

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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October 15, 2009

Start: 10:41am

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HELD AT: Council Chambers  
City Hall

B E F O R E:

ERIK MARTIN DILAN  
Chairperson

COUNCIL MEMBERS:

Tony Avella  
Gale A. Brewer  
Elizabeth Crowley  
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Leroy G. Comrie, Jr.  
James S. Oddo  
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A P P E A R A N C E S (CONTINUED)

James Colgate  
Assistant Commissioner  
New York City Department of Buildings

Mona Shegal, Esq.  
General Counsel  
New York City Department of Buildings

John Miller  
Instructor  
Plumbers Local 1 Training Center

John Murphy  
Financial Secretary Treasurer  
Plumbers Local 1

Terrence O'Brien  
Deputy Director  
The Plumbing Foundation

Name  
Position  
Organization

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Position  
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Position  
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Position  
Organization

CHAIRPERSON DILAN: Good morning.

My name is, for those that don't know, is Erik Martin Dilan. I'm the chairman of the City Council's Housing and Buildings Committee. And today the Committee will be considering Proposed Intro 874-A for an initial hearing. And at the end of the hearing this item will be laid aside for possible disposition at a future date. And 871 is a local law to amend the administrative code of the City of New York in relation to methane and radon gas vent piping, the approval of mechanical joint piping systems and the approval of non-code prescribed drainage vent systems. The Council was concerned about the release of methane and radon from underground areas into the atmosphere, and this bill is intended to allow for the introduction of new methods of ventilation into the marketplace. Today the Committee expects to hear testimony from representatives of the Department of Buildings, real estate professionals including developers, property owners and members of organized labor. Any other persons that are interested in testifying today, I'd ask that you please see the Sergeant-at-Arms and fill out an

1  
2 appearance card. While we don't have that many  
3 people here today, obviously if cell phones could  
4 be shut off or turned to silent mode. If there is  
5 a need for private conversations, if they could  
6 take those conversations outside of the chambers.

7                   While I have a chance I'll  
8 introduce some of the members of the Committee who  
9 are here, Council Member Tony Avella of Queens,  
10 Council Member Robert Jackson of Manhattan, and  
11 there will be some members floating in and out as  
12 the hearing goes on.

13                   We have some representatives from  
14 the Department of Buildings that are here to  
15 testify, and I would hope that they could  
16 obviously give us some more detail as to why this  
17 bill is necessary. Because I've read the briefing  
18 report three times, but obviously I'm not a  
19 plumber so I don't understand exactly everything  
20 that I've read. And I think that's one of the few  
21 times that I'll ever say that.

22                   We have with us Mr. James Colgate,  
23 Assistant Commissioner and Mona Shegal, the  
24 General Counsel. Why don't you introduce yourself  
25 in your own voice and then you can begin your

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testimony?

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JAMES COLGATE: Good morning

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Chairman Dilan and members of the Housing and

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Buildings Committee. My name is James Colgate.

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I'm Assistant Commissioner for Technical Affairs

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and Code Development at the Department of

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Buildings. I'm here this morning with Mona

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Shegal, General Counsel to the Department of

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Buildings, and other members of my staff. Thank

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you for allowing me to testify before your

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committee on Intro 874.

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As you know, in 2005 the City

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Council passed Local Law 99, which adopted a new

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plumbing code for New York City. The City's

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plumbing code is now one of the most modern in the

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country, and with the whole family of the City's

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construction code, the building code, the fuel gas

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code, the mechanical code and the electrical and

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plumbing code, these will be reviewed by the

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Department and industry on a cyclical periodic

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basis. However, because new issues frequently

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arise out of cycles, bills such as 874 can help

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keep the code up to date by making amendments when

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they are needed.

1  
2 Intro 874 would amend the plumbing  
3 code in three different respects. First, section  
4 1, 2 and 14 would add language to the plumbing  
5 code making clear that piping systems that vent  
6 methane or radon should be systems that are  
7 approved by the Department of Buildings. This  
8 would achieve the salutary purpose of setting  
9 minimum standards for these systems which, while  
10 not widespread in the City, are indeed important  
11 in the structures where they are required.

12 Sections 3 through 13 of the bill  
13 provide for the Department of Buildings to  
14 promulgate minimum acceptable standards for  
15 mechanically fastened joints in water supply  
16 piping and waste piping. This is a new technology  
17 and would allow the department to ensure that the  
18 products that are used are safe and sufficiently  
19 reliable for the intended use.

