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FOR THE RECORD

TESTIMONY OF ANTHONY SAPORITO BEFORE THE FIRE AND CRIMINAL JUSTICE SERVICES COMMITTEE OF THE NEW YORK CITY COUNCIL ON JUNE 2, 2009 ON INTRO. 1004

My name is Anthony Saporito, Assistant Vice President of the Mechanical Contractors Association of New York, Inc. which represents mechanical and fire sprinkler contractors working in New York City. I am here to testify on Intro. 1004

We have been supporters of the implementation of the new building code and believe in the mandates of the revision to improve safety while keeping costs down. The reason professed for keeping costs reasonable is for the City to remain competitive with other municipalities in the region. We believe that Intro. 1004 can be improved without impacting safety.

In Section 4.2 we would like to confirm that although the alarm will sound as the standpipe is being dismantled, it is not the intention of this legislation to stop work each time.

We propose that in Section 4.3 the use of dry nitrogen be allowed to provide pressure when freezing temperatures are anticipated.

Thank you.

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Introductions 986 and 1004
New York City Council
Fire and Criminal Justice Committee
June 2, 2009

FOR THE RECORD

Good afternoon Chairperson Vacca. Good afternoon also to the other members of the Fire and Criminal Justice Committee here today.

Thank you for the opportunity to speak today regarding Introductions 986 and 1004.

My name is Melissa Barbour. I am the Executive Director of the New York Fire Sprinkler Contractor's Association, Inc. Our Association is comprised of New York City Licensed Fire Suppression Contractors and fire sprinkler industry manufacturers and suppliers.

Our Association has extensively reviewed this legislation. Our suggestions listed below are to meet the intent of the legislation but in a more economical way. When the fire protection technical committee adopted the International Building Code with modifications for New York City the committee tried to remain mindful that while making safety a priority, New York City must also remain a competitive marketplace when compared to other nearby geographical areas.

Intro. 986

Although this is not the specific bill (Intro. 994) that mandates painting of sprinkler and standpipe piping, it does reference painting. Our suggestion regarding painting is that rather than paint all of the piping, ANSI pipe identification labels be utilized. For example, the fire suppression class uses white letters on a red background. The letters on pipe labels should be a minimum of 1/2" high, and should increase in size as the pipe diameter increases. There are ANSI standards for different pipe sizes and ANSI guidelines for the label placement on the pipes and label locations. This would be more cost effective.

1704.21 & 22 – If painting is required, does the special inspector have to remain on site to be able to verify that the piping that will be concealed is painted? Otherwise, how will a special inspector verify painting? This will substantially increase cost.

1704.21 & 22 – Currently, a fire suppression contractor has the option of performing a hydrostatic test and submitting the results through self certification without the oversight of a special inspector or the contractor can ask the Buildings Department to witness the test. We would like to see this practice remain in place as is.

1704.22.1.1 – A standpipe system requires a sectional valve every 100 feet. After hydrostatically testing the standpipe at 75 feet, it makes more sense to require hydrostatic testing at each sectional valve, which is a natural division point (every 100 feet) rather than every 75. The first test would be at 75 feet and the next at 200 feet, 300 feet, etcetera.

Intro. 1004

3303.8.1

4.2 – We would like to verify that although the alarm will sound as the standpipe is being dismantled, it is not the intention of this legislation to stop work each time.

4.3 – We proposed that when freezing temperatures are anticipated the use of dry nitrogen be allowed to provide pressure.

4.8 – Should read “three inch cast iron *hose* (not house) plugs”

Thank you again for your time.

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**Statement of Caswell Holloway
Chief of Staff to Deputy Mayor for Operations Edward Skyler and
Special Advisor to Mayor Bloomberg**

**Before the New York City Council Committee on Fire & Criminal Justice Services
Subject: Construction, Demolition and Abatement Legislation
(June 2, 2009)**

