

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS

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April 12, 2016
Start: 10:20 a.m.
Recess: 2:01 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Jumaane D. Williams
Chairperson

COUNCIL MEMBERS:

Rosie Mendez
Ydanis A. Rodriguez
Robert E. Cornegy, Jr.
Rafael L. Espinal, Jr.
Mark Levine
Helen K. Rosenthal
Ritchie J. Torres
Barry S. Grodenchik
Rafael Salamanca, Jr.
Eric A. Ulrich

A P P E A R A N C E S (CONTINUED)

Terri Davis-Merchant
HPD Government Relations Office

Rick Chandler
Department of Buildings Commissioner

John Sudnik
FDNY Chief

Shawn Jones
Chief of Plumbing Enforcement

Renaldo Hylton
Department of Buildings Assistant Commissioner
for Operations Compliance

Patrick Wehle
Assistant Commissioner for External Affairs at
Buildings Department

Mary Kelly
Vice President of Gas Engineering at Con-Edison

Robert Wilson
National Grid

Terence O'Brien
Plumbing Foundation City of New York, Inc.

Darren Lundin
Plumbing Foundation City of New York, Inc.

Leonard Williams
Plumbing Foundation City of New York, Inc.

John DeLillo
Master Plumbing Council of NYC

A P P E A R A N C E S (CONTINUED)

Arthur Goldstein

Arthur Klock
Plumbers Local One

Raymond Rondino
Plumbers Local One

John Murphy
Plumbers Local One

Dorothy Harris
International Code Council

Mike Conigliaro
Transport Workers Union Local 101

Anthony Caiazzo
Caiazzo Plumbing and Heating

Hershel Weiss
BOMA New York

2 CHAIRPERSON WILLIAMS: Morning everyone,
3 and thank you for coming. My name is Jumaane
4 Williams, Chair of the Council's Committee on Housing
5 and Buildings. I'm joined today by Council Member
6 Vacca. The City has recently experienced a series of
7 gas explosions which resulted in fatalities, injuries
8 and displacement. In response, we're here today to
9 conduct a first hearing on a package of 10 bills
10 designed to increase the safety of our gas
11 infrastructure. Intro Number 738 sponsored by
12 Council Member Levine will require journeymen
13 plumbers to apply a gas qualification order to
14 perform gas work. Excuse me. Sorry. Intro Number
15 738 sponsored by Council Member Levine will require
16 journeymen plumbers to apply for gas qualification in
17 order to perform gas work. Intro Number 1079
18 sponsored by the Speaker, Council Member Melissa
19 Mark-Viverito, will prohibit individuals from being
20 able to self-certify work if they have a history of
21 working on gas piping systems without a permit.
22 Intro number 1088 sponsored by Council Member Espinal
23 will require gas piping systems to be periodically
24 inspected by a licensed Master Plumbers. Intro Number
25 1090 sponsored by Council Member Gibson will ensure

2 that tenants know to call 911 and their gas service
3 provider when a gas leak is suspected. Intro Number
4 1093 sponsored by Council Member Mendez will require
5 notification to the Department of Buildings within 24
6 hours of gas service being shut off or not restored
7 due to safety concerns. Intro Number 1094 sponsored
8 by Council Member Richards would require the
9 Administration to identify risk factors which
10 indicate the presence of gas-related violations that
11 pose a risk to health, safety or property and use
12 such factors to target the enforcement efforts. Intro
13 Number 1098 sponsored by Council Member Rodriguez
14 will require gas utilities to provide annual reports
15 on the state of the City's gas infrastructure. Intro
16 Number 1100 sponsored by Council Member Vacca would
17 require natural gas alarms to be installed in
18 dwelling units. Intro Number 1101 sponsored by
19 myself would create an amnesty program which would
20 allow owners to bring their gas piping systems up to
21 code, and Intro Number 1102, which I also sponsored,
22 will increase the penalties for certain violations
23 related to gas piping systems. I'd like to thank my
24 staff for the work they did to assemble this hearing,
25 including Nick Smith, my Deputy Chief of Staff, and

2 Legislative Director, Jen Wilcox and Megan Chan
3 [sp?], Counsel to the Committee, Guiermo Patino [sp?]
4 and, Jose Conde [sp?], Policy Analyst to the
5 Committee, and Sarah Gastelum [sp?], the Committee's
6 Finance Analyst. Also want to thank the Speaker
7 herself for her leadership on this and all the staff
8 that worked on these bills. As a reminder for those
9 of you who are testifying today, please to be sure to
10 fill out a card with the Sergeant. My understanding
11 is there was only Council Member that wanted to make
12 a open--and she is not here right now. Okay. So my
13 understanding now is that other Council Members want
14 to open. So, we'll go Council Member Vacca and
15 Council Member Levine.

16 COUNCIL MEMBER VACCA: Thank you, Mr.
17 Chair. I appreciate that very much. My name is James
18 Vacca, and I'm a prime sponsor of Intro 1100 of 2016,
19 the Local Law that would require natural gas alarms
20 in dwelling units. I want to thank Chair Williams for
21 co-sponsoring the legislation with me and for holding
22 this important hearing. In light of the many
23 explosions that have occurred over the past couple of
24 years caused by natural gas, whether it was failed
25 infrastructure, human error or just a tragic

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2 accident, my colleagues and I have responded to these
3 horrible incidents with many solutions to prevent it
4 from ever happening again. We have aging
5 infrastructure in our city. We also have unlicensed
6 people sometimes doing pipe work that should not be
7 going on. We have residents who don't know if and
8 when they should report possible leaks. It is time to
9 address these issues once and for all. Since many of
10 my colleagues are speaking on their legislation
11 today, I'll try to be brief, but my Intro 1100 of
12 2016 would require every residence to have a natural
13 gas alarm. We all know how live-saving smoke
14 detectors and carbon monoxide alarms have been, and
15 that's why it's the law for them to be properly
16 installed and maintained regularly. Devices that
17 could immediately tell residents that they may be in
18 danger before they could observe it, which is
19 especially important in the case of odorless carbon
20 monoxide, are essential and save lives. My
21 legislation would require another detection device so
22 that residents of our city can unequivocally know
23 when to seek help if they suspect a gas leak. I
24 understand that in the past few years Con-Edison has
25 taken steps to educate the public about the dangers

1 of gas leaks, and that is very important. Although
2 natural gas has an odor added for the purpose of
3 detection, it is clear that in some cases people are
4 still unsure about who they need to contact and how
5 quickly, and if they happen to smell the natural gas
6 order, what do they do immediately? Additionally,
7 there are those who have an impaired sense of smell
8 who are either unable or may have trouble detecting
9 the odor of natural gas. Intro 1100 would lessen this
10 uncertainty. I look forward to hearing testimony
11 today, and I'm willing to work with DOB and Con-Ed
12 and all the relevant stakeholders to come up with the
13 best possible legislation we can in tis regard. I
14 hope that putting forth this legislation via hearing
15 and ultimate vote, I hope, will help make our city
16 safer for its residents and address dangers that
17 exist as our infrastructure continues to age every
18 day. Thank you, Mr. Chair.

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20 CHAIRPERSON WILLIAMS: Also besides
21 Council Member Vacca and Levine, we'll be joined by
22 Council Member Grodenchik and Crowley. Council
23 Member Levine?

24 COUNCIL MEMBER LEVINE: Thank you, Chair
25 Williams. Good morning. I'm pleased to be lead

1 sponsor of Intro 738, which would create a
2 certification for plumber journeymen to work on gas
3 lines. When I've spoken to my colleagues and members
4 of the public about this introduction, the reaction
5 is generally been, "What do you mean? We don't
6 require that already? How could that be?" After
7 all, if you're working on a waterline or a waste line
8 or a compressed air line, if something goes wrong,
9 there could be a big mess, but no one's going to die.
10 If you're working on a gas line and something goes
11 wrong, the effects can be fatal, as we have seen to
12 tragic affect far, far too many times. And listen to
13 how crazy the status quo is. We require that the
14 Master Plumber, who despite the kind of misleading
15 title is actually the business owners general behind
16 the desk, we require that that person have
17 certification for gas work. But the people who are
18 working on the liens, the journeymen plumbers, men
19 and women who are actually touching the pipes doing
20 work, we require no such certification, and that's
21 kind of like saying, well, you know, if the parent
22 has a driver's license, then the child can drive
23 without a license because there's some sort of
24 supervision there, even if they're not in the car.
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2 It doesn't work that way. We need the people who are
3 in the field with their hands on the wrench to have
4 the qualifications to do this work, or we put
5 ourselves at risk. We put those men and women at
6 risk. We put our city at risk. The fact is we could
7 require certification in a way that would allow
8 thousands of existing journeymen to qualify by
9 reasonable examination, a way that will advance the
10 safety of our workforce, the safety of our gas
11 infrastructure in a reasonable way that could keep
12 the doors open to thousands and thousands of working
13 men and women, and it's why I'm pleased to be
14 sponsoring this bill 738 today. Thank you, Mr.
15 Chair.

16 CHAIRPERSON WILLIAMS: Thank you very
17 much. We've also been joined by Council Member
18 Mendez who I believe wants to make an opening
19 statement.

20 COUNCIL MEMBER MENDEZ: Sorry, Mr. Chair.
21 I wasn't sure we were going to get this opportunity
22 to this morning. I want to thank you and my
23 colleagues for holding this hearing and introducing a
24 series of legislation which I think will go a long
25 way to helping to make our city safer. And you know,

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2 I represent the district where the three buildings
3 collapsed because of the gas tampering that occurred,
4 but since then, you know, there's been a multitude of
5 buildings in my district, some where it appears to be
6 some gas tampering and some where people are going
7 for long periods of time, extended periods of time
8 without any gas, and unclear of what is going on, but
9 there is a problem with the gas line and no movement
10 is going forward, and tenants are not getting
11 answers, and in the interim they're being
12 inconvenienced. They can't cook. Some of them
13 didn't have heat for long periods of times, and I
14 think I had here a list of those buildings. I can't
15 find them, but there's at least a dozen buildings in
16 my district right now that do not have gas, and at
17 least two or three of them, the tenants saw people
18 doing work in the basement and believed that there
19 was some gas tampering issue. So, thank you for
20 holding this very important hearing, and I look
21 forward to the City Council working with the
22 Administration to make our city and our buildings
23 safer for all our residents.

24 CHAIRPERSON WILLIAMS: Thank you very
25 much, and I believe that's all the Council Members

1 who wanted to make opening statements today. So, I'd
2 like to call up the first panel, Commissioner
3 Chandler from the DOB, Chief John Sudnik from FDNY,
4 Terri Davis-Merchant from HPD. We've also been
5 joined by Council Member Rosenthal. So we have three
6 people called up and four people. Is everyone going
7 to be testifying?

9 COMMISSIONER CHANDLER: Well, I'm joined
10 by my two colleagues, and I had them here for
11 assistance, but I'll be testifying.

12 CHAIRPERSON WILLIAMS: Well, if everyone
13 who's going to be testifying please raise your right
14 hand? Do you affirm to tell the truth, the whole
15 truth and nothing but the truth in your testimony
16 before this committee and to respond honestly to
17 Council Member questions? Thank you. And you can
18 begin.

19 TERRI DAVIS-MERCHANT: Good morning,
20 Chair Williams and members of the Housing and
21 Buildings Committee. My name is Terri Davis-
22 Merchant, and I'm the Senior Legislative Analyst with
23 HPD's Government Relations Office. I appreciate the
24 opportunity to testify regarding Intro Number 1090
25 related to a new notice requirement regarding the

1 procedures that should be followed when a gas leak is
2 suspected. Property owners are currently required to
3 provide a number of notifications to tenants, which
4 include both notices that have to be posted in a
5 public area and notices which must be provided to a
6 tenant with new or renewal lease. Notices posted in
7 public areas include information regarding the
8 availability of the Housing Information Guide, the
9 ABC's of Housing, the location of keys to the boiler
10 room, the name and contact information for the
11 superintendent and managing agent and information
12 regarding carbon monoxide detectors and smoke
13 detectors. If work, which affects building systems
14 such as water or gas is going to occur and will last
15 more than a short period of time, property owners
16 must post notices to tenants in advance. With
17 respect to disaster events, owners are required to
18 post an emergency notification to tenants providing
19 information on how to contact utility companies and
20 owner representatives, as well as information on
21 building conditions and emergency shelter option.
22 Requiring the posting of a notice, which would
23 provide tenants quick instruction on how to respond
24 in the event of a suspected gas leak may be affective
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2 in encouraging tenants to notify the proper parties
3 of such dangers. Short and easy instruction
4 indicating that the tenant should contact 911, then
5 the utility company, then the property owner in that
6 owner seems reasonable and straightforward and can
7 promote safety. Owners must already include notices
8 regarding lead-based paint and window guards with the
9 lease and/or lease renewal. Requiring that
10 information on how to respond to suspected gas leaks
11 be provided with the lease may also be useful
12 information for residents as they begin in their
13 tenancy. HPD understands the Council's desire to
14 raise awareness among New York City residents about
15 reporting gas issues, and therefore, supports this
16 bill. Thank you again for the invitation to testify
17 today. I would be happy to answer any questions from
18 the Committee.

19 COMMISSIONER CHANDLER: Good morning,
20 Chair Williams, members of the Housing and Buildings
21 Committee and other members in the City Council. I
22 am Rick Chandler, Commissioner of the New York City
23 Department of Buildings. I am Rick Chandler,
24 Commissioner of the New York City Department of
25 Buildings. I'm joined by Assistant Commissioner of

1 Operations Compliance Reynaldo [sp?] Hilton, and the
2 Department's Chief of Plumbing Enforcement, Shawn
3 Jones. I'm pleased to be here to offer testimony on
4 several pieces of legislation related to gas piping
5 systems. Following the tragic gas explosion in the
6 East Village on March 26th, 2015, the Department has
7 implemented new procedures and significantly improved
8 its coordination with the City's gas utilities, Con-
9 Edison and National Grid. As a result, if one of
10 these utilities observes illegal gas work they now
11 notify the Department immediately. In the past 12
12 months, the Department performed 427 inspections
13 resulting from Con-Edison referrals, an increase of
14 400 percent from the prior 12-month period. Since
15 January the Department has performed 47 inspections
16 resulting from National Grid referrals. If the
17 referrals relates to an emergency conditions, the
18 Department responds immediately. Currently the
19 Department allows licensed Master Plumbers to self-
20 certify that their gas piping work is code compliant.
21 I'm pleased to announce that with significant new
22 resources form the Administration, the Department
23 will be dramatically increasing oversight of gas
24 piping installations. We are hiring 22 new
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1 inspectors who will focus on gas work. Department
2 inspectors will perform inspections of all gas
3 installations citywide prior to gas authorized--being
4 authorized. Manhattan has the highest population
5 density and some of the oldest gas infrastructure of
6 anywhere in the City, and as such, this is where we
7 will begin this effort. By July, the Department will
8 start conducting inspections of all gas work in
9 Manhattan prior to the authorization for gas. This
10 initiative will expand citywide in 2017. I'd now
11 like to comment on some of the proposed legislation
12 before this committee. Introductory 1079 prohibits
13 licensed Master Plumber companies who performed gas
14 piping work without a permit during the previous five
15 years from performing final inspections on gas piping
16 systems and requires the Department to provide a list
17 of such individuals on its website. This proposed
18 bill is in line with the Department's decision to
19 perform inspections on all gas work. Once fully
20 implemented, no final inspections will be performed
21 by plumbers; however, given that work without a
22 permit, violations can be issued for relatively minor
23 infractions. The Department suggests a more precise
24 universe of bad actors be identified, and we welcome
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1 the opportunity to discuss this proposal with the
2 City Council further. Introductory Number 738
3 requires journeymen plumbers registered with the
4 Department to have a new gas qualification
5 administered by the Department to work on gas piping
6 systems. Plumbers working under the direct and
7 continuing supervision of a licensed Master Plumber
8 without a journeymen registration and gas
9 qualification would be prohibited from working on gas
10 piping systems. To obtain a gas qualification,
11 journeymen shall have a minimum of 200 hours
12 experience working under the direct and continuing
13 supervision of a licensed Master Plumber or shall
14 have successfully completed a training program
15 approved by the state. Additionally, the applicant
16 must pass a written examination approved by the
17 Department. Currently, in order to work on a gas
18 piping system, one needs to be a Master Plumber
19 licensed by the Department or be under the employ of
20 one who is providing direct and continuing
21 supervision. Some employees working under a licensed
22 Master Plumber are journeymen, but most are not.
23 Currently, the Department licenses 1,204 Master
24 Plumbers and has 259 registered journeymen. Industry
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1 estimates that there are as many as 10,000 plumbers
2 working throughout the city under the direct and
3 continuing supervision of a licensed Master Plumber.
4 This bill effectively restricts those who can work on
5 a gas piping--on gas piping systems to license Master
6 Plumbers and journeymen with a new gas qualification
7 and amounts to an unnecessary and significant
8 restriction of plumbers who can perform this work.
9 This limiting of the field will stifle development
10 and inhibit the time and completion of necessary gas
11 work without any demonstrative benefits to the safety
12 of the public. Plumbers who work on gas piping do so
13 when there is no gas in the system, and as mentioned,
14 they work under the direct and continuing supervision
15 of a licensed Master Plumber. Furthermore, the
16 significant increase in oversight committed to by the
17 Department will help ensure that more plumbing work
18 is performed safely. The state Public Service
19 Commission approved a resolution last year adopting
20 amendments to gas safety regulations in which they
21 determined additional qualifications for those who
22 work on gas piping systems was unnecessary. The
23 Department agrees with the PSC's judgment. It also is
24 worth noting that two of the bills on the committee's
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1 agenda today, one, limits the ability of some
2 plumbers to perform final inspections, and two,
3 requires periodic inspections of gas work. Together
4 these bills would significantly increase the amount
5 of work required of licensed Master Plumber at the
6 same time Intro 738 drastically reduces the number of
7 plumbers available to do the work. Introductory
8 Number 1088 requires the inspection of the exposed
9 portions of gas piping systems every four years on
10 all buildings with the exception of one and two
11 family dwellings, with new construction being first
12 inspected after 10 years. Following an inspection,
13 report is to be submitted to the building owner
14 within 30 days and the Department within 60 days.
15 Any hazardous conditions observed would require
16 immediate notification to the Department, utility and
17 owner. Owners would be required to correct
18 conditions identified in the report. Before sharing
19 some concerns the Department has with the bill as
20 drafted, the idea of periodic inspections of gas
21 piping systems is one worth exploring further, and
22 the Department looks forward to continuing a dialogue
23 with the City Council on these subjects. There are a
24 number of building elements regulated by the
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1 Department that require periodic inspection,
2 including facades, boilers, elevators, and energy-
3 based usage. As this bill highlights, gas piping
4 systems is not among them, and that is due to the
5 fact that nearly all gas piping is inaccessible.
6 Most gas piping is located beyond walls and where
7 access and inspection would be impossible absent
8 causing damage to the walls. Additionally, gas
9 piping, some of which is exposed, terminates in
10 individuals dwelling units and other tenancies where
11 access would be at best difficult to obtain. An
12 individual with an interest in circumventing the law
13 for their own gain can easily conceal the piping.
14 The illegal conditions that led to the East Village
15 explosion would not have been observed through the
16 type of periodic inspection required by this bill.
17 Beyond the impracticalities of gaining access to gas
18 piping, the Department does not support the reporting
19 requirements as provided in the bill. Requiring
20 period reports from well over 300,000 buildings and
21 all the exposed piping contained throughout them, the
22 Department would need to review and reconcile with
23 the universe of buildings required to file and issue
24 violations to those who fail to file and follow up on
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1 correction is an inefficient use of very significant
2 resources. By comparison, the largest groups of
3 buildings for which we require periodic reporting is
4 for elevators, and that totals approximately 27,000
5 buildings. There are alternatives to report that the
6 Department would be pleased to discuss with the City
7 Council. Introductory Number 1093 requires utilities
8 and building owners to provide notification to the
9 Department within 24 hours of gas being shut off or
10 not restored through the deceptive service [sic] or
11 an illegal connection. As a result of our enhanced
12 collaboration with utilities and described earlier in
13 the testimony, the Department now receives
14 notification from utilities within 24 hours when
15 they've observed theft or service or an illegal
16 connection. While the Department supports 24-hour
17 notifications by utilities, I'd like to note that as
18 drafted the bill includes all Class B conditions as
19 defined in the New York State code's rules and
20 regulations. Unlike Class A conditions that require
21 the gas to be shut off and the meter locked, Class B
22 Conditions are less serious and do not require the
23 meter to be locked and includes situations where an
24 appliance is leaking and the valve which allows gas
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1 to be sent to the appliance can be closed to mitigate
2 the concern. Class B conditions do not warrant 24-
3 hour notification to the Department. Introductory
4 1094 requires an agency or other designated--or
5 office designated by the Mayor to identify risk
6 factors that may result in gas work that endangers
7 the public. The agency or office designated by the
8 Mayor will consult with the utilities and issue an
9 annual report beginning on July 1, 2017 on how risk
10 factors have been used to target enforcement. The
11 Department supports the intent of this bill; however,
12 any effort to prepare report which identifies risk
13 factors or indicia demonstrating where gas violations
14 are likely to occur starts with an analysis of gas
15 usage data. This information resides with the
16 utilities, not with any agency or office designated
17 by the Mayor. Without this information from the
18 utilities much of it which may be withheld due to
19 privacy concerns, the required analysis cannot be
20 performed. As such, the Department believes this is
21 a responsibility best left to the utilities, which
22 unlike the City have the ability to monitor gas usage
23 and report on their findings. Introductory Number
24 1100 requires the installation of audible alert
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1 natural gas alarms in all dwelling units by May 1,
2 2017. The bill requires that natural gas alarms
3 comply with Underwriters Laboratories, UL, standard
4 1484. While the Department supports the intent of
5 the legislation, we offer the concern that natural
6 gas detectors are a relatively new technology that
7 has not been extensively used in residential
8 settings. This raises questions about the
9 reliability and the propensity for false alarms. Any
10 increase in false alarms can divert emergency
11 response away from where it is most needed.
12 Additionally, UL standard 1484 may not be intended
13 for the usage of natural gas alarms in all types of
14 dwellings. By comparison, Local Law requiring carbon
15 monoxide detectors in dwelling units was not enacted
16 until they were sufficiently tested and an effective
17 UL standard was approved. More research and
18 discussion with UL is necessary before the Department
19 can support this bill. Introductory Number 1101
20 requires the Department to establish a temporary fuel
21 gas violation resolution program. This bill creates a
22 program lasting six months during which commenced to
23 correct gas piping violations would result in a
24 waving of associated penalties. The Department
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1
2 opposes what amounts to a full amnesty for all
3 penalties resulting from gas violations as it
4 essentially rewards noncompliance with the law. As an
5 alternative, the Department supports Introductory
6 Number 806B sponsored by the Administration which was
7 approved by the City Council on April 7th and awaits
8 the Mayor's signature. This bill creates a 90-day
9 amnesty period during which upon correction of
10 violating conditions if applicable. Default
11 penalties associated with all Environmental Control
12 Board issued judgements including gas violations are
13 waived. In the event there is no default penalty,
14 the base penalty is reduced by 25 percent.

15 Introductory Number 1102 requires that a number of
16 gas-related violations be treated as immediately
17 hazardous, including the failure to secure permits
18 for gas work. The Department supports this bill.

19 Finally, concerning Introductory Number 1098 which
20 requires gas companies to submit an annual report to
21 the Department of Transportation on the condition of
22 gas infrastructure, I understand written testimony
23 was submitted to the Committee from the Departments
24 of Transportation and Environmental Protection. Thank
25 you for your attention and the opportunity to testify

1 before you today. I welcome any questions that you
2 may have.

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4 CHAIRPERSON WILLIAMS: Thank you both for
5 your testimony. I much appreciate it. I just wanted
6 to go through each bills. A lot of bills, a lot of
7 testimony. I want to make sure I get the synopsis of
8 it correct. So, intro 1079, are you for it or you
9 just want--you have some more questions? However,
10 given the work without a permit can be issued for
11 minor [sic] infractions. The Department suggests a
12 more precise universal bad actors. So, it sounds
13 like you agree with it in theory. You want to shrink
14 the universe, is that correct?