20 Finally, section 16 of the proposal  
21 clarifies that engineered vent waste piping  
22 systems that are designed using computer models  
23 should be approved by the department. This  
24 provision will ensure that the appropriate level  
25 of scrutiny by my department is afforded to these

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complex design systems.

The Department of Buildings has no objections in principle to any of these proposals. While we have been working with the Law Department to amend some of the language of the bill to conform to the format and language of the City's new plumbing code, the basic purpose of the bill clarifies the existing text of the plumbing code and institutes sensible changes. I'd be glad to answer any questions that you have regarding this bill.

CHAIRPERSON DILAN: Okay. I'm just going to start with a few questions that will just give me a helpful understanding in general as to what this bill does. I've read it and it talks about the use of mechanical joints and all that, and I understand, but I want to get to the heart of what's going on. First, to vent methane and radon gas right now there's nothing in the plumbing code that--what are the current practices now in the plumbing code, if any?

JAMES COLGATE: There is nothing in the current plumbing code that addresses how to deal with it. So what will happen is somebody

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2 will design some system. It's not really looked  
3 at or reviewed or thought about by my department  
4 because there are no standards. There is no  
5 requirement for approval. So they will put pipes  
6 and things under the foundation and they will do  
7 these things and there's no oversight or looking  
8 at that. What this does is it establishes an  
9 obligation on my department to be the one to  
10 approve those systems. There is no such  
11 requirement there now.

12 CHAIRPERSON DILAN: Okay. What  
13 type of buildings let off these types of gases?

14 JAMES COLGATE: Well the gases are  
15 actually in the earth. So what happens is if you  
16 construct a new building, if it's in an area where  
17 you have some kind of condition where these gases  
18 will emanate through the ground, you want to be  
19 able to provide a system of pipes that will allow  
20 the gases to escape out and not concentrate and  
21 build up inside the building. That's really what  
22 these do. So it's not the kind of building, it's  
23 the location that the building is placed in.

24 CHAIRPERSON DILAN: Okay then. Is  
25 there a geographical part of the City where this

1  
2 is more of a problem than others? I'm just trying  
3 to get a broad understanding--

4 JAMES COLGATE: [Interposing] I  
5 suspect that's the case, but I can't--

6 CHAIRPERSON DILAN: [Interposing] A  
7 broad understand of basically why this is needed.  
8 It sounds good but I just don't fully understand  
9 the scope of the problem.

10 JAMES COLGATE: There are large  
11 projects where the engineers have determined that  
12 there is the presence of methane or radon in the  
13 soils that will find their way up. And when  
14 that's the case there needs to be a method of  
15 allowing those to gas off and disperse. In minor  
16 concentrations in the general air, they don't hurt  
17 anybody. But when they build up in a building and  
18 they don't get vented away, then the  
19 concentrations can cause problems.

20 CHAIRPERSON DILAN: Okay. So then  
21 would this apply to then all buildings or would  
22 this arise at a jobsite on a case-by-case basis?  
23 How?

24 JAMES COLGATE: Oh, I see what  
25 you're saying. There's no mandate in the code

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2 now, nor does this bill impose a requirement that  
3 there be venting. It says that when you put it in  
4 it should be something that my department looks at  
5 and approves.

6 CHAIRPERSON DILAN: Okay. So in  
7 other words it would be a case-by-case basis.

8 JAMES COLGATE: Yes.

9 CHAIRPERSON DILAN: If somebody  
10 decides, hey, we've got to vent for radon and  
11 methane, then this will set up a proper standard  
12 on how to do so.

13 JAMES COLGATE: Right.

14 CHAIRPERSON DILAN: Okay, got it.  
15 So to say that it applies to one- and two-family  
16 houses across the board doesn't apply; to say that  
17 it applies to ten-story buildings across the board  
18 doesn't apply. It would be kind of on a case-by-  
19 case basis.

20 JAMES COLGATE: That's correct.

21 CHAIRPERSON DILAN: Okay. Got it.  
22 Would this legislation then require a plumbing  
23 permit to install these systems and why is that  
24 process important?

