” to perform gas piping and appliance work. The Department of Buildings

regulated this process and issued “Gas Qualification” cards to qualified individuals. Con Edison and National Grid worked with the Northeast Gas Association and the New York State Public Service Commission to help design training for Plumbers to take on the responsibility to conduct periodic inspection of installed gas piping throughout the city.

In the years between the passage of the new safety laws in 2016 and the effective dates for those laws to take effect, it seemed that we were all working together to move the needle toward safety. Regrettably, that was not what happened. As the Department of Buildings moved into the 2020’s, we in the Plumbing and Gas-Fitting Industry found that there was an increasing tendency for enforcement to be ineffective or non-existent.

While hundreds of legitimate employees of Master Plumbers had gone to the expense and inconvenience of providing social security records, affidavits, and taking a City administered gas knowledge qualifying exam (at 525 dollars per test!), the Department did not see fit to verify that the workers engaged in gas work held a Department issued qualification card. Nor did they make any effort to educate the construction industry, building owners, the appliance industry, or the general public about this new safety standard.

Regarding periodic gas inspections, the Utilities and the Plumbing and Gas-Fitting Industry were ready with training and qualifications in place, but the Department of Buildings, despite having years to prepare, failed to design any method of reporting these required inspections in time for the stated implementation date. This delayed by at least a year the start of these critical life safety inspections and derailed a years-long effort to coordinate the timing for inspections of Utility jurisdiction gas piping with inspections of DOB jurisdiction gas piping.

More blatantly, in the last few years, we in the industry have seen a spreading and systemic occurrence of ineffective enforcement and non-enforcement by the Department.

1) Improper or Non-Existent Pipe Welder Qualifications – In 2015, the Department undertook to tighten up conformance with the ASME Section IX code and NYC Fuel Gas code requirements for “pipe welder qualifications” on critical piping systems such as Natural Gas. In Buildings Bulletin 2015-037, the Department explained and clarified the requirements for pipe welding. Licensed Master Plumbers must “qualify” their direct employees who will weld pipe. The welders must be trained and tested to a particular detailed procedure which will be used on the job. The qualification documents for their direct employees, who are working pipe welders, are required to be uploaded to folders at the DOB whenever such welders perform work. Through “freedom of information” requests it has been found that in many cases these folders contained improper welder qualifications, or no welder qualification documents at all. This occurred even when 311 calls and complaints to the Department exposed, in real time, the fact that unqualified welders were doing dangerous substandard work at numerous specific locations. The requirements are not new. Abuses are rampant because of the Department’s non-enforcement. The Department did not stop the work or have the illegal substandard work removed. In fact, the Department claimed that investigations were undertaken when they were not. The Department also claimed they “inspected” the illegal welding work, even though the Department has no one qualified to do such inspections. There are no “AWS Certified Welding Inspectors” in the employ of the Department. The Department subsequently approved the work and authorized the Utilities to turn on the gas. This substandard and illegally performed welded gas piping is now active in schools, residential buildings, and commercial spaces.

2) Appliance Stores Doing Regulated Gas Work Illegally – In hundreds of instances it has been reported to the Department that appliance retail stores and “big box” retailers are using truck drivers and other unqualified delivery persons to remove existing gas appliances and install new appliances. The

stores charge for this service and they often mislead customers by falsely asserting that their workers are “qualified” to do this type of work. This is extremely dangerous as these unqualified individuals are often working inside occupied spaces and are working on LIVE gas lines. When evidence of this ongoing criminality and dangerous behavior for profit has been brought to the attention of the Department, there have been very limited “slap on the wrist” penalties, even though greater penalties were clearly called for and available to the Department. This issue was discussed with the Department in a documented video conference call in September of 2020. At this meeting, representatives of the Department proposed that the solution to this dangerous and illegal activity was to allow unlicensed and unqualified persons to do this gas work on LIVE gas lines in OCCUPIED buildings. The method the Department concocted and proposed to skirt the requirements of Local Law 150 of 2016 would be through a code change to be included in the pending “Existing Buildings Code”. This shocking dangerous proposal was strenuously opposed by those on the call including Con Edison, National Grid, FDNY, NYCHA, the Northeast Gas Association, the Plumbing Foundation, Plumbers Local Union No.1, and the Master Plumbers Council. At the conclusion of the video conference, the representatives of the Department stated that they would “table” the proposed code change for now.

