



Testimony

of

Corinne Schiff

Deputy Commissioner, Environmental Health

New York City Department of Health and Mental Hygiene

before the

New York City Council Committee on Health

on

Intro 657A

October 24, 2017

City Hall – Committee Room

New York, NY

Good morning Chairman Johnson and members of the Health Committee. I am Corinne Schiff, Deputy Commissioner for Environmental Health at the New York City Department of Health and Mental Hygiene. On behalf of Commissioner Bassett, thank you for the opportunity to testify on Introduction 657A, which builds on an existing framework to enhance transparency about drinking water tank inspections.

Before turning to the proposed legislation, I want to provide some background on the Health Department's role overseeing the safety and quality of New York City's drinking water. The city's water originates from protected reservoirs in the Hudson Valley and Catskill Mountains. About a billion gallons a day travel south through a system of approximately 7,000 miles of water mains, tunnels, and aqueducts to the City, where they are distributed throughout the five boroughs. Pressure in the city water mains is powerful enough to send water into buildings and up as high as the sixth floor. In taller buildings, water is typically delivered to the basement and then pumped to a tank on top of the building, where, by force of gravity, it descends through building pipes to the tap.

The Health Department has oversight responsibility to ensure that the City's drinking water meets federal and state water quality standards. We do this by inspecting upstate reservoirs, water treatment plants and storage and distribution facilities. We review designs from the Department of Environmental Protection for new and upgraded water facilities, validate system-wide sample results and check water supply and treatment operational reports. The Health Department conducts water quality sampling at taps around the city and investigates water quality-related complaints.

The Health Department also enforces New York City Health Code and Administrative Code requirements on property owners regarding building drinking water tanks. Water tanks—the iconic, round, mostly wooden structures that dot our roof tops—are subject to mandates from the Health Department and Department of Buildings that govern construction; annual cleaning, inspection and water sampling; tenant notification; and reporting on inspection and sampling results. New Yorkers can find the results of their building's annual water tank inspection and water sampling on our website at nyc.gov/health/watertanks.

New York City water meets or exceeds legal requirements, is famous for its quality and great taste and, as Dr. Bassett likes to say, is the best beverage for your health. The Health Department supports Intro 657A, which would restore the requirement that the Department

report information about building owners' annual water tank inspections to the Council. By expanding transparency, the legislation will further promote New Yorkers' confidence in their drinking water. We look forward to working with the Council on this bill.

Thank you for the opportunity to testify. I would be happy to take questions.



Testimony of Stewart O'Brien,
Executive Director of the Plumbing Foundation
City of New York, Inc. Before the Committee on
Health of the New York City Council, October 24,
2017 on Intro 657A.

I am Stewart O'Brien Executive Director of the Plumbing Foundation, City of New York Inc., a non-profit organization of small and large, union and non-union plumbing contractors, engineering associations, supply houses and manufacturers whose mission is to protect the public health through the enactment and enforcement of safe plumbing and health codes.

For decades there has been a law on the books in New York City requiring landlords of large buildings to have their water tanks (most notably those wooden tanks on top of buildings that store drinking water) inspected and cleaned and disinfected once a year by a firm authorized by the Department of Health. Why – to prevent bacteria including pathogens that can lead to legionnaires disease as well as other contaminants from getting into your drinking water and making you sick. According to the Department of Health, there are approximately 10,000 water tanks, almost all in buildings greater than 5 stories. I say approximately because that is one of the

problems in enforcing the law. No one knows how many water tanks there are.

What is the City's mechanism to assure that these health inspections and cleanings are performed each year? It was the honor system. Landlords didn't have to submit the inspection report to the city as they did for their boilers, elevators, facades, etc. They just had to have the Report available for Department of Health inspectors if they visited the building. How was that honor system working out? Very poorly. In the years 2010-2013 the Department of Health visited approximately 100 randomly selected buildings to gauge compliance. The landlords were only able to demonstrate proof of a water tank inspection 43% of the time. That means that the tenants of thousands and thousands of buildings were drinking water from tanks where there was no assurance that the tanks were cleaned. Honor systems work for responsible landlords, and there are many, but certainly not all. A great public safety law but with very poor enforcement.

To its credit DOH issued a Rule effective in 2015 requiring owners to file the report with DOH. Intro. 657A would codify the Rule and strengthen it . So, how is the new Rule working compliance? Answer – WE DON'T KNOW! WE

STILL DON'T KNOW HOW MANY WATER TANKS THERE ARE, HOW MANY REPORTS ARE FILED AND HOW OFTEN THE CITY ISSUES A VIOLATION WHEN NO REPORT IS FILED. INTRO 657 A WOULD FIX THAT.

Intro 657A would also reinstate a requirement, which expired in 2013, that the DOH report annually to the City Council on compliance rates.

It requires that DOH provide the "estimated" number of water tanks. We believe the bill should be amended to require DOH to provide the "actual" number of water tanks. It has been decades since this health law went into effect. DOH should by now have an actual database of buildings that require the annual cleaning and inspection. Those actual databases exist for facades, elevators, cooling towers, and boilers, and are maintained by city agencies. DOH can easily do that for water tanks.