25 JAMES COLGATE: Because this bill

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2 puts this piping system into the plumbing code  
3 it's plumbing work and then follows all the same  
4 requirements. I will say though that these  
5 systems are typically put in new buildings. In  
6 existing buildings you don't typically put the  
7 piping systems in; you do a mechanical ventilation  
8 because you're moving air through basements that  
9 already exist. This stuff goes underneath the  
10 foundations and in the earth. And that's what the  
11 piping systems do. And there will have to be a  
12 plumbing permit for the rest of the building  
13 anyway; this is just another part of your plumbing  
14 work that goes on in the building.

15 CHAIRPERSON DILAN: Does DOB  
16 regularly issue standards for products and what is  
17 the process that the Department undertakes in  
18 determining how such products would be used in  
19 this city?

20 JAMES COLGATE: When the Council  
21 enacted Local Law 99 of '05 and then Local Law 33  
22 of '07, they changed the way that New York City  
23 does business with relation to product approvals.  
24 We used to approve every single product. We would  
25 have a person sit at a desk. He would review the

1 application and say, oh, yes ABC Manufacturing  
2 Company, your product is okay for New York, and  
3 stamp it. Now that we've moved to the new ICC  
4 those standards are national in 95, 99% of the  
5 cases. So we accept the same products that are  
6 being used elsewhere in the country. When it  
7 comes to a product for which the IBC or the IPC,  
8 those international codes don't have a standard,  
9 such as mechanically fastened joints, which is  
10 what we have here. The Department will consult  
11 with the various engineers and stakeholders out  
12 there to develop an acceptance criteria.

14 An acceptance criteria says, well  
15 now if you're going to use a mechanically fastened  
16 joint in New York City it has to meet these five,  
17 ten or whatever the standards are. And if you  
18 meet them then you can use your mechanically  
19 fastened joint. We're not in the business anymore  
20 thanks to your and your committee, of having to  
21 review every application of a product that wants  
22 to be used in the City, which was a difficult  
23 thing for New York City's construction industry.

24 CHAIRPERSON DILAN: Okay. Then  
25 that leads right into my next question, and that's

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2 around these mechanical joints. Basically what  
3 are they and how are they used and how would they  
4 be relevant to solving the venting problem of  
5 these two forms of gases?

6 JAMES COLGATE: Okay. I think we  
7 have to think about this bill in the three  
8 categories I broke them into. The radon and the  
9 methane is only dealt with in sections 1, 2 and 14  
10 and has nothing to do with mechanically fastened  
11 joints. The methane and radon is only about the  
12 piping underground and that it has to be approved  
13 by the Department and that's all this bill says  
14 about it.

15 The mechanically fastened joins,  
16 even though it's merged in this bill because the  
17 ordering, which is in the middle, has nothing to  
18 do with radon or methane. It has to do with water  
19 supply systems and venting systems for water  
20 piping. So the mechanically fastened joint  
21 provisions that are proposed in this bill only  
22 deal with domestic water and waste water piping  
23 and it talks about how to connect those pipes when  
24 you use a mechanically fastened joined rather than  
25 a different method. Okay? Did I get that right?

1  
2 The plumbers are shaking their heads. I got that  
3 right.

4 CHAIRPERSON DILAN: I may have to  
5 check with the sponsor of the bill to see why  
6 these two seemingly separate items were joined  
7 together on the same bill.

8 JAMES COLGATE: Yeah. They could  
9 have been two separate bills; they're on one bill.  
10 As long as you understand they're achieving  
11 different purposes. There's the methane, radon  
12 portion of the bill and the mechanically fastened  
13 joint, which are really different items. But  
14 they're all good, I mean.

15 CHAIRPERSON DILAN: Now I'm  
16 confused even more than I was before I got here.

17 JAMES COLGATE: Oh, I'm sorry.

18 CHAIRPERSON DILAN: That usually  
19 doesn't happen. We're basically addressing two  
20 problems in this bill.

21 JAMES COLGATE: Yes.

22 CHAIRPERSON DILAN: So why the need  
23 to make this change on the regulation of the  
24 mechanical joints? And I don't know if in your  
25 testimony you've taken a position on this part of

1  
2 the legislation. I guess just talk to me a little  
3 bit more about the usefulness and why they're  
4 important. I read this and I said, wow, I'm going  
5 to have to be a plumber to understand this. And  
6 forgive me, I'm not a plumber; I'm not an  
7 electrician; I'm not a builder. I'm an elected  
8 official, and we've got to ask these questions  
9 sometimes to make sure that we're doing the right  
10 thing.