- Good afternoon and thank you for the opportunity to testify today. My name is Cas Holloway, and I am Chief of Staff to Deputy Mayor for Operations Edward Skyler, and a Special Advisor to Mayor Bloomberg.
- I want to thank Chairman Vacca for convening this hearing, Speaker Quinn and her staff for working with the Administration to develop and advance the legislation before the Committee today, and the sponsors of the bills under consideration.
- I would also like to recognize the presence Chief Richard Tobin from the Fire Department, Assistant Commissioner James Colgate from the Department of Buildings, and Charles Sturcken, Chief of Staff in the Department of Environmental Protection's Bureau of Environmental Compliance.
- These agencies, along with the Law Department and the Mayor's Office of Operations, have worked together for many months to develop and implement the legislation before you.
- The four bills under consideration today are part of a larger package of bills that together, will enable the City to implement an important series of reforms to the way that construction, demolition, and abatement jobs (what we refer to as "CDA operations") are regulated by the City and conducted in the field.
- Speaker Quinn and Deputy Mayor Edward Skyler announced the CDA legislative package in early May, and we appreciate that the Council has moved quickly to consider these measures. I testified nearly two weeks ago before the Council's Environmental Protection Committee on four other bills related to this package, and Chief Tobin and Assistant Commissioner Colgate will appear before the Council's Housing and Buildings Committee on Monday, June 8, to discuss the final four CDA bills.
- These dozen bills, as everyone on this Committee knows, stem from the fire at the former Deutsche Bank building at 130 Liberty on August 18, 2007, that tragically took the lives of two of New York City's bravest, Firefighters Joseph Graffagnino Jr., and Robert Beddia.
- At that time, the Mayor committed that the City would do everything in its power to prevent a similar tragedy from happening again. He ordered a comprehensive review of CDA Operations that was led by Deputy Mayor for Operations Edward Skyler, and the agencies sitting here with me today have collectively spent hundreds of hours developing and now, implementing the 33 recommendations that we made to the Mayor last July.
- I am overseeing the implementation of those recommendations, and the legislation before you today—while it cannot undo the terrible consequences of August 18—is an important step toward fulfilling the City's commitment to preventing a tragedy like the 130 Liberty Street fire in the future.

- Before discussing the specific bills before the committee today, I want to say a few words about steps the City has already taken—particularly to strengthen its internal processes with respect to the oversight of construction, demolition, and abatement work.
- As I recently testified before the Environmental Protection Committee, the 33 recommendations made to Mayor Bloomberg last summer focus on 4 areas: Data Sharing, Inspection Practices; General Oversight; and Conduct of Operations in the Field. And the City has already implemented important changes in each of these areas:
 - DEP and DOB are regularly sharing information with FDNY about high-risk abatement jobs, and the issuance of construction and demolition permits.
 - We have completely overhauled DEP’s inspection protocols and established a baseline of common safety requirements that certain inspectors—whether from DEP, FDNY, or DOB—are required to enforce. And we’ve already conducted cross-training by all three agencies so that our inspectors are qualified to enforce these requirements. This cross-training has already resulted in safer jobsites. Earlier this year, for instance, a DEP inspector at an occupied building in Manhattan found bags of sheetrock and other construction material blocking access to a second-floor fire escape. DEP notified FDNY about the blocked egress, and a fire company was dispatched. FDNY served the owner with a violation, and the condition was corrected.
 - DEP, FDNY and certain DOB inspectors are all using checklists in the field to ensure consistency across inspections, and inter-agency collaboration on these issues—including projects like the Yankee Stadium demolition—are becoming institutionalized.
 - DOB now has a rule that requires site safety managers to conduct weekly tracings of standpipes.
 - And FDNY is already at work using \$23 million in capital funding provided by Mayor Bloomberg to completely overhaul its data-keeping practices so that inspection and other resources can be more-effectively allocated on the basis of risk.
- These are important steps, and the bills under consideration today build on these efforts by heightening requirements for standpipe and sprinkler safety, furthering a zero-tolerance approach to smoking on construction sites and improving how City agencies share information about dangerous conditions at construction, demolition and abatement sites.

CDA Information-Sharing Bill

- That leads me to Intro. 1007, legislation addressing an issue of particular importance to Chairman Vacca. The CDA Information-Sharing bill requires DEP, FDNY, and DOB to establish a procedure to share information regarding violations issued as a result of inspections of buildings that meet agreed-upon criteria.
- The development of this violation-sharing procedure will build on the considerable progress in sharing information made recently by these three agencies, some of which I alluded to in my introduction.

- DOB currently sends FDNY daily notifications of full demolitions commencing in 24-48 hours.
 - The City has overhauled the A-8 process for FDNY to refer dangerous conditions to DOB.
 - DEP is regularly sharing information about high-risk abatement jobs with FDNY, information that FDNY is using to conduct more frequent and effective field inspections. This notification will be streamlined through technology developed as part of the new abatement permitting unit.
 - Lastly, FDNY is developing a long-term data analysis strategy, and has contracted with IBM to create a Citywide, risk-based inspection program based on multi-agency data to fully replace the current inspection cycle.
- One year after the effective date of this bill, the City is required to provide the Council a copy of the required CDA information-sharing procedure, and the Administration will update the Council on its efforts at that time.
 - The mandate to City agencies to develop this procedure is just one example of new requirements that City agencies have established to strengthen our oversight of CDA sites.