15 COMMISSIONER CHANDLER: Yes, and I'd like
16 to just highlight that because of the
17 Administration's support and Council support and our
18 Building One City Plan where we've been given more
19 resources, we are in the process of expanding our
20 expertise in our analysis, and we're moving our
21 agency more towards a risk-based enforcement, and so
22 we are becoming more sophisticated every day in our
23 terms of being more tactical in our enforcement. Mr.
24 Trombetus [sic] related to the East Village gas
25 explosion is one example of that where we're able to

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2 be more sophisticated in our analysis. So, I'm
3 suggesting that with our ability to become more
4 sophisticated in our targeting, I think that we
5 should do that and address those matters as a matter
6 of the subject matter expertise that I have around me
7 every day. In addition, one of the methods that we
8 are taking on along with the other enforcement
9 measures that I mentioned is as of more use of
10 aggravated violations, which means if you do the same
11 violation the second time or third time, those
12 violations become aggravated where you would be
13 subject to more significant penalties in the hops of
14 creating a more rigorous deterrent. But we also have
15 the opportunity to make a decision whether something
16 is aggravated the first time we see it. If it's
17 dangerous, which much of our illegal gas work
18 obviously is, then we're going to start calling them
19 aggravated from the very beginning, and we're going
20 to seek some form of consequence to those illegal
21 players at that time to see where that deterrent, if
22 we are able to create a better deterrent that way.

23 CHAIRPERSON WILLIAMS: We're also joined
24 by Council Members Espinal and Richards. And with
25

2 Intro 738, it sounded like you were opposed to it.

3 Is that correct?

4 COMMISSIONER CHANDLER: Yes. Again, we
5 are opposed to it. Based in large part because there
6 are a limited number of journeymen plumbers that are
7 out there, and as noted elsewhere in the testimony
8 that it would severely restrict the number of
9 plumbers available to do certain kinds of work.

10 Again, we're open to further discussion about how we
11 might evaluate qualifications for doing gas work, but
12 we don't think that doing it with the journeymen
13 plumbers in this bill is the right approach.

14 CHAIRPERSON WILLIAMS: Sure. I'm going
15 to allow Council Members to ask specific questions on
16 their bills. I just wanted to get a basic run-down of
17 what I think I heard. Coun--bill number 1088, there
18 seems to be concerns. Were they concerns that made
19 you opposed to it, or did you want further
20 discussion? You said there are alternatives--

21 COMMISSIONER CHANDLER: Yes.

22 CHAIRPERSON WILLIAMS: Well, again, I
23 think that there's--exposed piping is a very relative
24 term, and I think that it's open to a significant
25 amount of concealment, and if you wanted to get

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2 around it, as my testimony said, that I think that
3 people who want to get around it are going to get
4 around it in large part. I also think that we can
5 look into other ways that we might be able to have
6 some oversight of that piping, either by gas
7 detectors or perhaps by the staff or management of
8 the building who are equipped with mobile detectors
9 as are my inspectors when they go out or as FDNY is
10 equipped when they go out. There are such devices. I
11 think there are multiple tools out there, and again,
12 my goal as we are evolving in our risk-based approach
13 to things is to try to find the problem and fix the
14 problem rather than taking a mass broad-brush
15 approach to it. I'm hoping that we could help and
16 work with the Council to identify those specific
17 manners that we could address specifically.

18 CHAIRPERSON WILLIAMS: So, okay. So, it
19 says--so you said there are alternatives to a report.
20 So I'm just putting it down as you're opposed to
21 what's here, right? Is that correct?

22 COMMISSIONER CHANDLER: Okay, thank you.

23 CHAIRPERSON WILLIAMS: Alright.

24 COMMISSIONER CHANDLER: Check that one
25 off.

2 CHAIRPERSON WILLIAMS: So, 1093, it
3 seemed like you were sort of supposed--sort of
4 supportive except for you thought Class B did not
5 warrant. Is that correct? So you sound like you're
6 for it for Class A?

7 COMMISSIONER CHANDLER: So, as I
8 mentioned, we are doing this now with our increased
9 collaboration which we think has been very effective,
10 but in our--as we communicate regularly with the
11 utilities, we do think that the Class B condition not
12 be raised to the level of a Class A condition. That
13 would require an immediate response, and we think
14 that that's been a successful approach to that matter
15 in the last year.

16 CHAIRPERSON WILLIAMS: Thank you. And
17 1100, sounded like you were opposed to it until
18 there's further tests on devices.

19 COMMISSIONER CHANDLER: Yeah, I think that
20 further testing would get us to the right place.

21 CHAIRPERSON WILLIAMS: 1101, which is the
22 Chair's bill, it sounds like you were opposed to that
23 one also?

24 COMMISSIONER CHANDLER: Let me get my
25 language right here. So, again, I think that the

1 bill that has the--that we recently signed is
2 addressing those conditions rather than the full
3 amnesty. Again, we're looking for tools for
4 deterrents, and that's part of our concern.
5

6 CHAIRPERSON WILLIAMS: I'm going to--
7 while my colleagues are asking questions I'm going to
8 try to get some more information about 806 B so I can
9 come back and see if it compares. And 1102 you were
10 supportive of, which is also the Chair's.

11 COMMISSIONER CHANDLER: Yes.

12 CHAIRPERSON WILLIAMS: On 1100 you said
13 it was more DOT than DOB, is that right? It's--I'm
14 sorry.

15 COMMISSIONER CHANDLER: 1098.

16 CHAIRPERSON WILLIAMS: 1098, yes. Is
17 that correct?

18 COMMISSIONER CHANDLER: Yes.

19 CHAIRPERSON WILLIAMS: Sorry. And Mrs.
20 Davis-Merchant, you were supportive of 1090?

21 TERRI DAVIS-MERCHANT: Yes, that's
22 correct.

23 CHAIRPERSON WILLIAMS: Thank you very
24 much. Although it sounds like you're opposed to more
25 than half of the package that we have here.

2 COMMISSIONER CHANDLER: Yes, but we're
3 very willing to work with you.

4 CHAIRPERSON WILLIAMS: That's very good
5 to hear.

6 COMMISSIONER CHANDLER: Thank you, Mr.
7 Chair.

8 CHAIRPERSON WILLIAMS: I am happy that the
9 Administration and you in general have done some good
10 work, I think, in construction safety and gas in
11 general. So I'm happy about that. I know there have
12 been some criminal charges which we're saddened to
13 hear, but glad that some things are happening. Just
14 in general, it would have been good if stuff happened
15 sooner, but we're happy things are happening now, and
16 hope it can only increase. Obviously, the Council
17 has a very real role to play in codifying behaviors
18 and so we do intend to play that role. We want to
19 make sure it's collaborative, and we don't want to do
20 an overreach that makes things difficult, but we do
21 want to make sure that we codify best behaviors.

22 COMMISSIONER CHANDLER: I very much
23 appreciate that. We do have some real subject matter
24 experts on our team, and I welcome your input and
25 collaboration, and of course, I always think if we

1
2 could do things a little faster that's always a
3 little helpful, and we'll keep trying.

4 CHAIRPERSON WILLIAMS: So, before I go to
5 my colleagues, I just have a couple of questions.
6 Can you walk us through the process and provide a
7 timeline for each step of activating a gas line?

8 SHAWN JONES: Good morning, Council. My
9 name is Chief Inspector Shawn Jones from Plumbing
10 Enforcement. Steps to activating a gas line is
11 basically the licensed Master Plumber obtains the
12 required permit. He performs the required work as
13 far as replacing the gas lines or installing the new
14 gas lines. Once the inspection, or then he performs
15 the required inspections. That requires a gas
16 roughing [sic] inspection, a gas test, a gas
17 finishing inspection. Once those inspections are--

18 CHAIRPERSON WILLIAMS: [interposing]
19 You're going to have to slow down a little bit so we
20 can catch it, alright?

21 SHAWN JONES: He require--we perform the
22 required inspections of gas rough [sic], gas test,
23 gas finish inspection. Once those three inspections
24 are completed, he then at that time asks for gas
25 authorization. The gas authorization, once that's

1 granted by the Department that gives the utility
2 company the okay to come out and install the new
3 meter or upgrade the meter, whatever the case may be.

4
5 CHAIRPERSON WILLIAMS: How long does each
6 step take?

7 SHAWN JONES: That varies on the
8 individual. That varies on the contractor obtaining
9 access to perform the required work. You know, when
10 there's an occupied apartment that can be a hindrance
11 to the process. You know, the landlord is required to
12 work out a timeframe with the occupants of the
13 apartment so they can gain access to do the work
14 inside. So, that--it depends on the amount of work
15 as well as, you know, compliance with the--you know,
16 the people within the building.

17 CHAIRPERSON WILLIAMS: Can you tell us
18 how many instances of gas being siphoned you found
19 over the last year, and how many instances have
20 Master Plumbers signed off on gas work and such work
21 was awaiting a final inspection?

22 COMMISSIONER CHANDLER: In 2015 we have
23 781 work without a permit violations issued. Two
24 hundred and 51 of those were issued to licensed
25 Master Plumbers.

2 CHAIRPERSON WILLIAMS: Two hundred and 50
3 were issued to--

4 COMMISSIONER CHANDLER: Two hundred and
5 fifty-one, so 32 percent were issued to licensed
6 Master Plumbers in 2015, which is a significant
7 increase from the previous year where we had issued
8 516.

9 CHAIRPERSON WILLIAMS: And were those
10 for gas being siphoned off or just in general?

11 SHAWN JONES: Those are in general.

12 CHAIRPERSON WILLIAMS: DO you have any
13 just for siphoned? That's a pretty big number of
14 Master Plumbers.

15 COMMISSIONER CHANDLER: No, it's--

16 SHAWN JONES: Well, we issued a total of
17 375 violations for defective gas work and illegal gas
18 work. As far as the siphoning, we don't have the
19 exact number on that particular.

20 CHAIRPERSON WILLIAMS: So, that big
21 number which is 751 you said, 751?

22 SHAWN JONES: 781.

23 COMMISSIONER CHANDLER: For work without
24 a permit.

25 CHAIRPERSON WILLIAMS: I'm sorry?

2 SHAWN JONES: 781 violations were issued
3 for work without a permit, 251 to the licensed Master
4 Plumber.

5 CHAIRPERSON WILLIAMS: That means the
6 Master licensed plumber is self-certified?

7 SHAWN JONES: No, that mean that he
8 performed the work without the required permit.

9 CHAIRPERSON WILLIAMS: Okay. Alright.
10 I'm going to go to my colleagues and then come back
11 for further questions. I'm going to give five
12 minutes for each colleague. We've been joined by
13 Council Member Cornegy and Rodriguez. Council Member
14 Crowley, Levine, Rosenthal, Grodenchik, and Richards.
15 You each have five minutes each.

16 COUNCIL MEMBER CROWLEY: Thank you,
17 Chairman, for having this important hearing. Good
18 morning to the Administration. Thank you for being
19 here today to answer questions. I'm going to start
20 with a question on 0378, the journeymen plumber
21 qualification bill. It seems that the
22 Administration, although you seemed to be opposed to
23 it, is open to somehow negotiating stronger
24 regulations, is that true that you would agree that
25

1 we need to have better regulations for those plumbers
2 who are working on these pipes currently?

3
4 COMMISSIONER CHANDLER: We're open to the
5 discussion as to providing additional qualifications.
6 I think that there should be discussion about the
7 cause and effect and what's the risk and what are you
8 doing by adding more regulations and more
9 certifications, and that's what we do with
10 everything, all the licenses that we issue. It'd
11 have to be convincing I think in order to impose more
12 testing and more certifications. When you think that
13 now the lion share of an enormous amount of work is
14 happening with the 10,000 plumbers that I indicated
15 earlier--

16 COUNCIL MEMBER CROWLEY: [interposing]
17 Right.

18 COMMISSIONER CHANDLER: with a very low
19 amount of incidents.

20 COUNCIL MEMBER CROWLEY: But we're only
21 looking to require 200 hours of experience. That's
22 not a lot of time when you're working with very risky
23 and dangerous conditions. Has somebody--if somebody
24 was to install, remove, repair these pipes or these
25 systems in a way that is not right, or you know--this

1
2 is very dangerous stuff. So experience is important,
3 and 200 hours a minimum it is not a long time to ask
4 for that type of training.

5 RENALDO HYLTON: My name is Renaldo
6 Hylton. I'm the Assistant Commissioner for Operations
7 Compliance. I think this bill kind of stifles
8 development in a big--in a lot of ways because that
9 amounts to all work being done on gas piping.
10 Basically it says that no one can touch a gas line
11 without these additional requirements, and right now
12 the other bills that are before us also would
13 increase the workload basically of licensed plumbers.
14 At the same time, this bill is saying--is restricting
15 who can actually work on gas lines. So it is
16 actually--it needs to be looked at more closely and
17 to see if we can come up with some kind of compromise
18 on that.

19 COUNCIL MEMBER CROWLEY: I understand what
20 you're saying, but I believe that if we were to put
21 requirements in like this--we already know each and
22 every day there's plumbing work being performed
23 without a licensed plumbing company doing the work,
24 let alone people who have the proper training that
25 they need in order to make sure that they're

1 installing these piping systems safely. We don't
2 need to wait for more accidents to happen to
3 strengthen the law and to bring more attention to it.
4 We really don't know each and every day how many
5 plumbing companies are performing work without
6 licenses, and how many of the actual plumbers that
7 are doing the work have the training to do this work
8 safely, and I'm very concerned about it and that's
9 part of the reason I'm a co-sponsor on this bill.
10 Time is running out. So, I do hope we can get to--

11
12 COMMISSIONER CHANDLER: [interposing]
13 Well, we appreciate that.

14 COUNCIL MEMBER CROWLEY: a place where we
15 can agree on stronger and better regulations to make
16 this installation work safer. How frequently is the
17 Fire Department called to gas leaks?

18 JOHN SUDNIK: I don't under--on daily
19 basis, I don't have that information right here. I
20 can get back to you with that. But we have seen a
21 significant increase in gas responses over the past
22 several years, especially after the East Harlem
23 explosion. So, the amount of responses that we're
24 doing for reports of gas leaks has increased
25 significantly.

2 COUNCIL MEMBER CROWLEY: Which is a lot
3 to do with our aging infrastructure.

4 JOHN SUDNIK: I'll defer that question to
5 the utility companies, but I assume that's one of the
6 reasons why.

7 COUNCIL MEMBER CROWLEY: That's one of
8 the reasons why the Department of Buildings is hiring
9 more inspectors.

10 COMMISSIONER CHANDLER: In part, yeah.

11 COUNCIL MEMBER CROWLEY: In part. Could
12 we talk a little bit about this monitor that is able
13 to be installed in people's homes that detects gas
14 leaks? I believe that's Council Member Vacca's bill.

15 COMMISSIONER CHANDLER: Yes. And so,
16 there is a device out there that the Underwriters
17 Laboratory has tested, and it is not certified for
18 the full residential use. For those of you are
19 familiar with UL, I mean, they are very, very
20 specific about what they're testing for. So, it
21 doesn't actually say residential use, but I am
22 confident that it's probably not a large undertaking
23 to do those tests, and I would suggest that like the
24 carbon monoxide that we try to do that.

2 COUNCIL MEMBER CROWLEY: Okay. Just in
3 final, the Fire Department, the Department of
4 Buildings, you have equipment that could detect gas
5 leaks.

6 COMMISSIONER CHANDLER: Yes.

7 COUNCIL MEMBER CROWLEY: But we're not
8 able to get that same type of equipment into people's
9 homes yet.

10 COMMISSIONER CHANDLER: Well, the
11 portable devices--

12 COUNCIL MEMBER CROWLEY: [interposing]
13 It's too expensive?

14 COMMISSIONER CHANDLER: Yeah, it's not
15 something that anybody would want to own, and the
16 device I think that Council Member Vacca's referring
17 to is possible. I just think it needs to be further
18 vetted in terms of the possible false alarms.

19 COUNCIL MEMBER CROWLEY: And do you know
20 how much that--

21 CHAIRPERSON WILLIAMS: [interposing]
22 Thank you. Council Member?

23 COUNCIL MEMBER CROWLEY: one of those
24 devices costs, would cost the average homeowner?
25

1
2 COMMISSIONER CHANDLER: Not sure. Not
3 sure.

4 COUNCIL MEMBER CROWLEY: Okay.

5 CHAIRPERSON WILLIAMS: Thank you, Council
6 Member. I'm remiss that we didn't do this sooner, so
7 I just want to take a second. I know the Speaker may
8 do this later as well, but I did want to mention some
9 of the people that we lost due to the gas explosions.
10 I apologize if I mispronounce any names; George
11 Amatteo [sp?], Rosal Barrios-Vasquez [sp?], Grezella
12 Commacho [sp?], Rizal [sp?] Hernandez, Myumi Nakamora
13 [sp?], Andreas Panagopolous [sp?], Alexis Jordi-Salas
14 [sp?], Carmen Tanko [sp?], Moisis Ishmael Loconyak
15 [sp?], and Nicholas Figueroa. They lost their lives
16 through these gas explosions to which we're here
17 today. So, I just wanted to give a moment of silence
18 in their memories, please. Thank you. That's the
19 reasons why we're here, and that's the reasons why we
20 must get this right in working together. We have
21 Council Member Levine, Council Member Rosenthal,
22 Grodenchik, and then Richards.

23 COUNCIL MEMBER LEVINE: Thank you, Mr.
24 Chair. Good morning again. I do want to focus on
25 Intro 738. If you want to do eye surgery in New

2 York, you have to be a licensed ophthalmologist. You
3 have to pass a test. There's experience required.
4 Can you imagine if we changed the law so that not
5 only licensed ophthalmologists but also people who
6 work for ophthalmologists could do eye surgery, that
7 even if those workers hadn't had requisite training
8 or hadn't passed the test, that they could do that
9 work, and further if we said that the ophthalmologist
10 didn't even need to be in the operating room or in
11 the hospital to oversee that, that as long as the
12 ophthalmologist signed the paycheck, those workers
13 could do eye surgery. That would be crazy. But that
14 is essentially the status quo with gas work. We are
15 certifying Master Plumbers which conceives that there
16 is--there's specialized technical knowledge that one
17 needs, but those Master Plumbers are not on sight.
18 They are employers. They're business people, and the
19 men and women who are on the front lines are not
20 getting a certification. How is that different from
21 ophthalmology or any other specialized field?

22 COMMISSIONER CHANDLER: Thank you,
23 Council Member. I don't think it's an apt comparison.
24 Surgeons, first of all, do a residency under the
25 supervision of other licensed surgeons I'm assuming,

1 and also I think that doing supervised work as a
2 plumber which has been happening for gas piping for
3 well over a century. I think it's--that supervisory
4 model has been working, and I think that adding more
5 qualifications just requires further study, and I
6 would caution again putting so much work by mandate
7 into an extremely low number of people.
8

9 COUNCIL MEMBER LEVINE: You say low
10 number of people. There are 10,000 plumbers.

11 COMMISSIONER CHANDLER: Two hundred and
12 fifty-nine journeymen.

13 COUNCIL MEMBER LEVINE: Well, but there's
14 10,000 people, you said it in your remarks, that are
15 eligible to achieve the certification, right? That's
16 a huge pool of potential workers.

17 COMMISSIONER CHANDLER: So, those are
18 estimates of people who are working in the field. I
19 think that--that requires a little bit more studies
20 to how many of those would be eligible to become the
21 journeymen. So, it's not a one to one that all of
22 them would be able to become journeymen.

23 COUNCIL MEMBER LEVINE: But all of them
24 don't need to. Certainly, the numbers are in the
25 thousands, and every job that a plumber does is not

1 on a gas line. They're--most of the work is on water
2 and waste and other types of lines. The idea is this
3 is a specialty. It's dangerous work, and we would
4 require a little bit extra of those to do that work.
5

6 COMMISSIONER CHANDLER: As I said, I
7 think we're open to discussion as to what kind of
8 qualifications we might want to add. I'm just not
9 ready to sign off on saying that I think the
10 journeymen is the best way to go, but--

11 COUNCIL MEMBER LEVINE: [interposing]
12 Okay, I do--

13 COMMISSIONER CHANDLER: actually [sic]
14 we're ready to talk about it.

15 COUNCIL MEMBER LEVINE: Yeah. I do want
16 to address a point that you made in your remarks
17 about fear of restriction of the supply of people who
18 could do this kind of work. Look, there are
19 professions from lawyers to civil engineers to taxi
20 drivers to beauticians in which we require
21 certification to do the work, often for safety
22 reasons and other reasons--real estate brokers. The
23 list goes on and on. And yes, we are restricting the
24 supply of people who can do that work, but we're
25 actually doing that deliberately. We don't want just

1 anyone doing specialized work if the stakes are high
2 for the public, and I think that would applying
3 plumbing on gas lines as well. We don't want just
4 anyone doing that work. We want to know that you
5 understand the codes and the safety procedures so
6 that we have maximum safety on those jobs. And if
7 everyone is not up to that, that's okay, as long as
8 we have a requisite number of workers, and I got to
9 believe out of your estimate of 10,000 people working
10 in plumbing, that there's an adequate number of
11 people out there who could simply pass a two-hour
12 test to be the people on the front lines doing this
13 critical work.

14
15 COMMISSIONER CHANDLER: As I said, we
16 absolutely agree in the spirit of increasing the
17 safety. I think the model that has been effect, as I
18 aid for a very long time with the supervision from a
19 licensed Master Plumber. Albeit if that person's
20 back in the office. There certainly are layers of
21 supervision that has been successful, and I think
22 that that model is working very well right now.

23 COUNCIL MEMBER LEVINE: Well, look, with
24 all due respect, we're here because the status quo
25 isn't good enough, and there have just been far too

1 many tragedies in the City, and we're looking to
2 prevent that, and I got to believe that having the
3 best qualified people doing this work is a critical
4 ingredient to greater safety and it's really the
5 purpose of this bill.

7 COMMISSIONER CHANDLER: You're right, and
8 I know very much why we're here. Ms. Commacho [sp?]
9 was--one of the victims was a colleague of mine at
10 Hunter College who passed, and I think our audits
11 that we've been increasing is really going to address
12 that.

13 COUNCIL MEMBER LEVINE: Okay, thank you.

14 CHAIRPERSON WILLIAMS: Thank you. Council
15 Member Rosenthal, Grodenchik, Richards, and
16 Rodriguez.

17 COUNCIL MEMBER ROSENTHAL: Thank you so
18 much and thank you for your testimony, Commissioner.
19 I have two questions. One is about Council Member
20 Vacca's bill. Could you explain again the type of
21 mechanism that's used now? I'm sure it's something
22 that other people understand. So, as a total
23 layperson, it's a device that can detect gas leaks?
24 Is it small? Is it big? Is it handheld? Are there
25 different types?

1
2 SHAWN JONES: Yes, it's a handheld gas
3 detection system that's a portable device that's
4 utilized by the inspectors and the utility and FDNY.
5 It's generally not something that a typical homeowner
6 might be familiar with.

7 COUNCIL MEMBER ROSENTHAL: Sure.

8 SHAWN JONES: It's not--the device that
9 I'm assuming that we're looking for is something more
10 so along the lines of a smoke detector as opposed to
11 a natural--a portable handheld device that has to be
12 continuously turned on and, you know, moved around to
13 find the location where the gas leak might exist at
14 opposed to--

15 COUNCIL MEMBER ROSENTHAL: [interposing]
16 Stationary.

17 SHAWN JONES: a stationary device that's
18 capable of smelling or sniffing the gas out. That's
19 more so along a device that I think is looking for in
20 this bill.

21 COUNCIL MEMBER ROSENTHAL: So you're
22 exactly getting at my question. Could you talk just
23 a little bit more about what FDNY does when they get
24 there, when they use this device or whoever? Sorry,
25

1
2 I'm sorry. Your guys or Commissioner, your guys,
3 just exactly how the tool is used.

4 JOHN SUDNIK: Okay. So, 100 percent
5 correct. It's a handheld device. We actually have
6 several different types of devices and it measures
7 the level of the natural gas in the air, the levels,
8 and if it reaches a dangerous condition, then we take
9 certain actions. But the two different devices that
10 we generally carry on our first line units are--they
11 vary in sensitivity. So, we'll use one to identify
12 if there is a dangerous condition in the atmosphere,
13 and we'll use another device to actually pinpoint the
14 actual leak.

15 COUNCIL MEMBER ROSENTHAL: Oh, where it
16 is. Is that right?

17 JOHN SUDNIK: Yes.

18 COUNCIL MEMBER ROSENTHAL: So, one
19 identifies, "Oh, danger, danger!" And the other one
20 says as you put it around the walls, the other one
21 says, "Oh, it's right here."