Intro. 657A also requires that DOH report to the City Council on the actual number of reports filed with the City, thereby allowing the public to know, on a Citywide basis, what percentage of landlords comply with the annual testing and inspection requirements. New Yorkers are entitled to know that number and there is no valid reason to prevent such reporting.

This is the third time in the last 19 years that the Foundation has testified before this Committee on the issue of water tanks. Once in 1998, again in 2009 and, today. In the prior 2 occasions we watched as interest groups and bureaucrats were successful in blocking efforts at compliance transparency by supporting the failed "honor" system approach, limiting reports to the City Council for one short 4 year period and by preventing the ability to determine compliance rates by not establishing an actual universe nor report on the actual number of reports filed in a year. We hope that these efforts to block transparency do not reoccur in 2017.

STATEMENT OF ARTHUR KLOCK IN SUPPORT OF INTRO 657A

My name is Arthur Klock, and I am the Training Director for the Plumbers Local Union No.1 Trade Education Fund. This jointly administered Labor and Management Fund operates a 40,000 square foot Training Center located in Queens. In that facility we provide training for a population of almost 6,000 plumbers from Apprentices through Journeyworkers and on up to Foremen and Supervisors.

Students in our various training programs study the causes and effects of contamination in the water supply system, and learn the skills necessary to install and maintain the equipment which provides clean water and more importantly, prevents our building's water distribution system from becoming a vector that spreads disease.

Recent guidelines and warnings from the Centers for Disease Control indicate that there is a growing awareness that most cases of Legionnaires Disease are traceable to the domestic water supply system inside buildings, rather than to air conditioning cooling towers as was once suspected.

I am here today because I want to raise awareness of the fact that the public health risks associated with the domestic water supply system in our buildings are becoming more apparent than we ever knew, while our Department of Health and Mental Hygiene (DOHMH) is still not doing enough to monitor or enforce safety rules regarding equipment used for the purpose of storing and distributing drinking water in our buildings. These rules are on the books to prevent opportunities for contamination which have long been known to exist, and we now have even more to think about.

Our drinking water is delivered to the City every day through a system of tunnels and aqueducts, and is distributed throughout the five boroughs through hundreds of miles of piping. There is a minimum water pressure throughout the city water mains, which is usually enough to deliver uninterrupted service up to the sixth floor of most buildings.

Where buildings are taller, the water pressure in the system is insufficient to provide the minimum pressure and flow required in the building, and supplemental pressure must be provided by the building owner. Generally, this is achieved through the installation of an elevated water tank either on the rooftop or within the building. Where pumps are used to elevate the water pressure, there is often a large tank in the basement to prevent low pressure in the water main while the pumps are running. All these tanks can be constructed either from wood or metal, and recently plastic tanks were proposed. It has been estimated that there are 10,000 to 12,000 of these tanks for storing and distributing drinking water in New York City, but the fact is that nobody knows for sure.

Under the New York City Health Code, building owners are required to inspect and clean water tanks annually and to maintain records of the inspections and cleanings. This sounds like we have the right idea, but there has been a problem. For decades they didn't have to submit the records to anyone. Did they do the inspections and cleanings? How would anyone know?

What if something happened? When water quality complaints are called in to 311, they are initially routed to DEP for handling. If upon investigation DEP determines the complaint is related to the building's internal plumbing it is then re-routed to the Health Department.

As little as two years ago, if the Health Department was called in for unsanitary or unsafe water quality conditions in a building water tank, they would then ask to see the records of the inspections and cleanings. Was this how we should protect public health? Wait until people are drinking unsanitary or unsafe water, and then ask if the tank has ever been inspected or cleaned? Obviously not.

Recently, the Health Department issued a rule that starting in 2015 owners would have to file their Water Tank reports with the Health Department. Theoretically this would solve the problem. With some simple record keeping we would now know how many tanks there are. We would know where they are. We would know if they were inspected and cleaned. We could educate the building owners who didn't inspect or clean their tanks. The City could issue violations when no report was forthcoming. Problem Solved!

Unfortunately, it hasn't happened that way.

After two years of mandatory filing there is still no information available to answer any of these questions:

How many Tanks are there?

Where are they?

Were they inspected and cleaned?

How many Reports have been filed?

Has the City educated the building owners who are not inspecting and cleaning?

Has the City issued warnings or violations when no reports were forthcoming?

Intro 657A represents a better attempt to fix this problem.

Intro 657A, if enacted into law, will help keep New York a Healthy City.

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THE CITY OF NEW YORK

Appearance Card

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in favor in opposition

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I represent: Deputy Commissioner -

Address: Environment & Health

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Name: STEWART O'BRIEN

Address: 44 W. 28th St NY NY 10001

I represent: Plumbing Foundation

Address: 44 W 28th St, NY, NY 10001

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Name: Daryn Cling

Address: 1200 G Street, NW, Wash. DC

I represent: The Alliance to Prevent Legionnaires

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Name: ARTHUR KLOCK

Address: 3711 47TH AVE. LIC. NY

I represent: PLUMBERS LOCAL 1

Address: 50-02 FIFTH ST LIC NY

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