Standpipe Alarm

- Now I will turn to two bills addressing the integrity of standpipes and sprinkler systems during construction and demolition operations. The first is Intro. 1002, which requires the use of an air-pressurized alarm system for dry standpipe systems during construction or demolition operations.
- A standpipe system, as the members of this committee know, is the piping installed in a building that serves to transfer water from a water supply to hose connection at one or more locations in a building for firefighting purposes. Under current Building Code requirements, all buildings under construction must have a standpipe system once they exceed 75 feet in height, and buildings undergoing demolition must maintain dry standpipe systems.
- The failure of the standpipe system at 130 Liberty Street exacerbated what was already a dangerous emergency situation, and the CDA Working Group focused on how to better identify and address any breaches in a standpipe system during the construction and demolition process.
- Standpipe alarm systems detect such problems, and sound an alarm to notify firefighters or designated safety personnel that the standpipe's integrity has been compromised. Under Intro. 1002, a registered design professional must apply to install the alarm system, and the bill sets-out detailed specifications for the system, including that:
 - Air pressure be maintained in the standpipe at all times;
 - The alarm must be triggered whenever air-pressure drops below the supervisory pressure or rises above the maximum pressure;
 - The alarm system must have a local audible alarm on site that can be heard during working and non-working hours; and

- Whenever the alarm is activated, work must cease until the standpipe system is restored and appropriate pressure restored.
- After the fire at 130 Liberty, the contractor installed just such an alarm for the standpipe system. This February, when a worker accidentally cut a section of standpipe at the building, this alarm alerted us that the system had been compromised. We subsequently evacuated the building and all work stopped at the site until the standpipe system was restored.

Hydrostatic Pressure Testing of Standpipes and Sprinklers

- The next bill I will cover is Intro. 986, expanding requirements for hydrostatic pressure testing requirements of standpipes and sprinklers. Testing of these standpipe systems is currently required at the end of construction of a new building, but not while the building is going up. It is during the construction phase, however, that some of the most dangerous activities and conditions arise—including torch work, combustible loads, and lack of compartmentation to divide a building into discrete fire zones to help contain a fire’s spread.
- Intro. 986 therefore requires hydrostatic pressure testing for 1) new buildings above 75 feet, with regular tests thereafter; 2) enlargements or additions to an existing standpipe system; and 3) building demolitions and removal of stories if a hydrostatic test has not been performed within the past five years, as mandated by the Fire Code.
- Additionally, the bill requires all new or altered sprinkler systems in buildings undergo successful hydrostatic pressure testing by a licensed master plumber or licensed fire suppression piping contractor.
- Like the pressurized alarm requirement, more frequent hydrostatic pressure tests provide another layer of assurance that if and when a fire breaks out in a building under construction, responders will have the water they need to help put the fire out.

No-Smoking

- The final bill under consideration today arose from the CDA Working Group’s recommendation to strengthen the Citywide smoking ban at construction, demolition and abatement sites, and enforcing it with a zero-tolerance approach.
- Intro. 1004 amends the Building Code to prohibit smoking at all construction and demolition sites, and requires signs to be posted in accordance with the specified provisions of the Fire Code.
- Beginning late last year, DOB began to vigorously enforce a smoking ban at construction sites based on current Building Code requirements to maintain a safe worksite. Placing this prohibition directly in the Building Code, however, serves to highlight its critical importance to workers, contractors and others in the City.

Non-jurisdictional buildings

- I would like to close with another issue that loomed large for the CDA Working Group: the applicability of City Fire and Construction codes to state, federal and other so-called “non-jurisdictional” property owners.

- As the Working Group found, the informal and voluntary nature of compliance with Fire and Construction Codes creates a risk that there is construction, demolition, or other hazardous activity taking place at these properties that the City does not know about, cannot require building owners to correct, and may not be prepared to address in the event of an emergency.
- The City therefore has called for state and federal legislation to require fire and building code compliance among such non-jurisdictional entities, and called upon City agencies to develop agreements with such entities to heighten compliance. In fact, State Senator Dan Squadron and Assemblyman Richard Gottfried recently introduced legislation requiring compliance with the New York City Construction Codes and the Fire Code at state buildings in New York City.
- The Administration's effort to address this issue enact through state and federal laws complements the Council's commitment to improving construction and abatement safety through local legislation. We look forward to discussing with you any ways to collaborate on this important issue.
- Thank you for the opportunity to testify before you today and I will be happy to take any questions you may have.

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in favor in opposition

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Date: 6/2

Name: _____ (PLEASE PRINT) Gas Holloway

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