22 JOHN SUDNIK: General area, yeah. More
23 specific area than a generalized area, correct.

24 COUNCIL MEMBER ROSENTHAL: At which point
25 you guys shut the gas?

2 JOHN SUDNIK: Well, if we identify--

3 COUNCIL MEMBER ROSENTHAL: [interposing]

4 Or whoever gets out there.

5 JOHN SUDNIK: Right, so if we identify
6 the defective appliance, we'll shut the gas at that
7 appliance.

8 COUNCIL MEMBER ROSENTHAL: Oh, yeah,
9 yeah.

10 JOHN SUDNIK: So not to affect the rest of
11 the building.

12 COUNCIL MEMBER ROSENTHAL: Got it.

13 JOHN SUDNIK: If it's more complex than
14 that, then we'll isolate an entire building if we
15 need to.

16 COUNCIL MEMBER ROSENTHAL: Right. So,
17 Commissioner, it sounds to me like there are a
18 variety of sources of shutting the gas, right?
19 Whether it be FDNY or Con-Edison or whoever else is
20 out there who's authorized to shut the gas. How many
21 times do you guys at Buildings get a flag or
22 something that the gas has been shut off? Like do
23 you have a sense of a monthly number? Like, is it
24 around 500?

1 COMMISSIONER CHANDLER: So, the
2
3 approximate number monthly in the last--I'm going by
4 last month--was approximately 400 referrals from Con-
5 Ed last month.

6 COUNCIL MEMBER ROSENTHAL: Oh--

7 COMMISSIONER CHANDLER: [interposing] I
8 can't say how many of those resulted in shut-offs.
9 Are those--sorry.

10 COUNCIL MEMBER ROSENTHAL: No problem.

11 COMMISSIONER CHANDLER: It was a 12-month
12 period, not one month, 12 months.

13 COUNCIL MEMBER ROSENTHAL: Oh, over a 12-
14 month--

15 COMMISSIONER CHANDLER: Four hundred--

16 COUNCIL MEMBER ROSENTHAL: [interposing]
17 Over a 12-month period.

18 COMMISSIONER CHANDLER: Yeah.

19 COUNCIL MEMBER ROSENTHAL: Con-Ed sent--

20 COMMISSIONER CHANDLER: [interposing] Four
21 hundred.

22 COUNCIL MEMBER ROSENTHAL: in 400? And
23 then with that--

24 COMMISSIONER CHANDLER: [interposing] And
25 they'd already shut the gas off when they referred.

2 COUNCIL MEMBER ROSENTHAL: And they shut
3 the gas.

4 COMMISSIONER CHANDLER: Yeah, 400 times
5 over a year.

6 COUNCIL MEMBER ROSENTHAL: Four hundred
7 times every year, okay. And is that separate and
8 apart from the shut-offs from FDNY or another source,
9 or am I misunderstanding some--I might not be asking
10 the question the right way.

11 COMMISSIONER CHANDLER: Chief, you might
12 correct me, but I--our collaboration is with the
13 utilities, and I think that if FDNY gets there before
14 anybody else I think they'll either shut it off, or
15 Con-Ed or the utility will be in close proximity, and
16 so we will absolutely get that notice. So, I don't
17 think any notices from FDNY would be separate from
18 the utility notice.

19 COUNCIL MEMBER ROSENTHAL: Got it. Got
20 it. Got it. Okay. Four hundred a year, okay. And
21 then the other question I have is, you said that
22 there are roughly 1,200 plus 300, 1,500 people,
23 right, between the journeymen and the Master licensed
24 plumber who are responsible for possibly 10,000
25 others who are out there doing the work, but then

1 getting it approved by other people. do you have a
2 sense that the ratio is fairly static, that it's
3 each, you know, Master licensed plumber oversees
4 roughly seven people, because that's the ratio, or do
5 you think it's sort of, you know, a 100 of them are
6 overseeing 8,000 of these and the other 1,400 have a
7 more constant load?

9 COMMISSIONER CHANDLER: That's some of the
10 information that we're trying to find out as I
11 mentioned earlier about the resources that we're
12 adding and doing more analytics. And you're speaking
13 a little bit to a business model that I don't know
14 that I should be commenting on with the plumbers and
15 how they do their business. Obviously we are
16 concerned that the appropriate supervision may or may
17 not be being provided, but we are going to try to
18 isolate our data analysis and try to focus on
19 patterns where we might be able to find places where
20 it's not happening the way it should.

21 COUNCIL MEMBER ROSENTHAL: Oh, okay. I
22 didn't even know I was asking that question.

23 CHAIRPERSON WILLIAMS: Council Member?
24
25

2 COUNCIL MEMBER ROSENTHAL: Oh, I'm done?
3 I didn't notice. This is so interesting. Okay,
4 thank you very much, Commissioner.

5 CHAIRPERSON WILLIAMS: Thank you.
6 Council Member Grodenchik, Richards and Rodriguez.

7 COUNCIL MEMBER GRODENCHIK: Thank you,
8 Mr. Chair. Thank you all for being here,
9 Commissioner, everybody else. Most of my colleagues
10 have been asking about natural gas detectors, and I
11 just wanted to follow up. Maybe the question is best
12 asked to the Fire Department. If there is an odor of
13 gas detected, who are the first responders other than
14 the Fire Department?

15 JOHN SUDNIK: Well, if somebody calls 911
16 we respond, and our dispatchers actually notify the
17 utility company as well--

18 COUNCIL MEMBER GRODENCHIK: [interposing]
19 Okay.

20 JOHN SUDNIK: upon the 911 call. So,
21 you'll get, depending on the area of the city, you'll
22 get a responder from either Con-Edison or National
23 Grid.

24 COUNCIL MEMBER GRODENCHIK: Okay, thank
25 you. Has the Fire Department taken a position on

1 this bill, the 1100 with the natural gas detectors,
2 to your knowledge?
3

4 JOHN SUDNIK: Yeah. Any detector, early
5 warning detector, that will enhance public safety
6 similar to a smoke detector or a carbon monoxide
7 detector, obviously those are--you know, the success
8 of those or the benefits of those are well documented
9 and acknowledged. The Fire Department is for. Our
10 primary concern with detectors--and in this
11 particular case with this relatively new technology,
12 it's not used widespread at this point in time, the
13 gas detector--is the potential for false alarms.
14 We're already responding to a record number of calls.
15 In 2015 we've exceeded 2014, and in 2014 we exceeded
16 2013. As I mentioned before, a vast majority of
17 these are already related to reports of natural gas
18 leaks and similar type incidents, but our primary
19 concern is the taxing of our resources with this what
20 appears to be unproven technology.

21 COUNCIL MEMBER GRODENCHIK: Thank you for
22 your frank testimony. I appreciate that very much. I
23 have a very large district in Eastern Queens and it's
24 very spread out. So I am concerned about that. And
25 this could be either for Buildings or for the Fire

1
2 Department. Are most natural gas incidents in
3 individual dwelling units, or are they more likely to
4 occur in a common area such as a laundry or a boiler
5 room? Do we have any information on that?

6 JOHN SUDNIK: We don't keep those
7 statistics in the Fire Department. I probably--
8 there's somebody--I don't know if there's anybody
9 here from the utility company who can give you that
10 information.

11 COMMISSIONER CHANDLER: We don't track
12 those statistics.

13 COUNCIL MEMBER GRODENCHIK: Don't track
14 that, okay. Maybe we'll ask the utility company
15 later. Thank you, Mr. Chairman. Thank you. Thank
16 you for your answers.

17 CHAIRPERSON WILLIAMS: Council Member
18 Grod-- Council Member Richards and Rodriguez.

19 COUNCIL MEMBER RICHARDS: Thank you so
20 much, Chair, for your leadership on this critical
21 issue, and thank you, Commissioner, for the work
22 you've done around this issue. A few questions. I
23 want to focus in on Intro 1094, the reporting bill in
24 particular. So, in your testimony you cited that you
25 may have issues getting information from utilities in

1 particular. So I wanted to hear a little bit more
2 on, you know, have you asked the utilities for this
3 information and they just denied you, or are we
4 guessing here? You cited privacy concerns.

6 COMMISSIONER CHANDLER: No, we haven't
7 asked, and I think that's a question for them, and
8 it's not something that we broached with them.

9 COUNCIL MEMBER RICHARDS: So, in your
10 testimony you say the Department supports the intent
11 of the bill; however, any effort to prepare a report
12 which identifies risk factors demonstrating gas
13 violations are likely to occur starts with an
14 analysis of gas usage which you cited privacy
15 concerns around. So, what I'm trying to get at is,
16 if we have not asked, you know, we may not receive.
17 So before we are so quick to say the utilities may
18 not offer us this information, I'm wondering, are you
19 going to go back to them now and request this
20 information and at least get a no from them before we
21 jump to a conclusion?

22 RENALDO HYLTON: Councilman, we have had
23 interactions with utility companies in our
24 collaborative effort that we're doing now, and we
25 have mentioned some of these data requests before,

1 and they have expressed some concerns about privacy
2 of their account.
3

4 COUNCIL MEMBER RICHARDS: When was
5 before? How long ago was before?

6 RENALDO HYLTON: I believe a couple
7 months ago, as late as December if I remember.

8 COUNCIL MEMBER RICHARDS: So before these
9 bills were introduced.

10 RENALDO HYLTON: Yes.

11 COUNCIL MEMBER RICHARDS: So, are we
12 going to go now that it's a new day, we've
13 experienced explosions, you know, over the past few
14 months--

15 COMMISSIONER CHANDLER: [interposing]
16 We're just raising the concerns that some of the--
17 what we've heard from the utilities.

18 COUNCIL MEMBER RICHARDS: Alrighty, so I
19 would just suggest, you know, that we go back--

20 COMMISSIONER CHANDLER: [interposing]
21 Absolutely.

22 COUNCIL MEMBER RICHARDS: to utilities,
23 and let's not assume that they don't want to give
24 that information without asking. And the other
25 question I had is, so how often are you communicating

1
2 with utilities? Is there some sort of taskforce
3 formed in particular with DOB--

4 COMMISSIONER CHANDLER: [interposing]

5 We've been meeting with--

6 COUNCIL MEMBER RICHARDS: [interposing]

7 around this issue?

8 COMMISSIONER CHANDLER: since the East
9 Village incident, accident, and we continue to meet
10 monthly.

11 COUNCIL MEMBER RICHARDS: How often?

12 COMMISSIONER CHANDLER: Monthly.

13 COUNCIL MEMBER RICHARDS: So monthly.

14 So, okay. So, in the next monthly meeting I can get
15 a commitment that we're going to ask this question on
16 if they're open to sharing data with you.

17 COMMISSIONER CHANDLER: Sure.

18 COUNCIL MEMBER RICHARDS: Okay, you spoke
19 of you support the intent of the bill. So can you go
20 through any pieces of the bill in particular on
21 reporting that you would support?

22 COMMISSIONER CHANDLER: Are you speaking
23 to--

24 COUNCIL MEMBER RICHARDS: [interposing] On
25 1094.

2 RENALDO HYLTON: Sure. I think we
3 support the bill's intent to focus our--any kind of
4 data on focused enforcement or targeted enforcement.
5 So, to the extent that we could data at which points
6 to us increasing enforcement in particular area, that
7 would be a great thing.

8 COUNCIL MEMBER RICHARDS: So you'll report
9 on if you found an issue, then you're willing to give
10 a monthly or so report or annual report--[off mic] on
11 enforcement--

12 COMMISSIONER CHANDLER: [interposing] No,
13 that's not what he's saying.

14 COUNCIL MEMBER RICHARDS: Okay.

15 COMMISSIONER CHANDLER: He's saying--

16 COUNCIL MEMBER RICHARDS: [interposing]
17 Can you speak a little bit more into--

18 COMMISSIONER CHANDLER: [interposing] I'm
19 sorry, did I blow out my microphone? Can you hear
20 me?

21 COUNCIL MEMBER RICHARDS: Yes.

22 COMMISSIONER CHANDLER: So, it's to speak
23 about what I mentioned earlier in our targeted
24 enforcement of all the things that we do as a
25 regulatory agency. We are constantly seeking ways to

1
2 use our resources more efficiently, just as we are
3 doing it right now to attack the problem of increased
4 accidents and deaths on construction sites. We are
5 absolutely focused on trying to identify individual
6 problems that we can try to fix rather than taking a
7 broad-brush approach. Right now, we've isolated it
8 to one particular area that we're working on and to
9 see if we can results there. So, that's what we plan
10 to do with plumbing and gas, is to constantly mine
11 our data and our applications, our bad actors, our
12 patterns with violators and to try to then seek them
13 out, because we believe that in our business most
14 people comply, and most people are doing the right
15 thing by the intent of the code, and it's a minority
16 of folks who are using a majority of the enforcement
17 time.

18 COUNCIL MEMBER RICHARDS: Well, thank
19 you, Mr. Commissioner. I know that's why we're here
20 today because we're trying to figure out how do we
21 ensure that that minority who's not doing the right
22 thing, you know, that we seek out and find these
23 individuals before we end up with, you know,
24 potentially more people who lose their lives. So,

1
2 thank you, Mr. Chair, and we look forward to
3 continuing the conversation. Thank you.

4 CHAIRPERSON WILLIAMS: Thank you, Council
5 Member. Council Member Rodriguez and then Council
6 Member Vacca.

7 COUNCIL MEMBER RODRIGUEZ: Thank you.
8 First of all, I would like to thank Council Member
9 Williams for his leadership on this and other
10 important issues. Thanks also Speaker Melissa Mark-
11 Viverito, Mayor de Blasio, because both of them they
12 have shown their leadership. Not only with the
13 explosion that happened in the Village and also in
14 East Harlem, but also on paying attention on the need
15 to put the money, what is needed to upgrade our
16 infrastructure. Also, I'd like to thank the private
17 sector. You know that some of you are sitting here,
18 someone from Kyle [sic] that have experience in
19 government to others also who are here older [sic]
20 will be following this discussion. We would like to
21 say that, you know, my hope is that the end of this
22 process and we continue discussing this bill, we will
23 make our city stronger and better, because this
24 discussion is not going about--going after any
25 particular sector, public or private. This is about

1
2 addressing all infrastructure that we have in this
3 city where at some point all of us together we need
4 to go to D.C. and ask the federal government for
5 larger investment to our city, the capital, the state
6 and the capital, one of the most important city in
7 the nation, but we've got 59 million tourists. What
8 happens in the City has an impact on other cities
9 throughout the world, throughout the nation and
10 throughout the world. Knowing that most of our
11 infrastructure, they are close to 100 years old and
12 others even more than 100 years old bringing
13 challenges to everyone. I know that there's--
14 sometimes it is good to be in a good press conference
15 to have the opportunity to get media when we share
16 good thing that we are able to do from the private to
17 governments. No one would like to be in a press
18 conference dealing with explosion, and no one would
19 like to be, you know, dealing with that negative
20 impact that it present for the PR of the institution
21 if it is private, for the government when it comes to
22 our responsibility. So, I think that again that for
23 me and my colleagues, this is not again going after
24 any subcontractors. I believe that most of the people
25 men and women, who work from the private sector, they

1 do good jobs. Most of the utility company they're
2 also doing good jobs. It is because of them that we
3 most of the services that we need. However, now we
4 need to address the issues that are important, and
5 one of things in the bill that I have, 1098, is about
6 reporting, and I think that it is important, you
7 know, to share, to have a clear definition, how often
8 do we get report, because if we are not mandated
9 internally in the private sector or we as a
10 government say we have every year report knowing the
11 condition of those utility, what is the work that has
12 been done, how much work are we behind that we would
13 not be able, none of us, to say we have a plan to
14 upgrade our infrastructure. And that's, you know, my
15 question is on that direction, which is which are the
16 requirements on reporting for utilities companies
17 that have--that we have mandate those companies
18 related to locations, age, condition, and material
19 use on our gas infrastructure?

21 COMMISSIONER CHANDLER: That's a question
22 for? I'm sorry, you're asking the Department of
23 Buildings?

24 COUNCIL MEMBER RODRIGUEZ: Reporting,
25 yeah. How often do we, does the city get reporting

1 from the companies that they work in our city? Do we
2 have a yearly report? Do we have an every five year
3 report, and how does the city address and use those
4 reports?
5

6 COMMISSIONER CHANDLER: I think that's a
7 question for the utilities.

8 COUNCIL MEMBER RODRIGUEZ: Excuse me?

9 COMMISSIONER CHANDLER: I'm unaware of any
10 report from the utilities that they give us about the
11 infrastructure. Perhaps some of my other colleagues
12 around the Administration might know, but I'm unaware
13 of any report that we get from the utilities about
14 the infrastructure.

15 COUNCIL MEMBER RODRIGUEZ: So, we're
16 saying that the City doesn't have a report that at
17 some point when the Council fail [sic] to see, the
18 Mayor should report to the Council every year or
19 every five year? You're saying that we have to start
20 new right now, that there's not an agency in New York
21 City that collect the report on what is the
22 conditions of the infrastructure?

23 COMMISSIONER CHANDLER: I think you're
24 referring to matters that are covered by the Public
25 Service Commission.

2 COUNCIL MEMBER RODRIGUEZ: So you're not
3 here [sic]. No one here can report that question?

4 COMMISSIONER CHANDLER: That's correct.

5 COUNCIL MEMBER RODRIGUEZ: And that's
6 unfair.

7 CHAIRPERSON WILLIAMS: Thank you, Council
8 Member. Council Member Vacca?

9 COUNCIL MEMBER VACCA: Thank you. I
10 wanted to question you, Commissioner Chandler,
11 regarding my legislation, Intro 1100 requiring
12 natural gas alarms in dwelling units. Your main
13 objection appears to be that sometimes these natural
14 gas alarms could let off a false alarm, is that your
15 main concern?

16 COMMISSIONER CHANDLER: Yes, and that
17 also that the UL has not put it through a test that
18 matches the conditions that would be subject in a
19 residential dwelling.

20 COUNCIL MEMBER VACCA: Okay. So, why
21 don't we test it soon so that we could have the
22 legislation considered?

23 COMMISSIONER CHANDLER: I think that's
24 what we were talking about that we should absolutely-

2 COUNCIL MEMBER VACCA: [interposing] Okay.

3 COMMISSIONER CHANDLER: discuss how that
4 might happen.

5 COUNCIL MEMBER VACCA: So, I think it is
6 possible--

7 COMMISSIONER CHANDLER: [interposing] We
8 have to rely on the Underwriters Laboratories to do
9 that.

10 COUNCIL MEMBER VACCA: I'm sorry?

11 COMMISSIONER CHANDLER: We have to rely
12 on Underwriters Laboratories to do that. So, we'll
13 see how that could--we could encourage that to
14 happen.

15 COUNCIL MEMBER VACCA: So we have no such
16 thing as a gas alarm right now in the entire city,
17 correct?

18 COMMISSIONER CHANDLER: Well, no that's
19 not true. We have gas alarms for high-pressure gas,
20 or--

21 COUNCIL MEMBER VACCA: [interposing] Okay,
22 but we have no--

23 COMMISSIONER CHANDLER: industrial uses.
24
25

2 COUNCIL MEMBER VACCA: There is not a gas
3 alarm that people can buy for their apartments right
4 now. There's no such thing.

5 COMMISSIONER CHANDLER: Correct.

6 COUNCIL MEMBER VACCA: Okay, where is--
7 are you sure of that, Commissioner?

8 PATRICK WEHLE: Good afternoon,
9 Councilman.

10 COUNCIL MEMBER VACCA: Yes?

11 PATRICK WEHLE: My name is Patrick Wehle.
12 I'm Assistant Commissioner for External Affairs at
13 the Buildings Department. There are in fact natural
14 gas alarms that are available--

15 COUNCIL MEMBER VACCA: [interposing]
16 Right.

17 PATRICK WEHLE: for sale in the City. The
18 concern that we have is they're relatively untested
19 compared to other types of alarms that are available
20 today for--that are in residences. So, we're not
21 entirely sure if the alarm would be--it's better
22 suited for say a one or two-family dwelling as
23 opposed to say a multiple dwelling. Again, it's
24 relatively new technology. The UL standard that's
25 been applied to natural gas alarms, we're not

1
2 entirely sure that standard is appropriate for all
3 types of dwelling units.

4 COUNCIL MEMBER VACCA: But we've had an
5 opportunity to now to be sure. We've had situations
6 in our city that have cried out for action. We've
7 had accident tragedy after tragedy, and all this time
8 have we spent any of that time testing out these gas
9 alarms as you say we have to? Have we spent any of
10 this time identifying what would be best to proceed?
11 This has been something that we've had high-level
12 meetings about for months or years now in this
13 Administration, probably in the previous
14 Administration, and I'd like to know why we have not
15 been proactive. Why now when legislation is
16 introduced are we saying we don't have the
17 technology, we don't have the knowledge? That
18 doesn't--that's not acceptable to me, and I think now
19 with the legislation pending it cries out that we
20 take action expeditiously and come back with an
21 answer as to the specifics as how to implement this.

22 COMMISSIONER CHANDLER: Council Member,
23 we can work with the industry like we do with
24 everything related to our Building Code. We have
25 committees related to the very broad mandate we have

1
2 in regulating the construction industry, and for us
3 to be proactive on every matter is not realistic, and
4 for us to work with the industry is what is
5 realistic, and that's what we do, and I think what we
6 did testify is that we will continue to look into
7 that and encourage--

8 COUNCIL MEMBER VACCA: [interposing] But--

9 COMMISSIONER CHANDLER: the Underwriters
10 Laboratory testing.

11 COUNCIL MEMBER VACCA: But I use the word
12 proactive, but this is really not even being
13 proactive. This is being responsibly reactive to a
14 crisis that the city faces because our infrastructure
15 is aging to this degree, and it's been a while and I
16 don't see anything happening because you come to the
17 committee saying that you need more research, you
18 need more testing, but this infrastructure issue is
19 not a new one. I just think the crisis and the
20 tragedies are so dramatic that they've cried out for
21 action. Even listening to a response that they may
22 set off a false alarm. This is not an appropriate
23 response to this legislation. We have fire alarms
24 and we have carbon monoxide alarms that sometimes set
25 off false alarms, but my God, do they save a lot of

1 lives. So I don't accept the reasoning behind this.
2 I hope that there's room for us to negotiate this
3 bill, which I'm willing to do. This bill may not be
4 perfect in its current form, but to say that we can't
5 do it is just not acceptable to me. I'd like to know
6 exactly why and why not. Why haven't we been ahead
7 of the curve? Now we're presented with a crisis I
8 think because of our infrastructure and the terrible
9 tragedies we've had.

11 PATRICK WEHLE: I understand your
12 concern, Councilman. This city as do other
13 jurisdictions, when it comes to alarms, we rely on
14 Underwriters Laboratory to establish the standard to
15 determine where those alarms can best be used. We're
16 happy to dialogue with UL, the Council and other
17 stakeholders to better understand what's the
18 appropriate UL rating for a natural gas alarm
19 throughout all dwelling units across the City.

20 COUNCIL MEMBER VACCA: I'm willing to work
21 with you cooperatively, and I feel that we both have
22 good intent. We're on the--you know, we want to
23 serve the people and make them safe, but I want to
24 put this on your front burner. I think it's
25 important. Thank you.

2 CHAIRPERSON WILLIAMS: Thank you, Council
3 Member. Just on that note, I think when you were
4 talking about, if I'm not mistaken, Espinal's bill
5 1088, you actually mentioned gas detectors as
6 something that we may use, but how will we use it if
7 we don't have them?

8 COMMISSIONER CHANDLER: Well it's on our
9 front burner now.

10 COUNCIL MEMBER VACCA: Touché, very good.
11 I lit a fire.

12 COMMISSIONER CHANDLER: WE think that--
13 well, first of fall, the technology is there for the
14 mobile devices and it's there for the high pressure
15 devices. So, it is out there. I just think it needs
16 a little more refinement, and I think that that might
17 be an option to dialogue about regarding the regular
18 inspections.