11 JAMES COLGATE: Sure. Let me  
12 explain, if I can. The pipes inside a building  
13 that either convey the water--your sinks, your  
14 toilets, the plumbing water, or the stuff that  
15 goes down the drains--when those pipes were put  
16 together you can solder them, you can weld them,  
17 you can screw them. You can put them together all  
18 different types of ways. A mechanically fastened  
19 joint is something that actually snaps together.  
20 I think the plumbers will be able to explain it a  
21 little better than I can. They snap together in a  
22 way that you turn something, you twist something  
23 and it's stuck together in a way that can be  
24 unsnapped; it's that kind of a component. So, the  
25 problem is that nationally there have not yet been

1 standards that deal with the quality of those  
2 connections. Okay. We have all kinds of  
3 standards for hundreds of years on how to solder a  
4 pipe together or screw some brass pipe together,  
5 but we don't have a lot of standards on these new  
6 systems that are out there that you can snap these  
7 things together. And what this bill does is say,  
8 okay Department of Buildings, you have to make up  
9 what those standards are and tell us what you want  
10 to satisfy. If you're going to use these snap-  
11 together things, they have to be of a type that my  
12 department will approve. That's what the bill  
13 says. Did I get that right? Yeah. I hope I  
14 explained that.

16 CHAIRPERSON DILAN: I'm glad to see  
17 that you have just maybe a little bit more command  
18 of this than I do.

19 JAMES COLGATE: But I'm hoping that  
20 I've imparted some of it. Is it sinking in? It's  
21 complicated stuff.

22 CHAIRPERSON DILAN: I got the gist  
23 of the kind of argument here. But I guess then at  
24 this time you wouldn't have a position on this  
25 part of the bill. Is that accurate?

1  
2 JAMES COLGATE: Well no. I think  
3 that we would say it's generally a good thing.  
4 What this will make my department do is sooner  
5 rather than later come up with these standards.  
6 Right now, as the code is written, the standards  
7 aren't in the books. There's just nothing there.  
8 You know, it says you can do mechanically fastened  
9 joints but it doesn't tell you what they have to  
10 be.

11 CHAIRPERSON DILAN: Okay. So then  
12 my final question on this, and I may come back  
13 later, what's going to be the impact on the  
14 building industry if this is enacted? How much in  
15 the end is this going to cost buildings? Will the  
16 buildings have to retrofit to these standards or  
17 will this apply to only new buildings? Or will  
18 all existing buildings have to go back and  
19 retrofit?

20 JAMES COLGATE: This bill has no  
21 retroactive component, which means that going  
22 forward if you were to get a permit to do new  
23 work, either construct a new building or if you  
24 were voluntarily wanting to alter your building,  
25 and if you want to use mechanically fastened

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2 joints you'll have to use only the types of joints  
3 that my department says are safe.

4 CHAIRPERSON DILAN: Okay. So it  
5 still gives you the option to use the old method?

6 JAMES COLGATE: Oh absolutely.

7 CHAIRPERSON DILAN: Okay, great.

8 JAMES COLGATE: This is just saying  
9 if you used mechanically fastened joints, it's got  
10 to be approved by us.

11 CHAIRPERSON DILAN: Okay. I'm not  
12 sure if any of my colleagues have anything they'd  
13 like to ask here. I did get one other question  
14 from my Counsel so I might as well do it now. Has  
15 the department begun to think about what standards  
16 should be in place? And if yes, what are some of  
17 the criteria that you think may be put into  
18 standards?

19 JAMES COLGATE: That's a very good  
20 question. We haven't yet looked in to that. We  
21 will be. We will have to if the bill passes.

22 CHAIRPERSON DILAN: Okay. Being  
23 that there are no questions from my colleagues,  
24 I'd like to thank you for your time, Mr. Colgate  
25 and Ms. Shegal. I hope I said that right.

2 JAMES COLGATE: Oh, can I say one  
3 other thing?

4 CHAIRPERSON DILAN: Absolutely.

5 JAMES COLGATE: One of the things  
6 that we're working on with the Law Department is  
7 in terms of implementation and a timeline, if this  
8 bill is passed we're hoping that there can be a  
9 timeframe permitted to give us time to enact the  
10 requirements that will deal with providing those  
11 standards.