3) Arbitrary Elimination of the Master Plumbers License Board - The Master Plumber License Board was composed of members appointed by the DOB Commissioner, including one seat reserved for a representative of the thousands of Journeyman plumbers in the industry. The License Board’s function was to “advise” the Commissioner regarding the fitness of applicants for licenses, and “advise” on allegations of improper or illegal practices, Code violations, etc. by Licensed Master Plumbers. All decision-making authority ultimately remains solely with the Commissioner. The License Board met once a month without compensation. The Master Plumber License Board had been in existence for over 50 years and had performed an important function for all that time. It was eliminated by a code change in November of 2022 over strenuous industry objections. The Master Plumber License Board provided a level of transparency and independent review of DOB decisions in this area. Without the continued peer review function of the License Board, there will be no opportunity to give critical safety input and “advice” to the Department on disciplinary issues. The DOB arbitrarily eliminated the Board based solely on its claim that elimination of the Board will “speed up” the licensing process. The simple truth is that the License Board has never represented a significant delay to an applicant or to a Master Plumber charged with a violation. There was and is no demonstrated reason to eliminate the License Board. The DOB simply sought to remove a level of transparency and professional engagement that had, for over 50 years, worked to pierce what can sometimes be an opaque and monolithic cloud of bureaucracy.

4) Lack of Enforcement of the Requirement for a “Gas Work Qualification” – Local Law 150 of 2016 requires that a person working on gas piping or appliances for a Licensed Master Plumber hold a gas qualification card and number issued by the DOB. When 311 calls and complaints to the Department exposed, in real time, the fact that unqualified workers were illegally doing dangerous gas work without a “Gas Work Qualification”, DOB refused to enforce the law. This issue is simple. The workers either have a qualification and can perform the work, or they do not have the qualification, and can not do the work. This has been the law for three years since it became effective in 2020 and all Licensed Master Plumbers and the DOB have known about it for seven years since 2016. To date, DOB has not enforced this. Abuses are rampant because of the Department’s non-enforcement.

5) Disbanding of the Office of the Buildings Marshal – In November of 2022 the DOB disbanded their own Marshals Unit. This came as a disappointment to the Plumbing and Gas-Fitting Industry. The Marshals Unit was the primary enforcement agent for reports of counterfeit OSHA Safety training cards, or counterfeit or improperly issued Site Safety Training (SST) cards as required by Local Law 196 of 2017. There is no longer an enforcement unit closely focused on these safety issues.

6) Elimination of the Reporting Requirements for “Ordinary Plumbing Work” – The Department has, for over 15 years, allowed that when certain specific “ordinary” Plumbing and Gas-Fitting work (OPW) is done as required by a Licensed Master Plumber, the opening of a permit would NOT be required. In place of the opening of a permit, the Department required that the Licensed Master Plumber submit a written report giving details of the “ordinary” work and including the address, and block and lot numbers of the property. This assures that the legal requirement for the work to be done only by a Licensed Master Plumber is documented and recorded. The Department has recently proposed to eliminate the requirement to submit reports of “ordinary” plumbing and gas-fitting work when a Licensed Master Plumber performs such work. This ill-conceived idea will create a glaring hole in compliance with the law for unscrupulous bad actors to take advantage of. When regulated dangerous activities are no longer tracked by permits or reports to the Department, it creates a massive blind spot. Activities that require licensed and qualified personnel but have ZERO paper trail will attract bad actors like food scraps attract rodents. This is effectively a proposal to move to non-enforcement. The Department of Buildings has again shocked the Plumbing and Gas-Fitting Industry with yet another proposal which can only increase the systemic and ineffective enforcement problems and decrease safety in New York City.