19 CHAIRPERSON WILLIAMS: And with Council
20 Member Levine's bill, I too just--can you explain to
21 me why would not want other people who are actually
22 working on it? I just need a fifth--well, fifth
23 graders are smart, so I can't say fifth grade. I
24 just need a more simple understanding of why someone
25 who's working on this level would not need some

1 additional training and only the person above them
2 would need it.
3

4 PATRICK WEHLE: Good morning, Councilman.
5 So we're not saying that additional training would
6 not be a good thing. Certainly, as a Department--

7 CHAIRPERSON WILLIAMS: [interposing]
8 Sorry, can you announce yourself on record?

9 PATRICK WEHLE: Oh, Patrick Wehle,
10 Assistant Commissioner for External Affairs at the
11 Buildings Department. We're not here to say that
12 additional training for plumbers who do work on gas
13 lines is not a good thing. We're certainly open to
14 the idea. The concern we have with the bill as
15 drafted is that let's remember that these plumbers do
16 work under the direct and continuing supervision of a
17 licensed Master Plumber, and the concern that we've
18 shared is that the bill as drafted may severely
19 restrict the pool of plumbers who are able to perform
20 gas work. That's the concern that we're raising.
21 We're open to the idea of additional qualifications
22 for plumbers who perform gas work. We're not so sure
23 this means is the way to get there, but we're
24 certainly open to the idea of continuing discussion
25 with the Council.

1
2 CHAIRPERSON WILLIAMS: You're saying
3 it'll be restrictive because we're requiring
4 additional qualifications?

5 PATRICK WEHLE: Exactly. So, estimates we
6 received is there is about 10,000 or so plumbers
7 working throughout the City. There's roughly 1,200
8 licensed Master Plumbers, and there's about 250 or so
9 journeymen. The balance of plumbers who are not
10 licensed and who are not journeymen, all of whom work
11 under the supervision of a licensed Master Plumber.
12 If we were to create a new gas qualification and said
13 that in order to perform work on gas piping systems,
14 you needed to be a journeymen with this gas
15 qualification, we're not sure if there would
16 ultimately be enough plumbers to perform plumbing
17 work throughout the city as quickly as it needs to
18 get done.

19 CHAIRPERSON WILLIAMS: You don't think a
20 significant amount of those 10,000 will try to get
21 the additional qualification?

22 PATRICK WEHLE: Certainly some number of
23 them will. We don't know if all of them have the
24 qualifications to get this proposed gas qualify--to
25

1
2 become a journeymen and get this proposed gas
3 qualification.

4 CHAIRPERSON WILLIAMS: And tell me again
5 how many of the plumbers are working under Master
6 Plumbers?

7 PATRICK WEHLE: There's--what we hear
8 from history estimates there are about 10,000
9 plumbers working throughout the City.

10 CHAIRPERSON WILLIAMS: I'm not sure
11 that's a sustaining [sic] argument. So, I think we
12 need to further discuss it. It seems to me if you
13 are creating something additional for safety, then
14 people just have to get it to do the work. So, I'm
15 not sure why they wouldn't get it to do the work.

16 COMMISSIONER CHANDLER: We're certainly
17 open to that discussion, and open to putting
18 standards out there for people to meet. Perhaps,
19 just not necessarily having to meet a journeymen
20 qualification before you get those extra standards.
21 Does that make sense?

22 CHAIRPERSON WILLIAMS: I see. I
23 understand. For 1093, you said that Class B
24 conditions never require the gas to be shut off. We
25 have different information that sometimes it actually

1
2 does require the gas to be shut off. So, are you
3 sure it's a never situation?

4 COMMISSIONER CHANDLER: I missed the
5 first part of that, Mr. Chair. I'm sorry.

6 CHAIRPERSON WILLIAMS: 1093, I think
7 that's Council Member Mendez's bill. You mentioned
8 that those conditions never require the gas to be
9 shut off. We have different information that
10 sometimes it actually does. So we wanted to clarify
11 that.

12 PATRICK WEHLE: So, certainly we are
13 aware of conditions where, you know, shut off to the
14 meter is not--it doesn't happen, and so therefore, we
15 don't think in those circumstances the Department
16 should be notified within 24 hours. I think it's a
17 question for the utilities. We're not entirely sure
18 the entire universe of all these Class B conditions.
19 Certainly, if there are Class B conditions that are
20 equivalent to that of a Class A in terms of the level
21 of risk and the emergency certainly would be
22 appropriate to capture those as well in terms of the
23 24-hour notification.

24 CHAIRPERSON WILLIAMS: And with my bill
25 1101, you referenced 806B. We're still trying to get

1 additional information. It does seem to include gas
2 violations. It seems, if I'm not mistaken, the
3 primary difference is mine is asking for amnesty.
4 This allows a 25 percent reduction. Even if that was
5 the case, what happens if a building owner wants to
6 do gas work and discovers that there's existing gas
7 work that was done unlawful before the purchase?
8

9 RENALDO HYLTON: Renaldo Hylton,
10 Assistant Commissioner of Compliance. They would
11 actually take a permit out. They would actually hire
12 a licensed plumber or some qualified architect or
13 engineer to put [sic] get plans and get a permit to
14 do this work. It's not that there be--they would
15 just put it--get a permit and do the work.

16 CHAIRPERSON WILLIAMS: Would they receive
17 a violation?

18 SHAWN JONES: They will. They can
19 receive a violation for the unlawful work, but the
20 new owner will not be penalized. ECB Court has
21 what's classified as a bonafide [sic] purchaser. So,
22 generally, that violation would be dismissed. Not
23 saying that the violating condition is not required
24 to be corrected, but the violated--the new owner will
25

1 not have to deal with the penalties from ECB and from
2 the Department of Buildings at that point.

3
4 CHAIRPERSON WILLIAMS: I see. And has--
5 do you have experience with other programs such as
6 this with the 90 day periods and reduction of
7 penalties?

8 PATRICK WEHLE: I'm aware that several
9 years ago there was a similar amnesty enacted by the
10 City Council and signed by the Mayor. That's the
11 only program that I'm familiar with.

12 CHAIRPERSON WILLIAMS: Do you know how
13 successful it was?

14 PATRICK WEHLE: Sorry, I do not. I think
15 that would be a question better suited for the
16 Finance Department.

17 CHAIRPERSON WILLIAMS: Alright, I want to--
18 -I'm obviously going to discuss this further. I'm not
19 sure that I want to pull my bill yet, and I'm not
20 sure if the 25 percent is enough. I want to make
21 sure. I don't mind bringing the hammer down, but I
22 always want to give some people opportunities to do
23 what they need to do before the hammer comes, and
24 then you all have rights to bring a hammer down. So,
25 we should discuss that further. We've been joined by

1 Council Member Salamanca and Ulrich. I have just a
2 couple more questions. There were some colleagues
3 who asked for some additional questions. So we'll
4 have a short second round, and then you can be on
5 your way to enjoy the new day. I think we're past
6 sprinter [sic] now and maybe [sic] getting into
7 spring. Have you done any research on the utility or
8 effectiveness of natural--oh, we discussed that
9 already. I'm sorry. How long is it generally--how
10 long does it--is it on? How long does it generally
11 take the utility to notify you when gas service is
12 shut off or not restored due to safety concerns, and
13 when gas service is shut off, how detailed is the
14 explanation the utility gives you?

16 SHAWN JONES: Currently, we have a
17 program working with the utility companies where they
18 notify us for theft of service and illegal conditions
19 within 24 hours, and it's extremely detailed. We're
20 getting to a point now where eventually utility
21 companies be providing us pictures of the illegal
22 conditions, but right now we haven't gotten to that
23 point. So, they're being descriptive in the verbal.
24 They're giving us phone--they're making phone calls
25 to us as well as send us an email every day within

1
2 the 24-hour time frame to inform us of all illegal
3 conditions.

4 CHAIRPERSON WILLIAMS: So, I know that
5 there may be thousands of complaints reported
6 directly to the gas utilities. Those utilities are
7 not included in the DOB 311 report database. Is that
8 they are not--are they required to report everything?
9 We understand that some may not be reported. Does
10 that give you any cause for concern that some of them
11 may not be reported?

12 COMMISSIONER CHANDLER: I was unaware of
13 that, and I, you know, I think that we would have to
14 have further discussions with utilities as to why
15 we're not getting those, that information. What we
16 find sometimes is that 311 does not refer things--or
17 sometimes when they go to the utilities it doesn't
18 come to 311. So, we can work that out. I'm not
19 concerned at this point. I've never seen anything
20 that's raised a concern to us, but now that you've
21 raised it we'll be glad to take it up with the
22 utilities.

23 CHAIRPERSON WILLIAMS: Do you have any
24 idea of how much illegal work does go unreported?

2 COMMISSIONER CHANDLER: I don't have a
3 number, a metric to give you.

4 CHAIRPERSON WILLIAMS: I forgot whose
5 bill it is that talked about periodic inspection. Is
6 it Espinal? 1088. So, you know, boilers, elevators,
7 water tanks, water recycling systems, sprinklers all
8 require periodic inspection. Gas piping does not.
9 You explained a myriad of reasons why that might be
10 difficult. I'm not sure why that would-- does that
11 include piping that's outside the building as well?
12 Are you saying that would be difficult, or is it all
13 internal?

14 COMMISSIONER CHANDLER: You're referring
15 to the other things that are doing, are filing
16 reports?

17 CHAIRPERSON WILLIAMS: Yeah.

18 COMMISSIONER CHANDLER: yeah, it does. I
19 mean, obviously, it doesn't include piping. The
20 cooling towers are a Department of Health matter, and
21 I think some of the other ones are Department of
22 Health. So, I think it's apples to oranges.

23 CHAIRPERSON WILLIAMS: Does periodic
24 inspections make sense in general, and you're just
25 saying it's too much to do it?

2 COMMISSIONER CHANDLER: I think anything
3 that where we can raise the safety is where we're on
4 the same page. I am concerned about again taking the
5 broad brush approach, particularly since we're trying
6 to be as equitable as possible to all New Yorkers,
7 and I think that we have to consider the impact of
8 the rules. Certainly, when we make a rule and are
9 imposing more bureaucracy, which I think we're held
10 to a pretty high standard about imposing rules and
11 policies on owners and businesses. That's just our
12 culture that I want to vet it a little bit further
13 before we start imposing a broad-brush mandate on
14 people when I think that there might be alternatives
15 to be more selective.

16 CHAIRPERSON WILLIAMS: Alright. I know
17 that because this is one to the places it seems like
18 it's no required maintenance or periodic checks after
19 a system is put in. And so we have to weigh obviously
20 the effectiveness and safety of it versus how
21 difficult it is. I'm not sure we've weighed it
22 properly yet, so hopefully we can have further
23 discussions on that, and we can get you instead of
24 posing almost over half, you can reverse it and be
25 supportive of over half. I'm going to allow my

1
2 colleagues--two of my colleagues asked for additional
3 time. So we'll put a three minute for a second
4 round, and we have Council Member Levine and Crowley.

5 COUNCIL MEMBER LEVINE: Thank you, Mr.
6 Chair. Commissioner, I believe you mentioned that
7 there were 350 violations issued for gas work in
8 2015. Do I have that right?

9 COMMISSIONER CHANDLER: Work without a
10 permit? I'm sorry.

11 SHAWN JONES: There were 375 violations
12 issued for illegal gas work and defective gas work.

13 COUNCIL MEMBER LEVINE: Sorry. Thank
14 you. Sorry. The number was 350?

15 SHAWN JONES: 375.

16 COUNCIL MEMBER LEVINE: And were those
17 violations generally? What did they consist of? What
18 was done wrong? Just to give a sense. I'm sure it
19 varied widely.

20 SHAWN JONES: Probably the illegal
21 connections, bypasses, work without a permit,
22 improper sizing, piping installed in prohibited
23 locations.

24 COUNCIL MEMBER LEVINE: Right. And isn't
25 it reasonable to think that if the people doing that

1
2 work had better training they would have made those
3 connections properly or installed those pipes
4 correctly?

5 SHAWN JONES: Not necessarily, no.

6 COUNCIL MEMBER LEVINE: You don't think
7 training would have anything to do with that?

8 SHAWN JONES: The training can help with
9 the quality of work as far as the way the work might
10 look, but as far as the end product. For illegal
11 connection, either you can be the most qualified
12 person and make an illegal connection. It doesn't
13 take training to do things of that nature. You know,
14 the trainer is not going to necessarily change a bad
15 actor's mindset. No matter how many hours of
16 training, how much time you put in for training, how
17 much money is invested, if you're going to do
18 something illegal, you're just going to find a more
19 sophisticated way of doing the illegal work, which is
20 exactly what happened on the Second Avenue explosion.

21 COUNCIL MEMBER LEVINE: Well, look, in a
22 system that relies on humans, there will be some
23 error, but I simply can't believe that if you train
24 someone on how to install a gas line, they will be
25 less likely--they will certainly be less likely to

1
2 make mistakes. Training has a value in every
3 profession, in every skill, and people who know what
4 they're doing are going to make less mistakes. Now
5 you talk about the phenomena of bad actors are going
6 to break the law anyhow, but hey, murder's illegal
7 and, you know, bad actors are going to kill. That
8 doesn't mean we shouldn't have a law against murder,
9 right? We should define what's acceptable, and then
10 let's enforce. Wouldn't that apply in gas
11 installation as well?

12 COMMISSIONER CHANDLER: I would refer
13 again to our increased audits that we're doing right
14 now, and I think that that's going to uncover people
15 that might require further supervision or training
16 under the existing system that we have. And I think
17 to kind of supplement what Shawn just said is that
18 people who have an intent to do the wrong thing could
19 be extremely well-trained, and we find that in all
20 part of our businesses as we go--as we regulate the
21 construction industry. People who are very well
22 trained know exactly how to do something wrong if
23 they want to.

24 COUNCIL MEMBER LEVINE: Okay. Thank you.

25

2 CHAIRPERSON WILLIAMS: Council Member
3 Crowley?

4 COUNCIL MEMBER CROWLEY: Thank you, Mr.
5 Chairman. I'll try to be quick in the interest of
6 getting the public up to testify. Just a follow-up
7 to Council Member Levine's questions. Do you know
8 how many of the plumbers that are doing work on gas
9 systems have--even though they're working under a
10 licensed contractor have any experience? Are there
11 any levels that you're putting forth in qualification
12 or safety or training that the average worker is
13 doing?]

14 COMMISSIONER CHANDLER: So again, that
15 gets into the business model of the licensee Master
16 Plumber and how they're providing supervision so we
17 don't monitor the exact number of people and the
18 number of hours and exact time--

19 COUNCIL MEMBER CROWLEY: [interposing]
20 But somebody could be coming right--

21 COMMISSIONER CHANDLER: [interposing] You
22 have to start some--

23 COUNCIL MEMBER CROWLEY: out of high
24 school or, you know, without any construction
25 experience and be possibly working on these pipes if

1
2 a plumbing company lets them, and that's perfectly
3 fine with the Department of Buildings.

4 COMMISSIONER CHANDLER: It's perfectly
5 fine for me for someone to come out of high school to
6 be employed and make a living to support themselves
7 to be supervised by--

8 COUNCIL MEMBER CROWLEY: [interposing]
9 It's not perfectly fine to me.

10 COMMISSIONER CHANDLER: someone who's
11 license is on the line, Council Member.

12 COUNCIL MEMBER CROWLEY: When they're
13 working with--

14 COMMISSIONER CHANDLER: [interposing]
15 That's what we're saying.

16 COUNCIL MEMBER CROWLEY: [interposing]
17 Yeah, okay.

18 COMMISSIONER CHANDLER: A licensed person
19 has their license on the line. They're going to
20 provide the appropriate amount of supervision.

21 COUNCIL MEMBER CROWLEY: But they're not
22 always on a job site. The vast majority of the
23 licensed contractors are not on job sites. They're
24 out looking for more work. They have these employees
25 working on job sites, and from what I'm

1
2 understanding, they may have no training whatsoever
3 if the Master Plumber says that's okay. But next--
4 I'm going to get into my next questions, because I
5 want to follow up from Council Member Rodriguez's
6 questions about reporting. The Department of
7 Buildings is hiring more inspectors, but we have no
8 idea how many inspections the current staffing that
9 you have of inspectors are doing each and every year,
10 because there's no--you know, our don't keep that
11 type of information is what I'm understand.

12 COMMISSIONER CHANDLER: We absolutely
13 keep that information. It's in the Mayor's
14 Management Report. I would refer you to it, you
15 know, online after we leave the room today.

16 COUNCIL MEMBER CROWLEY: Okay, so there
17 is--so we do have that information. So, you do know--

18 COMMISSIONER CHANDLER: We have
19 information on just about everything our inspectors
20 do, Council Member.

21 COUNCIL MEMBER CROWLEY: Okay.

22 COMMISSIONER CHANDLER: Including where
23 they go every day because they have GPS on their
24 phone.

25

2 COUNCIL MEMBER CROWLEY: If I'm reporting
3 a possible violation, I could rest assured that
4 there's somewhere I'm going to find on your website
5 or through the Mayor's Management Report that that
6 report of suspicious gas work is going to be followed
7 up, and I could prove that from your reporting that
8 you're actually going to inspect that particular gas
9 pipe.

10 JOHN SUDNIK: The answer that question is
11 yes, and I think we might have misunderstood the
12 questions from Council Member Rodriguez. I think we
13 were thinking that he was referring to reporting that
14 was made by the utilities to the Buildings
15 Department, and in that instance we don't receive any
16 reports related to what he was discussing. I think
17 that's what we understood he said. So there might
18 have just been some miscommunication there is all,
19 but certainly all of the work that our inspectors are
20 performed, it's certainly monitored and reported on.

21 COUNCIL MEMBER CROWLEY: Okay, Thank you.

22 CHAIRPERSON WILLIAMS: Just on that same
23 note, I know you deferred to the DOT, but do you have
24 an opinion on Council Member Rodriguez's bill? Would
25

1
2 unit provide you assistance in getting this
3 information? I guess, it would seem more streamlined.

4 COMMISSIONER CHANDLER: I don't have an
5 opinion at this time, and I'd be happy to talk to you
6 about it later after I spend more time reading it and
7 discussing it with my colleagues.

8 CHAIRPERSON WILLIAMS: We're going to
9 have Council Member Ulrich who didn't ask any
10 questions earlier. Just going to put five minutes
11 for him.

12 COUNCIL MEMBER ULRICH: Thank you,
13 Chairman. Thank you for your indulgence, and
14 Commissioner, thank you. I'm sorry I got here late
15 today. I took the A Train, so we can blame the MT at
16 the Transportation hearing, not for the focus of this
17 committee. By my--I read your testimony, so I'm
18 sorry I didn't get a chance to hear you deliver it.
19 The concern that I have is primarily concerning the
20 journeymen bill in particular, and why the
21 Administration wouldn't support such a measure
22 considering all of the gas explosions and the
23 tragedies that have taken place across the city. It
24 almost--I mean, I've been in office for seven years.
25 It almost seems as if we're so reactive and we're

1 never really proactive about solving problems. Every
2 time there's a crane collapse there's a package of
3 bills, there's a press conferences. There's the
4 Buildings Department that's going to crack down on
5 this or that, and something gets done, and every time
6 there's a gas explosion, you know, the City's
7 response I think is somewhat inadequate. We know we
8 have an aging infrastructure, and we know in some
9 parts of the City that are probably more prone to a
10 gas explosion than in the newer parts where houses
11 and development is taking place. I don't know why the
12 Administration wouldn't want to embrace something
13 like this or support something like this. Getting
14 back to Council Member Levine's bill, what's wrong
15 with providing extra training? I don't-- I didn't
16 understand what is the harm in this? Maybe you can
17 clarify and elaborate on--

19 COMMISSIONER CHANDLER: [interposing] I've
20 happily supplement to what I said to Council Member
21 Levine is that we're open to discussion about more
22 training and perhaps certification for a variety of
23 people who are out there working right now. I'm just
24 saying that--I don't know that we should require them
25 to become journeymen before they even are then

1 getting a certification for gas piping. I think
2 they're getting a lot of certifications. They're
3 getting a lot of training now under the supervision
4 of a licensed Master Plumber. And to your other
5 point, we are extremely proactive. It's unfortunate
6 that we don't have a great metric for reporting all
7 of the accidents that we prevented or all of the
8 safety provisions or the people's lives that we're
9 saying and the sweep of inspections that we're
10 connecting in the last few months, as much as I would
11 like to do that, and I assure that without new
12 analytics group we're looking for every way for us to
13 be able to report on all of the things that we're
14 preventing. It's a very difficult thing to do, but
15 it's not something that I asked every day is, "Gee,
16 how much did you preserve today? How did you help
17 people today?" So, we only get to talk about the
18 things that went wrong.

19
20 COUNCIL MEMBER ULRICH: It's a fair
21 point, and I want to thank you for that. I just--
22 maybe this is a question for DOI. How many of the
23 investigations that were initiated following any one
24 of these explosions revealed that these incidents
25 could have been prevented if we didn't allow the

1 Master Plumber to simply self-certify the work that
2 was done, especially when we found out that the work
3 was shoddy? Do we know any of those figures? Or on
4 a regular basis does the Department of Buildings
5 investigate these sorts of things?
6

7 COMMISSIONER CHANDLER: We investigate
8 all of these things in conjunction with DOI. We
9 gladly partner with them to provide them with subject
10 matter expertise, and I'm unaware that they have
11 commented in that way at all. Again, I would refer
12 to the increased audits that we're going to be
13 performing.

14 COUNCIL MEMBER ULRICH: But how did these
15 jobs even get signed off in the first place? How did
16 the Buildings Department approve and give the final
17 okay even after realizing in some cases that some of
18 the work was self-certified, and the, you know, the
19 gas infrastructure at least wasn't in compliance with
20 the Building Code. How are we holding--is the
21 Department of Buildings holding anybody accountable
22 internally saying, "Hey, you know, how did you let
23 this one slip through?" I mean, what is taking place
24 on the Department side? Who's being held accountable
25 at the Department of Buildings when a bad contractor

1
2 a bad plumber self-certifies and says this is good
3 work? The place blows up five or ten years later.
4 Who's held accountable?

5 COMMISSIONER CHANDLER: Now we're doing
6 inspections at the end of the inspection process,
7 before the gas gets turned on. I can't comment on
8 work that was done 10 years ago, and I think you'd be
9 hard pressed to find anyone who would comment on that
10 or could provide anything that's of substance about
11 that. Regarding the Second Avenue explosion, that
12 was certainly related to the comment that I made
13 earlier that someone who knows what they're doing and
14 is intent on doing the wrong thing is certainly going
15 to be able to do it, and that job was proved by our
16 agency because of the licensed Master Plumber. We
17 inspected it based on the plans that he submitted.
18 Everything was absolutely appropriate from our
19 perspective, and then a criminal decided to do
20 something differently, and the licensed Master
21 Plumber associated with that job I gladly revoked his
22 license right after he was indicted.

23 COUNCIL MEMBER ULRICH: So, does the
24 Administration have an alternative instead of
25 requiring gas qualification for journeymen plumbers?

1
2 Is there--do you have a better idea of being more
3 proactive? What is--if you're not in favor of
4 requiring them to become journeymen, what are you in
5 favor of other than hiring more inspectors?

6 COMMISSIONER CHANDLER: I'm in favor of
7 doing what I've said already and that is to be more
8 sophisticated about the data that we collect about
9 all of the applications that we approve and inspect,
10 and target people in a more sophisticated way to
11 provide enforcement for the people that we think are
12 the minority of folks who are doing the wrong thing.
13 Additionally, I mentioned in my testimony and in
14 response to questions that we'll gladly work with the
15 Council to explore options for further certification,
16 just maybe not necessarily related to journeymen.

17 COUNCIL MEMBER ULRICH: Thank you,
18 Commissioner. Chairman, thank you again.

19 CHAIRPERSON WILLIAMS: Thank you very
20 much, and thank you for your testimony. I look
21 forward to having these conversations, and I would
22 just say rest assure that the Council does want to
23 make sure that we play our role here in codifying
24 some of these bills. So hopefully we can get to some
25 understanding. With that, we're going to have a

2 five-minute break as the Administration leaves, and
3 then we'll be calling up the utility companies,
4 David--I'm sorry, the last name. I'm just going to
5 say David Boch [sic]--Mach [sp?], I'm sorry. Mary
6 Kelly from Con-Edison, Robert Wilson from National
7 Grid will be up in five minutes. Thank you.

8 [break]

9 CHAIRPERSON WILLIAMS: David Mach? Just
10 two. So, Mary Kelly and Robert Wilson. Sorry, Mary
11 Kelly and Robert Wilson. We have a written testimony
12 for National Grid. Does Con-Ed have written
13 testimony? Can you both raise your right hand,
14 please? Do you affirm to tell the truth, the whole
15 truth and nothing but the truth in your testimony
16 before this committee and to respond honestly to
17 Council Member questions? You can begin in the order
18 of your preference.