12 CHAIRPERSON DILAN: How much time  
13 do you think would be sufficient?

14 JAMES COLGATE: It says 90 days.  
15 We'd like six months or so. That would give us  
16 time to research. It could be less than that.

17 CHAIRPERSON DILAN: Prior to the  
18 closure of the negotiations of the bill that could  
19 be something that's up for discussion.

20 JAMES COLGATE: Yeah, we can  
21 discuss.

22 CHAIRPERSON DILAN: We'll take that  
23 into consideration. Okay, sir but you feel right  
24 now that 90 days is not sufficient?

25 JAMES COLGATE: Right.

2 CHAIRPERSON DILAN: Not sufficient  
3 time.

4 JAMES COLGATE: Right.

5 CHAIRPERSON DILAN: Okay. And that  
6 will be noted. Thank you.

7 JAMES COLGATE: Thank you.

8 CHAIRPERSON DILAN: Okay. Now I'm  
9 going to call the guys up that really understand  
10 what this stuff is about. And if they could help  
11 us along with that, that would be great. Mr. John  
12 Miller from Plumbers Local 1 Training Center; Mr.  
13 John Murphy from Plumbers Local 1; and Mr.  
14 Terrence O'Brien from the Plumbing Foundation.

15 [Pause]

16 CHAIRPERSON DILAN: The fun part is  
17 going to be watching my colleagues who aren't here  
18 play catch up on this one.

19 [Pause]

20 CHAIRPERSON DILAN: When the light  
21 is on the mic is on and then you can just start  
22 your testimony and identify yourself before you do  
23 so.

24 JOHN MURPHY: My name is John J.  
25 Murphy. I'm the financial secretary treasurer of

1 Plumbers Local 1 in New York City. And Mr.  
2 Chairman, I would ask that you allow this panel to  
3 give their testimony, because I believe it would  
4 answer a lot of questions you might have as it  
5 comes together.  
6

7 As the Financial Secretary  
8 Treasurer of UA Plumbers Local 1, I'd like to  
9 extend our gratitude for holding today's hearing  
10 to consider Intro 874. This much-needed  
11 legislation would amend the administrative code of  
12 New York to address the lack of regulation for  
13 recently developed piping systems designed for the  
14 venting of dangerous methane and radon gases.

15 While this union was and remains a  
16 supporter of the current and recently adopted  
17 administrative code, oversights in the current  
18 code implicate potential safety and health hazards  
19 associated with the installation of methane and  
20 radon gas piping systems. The adoption of Intro  
21 874 would insure that the highest level of safety  
22 and expertise are utilized in the installation and  
23 modification of all plumbing systems.

24 Intro 874 is consistent with the  
25 goals of the New York City administrative code,

1  
2 which has recognized and regulated the  
3 installation of plumbing and mechanical systems  
4 for the past 70 years. Specifically Intro 874  
5 will extend provisions of the current code to,  
6 one, ensure that only licensed professionals  
7 install new piping systems; two, to require that  
8 the Department of Buildings provide oversight to  
9 the mechanical joints that are used in the  
10 installation of water service, water distribution,  
11 drainage and vent piping in New York City; and  
12 three, to further require the Department of  
13 Buildings to provide oversight to the installation  
14 of any piping system that is not designed to the  
15 specific code requirements.

16 While the current code permits only  
17 licensed master plumbers to install, alter or  
18 repair water supply, medical gas, fuel gas or  
19 sanitary drainage piping, no such provision is  
20 contained for these new piping systems. Section 1  
21 of Intro 874 would fill that gap and require that  
22 licensed plumbers install these new systems. Such  
23 a requirement ensures that the best-trained and  
24 most qualified persons install all of New York  
25 City's vending systems. For example, under the

1  
2 old plumbing code, with the exception of screw  
3 pipe, the most common method of joining brass or  
4 copper water pipe was soldering or brazing. The  
5 requirements for soldering and brazing are  
6 specific in the plumbing code. The new plumbing  
7 code now permits piping to be joined by mechanical  
8 means. The only safety requirement for these new  
9 means is that they be installed in accordance with  
10 the manufacturer's instructions.