7) Ineffective Enforcement of Hundreds of Improper Gas Safety Inspections – In 2016 the City Council passed Local Law 152. This law required that Periodic Safety Inspections of previously installed gas piping be conducted throughout the city. This was to address the need for long overdue inspections of gas piping that had never been inspected since it was originally installed, in most cases many decades ago. Inspections would also focus on detection of improper connections similar to the cause of the 2015 explosion in the East Village. A specific supplemental training program was designed in cooperation with the Northeast Gas Association for employees of Licensed Master Plumbers with at least 5 years of experience to become gas piping system inspectors. It was required that the “Inspection Entity” person be directly employed by the LMP, have 5 years of experience, and complete the inspection training course to be qualified as an inspector. Once the mandated inspections began, companies which provide compliance services to property owners saw the opportunity to provide this additional service. In one documented case, a firm known as ReDocs partnered with Francis Pfeiffer - Licensed Master Plumber # 1697 to provide Periodic Gas Inspections to ReDocs customers. The effort was apparently very prolific because an audit found that LMP Pfeiffer had submitted hundreds of individual inspection certifications to the Department in a single month they audited (October 2020). A closer examination revealed that LMP Pfeiffer had:

A) Claimed he was exempt from posting evidence of workman’s compensation insurance because he “had no employees”.

B) Filed 166 documents of inspection for 166 buildings in October 2020 alone which identified 2 individuals as the “Inspection Entity”. It was determined that neither of these persons had taken the required training course to learn how to do an inspection and they were not qualified to do gas inspections.

It was found that LMP Pfeiffer had filed with the Department in just one month 166 false documents, in so much as on each document he attested, signed, and affixed his seal stating that these persons were “qualified” to act as the “Inspection Entity”. In the first charge it was found that his allowing unqualified individuals to perform these inspections “constituted negligence, incompetence, lack of knowledge, or disregard of the code and related laws and rules” 166 times. In a second charge it was determined that Mr. Pfeiffer had in 166 cases violated the Administrative Code by “The making of a materially false or misleading statement on any form or report filed with the department or other governmental entity,”

Based on this volume of infractions, and with each occurrence carrying a potential maximum penalty of twenty-five thousand dollars, Mr. Pfeiffer faced a staggering potential fine. In addition to the fine, the Commissioner has the authority to revoke or suspend a Master Plumber's license in the case of just ONE finding of misconduct of this type. Yet, in another typical failure of effective enforcement, the Department and the Commissioner imposed a single ten thousand dollar fine. Furthermore, they did not revoke or suspend Mr. Pfeiffer's Master Plumber license. They let him walk out with a statement that he was on Probation for 6 months, and ironically, that he must comply with all the laws, rules, regulations, and applicable codes for the next 6 months. There was no investigation of whether the two workers were directly employed by Mr. Pfeiffer as required or were employed by ReDocs. There was no investigation as to whether these workers had 5 years of required experience. The data would indicate that many, many more illegal inspections were done outside of the one-month window that was audited. There was no effort to ascertain that easily obtainable data. It is not clear if the 166 building owners were informed that the legally required life safety inspections they paid for, were done by unqualified persons who had no training to do such inspections. It was not required that all these improper inspections be voided and then required to be re-done by qualified inspectors. In at least one case, one of these buildings was found shortly afterward to have a gas leak, and the gas was shut off by the FDNY and the Utility company. Mr. Pfeiffer's penalty was another example of a "slap on the wrist" and the entire episode shows the Department has again demonstrated an unwillingness to enforce gas rules intended to keep New Yorkers safe.