19 MARY KELLY: Good morning. Mary Kelly,
20 Vice President of Gas Engineering for Con-Edison.
21 Thank you, Chairman Williams and the other Council
22 Members for the opportunity to speak to you today. I
23 look forward to talking about the importance of gas
24 safety, the steps we've taken to ensure the safe and
25 reliable operation of our natural gas system and the

2 legislation that you're now considering. Con-Edison
3 provides natural gas to 1.1 million gas customers in
4 Manhattan, the Bronx, the parts of Queens, and
5 Westchester County. We maintain 440,000 miles of gas
6 mains and 370,000 service lines that run from the
7 street to individual buildings. Protecting the
8 wellbeing of the public and our workers has always
9 been our top priority. Our daily operations and long
10 term planning process are focused on improving gas
11 safety through the effective prevention, detection
12 and response to gas leaks. Over the past two years
13 we've redoubled those efforts given the issues raised
14 by the tragedies in the East Village and East Harlem.
15 We're working closely with the City to identify and
16 stop illegal or improper gas piping work, work done
17 by contractors and building owners looking to cut
18 corners. We've also taken many steps to prevent
19 leaks and hazardous conditions in our gas
20 distribution system. One of the key actions we've
21 taken is to start an aggressive gas safety public
22 awareness campaign that we call Smell Gas, Act Fast.
23 We placed adds in subways, on the radio, online, in
24 print, social media including multilingual videos to
25 get the word out that anyone who suspects a gas leak

1 should immediately leave the area and call 911 or
2 their gas utility. No one should assume that someone
3 else will call. For everyone's protection, they
4 should leave the area and make the call. To further
5 enhance our response to gas calls, Con-Edison has
6 worked with the Fire Department of New York to
7 establish a new response protocol. Since December of
8 2014 when the new protocol was established, when
9 members of the public call 911 to report a gas odor,
10 Con-Edison respond in parallel with the Fire
11 Department. To illustrate the effectiveness of this
12 change, the number of gas odor calls handled jointly
13 by Con-Ed and the FDNY has jumped from six percent of
14 our calls to 35 percent. In 2014, Con-Ed responded
15 to 41,000 gas odor calls and the Fire Department
16 responded with us to 2,500 of those. In 2015 after
17 the 911 change, the FDNY responded to 20,000 calls
18 with us out of a total of 56,000. We have many
19 programs to prevent leaks and to keep the public we
20 serve safe. Nearly 95 percent of the leaks on our
21 system occur on small diameter cast iron and
22 unprotected steel pipe. We currently replace an
23 average of 65 miles of this pipe each year, and we
24 want to do more. We've submitted a rate proposal to
25

1 further accelerate our replacement program to 100
2 miles per year. Over the next five years, we plan to
3 invest approximately 1.3 billion dollars on gas main
4 replacement across our service area. This investment
5 will also generate an additional 500 jobs, nearly
6 doubling our gas field forces. We've been working
7 with various city agencies to include gas system
8 upgrades as part of city infrastructure projects and
9 coordinating response to identified street conditions
10 that can represent challenges to our gas
11 infrastructure. To make sure our workforce remains
12 strong, we're working with community colleges and
13 local unions to provide technical training to prepare
14 qualified graduates for work in our industry.
15 Finally, when it comes to damage prevention, I'd be
16 remiss if I did not mention the importance of our
17 state One Call Centers, New York 811 and Dig Safely
18 New York. Their education programs on excavation
19 awareness remind people to call 811 before they dig.
20 Prevention of third party damage has been and
21 continues to be a key component of our gas safety
22 programs. After prevention, detection is the next
23 line of defense for gas safety. We're committed to
24 leveraging technology to improve our gas safety
25

1 programs. We now conduct a mobile leak survey of our
2 entire distribution system each month. In addition,
3 we're testing new more sensitive leak detection
4 technology that could enable us to find and repair
5 leaks sooner. As you may know, several months ago we
6 announced our support for requiring methane detectors
7 in buildings because we strongly believe that
8 residential methane detection technology holds the
9 potential to significantly improve public safety. We
10 support the Council's proposal to require methane
11 detectors in homes. We believe residential methane
12 detectors could help avoid tragedies and save lives
13 by prompting action in a response to an alarm versus
14 someone relying on their nose and perhaps wondering
15 if it is gas that they smell. But we emphasize that
16 with or without an alarm anyone who suspects that
17 they smell gas should act immediately. Since the
18 East Village tragedy we've worked even more closely
19 with the City to identify buildings with improper or
20 unsafe piping. Anytime we find unsafe piping, we
21 immediately turn off the gas for everyone's
22 protection. The gas remains off until the building
23 owner makes repairs, gets the city certification and
24 passes a Con-Edison inspection and test. With regard
25

1 to the legislation you're considering today, we fully
2 support the Council's efforts to strengthen
3 enforcement of gas safety regulations and raise
4 awareness so that illegal activities are identified
5 and corrected. Rather than commenting on each bill,
6 I'd like to address several of the specific bills.
7

8 First, as I've already discussed, we support the
9 Council's proposal to require the use of residential
10 methane detectors in homes. Second, we believe there
11 should be regular inspections required of gas piping
12 inside buildings in much the same way regular boiler
13 or sprinkler inspections are conducted. This way we
14 can be assured that internal gas pipes are inspected
15 for atmospheric corrosion, leaks and improper
16 connections on a regularly scheduled basis. Third,
17 the city should prohibit anyone who does unauthorized
18 work on gas piping from being allowed to perform
19 final inspections which would help prevent unsafe
20 conditions that have become all too common. We also
21 recognize the Council's objectives in having an
22 annual report on gas infrastructure. We have deep
23 concerns, however, with the proposed legislation to
24 have a detailed map of all gas infrastructure
25 including a list of each and every individual

1 component. We're concerned that providing such
2 details of our system will present a security risk
3 and thus impact public safety. Additionally, the
4 static information gathered will become out of date
5 quickly because of the pace of work that we do on the
6 system. WE would prefer to work with the Council on
7 a solution that provides you with the information
8 that you seek without compromising security. Con-
9 Edison is privileged to provide energy to this great
10 city and metropolitan area, and we know that that
11 privilege comes with a great responsibility to
12 deliver the energy safely. Our dedicated employees
13 live in the communities we serve and embrace that
14 responsibility every single day. Thank you.

16 ROBERT WILSON: Good afternoon,
17 distinguished members of City Council and colleagues
18 from the utility industry and other in attendance.
19 Thank you for the opportunity to appear here today to
20 discuss the very important issue of natural gas
21 safety. You know, earlier today I heard a comment in
22 terms of reactive, the reactive nature versus the
23 true learning nature of these tragic events that have
24 impacted our industry, and I just have to say that
25 comment was dead on. It was a great comment. It was

1 a comment that was actually voiced to me in my
2 position by a federal regulator not too long after
3 the Sam Bruno tragedy in California, and that comment
4 again, and I'd like to leave that here today for us
5 to continue to think about is, when do we together
6 all really respond to these types of things in a true
7 learning nature rather than a reactive nature? And
8 that is something that should resonate with all of
9 us, and I think really that's what this meeting here
10 today is all about. The New York National Grid
11 provides service to more than 1.2 million customers
12 in Brooklyn, Staten Island and parts of Queens. We
13 operate thousands of miles of gas transmission and
14 distribution pipelines throughout our service
15 territory. Our highly skilled dedicated workforce
16 includes representative field personnel, customer
17 agents who are among the very best in the industry.
18 National Grid is proud of our operating history in
19 New York City. We operate one of the most complex
20 gas distribution networks in the country, and we do
21 so safety and reliably. But we appreciate that the
22 bar has been raised, and respect--with respect to
23 safety and compliance for all gas utilities, and we
24 will do everything we can to meet the height and
25

1 expectations of our regulators and customs. The
2 proposed legislative concept discussed today in
3 aggregation will further strengthen gas safety
4 compliance in New York City and provide an enhanced
5 framework for maximized public safety. National Grid
6 is investing hundreds of millions of dollars to
7 modernize its gas infrastructure over the next
8 several years. These investments will improve the
9 safety and reliability of our gas distribution system
10 in New York City for the next generation of gas
11 customers, but infrastructure investment is only part
12 of the equation. A comprehensive safety program also
13 requires that we make the most improvements in
14 technology and develop effective safety programs and
15 public outreach which National Grid is doing. From a
16 technology perspective, we are closely working with
17 Consolidated-Edison and a collaborative of other
18 operators and research organizations across the state
19 and the country for that matter to improve
20 residential methane detection technology. Widespread
21 use of residential methane detectors will provide yet
22 another layer of protection by giving the public
23 another way to recognize a potential gas leak inside
24 of a building. And I'm going to talk today about
25

1 layers of protection and a process safety approach to
2 looking at gas safety holistically. It's these
3 layers of protection that don't allow the holes of
4 the Swiss cheese to align, to allow something or an
5 unintended consequence to occur, and these layers of
6 protection are absolutely critical and residential
7 methane detectors are just another layer of
8 protection that can help us achieve this maximized
9 safety. Our current research and deployment strategy
10 includes efforts to improve the UL standards. I know
11 some of those questions came up earlier, and we can
12 talk a bit more about that in the Q&A, but we are
13 working actively to improve those standards for these
14 devices including specifying a lower minimum
15 detection threshold. The instructions and warning
16 regarding the uses of these devices, placement of
17 these devices in optimum locations to provide the
18 public safety that we intend them to provide, and
19 developing state of the art sensor technology,
20 additional sensors that are available beyond the
21 current technology that's commercially out there. We
22 remember the early days, though, of carbon monoxide
23 detector deployment and we need to use those lessons
24 learned very, very carefully in order to successfully
25

1
2 deploy these methane detectors. To that end,
3 National Grid fully supports legislation that
4 mandates building owners to deploy this important
5 safety device within what I call a "glide path to
6 success." Meaning, let's complete the research that
7 is currently going on. Let's complete the pilot
8 programs that are currently going on, and let's
9 deploy these things the right way to experience the
10 public safety benefit we all want with these devices
11 from an education and training perspective, recent
12 industry incidents have demonstrated that public
13 awareness and recognition of what smells like gas is
14 just no longer good enough. We recognize the
15 imperative to transform from public awareness to
16 public engagement. It's one thing to know what gas
17 smells like. It's another thing to actually take
18 action when you do smell gas, and this is not only a
19 challenge here in New York City, it's a challenge
20 throughout the entire industry and throughout the
21 entire country. So, that transition from public
22 awareness--and I think we use that term maybe a
23 little too loosely. We need to transition and
24 transform that to something called public engagement,
25 true engagement by the public to take the necessary

1 action when they do detect an odor of gas.

2 Historically, the gas industry is focused on

3 instructions essentially on what to do if a gas leak

4 is suspected. Today, we are redesigning those

5 messaging campaigns to not just instruct, but to

6 explain why, you know, not be so presumptuous about

7 what to do all the time and instructing people about

8 what action to take, but also allow them to

9 understand why we need them to take this action.

10 That helps us transform awareness to engagement.

11 That's that transformation we're talking about, and

12 that's the imperative this industry needs to follow

13 at this point in time. Lastly, National Grid

14 believes that some of the best educational

15 opportunities still exist with our children. To this

16 end, National Grid has developed an award-winning

17 energy education web portal with strong focus on

18 energy safety, and while not included in the proposed

19 legislation today, National Grid strongly urges the

20 Council to consider energy education as a mandated

21 part of the school curriculum and we are happy to

22 work with organizations to help shape that program.

23 National--so, the set of proposed legislative

24 proposals here today to enhance gas public safety in

25

1 New York City is indeed my mind transformational.
2
3 These proposals touch on many of the essential
4 elements of gas safety, and once implemented, they
5 will make New York City one of the most gas safety
6 focused cities in the country. National Grid
7 supports amending New York City Administrative Code
8 and believes that continued collaboration among city
9 agencies, state regulators, the plumbing and building
10 trades, utility operators will enable the new
11 legislation to be implemented successfully and
12 deliver significant public safety benefits. I now
13 will offer some specific comments on legislative
14 initiatives starting with Intro 1088, periodic
15 inspections of building piping systems. Periodic
16 inspections specifically focused on gas piping
17 installations performed by properly trained and
18 qualified licensed Master Plumbers offer substantial
19 safety benefits by helping to identify substandard
20 conditions such that excess atmosphere, corrosion,
21 leaks or other improper piping connections are
22 detected. Periodic inspections of all accessible
23 inside piping is really the only way to ensure
24 ongoing compliance with all Department of Buildings
25 requirements and meet the requirements of recently

1 expanded stakeholder rules regarding leak surveys and
2 piping inspections for atmospheric corrosion.

3
4 Legislation offers a prudent, holistic approach to
5 assessing pipe conditions by allowing inside and
6 visibly accessible piping from the point of entry
7 into a building on through the merie [sic] equipment
8 to the building owners and use equipment. National
9 Grid has been working with an industry collaborative
10 to determine the appropriate frequency for such
11 piping inspections, the collaborative study which
12 will be completed later this year is expected to
13 support a minimum five-year reinspection interval
14 similar to safety inspections for sprinkler piping.

15 One of the biggest challenges with conducting safety
16 inspections inside a building is gaining access to
17 these buildings and/or areas where the piping and
18 assets must be looked at. National Grid recommends
19 in addition to existing language to work with
20 stakeholders in the creation of an access database.
21 This database would identify designated contacts in
22 these buildings to provide their information so
23 appointments that are made can be scheduled and
24 ensure access for inspectors and/or emergency or
25 safety-related conditions. Regarding Intro 1098,

1
2 annual reports on the state of gas infrastructure:
3 National Grid recognizes the need for transparency
4 around the state of gas infrastructure and we are
5 actively working with city agencies to provide this
6 information. That said, the recommendation to provide
7 detailed maps of all gas infrastructure and lists of
8 every and individuals component will not advance
9 public safety in and of itself. This static
10 information will become out of date very quickly. So
11 rather than providing information without the
12 opportunity to provide context, National Grid
13 proposes an alternative annual review meeting where
14 we can review the status of our infrastructure with
15 city agencies much like we do today with mandated
16 federal reporting guidelines and much like we do
17 today with state regulators. So, it's taking those
18 meetings, it's taking those inspections, it's taking
19 those reports and extending those to the City and
20 meeting with them and getting them to understand, you
21 know, the state of the infrastructure essentially.
22 Methane detections in homes, said a bit about that
23 already, Intro 1100. National Grid fully supports
24 this proposal to advance methane detection pending
25 completion and development attesting work previously

1 discussed as well as successful completion of field
2 pilots that are currently underway. We have field
3 pilot tests currently underway of residential methane
4 detections as does Con-Edison, and we're putting four
5 or five hundred of these device out in ordinary homes
6 to understand what the impacts of those homes are
7 when exposed to various household chemicals,
8 etcetera. So, that's on--that's happening right now.
9 In summary, National Grid is committed to taking a
10 leadership position on the issue of gas safety and
11 pipeline safety management systems. We also know
12 that in order to realize the maximum public safety
13 value that this package of proposed legislation
14 offers, we will need to work together using
15 principles of good science and common sense. Given
16 that we do operate one of the most complex
17 distribution networks in one of the most complex
18 environments reaching fundamental agreement on these
19 proposals coupled with a reasonable glide path to
20 ensure successful implementation is critical to
21 substantially enhancing public safety. National Grid
22 welcomes more opportunities to work with City
23 Council, city agencies or stated and federal
24 regulators and other utilities and other stakeholders
25

1
2 in this process to continue to develop effective
3 strategies to enhance the safety and the reliability
4 of New York City's gas infrastructure. I thank you
5 for the opportunity to speak today.

6 CHAIRPERSON WILLIAMS: Thank you very
7 much to you both for your testimony. I just first
8 want to get a better understanding of the correlation
9 of how you work together and work separately on the
10 gas.

11 MARY KELLY: Sure. So we each have
12 different kind of defined territories, if you will,
13 within the City. So, for Con-Ed it's Manhattan, the
14 Bronx and parts of Queens, and the remainder of the
15 City is covered by National Grid, and we work
16 together on many, many issues because we have such
17 common regulation that we're subject to, whether it
18 be city, state or federal, as well as really common
19 challenges sometimes because of the very dense urban
20 environment that we work in here in New York City.

21 CHAIRPERSON WILLIAMS: You both seem
22 supportive of the 1088 bill, which the Administration
23 just testified they may have some issues. Do you
24 feel it's logistically reasonable to be able to do
25 periodic inspections on the gas lines?

2 ROBERT WILSON: You know, I'd like to
3 circle back in response to that to that comment I was
4 trying to make around gas process safety and layers
5 of protection, and I absolutely understand what
6 Department of Buildings was communicating earlier,
7 but you know, there's an initial set of inspections
8 that go on to authorize utilities such as National
9 Grid and Con-Ed to bring gas into building, and those
10 inspections are essential to protecting public
11 safety. But the need for ongoing inspections of this
12 critical building infrastructure we feel is essential
13 to ensure a sustainable safety--process safety
14 approach for these systems. So, it's those layers of
15 protection that I mentioned, the sustainable kind of
16 ongoing inspections to kind of see what's changing
17 over time coupled with the initial initiation and
18 inspection of that piping to ensure all piping was
19 installed properly I think offers us that layered
20 approach to ensure ultimately that public safety is
21 maximized.

22 CHAIRPERSON WILLIAMS: So, you do think
23 it's logistically reasonable to try to have some kind
24 of system where they're periodically looked at?
25

2 ROBERT WILSON: I think we could work
3 together to work out any of the details. We've
4 overcome much more challenging situations in terms of
5 reporting in the past. I think we can work together
6 to work out the details of a reporting structure and
7 an inspection structure that adds public safety value
8 in that equation that I spoke of.

9 CHAIRPERSON WILLIAMS: So you both
10 support 1088 and Council Member Rodriguez's reporting
11 1098?

12 MARY KELLY: So, two different bills. We
13 definitely support 1088. In fact, 75 percent of our
14 leak calls are for inside leaks where there is
15 currently no inspection program of that piping. So,
16 we are definitely in support of that. 1098 is the
17 reporting one.

18 CHAIRPERSON WILLIAMS: Yes.

19 MARY KELLY: That was the one that we
20 have issues with the detailed requirement for map-
21 based data that we feel--

22 CHAIRPERSON WILLIAMS: [interposing] Oh, I
23 see.

24 MARY KELLY: represents a security
25 concern. So, we'd be, you know, willing to talk

1
2 about different methods of getting the data, you
3 know, that would feel you would need for public
4 safety, but not to that level of detail because of
5 the security concerns.

6 CHAIRPERSON WILLIAMS: And a similar
7 question that we asked the Administration, can you
8 walk us through the process and provide a timeline
9 for each step of activating a gas line?

10 MARY KELLY: So, similar to--I'll start.
11 We have very similar processes. You can jump in.
12 The way a new gas service would get started is really
13 by a building owner or a business owner coming to
14 Con-Ed to request the service. We would do a study
15 to make sure that we have adequate supply and that
16 any existing service that is there is adequate, and
17 determine is there street work that needs to be
18 completed, main extension or an upgraded service
19 size, and get back to that customer on whether what
20 work we have to do, is there's any cost to them
21 associated with that work and what work their
22 internal--would need to be done internal to their
23 building. So, I think that's kind of when the
24 Department of Buildings picked up saying that then
25 the building owner or plumber would apply for the

1 permit to do the work. The work would be completed.
2
3 It would be right now self-certified or inspected by
4 the DOB and then referred to Con-Ed for additional
5 testing before we would set the meter and do the
6 turn-on. That's the process [sic].

7 CHAIRPERSON WILLIAMS: And just in terms
8 of time frame, how soon after the Master Plumbing
9 sign-off does someone come in and do the final sign-
10 off?

11 MARY KELLY: It's a matter of days.

12 CHAIRPERSON WILLIAMS: How long does it
13 generally take you to notify DOB when gas service is
14 shut off or not restored due to safety concerns?

15 MARY KELLY: So, we currently notify DOB
16 immediately. So, our folks who respond to those
17 types of calls have computers in their vehicles. So,
18 as soon as they, you know, made the area safe, when
19 they go out to their vehicle they will input into
20 their, into our computer system and that actually
21 generates a notification to the DOB and back to our
22 offices and we follow up with a phone call to DOB.

23 CHAIRPERSON WILLIAMS: When gas is shut
24 off, how detailed is the explanation?

2 MARY KELLY: It's pretty detailed. We
3 explain, you know, what was turned off specifically
4 and why it was turned off so that DOB and really the
5 customer as well will know why it was turned off and
6 what needs to be done in order for it to be turned
7 back on.

8 CHAIRPERSON WILLIAMS: There's a belief
9 that not all of the complaints that are given to
10 utilities are included in DOB's 301 reporting
11 database. Does the utilities give DOB all of the
12 complaints that come in? Basically it's a question
13 do all of the complaints, gas complaints, that go to
14 the utilities, do they go to DOB automatically?

15 MARY KELLY: So, I'm not sure what's
16 meant by compliant, but I think this gets back a
17 little bit to what was discussed earlier with the A
18 tag versus the B tag issues that Department of
19 Buildings was talking about. Any time that a meter
20 is shut or an internal, substantial part of the
21 internal piping that is covered under an A tag and
22 those are all reported immediately to DOB. It's
23 about 5,000 of those a year from Con-Ed. The B tag
24 is really more an individual appliance. So, if a
25 stove is leaking, we turn off the appliance valve to

1 the stove. We issue a B tag to the building owner so
2 they know what the issue is that needs to be
3 resolved, but those right now we do not report to
4 Department of Buildings. I think really because it
5 does not involve really internal piping, and it's
6 very isolated to an individual appliance typically.

8 CHAIRPERSON WILLIAMS: But wouldn't it
9 make sense if there's at least one place that has all
10 of the complaints that were given about gas?

11 MARY KELLY: If it becomes required we
12 could do those. There's about 15,000 of those B tag
13 type issues every year. So we don't currently do
14 that. We could if it became required. I think the
15 issue is how valuable is that information to, you
16 know, Department of Buildings.

17 CHAIRPERSON WILLIAMS: Did any of those
18 15,000 B tags, any of those buildings where they were
19 in become a bigger issue?

20 MARY KELLY: Typically no, because this is
21 really just involving an individual appliance. So
22 typically, very typically it's the stove and the
23 stove ends up getting either repaired or replaced.

24 CHAIRPERSON WILLIAMS: We're also told
25 that some B tags do require gas to be shut off, but

1 the Administration testified that they never require.
2 So, I'm trying to figure out which is the case.

3 MARY KELLY: Typically, they also
4 require, but we're turning it off, the gas right at
5 an individual appliance. So it does not affect the
6 whole building or it's very isolated.

7 CHAIRPERSON WILLIAMS: Do they ever
8 require full system shut off?

9 MARY KELLY: That would be an A tag,
10 then. It would move up to A tag.

11 CHAIRPERSON WILLIAMS: So if you have a B
12 tag it's not a full system shut off?

13 MARY KELLY: Correct.

14 CHAIRPERSON WILLIAMS: Never?

15 MARY KELLY: I can't think of a case.
16 Can you, Bob? No.

17 ROBERT WILSON: No, I can't think of a
18 case. It would revert to--if that was the
19 requirement, if the individual appliance could not be
20 effectively isolated, then it would revert to an A
21 tag and the system would be shut off.

22 CHAIRPERSON WILLIAMS: Thank you. Con-Ed,
23 have you complied with the NTSB recommendations
24

1 following the East Harlem gas explosion
2 investigation?

3
4 MARY KELLY: Yes, there are--there were
5 four recommendations. Three of them are complete.
6 One is to install additional isolation valves in our
7 system, and we have begun to do that. That's more of
8 a longer term effort. We have put requests into our
9 latest rate case with the Public Service Commission
10 to expand that program.

11 CHAIRPERSON WILLIAMS: And National Grid,
12 have you made any changes to your procedures to
13 reflect NTSB's recommendations to Con-Ed following--

14 ROBERT WILSON: [interposing] Absolutely.
15 We've evaluated the NTSB recommendations, and we are
16 also taking proactive steps based on our
17 infrastructure such as evaluating additional shut off
18 valves, etcetera, and building those into our rate
19 case discussions also.