11           There are numerous types of  
12 mechanical joining systems available today; this  
13 presents significant safety and health issues,  
14 because it gives to manufacturers the sole  
15 discretion to determine whether their own  
16 mechanical systems are safe. To allow  
17 manufacturers to self-regulate removes any  
18 objective or meaningful oversight of the  
19 installation process. Intro 874 would require  
20 that manufacturers obtain approval from the  
21 Department of Buildings Commissioner before new  
22 mechanical joining systems for water service,  
23 water distribution, drainage and vent systems are  
24 used in New York City.

25           Furthermore the previous plumbing

1  
2 code required that the design of venting systems  
3 conform to certain code specifications. The new  
4 plumbing code permits computer program-designed  
5 venting systems that are different than the  
6 minimum code requirements. Again there is no  
7 oversight of the design of venting systems, which  
8 creates numerous health and safety issues. Intro  
9 874 would require that the DOB review all designs  
10 that do not meet the minimum standards of the code  
11 and provide approval before installation.

12 So given the importance of plumbing  
13 and piping systems in the welfare of our City, we  
14 ask that you support Intro 874, because it  
15 addresses important safety concerns that the new  
16 plumbing code has simply overlooked. Thank you.

17 [Pause]

18 TERRENCE O'BRIEN: Good morning,  
19 Chairman. Good morning, the rest of the Council  
20 Members. My name is Terrence O'Brien. I am the  
21 Deputy Director of The Plumbing Foundation. The  
22 Plumbing Foundation, City of New York, is a non-  
23 profit association of licensed contractors,  
24 engineering associations, manufacturers and  
25 suppliers, whose mission it is to ensure the

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2 public health through the enactment and  
3 enforcement of a safe plumbing code. In  
4 connection with that mission, we regularly meet  
5 with legislative bodies and regulatory bodies that  
6 pass laws and promulgate regulations that affect  
7 the plumbing industry.

8           There are three key components to  
9 what we're going to talk about today. First,  
10 currently the New York City administrative code  
11 requires that only licensed master plumbers can  
12 install and maintain piping for supply of water,  
13 medical gas, fuel gas, sanitary drainage and  
14 venting. Recently new piping systems for  
15 dangerous gases like methane and radon have been  
16 developed and introduced into usage in New York  
17 City. Currently the administrative code does not  
18 address who is permitted to install these  
19 potentially hazardous gas systems. Presently  
20 anyone regardless of training can construct the  
21 venting piping to these gases. Section 1 and 13  
22 of this bill would require methane and radon  
23 venting systems be installed by licensed plumbers,  
24 which is virtually the same scope of work licensed  
25 plumbers are currently required to perform.

1  
2 Secondly, with the implementation  
3 of the new plumbing code on July 1st, 2008,  
4 methods for joining water supply and drainage  
5 piping, for example brass or copper piping, was  
6 expanded from soldering and brazing to include  
7 mechanical joints. The common method to join pipe  
8 mechanically is using devices to compress the pipe  
9 to join it together. The only requirements for  
10 these new methods of mechanical joining is that  
11 they must be installed in accordance with the  
12 manufacturer's instructions. That's according to  
13 605.23 of the current plumbing code.

14 Manufacturers should not be the  
15 sole determiner as to whether their systems for  
16 joining pipe are adequate for New York City.  
17 Section 2 through 14 of this bill would amend the  
18 code to require manufacturers to obtain approval  
19 from Commissioner of Buildings before these new  
20 mechanical joining methods are used in this City.

21 Lastly, up until the enactment of  
22 the new code on July 1st, 2008, venting systems  
23 had been designed to specific code requirements  
24 with little deviation. Under the 2008 code,  
25 section 918.1 and 919.1 of the plumbing code, the

1  
2 engineering for venting systems must comply with  
3 the building code. Furthermore, computer  
4 designing is permitted when developed by a  
5 licensed professional. Section 14 and 15 of this  
6 bill would require that these programs be approved  
7 by the Commissioner of the Buildings Department to  
8 ensure compliance with the code.

9           The requirements that one, methane  
10 radon piping be installed by a licensed master  
11 plumber; two, that DOB approve the manufacturer's  
12 specs of these mechanical joints; and that, three,  
13 DOB approves venting design systems, are all  
14 measures that will safeguard the City and its  
15 population. The Foundation is in full support of  
16 the proposed amendments to the code in this bill.  
17 Thank you, Mr. Chairman.