Danger, disease, and death through illegal work, which is non-compliant with our carefully considered codes, is an ever-present possibility motivated by greed and ignorance. In the coming years, as we gradually eliminate Natural Gas as a fuel, less attention will be paid to it. The economically disadvantaged will be the last to transition away from Natural Gas to Heat Pumps due to cost, while electric busses and Teslas cruise Fifth Avenue. Without scrupulous and ongoing enforcement of all the proper safety protocols, the risks to public safety will increase. It is imperative that the City Council exercise its oversight authority to compel the Department of Buildings to enforce gas safety codes, rules, and laws now and into the foreseeable future.

SYSTEMIC INEFFECTIVE ENFORCEMENT by the New York City Department of Buildings, and non-enforcement in the case of Gas Work Qualification and Welder Qualification requirements, creates the fertile ground of plumbing and gas-fitting work being performed by unlicensed/unqualified entities who have no valid training or qualifications to know safe work from dangerous work. The other side of the coin is Licensed Master Plumbers who falsify documents, use unqualified persons to perform regulated work, and take dangerous shortcuts motivated by greed. Effective and consistent enforcement is the only way to stop bad actors from doing dangerous illegal work for their "customers" who are really their victims.

In conclusion, I would like to thank both Committee Chairs and all the Committee Members for their time today. I also want to wholeheartedly commend the City Council and their staff for their hard work and countless hours working for the safety of the people of the City of New York.

Arthur O. Klock Jr.
Director of Trade Education
Plumbers Local Union No.1 Trade Education Fund

27 February 2023

To Members of the Oversight Committees:

Please review the current permit process in the Department of Buildings for ways to help make it cheaper and easier to disconnect gas service into individual apartments for those of us that live within a building that has existing gas connections.

I am concerned that it costs so much money to simply disconnect the gas line into my apartment after switching it to an electric stove. A plumber provided a quote (copied below), and approximately half the project cost would be attributable to the permitting process from the Department of Buildings.

If this quote is a fair representation of the difficulty that permitting presents for licensed contractors, then the permitting process is creating a subsidy for gas lines. Financially, it makes more sense for me to pay thousands of dollars to subsidize gas infrastructure over the coming years even though I do not want the gas service.

Additionally, the risk of a gas leak in my apartment would remain with an active line but would probably decrease dramatically if I contracted a plumber to cap the line.

I have an 11 year old child who has previously suffered from asthma, including several ER trips as a toddler and years of inhalers. I recently explored the feasibility of replacing my current gas stove because I would like to avoid the unnecessary exposure to potential toxins as well as the methane emissions from gas more generally.

Regards,
Lucio Verani

New York, NY 10024

Services	qty	unit price	amount
Gas - Gas Repair Misc Disconnect and remove existing gas supply line from behind stove. Disconnect and remove the existing gas supply line from service and cap.	1.0	\$1,850.00	\$1,850.00
Gas - Permits *Convert emergency permit to standard permit if applicable* **File all necessary permits and inspections with the Department of Buildings and Utility Company**	1.0	\$1,400.00	\$1,400.00
Plumbing	1.0	\$915.00	\$915.00

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 2/27/23

(PLEASE PRINT)

Name: Terence O'Brien

Address: 535 8th Avenue, NY, NY, 10018

I represent: Association of Contracting Plumbers

Address: of the City of NY Inc.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 2/27/23

(PLEASE PRINT)

Name: April McIver

Address: _____

I represent: The Plumbing Foundation City of NY

Address: 535 8th Ave, NY, NY, 10018

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Arthur Goldstein EGO

Address: _____

I represent: Master Plumbers Council

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Patrick J. Walsh

Address: Stulberg & Walsh

I represent: Plumbers Local 7

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Robert Stulberg

Address: Stulberg & Walsh, LLP

I represent: Plumbers Local Union No. 1, U.I.A.

Address: 14 Wall Street Suite 5G NY, NY 10005

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Arthur O. Klock

Address: _____

I represent: Plumbers Local 7 Trade Education Fund

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: 2-27-23

(PLEASE PRINT)

Name: George Boss. Jr.

Address: _____

I represent: MASTER Plumbers Union

Address: _____

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