20 CHAIRPERSON WILLIAMS: Thank you. I have
21 one colleague that signed up for questions, and I'll
22 have some additional ones. Council Member Levine,
23 five minutes for questions.

24 COUNCIL MEMBER LEVINE: Thank you, Mr.
25 Chair. It's great to see both of you. Ms. Kelly, I

1 wonder if you could tell us about Con-Ed's training
2 and certification of the men and women who work on
3 gas lines?
4

5 MARY KELLY: So, we are--actually, it's
6 the same for both of us. We operate under the same
7 requirements. Our folks are required to be what's
8 termed in the industry operator qualified. That's
9 based on the individuals tasks that they performed.
10 There's training associated with that. They have to
11 pass a written test. They need to periodically
12 requalified, typically a three-year requalification
13 in order to be able to keep current in their
14 qualification and perform their work.

15 COUNCIL MEMBER LEVINE: Right.

16 MARY KELLY: They're also required to
17 participate in drug and alcohol testing.

18 COUNCIL MEMBER LEVINE: Well, kudos to
19 you for the kind of training and certification that
20 you're requiring. I think that's very prudent. Do
21 you think that same training and certification should
22 be required of all those working on gas lines in New
23 York City.

24 MARY KELLY: We are in favor of
25 additional training and qualification for those

1
2 working on gas. We, similar to you, believe that
3 when humans are doing things, there's opportunity for
4 mistakes, and well-trained people make fewer
5 mistakes.

6 COUNCIL MEMBER LEVINE: And Mr. Wilson,
7 would you like to add to that?

8 ROBERT WILSON: Yeah, the only thing I'd
9 like to add to that is just a precautionary note is
10 that not necessarily one-size-fits-all solution to
11 the training piece. Our employees are trained and
12 "qualified," and I use that term a little
13 differently. They're operator qualified on the DOT
14 mandated rules for working on and maintaining active
15 gas systems. Those same rules, to show you the one-
16 size-doesn't-fit-all, those same rules do not apply
17 to new construction. So, that same level of training
18 for maintenance and operation of gas distribution or
19 transmission system is a little bit different than
20 new constructions in some cases, downstream of the
21 meter, for example.

22 COUNCIL MEMBER LEVINE: But you do
23 require certification for those working in new
24 construction?

25 ROBERT WILSON: Absolutely.

2 COUNCIL MEMBER LEVINE: Yeah.

3 ROBERT WILSON: For us, it's a universal
4 requirement across the board. Our contractors as well
5 as our internal employees all are operator qualified
6 to perform the task that they're qualified to do.

7 COUNCIL MEMBER LEVINE: Well, kudos to
8 National Grid as well, and if the people who know gas
9 work better than anybody have concluded that
10 certification is warranted for the people who are
11 actually doing this installation, these repairs and
12 maintenance, then it seems to me that the City of New
13 York should adopt a similar standard. Thank you.

14 CHAIRPERSON WILLIAMS: Thank you. And I
15 think Ms. Kelly talked about enhancement investments
16 in safety programs. I'm sure Con-Ed has similar. I
17 think it was approximately 1.3 billion dollars in gas
18 main replacements as well as some other things. Can
19 all the customers assume there's going to be some
20 rate heights associated?

21 MARY KELLY: We have recently filed for
22 rate case with the Public Service Commission, yes.

23 CHAIRPERSON WILLIAMS: And none of these
24 changes were costs that you could absorb yourself?
25

2 MARY KELLY: Not to that extent. Many of
3 them are things that we've been doing. We're looking
4 for acceleration of those, that main replacement
5 program in particular that you talked about. We're
6 looking to replace those pipes faster than we have in
7 the past.

8 CHAIRPERSON WILLIAMS: Similar with Con-
9 Ed?

10 ROBERT WILSON: Very similar with
11 National Grid. We have rate cases that are filed.
12 At this point in time we're looking to accelerate
13 infrastructure enhancements and leak firm [sic] pipe
14 replacement.

15 CHAIRPERSON WILLIAMS: well I appreciate
16 the work and the testimony. I with the Council had
17 more authority to deal with the rate hikes. We
18 obviously don't. I don't know that we would agree
19 with them. I know this year happens to be lower than
20 some of the other years, but it seems to happen quite
21 frequently, quite high, and there's nothing that
22 anyone can do about it, and I know it frustrates
23 customers, and customers believe that we somehow can
24 do something about it. But I understand the changes
25 that are being here. I wish we could just see to make

1
2 sure that the--what you're asking for matches up with
3 actually what you're doing and whether there's some
4 that you could absorb yourself. But other than that,
5 I appreciate the testimony, and I appreciate the work
6 that you're doing and support for the bills that we
7 have.

8 MARY KELLY: Thank you.

9 ROBERT WILSON: Thank you.

10 CHAIRPERSON WILLIAMS: Thank you very
11 much. Terence O'Brien from Plumbing Foundation,
12 Darren Lundin and Leonard Williams, MPC, John DeLillo
13 from the Master Plumbing Council of New York City.
14 And Arthur Goldstein [sp?]. So, I'm going to--first,
15 thank you very much for coming in. We're going to
16 put a timer up, but you can go past it if you need
17 to. Just want to give you a good indication of how
18 long you've already been talking. So we'll put the
19 timer up for three minutes for each of the
20 testimonies. Can you please raise your right hand?
21 DO you affirm to tell the truth, the whole truth and
22 nothing but the truth in your testimony before this
23 committee and to respond honestly to Council Member
24 questions?

25 UNIDENTIFIED: I do.

2 CHAIRPERSON WILLIAMS: So we have Terence
3 O'Brien, and we have Darren Lundin and Leonard
4 Williams, and we have Arthur Goldstein and John
5 DeLillo. Is that correct? You can begin in the
6 order of your preference.

7 TERENCE O'BRIEN: Okay. Good afternoon,
8 Mr. Chairman. Hi, my name is Terence O'Brien. I'm
9 the Deputy Director of the--mic's on. There you go.
10 Closer. Mr. Chairman, thank you. I'm the Deputy
11 Director of the Plumbing Foundation--and
12 distinguished Council Members. The Plumbing
13 Foundation is a nonprofit association of licensed
14 contracting firms, engineering associations,
15 manufacturers, suppliers whose mission is to ensure
16 that public health and safety through the enacting
17 enforcement of safe plumbing codes. In conjunction
18 with that mission, we regularly meet with the
19 legislative and regulatory bodies that pass laws and
20 promulgate rules which effect the plumbing industry.
21 As a nonprofit association whose mission is to
22 protect public safety, we of course are in support of
23 all 10 bills before the Council today. However, our
24 comments will focus mainly on three bills. Before I
25 address the specifics of these three bills, I'd like

1 to give you some background information on plumbing.
2 We've heard a lot of this today, but I think it was
3 kind of all over the place. Only licensed Master
4 Plumbers are authorized to do under the code to
5 install, repair or alter plumbing gas systems. I
6 think, as I said before, there are approximately
7 1,200 plumbing firms who employ thousands, and DOB's
8 estimate is pretty [inaudible], around 9-10,000
9 skilled men and women in New York City. Now,
10 plumbing problems are not theoretical nor an extreme
11 rarity. While explosions are rare, the problem is
12 not. In 2014, according to DOB's records, which is a
13 combination of 311 complaints and complaints directed
14 right to them, the public registered 612 complaints
15 classified as gas hook-up, piping illegal or
16 defective, and DOB confirmed that the safety problem
17 in 29 percent of these complaints by issuing
18 violations. In 2015, based on the same reporting
19 mechanism, there are approximately 1,118 complaints
20 which 25 percent with issuance of violations by DOB.
21 Moreover, as heard by the utilities, thousands if not
22 hundreds of gas complaints are registered directly to
23 them and not part of that database. What causes
24 these problems of gas? Illegal connection by
25

1
2 unlicensed people to avoid paying for gas usage,
3 homeowners, handymen, superintendents, relocating and
4 re-piping with noncompliant materials and
5 connections, installations of illegal flexible gas
6 piping, corrosion of pipes and joints, and normal
7 wear and tear over decades if not approaching
8 centuries of use, and intentional or unintentional
9 damage to joints and pipes by pulling on, hanging on
10 things that aren't [sic] to be associated with that,
11 and lastly, lack of effective enforcement against
12 unlicensed firms performing gas work. Now, the
13 bills. Intro 1088 would require the periodic
14 inspection of buildings with gas piping with the
15 exception of one and two family homes. We think the
16 unlikelihood of problems is minimal. Presently the
17 Building Code requires that periodic inspections are
18 for certain instances, as heard before, boilers,
19 elevators, sprinklers, facades, water tanks and
20 others. As said, incredibly [sic] though, Building
21 Code does not require any inspection of gas piping in
22 buildings after installation. Decades go by. No one
23 checks to see if there are illegal connections, hook-
24 ups, or that pipes and joints are corroded,
25 unlicensed and unsafe alterations were made to these

1 systems or worse. This major safety gap in the New
2 York City Building Code is even more startling when
3 you realize that the PSC, the Public Service
4 Commission, which has jurisdiction of the gas piping
5 inside the building up to the meter, which dictates
6 National Grid and Con-Ed's territory, requires that
7 piping be periodically inspected. Intro 1088 would
8 close the gap by mandating a visual of exposed gas
9 piping and the uses of a detector throughout the
10 piping in the entire building in the exact same
11 manner already prescribed by the PSC for the gas
12 piping inside a building leading up to the gas meter.
13 Currently, the PSC has a requirement and the
14 inspections be conducted once every three years, but
15 in the process of conducting this survey, they
16 determined the period of inspection should be changed
17 to four or five year cycle. The foundation suggest
18 regardless of the three, four or five year cycle that
19 the inspection period of 1088, DOB's jurisdiction,
20 should mirror the inspection period established by
21 the PSC. For practical cost and logistical reasons
22 we think 1088 needs to be amended to coincide with an
23 exact inspection period PSC determined to be
24 satisfactory--the satisfactory amounted [sic] the
25

1 years between inspections. The mechanics of the bill
2 are patented after requirements that already exist
3 for facades, sprinklers, elevators, boilers, backload
4 [sic] devices. DOB maintains a universe of buildings
5 which require the filing of a report. The owner
6 would require the report with the DOB which DOB will
7 then record. If no record is filed, DOB will simply
8 issue a computerized generated violation to the owner
9 for failing to file the report. That is a system DOB
10 currently uses for, I'll say again, elevators,
11 boilers, facades, sprinklers, a simple system not
12 requiring an additional, we think, workload on DOB.
13 WE fully support 1088. We also support Intro 1079
14 which would prohibit someone who has performed gas
15 work on a piping system without a permit to perform
16 self-certification. We think the bill should
17 actually go further. The licensed plumbing industry
18 believes that the issue of gas piping installation is
19 so important that no self-certification should be
20 allowed at all. We welcome return to the previous
21 regulatory scheme where DOB inspectors verify the gas
22 test of the licensee's work. An extra level review
23 is an important safeguard. It is not often that an
24 industry, we think, asks for more inspections, but
25

1
2 gas is such an importance that we welcome additional
3 oversight. I'm glad to hear that DOB is in the
4 process, I think I head this morning Commission
5 Chandler say, to going back to the system. Likewise,
6 we also support Intro 10738 [sic], which will require
7 special training for the individuals that actually
8 work on gas piping. Though [sic] I believe the
9 license firms and their employees already provide
10 skilled work, additional training is not a bad idea.
11 Thank you for the opportunity to speak today.

12 CHAIRPERSON WILLIAMS: Thank you. You
13 can just go down the line. Again, you'll hear the
14 bell. We'll try to keep it as liberal as possible,
15 but you can feel free to sum up soon after you hear
16 the tone.

17 JOHN DELILLO: Okay. Good afternoon. I'm
18 John DeLillo, the Executive Director of the Master
19 Plumber's Council of the City of New York. Our main
20 mission is to promote public safety through the use
21 of prop plumbing practices. Any new proposed
22 legislation no matter how innovative and well-
23 intentioned will not have desired effect without
24 effective enforcement. Master Plumbers Council
25 supports the following proposed bills, Intro 1098,

1 Intro 1090, Intro 1094, Intro 1101, Intro 1102, Intro
2 1100; the Maters Plumbers Council fully supports this
3 proposed bill and recommends that gas alarms be
4 installed in gas meter rooms and other points where
5 there are penetrations through the building's
6 foundation wall to detect gas migration. Intro 1093,
7 Master Plumber Council fully supports this bill with
8 minor changes submitted in our written comments.
9 Intro 1079, the Master Plumbers Council supports this
10 bill if changed to read as follows, all gas rough and
11 gas test inspections shall only be conducted as
12 actual inspection and completed in the presence of
13 New York City DOB inspectors. Plumbing self-
14 certification was set up with the specific spot check
15 requirements. DOB is mandated to conduct spot checks
16 on at least 20 percent of all advanced notice
17 inspection. While that is a considerable number, it
18 still allows for 80 the percent of the jobs to not be
19 inspected by the Department. The mandated 20 percent
20 spot check rate is for all advance notice
21 inspections, not just gas inspections. We do now
22 know what the actual spot check rate is for gas
23 advance notice inspections or what the failure rate
24 is for those that are checked. The gas inspection
25

1 certified at 121 Second Avenue building were self-
2 certified. When actual utility inspections are
3 conducted, the unqualified individual failed the
4 inspections on numerous occasions. Was the gas work
5 in compliance with the code? If the required New York
6 City fuel gas code inspections at the location were
7 actual inspections, could that have made any
8 difference in the outcome? If our recommendations are
9 adopted, public safety could be enhanced in relation
10 to fabrication, assembly, installation, repairs,
11 service, testing, and maintenance of fuel gas piping
12 systems to be utilized at any pressure within
13 buildings. When an actual inspection is conducted,
14 the public is 100 percent guaranteed that every gas
15 system being tested and inspected is in strict
16 compliance with the code. We're willing to give up
17 our self-certification privileges to do these
18 inspections in the interest of enhanced public
19 safety. Intro 1088, the Master Plumbers Council fully
20 supports this bill. New York State will now require
21 the utilities to conduct periodic inspections of all
22 exposed gas piping inside the buildings. Since a
23 Public Service Commission Authority is
24 jurisdictional, the inspections mandated by their
25

1 rules would not cover all the exposed gas piping in
2 the building, only piping through the outlet of the
3 meter. Intro 1088 bridges the gap and will provide
4 100 percent inspection of the exposed piping within
5 the building. Periodic inspections in addition to
6 identifying corroded and leaking gas piping will also
7 enable the DOB to be notified of potentially
8 dangerous substandard conditions such as gas pipe
9 tampering and illegal connections. There has been a
10 spike in reports of illegal gas connection provided
11 by the utilities to the Department of Buildings with
12 an enhanced focus on non-code compliant connections
13 including the illegal use of flexible tubing. There
14 is the possibility that complete periodic inspections
15 could prevent the next Harlem or Second Avenue
16 tragedies from occurring. One of the arguments
17 against this bill was the cost to the homeowners who
18 had to pay for the service. If enacted, Intro 1088
19 will provide the enhanced protection and have the
20 added benefit to have each owner only pay their fair
21 share of these essential services. The reason for
22 that is that the licensed Master Plumber will be able
23 to do the entire inspection within the building and
24 the utilities would not have to petition for a rate
25

1
2 increase to cover the additional expenses to satisfy
3 the state requirements. More importantly, piping
4 beyond the meter will go uninspected producing the
5 overall public safety benefit relative to the
6 complete building piping inspection. The MPC
7 believes enhanced consumer education coupled with
8 preventative maintenance safety inspections would
9 offer the layers of protection necessary to minimize
10 public safety risks associated with improperly
11 maintained gas piping systems and that without this
12 bill we are leaving everyone to chance--everything to
13 chance. We believe that New York City should lead by
14 example and enact this legislation and mirror the
15 requirements of the proposed PSC rule in a holistic
16 fashion to ensure all gas piping within a building
17 remains safe throughout its lifetime. New York City
18 residents deserve nothing less. Lastly, Intro 738.
19 After careful consideration, the MPC has decided to
20 oppose this bill because it may not increase public
21 safety. In fact, this bill could have the opposite
22 effect. This qualification requirement would be very
23 difficult to enforce. The licensed plumber
24 associated with the Second Avenue job lent his
25 license to unqualified persons to do plumbing and

1 fuel gas work. This legislation would not have
2 prevented him from providing fraudulent documents to
3 the DOB. Intro 738 would have had the potential to
4 greatly limit the qualified labor pool available. In
5 order to qualify and obtain the certification, the
6 legislation requires what is now voluntary journeymen
7 certification to be mandatory. It requires
8 apprenticeship participation in the New York State
9 Apprenticeship Program to qualify for future tests,
10 200 hours experience. It requires a written test for
11 the DOB and requires a continuing education
12 component. Today, there are less than 300 registered
13 journeymen in New York City. We are extremely
14 concerned that if the available labor pool to perform
15 this essential work is dictated by legislation, then
16 there could be a shortage of persons deemed qualified
17 to do this work making it more difficult to complete
18 the gas process and unintentionally decrease public
19 safety. If owners cannot get their work done
20 immediately, they may look to circumvent the process.
21 Our processes for working on gas piping is almost as
22 comprehensive as those of the utilities and does not
23 require any further qualifications for working on gas
24 piping. Prior to energizing gas piping, it is
25

1 inspected and tested under New York City Fuel Gas
2 Code. It is further inspected and tested by operator
3 qualified utility personnel prior to re-energizing
4 the gas pipe. To the best of our knowledge, when the
5 established procedures were followed by the DOB,
6 utilities and licensed plumbers there have been no
7 significant incidents reported in the past four
8 decades. The MPC agrees that the installer should be
9 qualified. The good news is the installer's utilized
10 by New York City licensed Master Plumbing firms are
11 already properly qualified to fabricate, assemble,
12 install, repair service, test or maintain fuel gas
13 piping systems. Thank you.

14
15 CHAIRPERSON WILLIAMS: Thank you. For
16 the next panel, we might have to have less liberal
17 rules, though, but thank you.

18 JOHN DELILLO: Thank you very much.

19 CHAIRPERSON WILLIAMS: I'm going to--I
20 have to step out for a moment, and Council Member
21 Levine is going to take over the Chair duties.

22 COUNCIL MEMBER LEVINE: Okay, I'll try not
23 to abuse the power that's been bestowed on me for a
24 brief period here. Mr. DeLillo, I just want to
25 understand, so you oppose requiring certification for

1
2 journeymen plumbers to work on gas lines, is that
3 correct? You oppose Intro 738?

4 JOHN DELILLO: Yes, that's correct.

5 COUNCIL MEMBER LEVINE: Okay. I was
6 somewhat confused by your explanation. So you're
7 comfortable with people without certification working
8 on gas lines?

9 JOHN DELILLO: Yes.

10 COUNCIL MEMBER LEVINE: Council Member--

11 JOHN DELILLO: De-energized [sic].

12 DARREN LUNDIN: You have to understand
13 that when our men work on gas piping--

14 UNIDENTIFIED: State your name.

15 DARREN LUNDIN: Sorry. Darren Lundin,
16 President of Master Plumbers Council. When our men
17 work on gas piping its de-energized gas lines.
18 There's no gas in the piping. At no time do we work
19 on live gas lines, and we have to test those lines
20 thoroughly before any gas is reintroduced to those
21 lines.

22 COUNCIL MEMBER LEVINE: And who does the
23 testing?

24
25

2 DARREN LUNDIN: Myself when I'm there, my
3 employees and the utilities, and the DOB inspector
4 watches those inspections in many cases.

5 COUNCIL MEMBER LEVINE: And in all cases
6 is the person doing the testing a Master Plumber?

7 DARREN LUNDIN: Yes, at all times there's
8 a Master Plumber there when the test is being done.

9 COUNCIL MEMBER LEVINE: So, the Master
10 Plumber must be present for the energy--for when the
11 pipes are energized, is that correct?

12 LEONARD WILLIAMS: Clarify--Leonard
13 Williams, Board Member of the Master Plumbers
14 Council. If it's a self-certification gas test, a
15 licensed plumber has to be at the site for the test.
16 If it is a DOB inspection, DOB gas test, it doesn't
17 have to be the licensed plumber there, but then the
18 DOB inspector must be there. So, it's either--always
19 one or the other or both, never without one or the
20 other.

21 COUNCIL MEMBER LEVINE: Great. Well, I'm
22 looking forward to hearing from--I think our next
23 panel is some actual plumbers on the panel. It seems
24 to me that it's much easier to simply not make a
25 mistake while you're doing the work, than hope that

1
2 you find it after the fact. Because then when the
3 consequences could be deadly. It seems like the best
4 system would be to have qualified people doing the
5 work in the beginning so you don't just hope that
6 whoever comes in to look at it afterwards catches a
7 mistake.

8 DARREN LUNDIN: Councilman Levine, if I
9 may speak one more time. As we stated earlier the
10 Public Service Commission has stated that they have
11 found that there has been no incidences caused by the
12 hands of a licensed plumber or its employees in over
13 four decades. Yes, there was incidences on Second
14 Avenue, but it wasn't technically done by a plumber.
15 It was done by some unscrupulous individual after the
16 plumbing inspections were done.

17 COUNCIL MEMBER LEVINE: Understood. I
18 think that my colleague Council Member Crowley has a
19 question.

20 COUNCIL MEMBER CROWLEY: Thank you. So,
21 how frequently is the Master Plumber or the licensee
22 on sites when you're installing the pipes?

23 DARREN LUNDIN: Frequently.

24 COUNCIL MEMBER CROWLEY: How many of--how
25 many Master Plumber does the average business have?

2 DARREN LUNDIN: I can't speak for all
3 businesses. I can speak for myself. I have three in
4 my--

5 COUNCIL MEMBER CROWLEY: [interposing]
6 Does any--do any of your businesses have more than
7 one license?

8 LEONARD WILLIAMS: I have four in mine.

9 COUNCIL MEMBER CROWLEY: You have four
10 licensed plumbers--

11 LEONARD WILLIAMS: [interposing] Four
12 licensed plumbers--

13 COUNCIL MEMBER CROWLEY: [interposing]
14 working--

15 LEONARD WILLIAMS: Four licensed plumbers
16 in my--

17 COUNCIL MEMBER CROWLEY: And how many
18 employees do you have?

19 LEONARD WILLIAMS: Seven field employees.
20 Seven journeymen plumbers.

21 COUNCIL MEMBER CROWLEY: So you have one
22 on almost every job site?

23 LEONARD WILLIAMS: No, no, but there is--
24 there is direct and continuing supervision of all
25 seven of our field employees by one of the four

1 licensed plumbers in the company. We visit the job
2 sites on a regular basis, and again, when the testing
3 is done--we never work on live gas piping. We only
4 work when that piping is being installed and
5 preparation for the gas company to turn it on after
6 the DOB inspections have been done.

8 COUNCIL MEMBER CROWLEY: But you're the
9 only Master Plumber.

10 LEONARD WILLIAMS: No, there are three
11 others in my business.

12 COUNCIL MEMBER CROWLEY: So who is--whose
13 license is the business under?

14 LEONARD WILLIAMS: Excuse me?

15 COUNCIL MEMBER CROWLEY: Whose license is
16 the business under?

17 LEONARD WILLIAMS: Well, for all four of
18 the licensees.

19 COUNCIL MEMBER CROWLEY: So, are they co-
20 owners? Like, who's going to be liable--

21 LEONARD WILLIAMS: [interposing] Yes,
22 yes.

23 COUNCIL MEMBER CROWLEY: if under certain
24 license?

2 LEONARD WILLIAMS: They're all four--all
3 four are co-owners.

4 COUNCIL MEMBER CROWLEY: Okay.

5 LEONARD WILLIAMS: All partners in
6 business.

7 COUNCIL MEMBER CROWLEY: So how
8 frequently do you have that type of ratio where you
9 have four licensed Master Plumbers and only seven
10 journeymen?

11 LEONARD WILLIAMS: I can't answer how
12 frequently--

13 COUNCIL MEMBER CROWLEY: [interposing] Can
14 somebody answer that question who heads their
15 association? Why--an idea of what the membership
16 looks like.

17 TERENCE O'BRIEN: If I may, and I can
18 speak a little more eloquently on this matter. Take
19 a step back for a second. In terms of how a plumbing
20 company is operated, a plumber, licensed Master
21 Plumber, has to--or a combination of two or three, or
22 in Mr. William's case there are four--have to own
23 majority share of that company. They can employ in
24 his case seven, or a plumber can have 100 or so

1 employees, but the strict liability falls directly on
2 the licensee who controls majority of that firm.