18           JOHN MILLER: Chairman Dilan and  
19 the members of the City Council on Housing and  
20 Buildings. My name is John Miller. I'm an  
21 instructor in Plumbers Local 1. I've been  
22 teaching plumbing for about 20 years. My  
23 presentation sounds like a lesson plan, so it  
24 might be something that could be beneficial to  
25 help you understand this a little bit, so I go

1  
2 with it now.

3 I'd like to thank you for giving me  
4 this opportunity to speak in support of Intro  
5 number 874. The adoption of 874 will go a long  
6 way to ensure the health and safety of New  
7 Yorkers. Each provision will more clearly define  
8 the method of installation required to meet that  
9 end.

10 The amendment in section PC 202  
11 vent piping, would add the vent piping required  
12 for the removal of methane and radon gases. Both  
13 are hazardous gases that are naturally occurring  
14 in the soil. Recent technology has led to the  
15 discovery of these gases being present underneath  
16 foundations of buildings and houses. Their safe  
17 removal would require a piping system to do that.

18 Natural gas, the kind that's  
19 supplied by our utilities for our homes, is 87%  
20 methane. At concentrations of as little as five  
21 percent, methane mixed with air is extremely  
22 volatile and a resulting explosion can level a  
23 structure. Methane gas is found in the soil  
24 produced by decaying organic waste. It can be  
25 eons old or recently produced in a landfill. Over

1  
2 time, being lighter than air, methane makes its  
3 way to the surface. If left alone, as in a field,  
4 the escaping methane disperses easily into the  
5 atmosphere. However, if trapped by a basement  
6 slab it can collect under the form, find its way  
7 into the building through cracks and penetration.  
8 The building above, with fluctuating temperatures  
9 and pressures, actually helps accelerate this  
10 process. A vent piping system designed for  
11 methane gas would solve the problem.

12           Vent piping in sanitary systems  
13 have been installed as long as there have been  
14 plumbing codes. Unsanitary and hazardous gas, a  
15 byproduct of human waste, are removed through the  
16 building's sanitary vent system and expelled  
17 through the roof opening. Strict regulations  
18 regarding sizing, location, assembly, materials  
19 and testing have led to better quality of life for  
20 New Yorkers. Illness and disease from sewer gases  
21 are prevented by proper venting.

22           The plumbing code has ensured that  
23 correct installation of venting systems is done by  
24 licensed professional plumbers. The piping for  
25 methane gas should also fall under that

1 jurisdiction.

2  
3 Radon mitigation involves the  
4 installation of a piping system that's needed to  
5 be vented. Radon is a colorless, odorless,  
6 radioactive gas, which comes from the natural  
7 breakdown of radium. The Surgeon General has  
8 warned that radon is the second leading cause of  
9 lung cancer in the United States. The EPA  
10 estimates that as many as 1 in 15 homes have  
11 elevated annual radon levels. Testing is the only  
12 way to know if the property is at risk.

13 The EPA recommends that qualified  
14 contractors be used to mitigate homes because of  
15 the specialized technical experience required.  
16 Without proper equipment or technical knowledge,  
17 one could actually increase levels of radon or  
18 create other potential hazards.

19 Piping installation for radon  
20 mitigation involves routing perforated pipe  
21 through a layer of gravel and extending the pipe  
22 as a vent through the building to a terminal on  
23 the roof. An active system employs a fan to help  
24 draw the air; a passive system relies on the  
25 conductive flow of air upward in the vent. Both

1 mitigation systems are currently being installed  
2 at various jobsites throughout the City, but not  
3 necessarily by the skilled craftsmen employed by  
4 licensed plumbers. The passage of Intro number  
5 874 would ensure that only licensed professionals  
6 would do this work. The public's rightful concern  
7 about their safety must be addressed. The  
8 knowledge that the installation of these critical  
9 systems was in the hand of a trade that has  
10 successfully installed similar systems, would go a  
11 long way to ease their fear.  
12

13 The development of the new building  
14 code for the City of New York has coincided with a  
15 revolutionary method of building, going green.  
16 While at the beginning stages now, it is  
17 inevitable that it will be the standard by which  
18 all new development will be built. To a plumber,  
19 going green means one thing: water conservation,  
20 whether in fixture design or in piping systems  
21 that reuse water. Distribution of gray water  
22 throughout a building for use in non-potable  
23 plumbing fixtures, such as a toilet, has the  
24 potential of exposing the public to health hazards  
25 previously not considered.