3
4 COUNCIL MEMBER CROWLEY: But with one
5 company that we're hearing about there's four
6 licensees. So, are--they each have a quarter and
7 nobody has a majority?

8 TERENCE O'BRIEN: That's a business
9 structure. I can't speak to that, but--

10 COUNCIL MEMBER CROWLEY: [interposing] But
11 it's not common.

12 TERENCE O'BRIEN: It's heard of. I can't
13 speak to 1,200 firms.

14 COUNCIL MEMBER CROWLEY: But you have
15 situations where you have one Master Plumber with 100
16 journeymen who don't have the specific licenses.

17 TERENCE O'BRIEN: That's a possibility.

18 COUNCIL MEMBER CROWLEY: But it's more
19 likely than not I would imagine.

20 LEONARD WILLIAMS: I don't know if it's
21 more likely or not, I couldn't tell you that.

22 COUNCIL MEMBER CROWLEY: Right. Now, why
23 would the organization oppose the additional hours of
24 training that is in 738 in that requirement?

1
2 DARREN LUNDIN: It just puts added
3 burdens on our membership, and we feel that there
4 would be a lot of guys that may not be able to get
5 the--or have the qualifications to have his men do--
6 go through the training and have the 200 hours
7 experience needed and so forth, and it could create
8 problems where there'll be less plumbers out there
9 who can work on gas, which could possibly--

10 COUNCIL MEMBER CROWLEY: But you could
11 possibly do a structure, put a structure in place
12 with the Administration to achieve these goals over a
13 certain amount of time. This way we could make sure
14 that the piping installation is done as safely as
15 possible. Would you be open to that?

16 LEONARD WILLIAMS: You mean, to stage
17 this or to--

18 COUNCIL MEMBER CROWLEY: [interposing]
19 Yeah, so that when we--if we vote on this this month
20 and then, you know, we negotiate something that in
21 time, in a short amount of time that you could, your
22 company can get up to a place where that you could
23 get your employees the training that they need so
24 that they can get the certification.

2 LEONARD WILLIAMS: Well, the training
3 that they need, we believe they're already trained.
4 So there's a disagreement there.

5 COUNCIL MEMBER CROWLEY: So, they already
6 have it.

7 LEONARD WILLIAMS: Right. We already
8 have the training. They're already --

9 COUNCIL MEMBER CROWLEY: [interposing] Why
10 would you oppose it?

11 LEONARD WILLIAMS: qualified. Otherwise,
12 license plumbers would--responsible licensed plumbers
13 would not be allowing them to be installing gas
14 piping, and the work is being checked by the licensed
15 plumber every time in any event. We just believe
16 that this is an unnecessary added burden to a
17 business, to small businesses and to the employees
18 too who will have to go and take a written test and
19 then every three years go for recertification and for
20 a purpose that doesn't accomplish anything.

21 COUNCIL MEMBER CROWLEY: How often--

22 LEONARD WILLIAMS: [interposing] None of
23 these explosions were because of unqualified
24 licensed--unqualified plumbers under the directed
25 supervision of licensed plumbers. These explosions

1
2 were taken place because of other reasons, not
3 because of the employees of licensed plumbers.

4 COUNCIL MEMBER CROWLEY: And does your
5 industry have an idea of how frequently plumbing work
6 is getting done in this city without licensed
7 plumbers overseeing those jobs?

8 LEONARD WILLIAMS: Probably quite
9 frequently.

10 COUNCIL MEMBER CROWLEY: More often than
11 not?

12 LEONARD WILLIAMS: I don't know about
13 more often than not, but probably quite frequently.

14 TERENCE O'BRIEN: That's--

15 LEONARD WILLIAMS: [interposing] But this
16 bill wouldn't address that. It wouldn't correct
17 that.

18 TERENCE O'BRIEN: If I may, one last
19 comment on that. In light of what happened last
20 March on the Second Avenue, DOB in conjunction with
21 DOI and the utility--and with utility as well,
22 started doing surveys, and to that point I haven't
23 seen anything public that DOI or DOB has issued to
24 get the severity of how much of unlicensed activity
25 is out there. I can pretty much speak for everyone

1
2 on here, these two associations, that it's a huge
3 problem.

4 COUNCIL MEMBER CROWLEY: Right.

5 TERENCE O'BRIEN: And the influx of the
6 work in New York City in the last couple of years,
7 the permits don't accidentally [sic] mirror the
8 amount of reflection like five years ago; pretty much
9 flat. So, one doesn't mirror the other. So, there's
10 definitely a gap in there.

11 COUNCIL MEMBER CROWLEY: The impression I
12 have is that you have a handle on the industry in the
13 sense that your plumbers doing the jobs have the
14 training already. So, you're speaking at an
15 advantage point, and for someone like me who
16 represents many constituents who probably don't
17 realize just how dangerous it is when they hire a
18 plumber. That plumber may not have a master's
19 license. They're putting their family and their
20 neighbor's lives at risk. More attention needs to be
21 given to this practice that's happening each and
22 every day.

23 LEONARD WILLIAMS: But that practice is
24 patently illegal. It's illegal for them to hire
25

1
2 someone who's not licensed to do plumbing of any kind
3 whether it's gas piping, water piping or--

4 COUNCIL MEMBER CROWLEY: [interposing]
5 Right, but the fact is that is happening. It's
6 happening.

7 LEONARD WILLIAMS: But again--

8 COUNCIL MEMBER CROWLEY: [interposing]
9 And worse than that there are Master Plumbers unlike
10 yourself that have a workforce that is not trained
11 and they're not on job sites because they're often
12 out looking to get more work, and they're not
13 overseeing these installations, and that's the
14 dangerous--that's the danger that we're really
15 highlighting today. Thank you.

16 COUNCIL MEMBER LEVINE: Thank you,
17 Council Member Crowley. Thank you panel.

18 LEONARD WILLIAMS: Thank you.

19 UNIDENTIFIED: Thank you.

20 COUNCIL MEMBER LEVINE: Our next panel
21 will be Ray Rondino from Plumbers Local One, John
22 Murphy also from Local One, and Arthur Klock from
23 Plumbers Local One Trade Education, and the final
24 member of this panel will be Dorothy Harris from the
25

1 International Code Council. Mr. Rondino, would you
2 like to kick us off?
3

4 UNIDENTIFIED: [off mic]

5 COUNCIL MEMBER LEVINE: Mr. Murphy, would
6 you like to kick us off?

7 UNIDENTIFIED: Mr. Klock--

8 COUNCIL MEMBER LEVINE: [interposing]
9 Sorry, Mr. Klock.

10 UNIDENTIFIED: Director of Training.

11 COUNCIL MEMBER LEVINE: I knew that.
12 Thank you, Mr. Murphy, you're first. Oh, no, Mr.
13 Clock will be first. I'm making a mess of this.
14 This is why we let Jumaane chair instead of me.

15 ARTHUR KLOCK: Good afternoon, Acting
16 Chairman and members of the Committee on Housing and
17 Buildings. My name is Arthur Klock. I am Director
18 of Trade Education for Plumbers Local One Trade
19 Education Fund [sic]. I thank you for this
20 opportunity to testify in support of Intro 738. In
21 2008, the City Council legislated a new set of
22 buildings codes including a gas code based on the
23 International Code Council's I codes. This brought
24 New York City in line with the rest of the United
25 States with a safer more consistent set of codes.

1 The purpose was to promote public safety. 2008
2 brought another nationally accepted concept to New
3 York City, journeymen registration. Since 2008, the
4 Department of Buildings has had a system of
5 registration for journey-level workers. Registration
6 of the journey-level gas installer is required in
7 various forms in every state in the United States. It
8 is sometimes statewide, countywide or municipal, but
9 in every state including New York State, journey-
10 level gas installers can be found. Registration can
11 be found. As an example, say a home or business on
12 Edenwald [sp?] Avenue in the Bronx needed gas repairs
13 done, and another home or business on Edenwald two
14 blocks away in Mount Vernon needed similar work. The
15 journey-level gas worker in Mount Vernon who is
16 dispatched by a Master Plumber must be registered
17 journeymen while amazingly the worker in the Bronx
18 dispatched by a Master Plumber need have no training,
19 qualifications or experience of any kind. Contrary
20 to previous testimony where the gentleman said, "Oh,
21 I think my workers are qualified." There's no
22 documentation of any training and there really is no
23 training. Truth must be told, and the truth is that
24 employers almost never install service or maintain
25

1 gas piping and appliances, their employees do. When
2 the City Council brought in the new set of building
3 codes, something old and something wrong slipped
4 through. The new laws created a registration system
5 for journey workers who work on gas piping, but no
6 requirement that they register. The amazing true
7 fact is that currently in our city any person may
8 install service or repair fuel gas systems without
9 training, experience or qualification of any kind.
10 They only have to be employed by a Master Plumber who
11 does not have to be present while they perform the
12 work. Does that sound like continuing and direct
13 supervision to anybody in this room? This is
14 dangerous and wrong. Filling out an IRS form W4 does
15 not prepare someone to properly perform work that is
16 outlined in a 130 page gas code book. Intro 738 has
17 the full support of the Plumbing Foundation. The
18 Director Stewart O'Brien stated in their position on
19 738 was, "It is rare that you hear of an industry
20 saying regulate us more," but we think it is so
21 important that it is worth doing it. I urge the
22 Council to pass 738 as it's written. It's time to
23 sew up this hole in our city's safety net.
24

2 COUNCIL MEMBER LEVINE: Thank you, Mr.
3 Klock, right on time. Are you up next, Mr. Rondino?

4 RAYMOND RONDINO: Good morning, Co-chair
5 Levine and members of the Committee on Housing and
6 Buildings. My name is Ray Rondino and I am a
7 business agent and the Political Director of Plumbers
8 Local One. I am here today to testify in support of
9 Intro 738, and I thank you for this opportunity to
10 address the committee. Journeymen registration is an
11 existing system put in play by this Council almost a
12 decade ago in an effort to improve public safety.
13 Today, only about 300 are on the list of registered
14 journeymen at the Department of Buildings, but we
15 know that there are many thousands who currently
16 qualified and meet all requirements to register if
17 they had the incentive to do so. Gas work cannot
18 continue to be left to the untrained and
19 inexperienced and at the discretion of a contractor.
20 Adding this gas qualification to the current system
21 will be the incentive for qualified people to
22 register. The implementation of 738--if the
23 implementation of 738 is delayed by 18 to 24 months,
24 there will be no problem for the thousands of
25 qualified people in our city to register under the

1 system already in place at DOB. Registration, unlike
2 licensing, does not require a criminal background
3 check, which would discriminate against individuals
4 with minor criminal infractions in their background.
5 As for gas code testing, this is done nationwide for
6 government agencies by the International Code
7 Council. The ICC Journeymen Gas Exam is an open
8 book, online test done at secure testing centers and
9 easily accessible to anyone. There would be no
10 responsibility or cost to the DOB for this test.
11 It's a simple add-on to the journeymen registration
12 that DOB already does. At a recent forum, Intro 738
13 received the support of David Jimoc [sp?] of Con-
14 Edison and the Association of Contracting Plumbers
15 representing 70 of the largest licensed plumbing
16 firms in New York City. I urge the Council to
17 reinforce our existing registration system to improve
18 gas safety for the people of our city. Pass 738 as
19 written. I thank you for allowing me to testify.

20
21 COUNCIL MEMBER LEVINE: Thank you, Mr.
22 Rondino. And Mr. Murphy?

23 JOHN MURPHY: Good afternoon, Co-chair
24 Levine. I would like to thank Chairman Williams and
25 the members of the Committee for the opportunity to

1 address you today. My name is John J. Murphy and I'm
2 the Business Manager of UA Plumbers Local One
3 representing almost 6,000 members in New York City
4 and myself, a fourth generation plumber here in the
5 City of New York. This year our union will be
6 celebrating over 160 years of working, serving and
7 protecting the health and safety of this city. Our
8 Training Department spends over three million dollars
9 a year on training alone, all funded by our
10 membership. I appear today to urge you to support
11 Intro 738, which requires any registered journeymen
12 plumber working on gas piping to be certified by the
13 City of New York to attest to their knowledge of the
14 Fuel Gas Code. You'll find little to no opposition
15 from the hundreds of union contractors that employ
16 thousands of plumbers in the City simply because
17 their workforce already has the training. Any
18 opposition to this sensible bill that serves to
19 protect our citizens should raise a red flag in your
20 mind. A small group of nonaffiliated licensed Master
21 Plumber have been urged to oppose the bill, stating
22 that since the owner is the licensed Master Plumber,
23 then all of their employees are automatically
24 qualified to install gas piping. As written in
25

1 today's New York Times serious concerns have come to
2 light following the East Village gas explosion last
3 year that killed two people after the City had taken
4 the word of a licensed Master Plumber stating that
5 the connection was code compliant. As Mr. Klock
6 explained the license holder rarely, if ever,
7 performs the work, and their employees are rarely, if
8 ever, under the direct and continuing supervision of
9 the licensed Master Plumber. This bill is not
10 discriminatory towards any nonunion sector. Any
11 journeymen plumbers that are truly qualified will
12 have no trouble becoming a registered journeymen and
13 a qualified gas installer. This bill only impacts a
14 plumbing company who will no longer be able to hire
15 anyone off of the street without certifying that they
16 have knowledge of the Fuel Gas Code. You know, I
17 took this description off the New York State
18 Licensing website: "Treatments involve actions that
19 can be dangerous if not performed by properly trained
20 and licensed personnel." That's a nail salon
21 technician. You walk into any barber shop in the
22 City, anybody that's cutting your hair, they have to
23 be licensed. Would you be comfortable having surgery
24 with the knowledge that the surgeon need not be
25

2 licensed, only the Chief of Surgery. The very notion
3 that plumbers working on fuel gas need not be
4 certified is a serious and looming threat to the
5 people of this city. I urge you to vote yes in favor
6 of this bill and mandate a gas certification for
7 qualified and registered journeymen plumbers. I
8 thank you very much for your time.

9 COUNCIL MEMBER LEVINE: Thank you. Mr.
10 Harris--Murphy, and now Mrs. Harris.

11 DOROTHY HARRIS: Thank you. Good
12 afternoon, Chairmen, members and staff of the City
13 Council Committee on Housing and Buildings. My name
14 is Dotty Harris. I'm the Vice President of State and
15 Local Government Relations and your liaison to the
16 International Code Council, and I'm here, of course,
17 testifying in support of Intro 738. The
18 International Code Council is a member-focused
19 association dedicated to helping the building safety
20 community and the construction industry, provide safe
21 and sustainable construction through the development
22 of codes and standards. The International Codes are
23 currently adopted at the state or local level in all
24 50 states, D.C., Guam, Puerto Rico, and the US Virgin
25 Island, Northern Mariana Islands, and even Abu Dhabi

1 most recently. As you're aware, the New York City
2 Construction Codes are based on the international
3 building, plumbing, mechanical, fuel, gas, fire, and
4 energy conservation. The ICC also provides services,
5 products and services to supplement the code. One of
6 such service is personnel certification. We offer
7 over 50 different types of certifications and have
8 over 45 years of experience in testing in those
9 construction trades. It is the oldest, largest and
10 most prestigious credentialing program for
11 construction, code Administration, but also
12 enforcement and inspection professionals in the
13 United States. We're prepared, if Intro 738 passes,
14 to create an exam based on the current New York City
15 Construction Codes more specifically as it relates to
16 gas installation for journeymen plumbers at no cost
17 to the City. The exam would be given online at a
18 computer-based testing center that are located in
19 numerous locations in the City already. My only
20 recommendation is to possibly delay the effective
21 date so that the Department of Buildings has the
22 adequate time to implement the requirements in the
23 above mentioned local law. Lastly, I would like to
24 take a moment to praise the industry. Rarely do you
25

1 see the regulated community ask for additional
2 regulation. In this case, it's the gas installers
3 asking for additional requirements to raise the bar
4 and increase proficiency for their trade. This would
5 benefit the industry as well as the City's residents
6 and its visitors. Thank you for the opportunity to
7 submit testimony regarding the certification of gas
8 installers, and of course, happy to answer any
9 questions or provide further documentation.
10

11 COUNCIL MEMBER LEVINE: Thank you, Mrs.
12 Harris. Can any of you tell us what other
13 jurisdictions, cities, counties, or other places
14 currently require certification for gas work?

15 DOROTHY HARRIS: Yes. I actually tried
16 to look, and I can tell you--I'll just make a note.
17 There are probably a lot more jurisdictions out there
18 that don't necessarily notify us. They might just
19 have self-imposed regulations to say we would like
20 you to take these CAND [sic] exams. What we would
21 propose to you would be--since you do modify the
22 codes, especially fuel, gas, plumbing, etcetera, that
23 it would be specific so we would know about it. So,
24 the ones I can tell you that we know about, there's
25 nationwide it's at least 13 states, several

2 jurisdictions within those states. Some of the
3 biggies that I just looked up for you, Denver, New
4 Orleans, Kansas City, St. Louis, Minneapolis, and
5 D.C. In New York we have Westchester, Putnum [sp?],
6 Norwich, Poughkeepsie. Several jurisdictions in the
7 western part of the state are working on this right
8 now, because for example, Pennsylvania, Erie,
9 Pennsylvania, so that area too. So, there's--I mean,
10 it's throughout Pennsylvania, Nebraska, Missouri,
11 Minnesota, Mississippi, Louisiana, Kansas, Colorado,
12 Iowa; it goes on.

13 COUNCIL MEMBER LEVINE: Well, if it's good
14 enough for Westchester, it should be good enough for
15 New York City. That's what I always say. Can any of
16 you address the assertion that Mr. DeLillo said that
17 the work may be done by uncertified journeymen, but
18 nothing is energized, I think was the word, until the
19 Master is present. Is that actually case, and if so,
20 what are the implications of that?

21 ARTHUR KLOCK: Well, I think that
22 basically that's untrue, because there are many cases
23 where a plumber comes in to do work of a repair
24 nature or an alteration nature, and so they would
25 enter the building space. They would be the ones who

1
2 are turning off the valves. The gas would be on in
3 the building. There would be active gas lines in the
4 building, and alterations or repairs would certainly
5 be done while the lines were energized, just the
6 particular, naturally it would de-energize the piece
7 that you were going to make the repair or the
8 alteration to, but the rest of the system is active
9 the whole time. So you have active gas flow in the
10 building, and any, you know, anybody would understand
11 this. It's there. It's present in the building.
12 So, his statement is not true.

13 COUNCIL MEMBER LEVINE: Very helpful.
14 Several speakers today including the Building
15 Commissioner made the case that there simply will be
16 too few people who can qualify for this. Could one
17 of you explain what would be required to be a
18 licensed journeymen and a sense of how many people
19 out there today would meet those requirements or
20 could in the near future?

21 ARTHUR KLOCK: An important distinction
22 is that there's no license being discussed. This is
23 a registration process.

24 COUNCIL MEMBER LEVINE: Thank you.
25

1
2 ARTHUR KLCOK: And the registration
3 process already exists. It's just that when the
4 registration process was brought in, it wasn't
5 required that people register. So, in fact, we have
6 a process, but there's no requirement to do it, so
7 there's no incentive to do it. Registration is
8 simply a test of experience. Somebody would either
9 have to have five years of experience or one year of
10 experience and apprenticeship graduation, one or the
11 other. And then as far as adding the gas
12 qualification, 200 hours specifically of the
13 experience would have to be gas-related. It could
14 have been during that five years or one-year period,
15 and the individual would have to take a test which
16 would be International Code Council or other as
17 approved by the Commissioner. The International Code
18 Council test which the test would be modeled on is
19 basically a 50 question test. It's open book,
20 meaning you can have the code book on your lap while
21 you take the test. You get two hours. So it's 50
22 questions, two hours, code book on your lap. This is
23 not something that is an insurmountable obstacle to
24 anybody who claims to be a professional in this

1 industry. It's really just basic knowledge, basic
2 code knowledge.
3

4 COUNCIL MEMBER LEVINE: Thank you very
5 much, Mr. Klock. I want to acknowledge we've been
6 joined by our Council Member from Queens, Council
7 Member Miller, and I believe that Council Member
8 Crowley has a question.

9 COUNCIL MEMBER CROWLEY: Thank you,
10 Council Member Levine. Good afternoon. I thank you
11 for being here today and testifying. International
12 Code Council, we as a city usually follow your
13 recommendation for codes.

14 DOROTHY HARRIS: Correct.

15 COUNCIL MEMBER CROWLEY: Ninety-nine
16 percent of the time. It's interesting that for some
17 reason our Administration doesn't follow you in terms
18 of this code.

19 DOROTHY HARRIS: It does for the building,
20 you know, for all the codes themselves. This is--we
21 were talking about the certification. So, there
22 isn't a certification. Although, I will say there is
23 for special inspections that does exist now. So,
24 they do use our international accreditation service
25 for special inspection entities. So, this would

1 really just be one more exam that we could do for the
2 city.

3
4 COUNCIL MEMBER CROWLEY: Which would be
5 part of amending the plumbing code.

6 DOROTHY HARRIS: Uh-hm.

7 COUNCIL MEMBER CROWLEY: So, while all of
8 the jurisdictions are doing it, we're still--we're
9 still not doing it. That boggles me because we are
10 the most vertical and dense city in the country, yet
11 we're not following those types of codes. I asked
12 earlier, there was plumbing--maybe the plumber
13 representing the Plumbers Unions would be able to
14 answer this question. Earlier I asked the
15 Association what is the ratio generally to Master
16 Plumber to plumbers that are working in the field and
17 whether--really, what I was trying to get at is
18 whether that Master Plumber is there overseeing the
19 pipes as they're getting installed and making sure
20 they're done effectively and safely.

21 JOHN MURPHY: Council Member Crowley,
22 first just to clarify, they were representatives that
23 spoke from the Master Plumbers Council. We deal with
24 the Association of Contracting Plumbers, different
25 association altogether. That's a very good question.

1
2 One of the previous speakers mentioned that there
3 were four licensed plumbers on staff for seven
4 journeymen. That's almost a model that we would
5 aspire to, but the reality is we have several license
6 holders that have over 200 plumbers on staff. You
7 cannot possibly be under the direct and continuous
8 supervision of that license holder. Impossible.
9 Does not happen. We have several others that are
10 over 100 employees on the job. Can't happen. So the
11 ratio is much greater than some of the previous
12 speakers because of the diversity in our city.

13 COUNCIL MEMBER CROWLEY: I would think
14 it's more often like that than it's not.

15 JOHN MURPHY: Yes.

16 COUNCIL MEMBER CROWLEY: And that they're
17 probably looking to get more work and not really on
18 these job sites, which is all the more reason to pass
19 378. And then just lastly, if the Administration
20 said they needed more time, I think someone might
21 have spoke to this earlier, could this be done in a
22 reasonable amount of time because they're saying
23 there are so few journeymen that could be qualified
24 tomorrow? And how can we as a city move to get to
25 that point? What amount--

2 RAYMOND RONDINO: [interposing] We would
3 be willing to discuss with the Administration how
4 long they thought it would take form them to come up
5 to speed. The licensed plumbing Master Plumber said
6 all of their guys are qualified, so whatever time
7 they need we can come to a reasonable agreement, and
8 we could register everybody who is qualified in New
9 York City.

10 JOHN MURPHY: And if I might add, as Mr.
11 Klock mentioned earlier that because it wasn't
12 mandatory, the plumbers weren't' incentivized to go
13 out and do it. We can in short order have three to
14 4,000 registered journeymen with qualified gas
15 installer certificates, three to 4,000 in short
16 order.

17 COUNCIL MEMBER CROWLEY: And that means
18 that they just have to have at least 200 hours
19 working under a Master Plumber or somebody who has
20 the license and working specifically with the gas
21 pipes?

22 RAYMOND RONDINO: in addition to being a
23 registered--

24 JOHN MURPHY: [interposing] Registered
25 journeymen.

2 COUNCIL MEMBER CROWLEY: Right, right,
3 right.

4 RAYMOND RONDINO: And I would just like
5 to add to the Council that our members would have to
6 register as well. So this is nondiscriminatory. We
7 would be required to get the same certification as
8 any other employee doing plumbing in the City of New
9 York.

10 COUNCIL MEMBER CROWLEY: Right, and 200
11 hours, that could be done in just a few weeks, if
12 they work specifically in just that trait?

13 RAYMOND RONDINO: That could have been
14 done in their registration time.

15 COUNCIL MEMBER CROWLEY: Right, okay.

16 ARTHUR KLOCK: It would overlap with
17 their registration time. In most cases they already
18 have that experience.

19 COUNCIL MEMBER CROWLEY: Okay, good to
20 know. Thank you. No further questions.

21 CHAIRPERSON WILLIAMS: Council Member
22 Miller?

23 COUNCIL MEMBER MILLER: Thank you, Mr.
24 Chair, and thank you gentleman for this insightful
25 information. You can get down to the nitty gritty of

1 this stuff here. So, I do want to follow up on what
2 Council Member Crowley was saying in terms of supply
3 and demand, and there seems to be a question about
4 whether or not we could safely and efficiently
5 service the people of New York City, and whether or
6 not Intro 738 will prohibit that from happening, and
7 whether or not we are willing to forgo this important
8 legislation for that. So, my question is about the
9 number of licensed registered journeymen plumbers
10 that would be required to fulfil the amount of work
11 that's projected. I didn't hear that number.
12 Forgive me, I--

14 ARTHUR KLOCK: [interposing] I heard a
15 number of 10,000 which is not from me. I'm repeating
16 the number that there are 10,000, an estimate of
17 10,000 existing journeymen in the City. The number
18 that wasn't put in front of you, and there was some
19 reference made to it, is that you--gas work is
20 probably about 10 percent of plumbing work. So if
21 you have 10,000 people doing plumbing work and you're
22 worried about gas work, what are you talking about, a
23 thousand people? You know, you have to put it in
24 perspective. So, and the reality is that in our
25 organization alone we are quite confident that we can

1
2 in short order register 4,000 people, and there's
3 nothing stopping anybody else from registering as
4 long as they're given enough time to do so. So, I
5 really think that the objection doesn't hold any
6 water. There's not going to be a crisis where you
7 don't have a workforce. The workforce is there.

8 COUNCIL MEMBER MILLER: How many folks do
9 you currently have that you currently represent that
10 are registered or could potentially under their
11 current qualifications register?

12 RAYMOND RONDINO: Yeah, three to 4,000,
13 easily.

14 ARTHUR KLOCK: Easily 4,000.

15 COUNCIL MEMBER MILLER: And in terms of
16 the verification of those qualified hours, how does
17 that happen, the 200 hours?

18 ARTHUR KLOCK: Under the existing system,
19 verification of hours is done by an affidavit which a
20 Master Plumber would have to submit to back up the
21 claim of the journeymen, right? So, it's verified by
22 the Master Plumber. He submits an affidavit
23 verifying the hours, and that's matched up to Social
24 Security reports.

2 COUNCIL MEMBER MILLER: Okay, and does
3 any of this training come during the apprenticeship
4 portion [sic]?

5 ARTHUR KLOCK: Yes, the apprenticeship
6 training includes training for gas code. There's an
7 extensive section of the apprenticeship training
8 which is on gas code. It's required by the state of
9 New York. There's also experience. Working on gas
10 is required by the state of New York during an
11 apprenticeship. So, an apprenticeship graduate would
12 have a more expedited move because it's all been--

13 COUNCIL MEMBER MILLER: [interposing] And
14 it's more likely they already qualified beyond--

15 ARTHUR KLOCK: [interposing] Well, it's
16 already been taken care of. But realistically, any
17 journeymen working in the field should have been
18 doing some gas work, and should have some code
19 knowledge, and the idea that they would be somehow
20 unable to meet this standard. This is really not a
21 really high bar. It's a middle of the road bar.
22 It's not a high bar. I don't understand why anybody
23 would think that a working journeymen couldn't meet
24 these qualifications.

2 COUNCIL MEMBER MILLER: And for anybody
3 on the panel, in your opinion, what would be the
4 obstacles from preventing us from implementing this
5 and really getting it on the road in the next--

6 RAYMOND RONDINO: [interposing] None.

7 COUNCIL MEMBER MILLER: year.

8 RAYMOND RONDINO: There should be no
9 obstacles.

10 ARTHUR KLOCK: Maybe time. It's been
11 brought up by several different people that time may
12 be the obstacle. So, as Mr. Rondino said, if the
13 Administration felt that they needed to have a
14 cushion, a time cushion to give people time to do the
15 paperwork, that's reasonable.

16 COUNCIL MEMBER MILLER: Thank you so
17 much.

18 CHAIRPERSON WILLIAMS: Thank you very
19 much, and thank you for your testimony. I just want
20 to make clear, when--and I'm sure this was discussed,
21 so I apologize, but I know that DOB was in favor if
22 it wasn't a journeymen. Is that basically saying in
23 favor the union versus nonunion?

24 ARTHUR KLOCK: No, the term journeymen is
25 generically used in the industry--

1
2 RAYMOND RONDINO: [interposing] The
3 trade.

4 ARTHUR KLOCK: to represent the working
5 employee. Now, they may bandy [sic] about different
6 terms, helper or junior journeymen or things like
7 that, but under the labor law, there are only two
8 titles which is journeymen or apprentice, and so when
9 somebody in the industry says that this person is a
10 journeymen, it doesn't mean that they've registered,
11 it just means that their employer has sort of cast
12 them into that role. So they may have been working
13 in that role for some period of time but not
14 officially trained or not officially registered in
15 that title.

16 JOHN MURPHY: And I would just add that
17 the criteria is exactly the same, whether it's union
18 or non-union. It's for that journey-level worker.

19 CHAIRPERSON WILLIAMS: Alright. Thank you
20 very much. Appreciate it.

21 JOHN MURPHY: Thank you for your time.
22 Thank you.

23 CHAIRPERSON WILLIAMS: I have two more
24 panels listed. Mike Conigliaro, TW Local 101. Mike,
25 if you can come up, and Jen. Jen? Also, can we have

1 Anthony Caiazzo, licensed plumber? Hershel Weiss,
2 BOMA New York, and Daniel Avery, BOMA New York. So
3 we have Mike Conigliaro. Anthony Caiazzo?

4 ANTHONY CAIAZZO: Caiazzo.

5 CHAIRPERSON WILLIAMS: Hershel Weiss and
6 Daniel Avery? We're going to put the clock back on
7 to three minutes. And can you each raise your right
8 hand? Do you affirm to tell the truth, the whole
9 truth and nothing but the truth in your testimony
10 before this committee and to respond honestly to
11 Council Member questions?

12 UNIDENTIFIED: I do.

13 UNIDENTIFIED: I do.

14 CHAIRPERSON WILLIAMS: Thank you. You
15 each have three minutes for your testimony. You can
16 being in the order of your preference.

17 MICHAEL CONIGLIARO: Good day, Chairman
18 Williams and the members of this committee. My name
19 is Michael Conigliaro, and on behalf of the 1,600 men
20 and women who help provide and ensure the safe
21 delivery of natural gas to the one point residents--
22 I'm sorry--National Grid to the 1.2 million residents
23 of Brooklyn and Queens, I want to thank you for this
24 opportunity to be heard. Our membership would like
25

1
2 to commend the committee and this council for
3 delivering this comprehensive package of both laws
4 taking both individually and together. This package
5 of legislation will help prevent the type of
6 tragedies which lead to their development. Yet, for
7 all the oversight and protections of these new laws
8 will provide on the inside of the building, this
9 legislation does not address the installation of gas
10 lines and piping that lead into the homes of
11 apartments, condominium buildings, schools,
12 hospitals, nursing homes, and other commercial
13 residence and structures both large and small. As I
14 sit here as a result even as I sit here today,
15 National Grid is playing with fire and worse.
16 National Grid is now using so many outside contractor
17 crews. There are as many as 71 now performing street
18 work. There is not enough inspectors to visit and
19 approve the work that is being performed. With 22
20 inspectors responsible for reviewing and approving
21 the work of 71 outside contractor crews, inspectors
22 have been instructed to make their inspections by
23 telephone. That's right, telephones. This has been
24 going on for so long there is even a "not witnessed
25 by inspector" box on the inspector's report form. So

1 when they cannot get to the work site, they check the
2 box and call the foreman and ask about the work that
3 was performed, telephone inspections, gas line
4 installations. This is not a rant against the use of
5 contractors. From the day of Brooklyn Union and
6 Keyspan [sic], street work of our member has always
7 been supplemented by contractors. If National Grid
8 had 15 crews they would be supplemented by maybe 20
9 outside crews, because the National Grid employee
10 crews have been vetted, trained, certified, qualified
11 by National Grid's in-house crews, self-inspect and
12 self-clarify--I'm sorry, self-certify their work.
13 Over the past year, in recent months the number of
14 outside crews has expanded from 20 to 40 to 66 and
15 now 71 outside crews. These contractor crews are
16 installing both low and high pressure gas lines. All
17 of these job sites are required to be visited and
18 approved by our inspectors. This proposed
19 legislation we are talking about today clearly
20 demonstrate this Council is concerned about the
21 safety of all New Yorkers. I want to remind you, the
22 safety delivery of gas begins long before the gas
23 line reaches the front door. Thank you.

1
2 ANTHONY CAIAZZO: My name is Tony
3 Caiazzo. I'm a licensed plumber. I'm President of J.
4 Caiazzo Plumbing and Heating. Between myself and my
5 brothers and my sons we have five licenses in our
6 business. I've been back there listening to some of
7 the comments by some of the individuals, and there's
8 some misnomers about some of the things that's being
9 said out there. A journeymen in New York City for a
10 union--and I'm not sure how the union works, but the
11 City was up here talking about the journeymen
12 registration. Our men who work for us for--they have
13 to work for us for five years before we can give them
14 a letter stating that they could become a journeymen.
15 To become a journeymen it's simple. Put your name on
16 it. You're a journeymen. Go up to the City pay--I
17 don't even know if they're paying any money. They
18 are now considered journeymen, okay? The union has
19 their journeymen that go up through the ranks. We,
20 nonunion shops, have our mechanics, have our helpers,
21 have our junior mechanics who go up through the
22 ranks. In order to be a "New York City journeymen,"
23 licensed New York City journeymen, you have to put in
24 10,000 hours installing all sorts of plumbing. So
25 the word journeymen is a critical thing, because are

1
2 you talking about journeymen with the union or
3 journeymen with New York City, registered journeymen
4 with New York City? Nobody's brought that thing up.
5 We have apprentices. We don't have apprentices
6 programs, but we have apprentice. My son who's
7 worked for me a number of summers is now on a truck.
8 He's an apprentice. Can he run a piece of gas pipe
9 nice and straight? Sure he can, but when at the end
10 of the job when it comes time to test that thing, the
11 only one who's testing it is myself, my brothers, my
12 other son who's licensed, or the City of New York.
13 There's nobody else that can test that line, and that
14 line is off. There's no gas in that line. Now, if
15 a--if one of my mechanics goes to a job, smells a gas
16 line, a gas leak, he can shut a meter off. He's not--
17 nobody is qualified to turn that on until the City
18 come and inspects or Con-Ed has a 30-day rule where
19 you can bypass the City, but you're working with Con-
20 Ed. It's critical that you understand that these men
21 are not working on live pipes unless they're going to
22 shut it off, and you'd want somebody to shut it off.
23 Thank you very much for your time.

24 HERSHEL WEISS: Morning, Chair Williams
25 and members of the Committee. My name is Hershel

2 Weiss. I am a Master Plumber, past President of the
3 American Society of Plumbing Engineers and currently
4 sit on the Building Department's Master Plumber
5 Licensing Board. I'm also a Board Member of the
6 Building Owners and Managers Association of Greater
7 New York or BOMA New York, and I am testifying today
8 for that organization on Intro 738 and 1088. First,
9 some background on BOMA. We represent more than 750
10 owners, property managers, buildings professionals
11 who either own or manage 400 million square feet of
12 commercial space. We are responsible for the safety
13 of over three million tenants, generate more than 1.5
14 billion in tax revenue and oversee annual budgets of
15 over four billion dollars. BOMA New York is the
16 largest association in the BOMA International
17 Federation. Intro 738, this bill would produce a
18 bottleneck. There are very few registered journeymen
19 plumbers. We heard today 260, and becoming a
20 journeymen plumber requires five years our
21 experience. So, it'd be difficult to add a large
22 pool of new ones in a short period. Given these
23 shortages and the certificate requirements, this bill
24 could bring gas projects to a standstill in the City.
25 At the very least, the effective date would need to

1 be extended years out to allow for a pool of
2 certified journeymen plumbers to develop. BOMA's
3 view on this issue echoes Commissioner Chandler and
4 the Master Plumbers Council. Intro 1088, this bill
5 requires visible pipes to be inspected by Master
6 Plumbers on a four-year schedule and for ambient air
7 to be tested in public spaces and buildings. The
8 bill would create significant additional work which
9 would amplify the bottleneck raised about Intro 738.
10 To help ease any burden from this proposed law, given
11 that no evidence, none, of gas-related disasters in
12 large commercial buildings, we recommend that
13 commercial buildings larger than 100,000 square feet
14 be excluded from the legislation requirements. In
15 addition, the bill's proposed inspections are overly
16 vague. The bill needs to be very clear about what
17 hazardous conditions would lead gas to be shut off in
18 buildings. Once gas is shut in buildings, you can
19 assume it will not be turned on for a very large
20 point of time, in many cases many months during which
21 there'll be no hot water and no heat, and in some
22 cases no cooking. The proposed bill does not address
23 many technical issues related to commercial spaces.
24 For example, would commercial tenant space require
25

1 inspection? What about if they contain gas-related
2 boilers or other equipment? Would corporate dining
3 areas and other related spaces require inspection?
4

5 Also, problematic is the bill's focus on visible
6 pipe, as much of the piping in building is behind the
7 walls, between floors or otherwise not visible. This
8 would prevent the bill from protecting against many
9 of the violations that could lead to the explosions.

10 Furthermore, it is not clear that a four-year
11 inspection cycle is necessary or optimal. No one
12 explained where this four years came from except that
13 Gas Company underground is using a similar number. It
14 has nothing to do with buildings. BOMA New York
15 understands the importance of the issues at hand.

16 Recent gas-related disasters have led to a number of
17 fatalities and severe injuries. That said, we
18 believe that the additional work is needed to craft
19 bills that will work to protect human health without
20 creating undue burdens. Once again, thank you. We
21 applaud the Council and the City for taking these
22 issues, and look forward to working with you moving
23 forward.

24 CHAIRPERSON WILLIAMS: You're not
25 testifying [sic]? Thank you very much for your

1 testimony. I don't--you have questions? I did want
2 to--can you just explain why you think buildings
3 above a certain amount should be exempt?
4

5 HERSHEL WEISS: Sorry?

6 CHAIRPERSON WILLIAMS: You were saying
7 buildings above a certain amount should be exempt?

8 HERSHEL WEISS: Well, you know, before--
9 commercial buildings. Before we look at this issue,
10 we should--it's going to be very costly. Where have
11 there been problems? There's been no problem in an
12 office building, no problem in a high-rise office
13 building. The problems have existed in low-rise
14 buildings where work was done illegal--

15 CHAIRPERSON WILLIAMS: [interposing] Why
16 do you think that is?

17 HERSHEL WEISS: Why? Because of the--
18 these, the problems that existed was worked on not by
19 Master Plumbers, it was worked on illegally after the
20 Master Plumber had left. We're seeing these in--

21 CHAIRPERSON WILLIAMS: [interposing] Just
22 pause for a second. So, you're saying that it hasn't
23 been on commercial or high-rise commercial because
24 Master Plumbers worked on them?
25

2 HERSHEL WEISS: Those type of buildings
3 are very particular about who they let work in their
4 buildings. You know, the Freedom Tower is not
5 hiring, or the Marriott's are not hiring some illegal
6 to work in the building. We've no incidences, none.
7 So, if we're going to spend money, let's spend money
8 where the problem is.

9 CHAIRPERSON WILLIAMS: I just would pause
10 at the "some illegal" comment. That's not a comment
11 we generally like to use in the City Council. I
12 assume you were referring to an undocumented person.
13 What were you referring to?

14 HERSHEL WEISS: Correct. These problems
15 happen when there was a cover-up of somebody doing
16 work without a license after the Master Plumber had
17 left.

18 CHAIRPERSON WILLIAMS: Oh, you're talking
19 about someone without a license, not an undocumented-
20 -

21 HERSHEL WEISS: [interposing] No, no, no,
22 no.

23 UNIDENTIFIED: Illegal work.

24 HERSHEL WEISS: Illegal.

25 CHAIRPERSON WILLIAMS: Okay, alright.

2 HERSHEL WEISS: Right. I'm sorry. So
3 these are people that don't have licenses. There is
4 a real problem today in New York City, and the
5 problem in New York City with--is that when the
6 Because Department shows up at an illegal gas job
7 they can do nothing, because they ask the employee
8 who do you work for; he doesn't have a certification.
9 We're not against the certification. We're against
10 the journeymen requirement because it would create
11 problems, but we do think that people working on a
12 job should be able to prove who they work for. They
13 shouldn't just be able to say, "I work for a guy with
14 no--

15 CHAIRPERSON WILLIAMS: [interposing] And
16 anyone can answer this. I just want to get clarity,
17 and I apologize about miscommunication about use of
18 illegal. Why is it everyone's saying it's going to
19 cause problems if we do the change to make a
20 journeyman have to have additional certification when
21 there's so many there?

22 HERSHEL WEISS: We are not opposed to
23 additional certification. We are opposed to the way
24 the law was crafted with the definition journeymen.

2 CHAIRPERSON WILLIAMS: I see. Is that the
3 same issue you have?

4 ANTHONY CAIAZZO: That's the same thing I
5 have.

6 HERSHEL WEISS: And I sit on the
7 committee to--if we--we currently do not review
8 journeymen submittals. Journeymen was only created
9 as a method of becoming a Master Plumber. So, no--
10 that's why no one's taking that certification.
11 Requiring five years of experience and approved by
12 the Building Department would take years. I sit on
13 the committee. We, you know, every review we do goes
14 on forever. We're all for some type of training,
15 but--

16 CHAIRPERSON WILLIAMS: [interposing] So
17 you're for some additional training, not necessarily
18 have to be journeymen the way it's defined in the
19 bill?

20 HERSHEL WEISS: You summed it up
21 perfectly.

22 CHAIRPERSON WILLIAMS: Thank you.
23 Council Member Miller? And we'll put the clock on
24 for questions for five minutes.

2 COUNCIL MEMBER MILLER: So, if someone
3 who had recently entered the industry had 200 hours
4 of specific training around gas work, would that
5 suffice?

6 HERSHEL WEISS: I think you might also
7 want to have some type of test after that. There was
8 a proposal for some type of training.

9 COUNCIL MEMBER MILLER: Yeah.

10 HERSHEL WEISS: Correct.

11 COUNCIL MEMBER MILLER: So, you would
12 just not require that it be five years necessarily?

13 HERSHEL WEISS: Correct, with the
14 journeymen requirement.

15 COUNCIL MEMBER MILLER: Does five years
16 did not--five years in the industry, does that not
17 make you a journeymen?

18 HERSHEL WEISS: If you file five years in
19 the industry and then filing a form, a request with
20 the Building Department makes you a journeymen,
21 correct.

22 COUNCIL MEMBER MILLER: If you spent five
23 years in the industry, why wouldn't you file?
24 Wouldn't that increase your potential earnings to say
25 that you were--

2 HERSHEL WEISS: The only--currently, the
3 journeymen, the word "journeymen" for New York city,
4 all it means is that two years later you can apply
5 for a Master Plumber certification. So, if you're--
6 don't want to become a business man and you're a
7 plumber with 20 years' experience, you won't get that
8 journeymen card to date. Maybe you will create a
9 whole new testing situation where people would have
10 to get five years' experience and show up, but we're
11 creating a whole new procedure that we think the
12 Building Department is not ready for and will drag on
13 for years.

14 COUNCIL MEMBER MILLER: You wouldn't be
15 trying to eliminate competition by--not you, for
16 those Master Plumbers, because it would--it seems to
17 reason that if you became a journeymen by this
18 definition, you intend to become a Master Plumber at
19 some point.

20 HERSHEL WEISS: If you're--

21 COUNCIL MEMBER MILLER: [interposing] That
22 wasn't for you.

23 HERSHEL WEISS: No, the answer is no.
24 The answer is no. Master Plumbers have not
25

1
2 restricted the number of Master Plumbers. It's
3 usually the Building Department that has.

4 COUNCIL MEMBER MILLER: Restricted in
5 what way?

6 HERSHEL WEISS: The process is tedious
7 like any paperwork process, and many plumbers just
8 don't bother doing it.

9 COUNCIL MEMBER MILLER: You know what, if
10 you're saying, if anyone on the panel is saying that
11 the impediment from us safeguarding the City of New
12 York is paperwork, then we can figure out a way to
13 streamline that and make it happen, but to say that
14 people should not be qualified and should not be held
15 responsible is disappointing.

16 HERSHEL WEISS: I am absolutely not
17 saying people should not--

18 COUNCIL MEMBER MILLER: [interposing] So--

19 HERSHEL WEISS: [interposing] be
20 qualified. I'm saying they should be required to
21 take training.

22 COUNCIL MEMBER MILLER: So, in lieu of,
23 in lieu of, what would you suggest?

24 HERSHEL WEISS: I would suggest that the
25 people be required to take training and anybody on a

1
2 gas job should have some type of card with them
3 saying that they've sat for that training.

4 COUNCIL MEMBER MILLER: Okay. And you,
5 sir?

6 ANTHONY CAIAZZO: I'm going to agree with
7 that. I'm going to agree with that. I mean, you
8 know, somebody-- like co-worker said here, you know,
9 the journeymen registration does not--is not based
10 on--or maybe in the union it does, but in a non-union
11 sector, a gentleman who's with me five, six years,
12 he--I have people with me 15 years and they're no
13 more than helpers. I've got people with me six years
14 who are mechanics, you know, and they're getting paid
15 as mechanics. Do they want to go and get the
16 journeymen registration? A couple of my men have
17 opted for it, but if you don't--if you have no
18 intention of opening a business, there is no reason
19 for you to get the New York City journeymen's
20 license. It just means you've worked for me for five
21 years, and it really only says that okay, after being
22 a registered city journeymen, you can start taking
23 applying to become a licensed plumber.

24

25

1 COUNCIL MEMBER MILLER: Are there any
2 other positions or jobs within the City of New York
3 that require you to be a journeymen? Anybody--

4 ANTHONY CAIAZZO: [interposing] I believe
5 the union--

6 COUNCIL MEMBER MILLER: [interposing]
7 Outside of the union.

8 ANTHONY CAIAZZO: No.

9 COUNCIL MEMBER MILLER: That if you
10 wanted to go to work for an agency within--

11 ANTHONY CAIAZZO: [interposing] I
12 wouldn't know other industries. I know the plumbing
13 industry.

14 HERSHEL WEISS: I can't speak to that,
15 but this journeymen--this journeymen certification
16 was created a few years ago, and it beats me as to
17 why it was created. I think it was initially created
18 to try to limit the number of people applying for the
19 Master Plumber exam. I'm not sure why it ever was
20 created. I don't know why it exists.

21 COUNCIL MEMBER MILLER: And you don't
22 know what position that would, that you know of,
23 would qualify, would necessitate you having a
24 journeymen certificate?
25

2 HERSHEL WEISS: No, I know. There is no--
3 there is nothing that that journeymen certificate
4 provides for except the ability to sit for a Master
5 Plumber's exam.

6 ANTHONY CAIAZZO: That's correct.

7 HERSHEL WEISS: It's nothing. It does
8 nothing.

9 COUNCIL MEMBER MILLER: Okay. Thank you.

10 CHAIRPERSON WILLIAMS: Thank you, Council
11 Member. I thank you very much for the testimony
12 provided today.

13 HERSHEL WEISS: Thank you.

14 ANTHONY CAIAZZO: Thank you.

15 CHAIRPERSON WILLIAMS: I really
16 appreciate it. We don't have anyone else that signed
17 up for testimony today. So, unless I'm mistaken, you
18 have one more time to speak up or forever hold your
19 peace. For the record, we have testimony from RAC--
20 I'm sorry, RSA, New York City DOT and DEP, Utility
21 Workers Union of America Local 12, NYSAFA, Central
22 Labor Council AFLCIO, and with that, this hearing is
23 now closed.

24 [gavel]

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COMMITTEE ON HOUSING AND BUILDINGS

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COMMITTEE ON HOUSING AND BUILDINGS

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 May 11, 2016