1  
2           The weakest link in any piping  
3 system is the joint. The assurance that the  
4 joining method will hold and pass the test of time  
5 is even more critical when discussing non-potable  
6 water distribution systems. A burst joint in a  
7 pipe distribution non-potable water means that the  
8 person will be dealing with more serious  
9 conditions than a wet wall or carpet. The  
10 standard to which these joints are designed  
11 therefore comes into question.

12           The concern that we have is that  
13 the code requires that mechanical joints for water  
14 distribution be installed in accordance with the  
15 manufacturer's instructions. Is this enough? The  
16 previous code required compliance to the standards  
17 set by testing agencies after reviewing the  
18 product. Water distribution piping met the  
19 standards of agencies such as ASTM, AWWA, ASME and  
20 AWS before they were allowed to be installed.  
21 They passing of Intro number 874 requiring  
22 approval by the Commissioner is the step needed to  
23 ensure that these joints will hold. We're looking  
24 forward to a green future, not a leaky one.

25           CHAIRPERSON DILAN: Okay. Thank

1  
2 you, Gentlemen. And before we get to questions I  
3 just want to acknowledge some of the members of  
4 the Committee who have come in since we began  
5 testimony, Council Member Jimmy Vacca of the  
6 Bronx, Council Member Lou Fidler of Brooklyn.

7 And I think the testimony was  
8 actually very, very helpful. But I just want to  
9 ask why is this legislation important to you, and  
10 how would it impact your work? And that's  
11 addressed to any member of the panel that wants to  
12 answer.

13 JOHN MURPHY: Mr. Chairman, I think  
14 first it's important to the welfare of the  
15 Citizens of New York besides the members of my  
16 union. This isn't a union/non-union issue. It's  
17 not a trade line jurisdiction issue. It's  
18 actually a safety issue. And we just felt, the  
19 industry itself felt, that there were certain  
20 oversights in the administrative code that needed  
21 to be addressed. And that's why your question  
22 earlier was a very good one, to Mr. Colgate, why  
23 isn't this dealt with separately. Because there  
24 are several oversights and it was a way to bring  
25 them together and bring them to the attention of

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the Council.

CHAIRPERSON DILAN: Okay. So I want to speak specifically now about the radon venting. Mr. Colgate earlier said that there's no standard practice as to how these venting systems are put in to buildings. Just in your experience and through the practice of your trade and talking to your members, what kind of things are you seeing out there in the City when it comes to venting these types of gases?

JOHN MURPHY: As Mr. Miller mentioned, it's as they're starting to see on new jobsites, new construction sites, we probably do the predominant amount of methane and radon venting. However, it's not mandated by the code and not mandated to be done under the direction of a licensed master plumber, which means that anybody, any unskilled trade, can perform that work.

CHAIRPERSON DILAN: Okay. So then to your knowledge then, going by that answer, you don't see a guy who has a portfolio of buildings having his handyman put together systems that handle the venting in these types of gases? You

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don't see that?

JOHN MURPHY: Not in existing buildings; this is uncovered in the soil from decomposing soil and matter. Once it's uncovered and once it's evident then it has to be addressed. And if it should be addressed, there should be oversight. It should be done by a licensed trade, much like natural gas.

CHAIRPERSON DILAN: So basically what I'm asking is you see no evidence of when it has to be addressed, there's no evidence that people are basically self-addressing this. They are calling master plumbers; they are calling people. But it's just the need to get it codified so that we have something that would prevent somebody from, say, doing that in the future. Is that kind of what's happening out there?

TERRENCE O'BRIEN: Yes, sure.

CHAIRPERSON DILAN: Okay. To your knowledge, how often are these systems being installed?

JOHN MURPHY: I believe now in new construction on a regular basis. As they go into older sites, particularly in landfills, as they

1  
2 look to develop more buildings and there's  
3 rezoning, that's when it is addressed--  
4 particularly methane.

5 JOHN MILLER: When you dig up the  
6 property you're going to have to do air quality  
7 reports, and they will discover the methane gas at  
8 that time and they'll discover any radon then, and  
9 then it has to be addressed.

10 JOHN MURPHY: If there's no  
11 presence--

12 JOHN MILLER: [Interposing] We're  
13 not talking about retrofitting every building or  
14 anything. It's not like that. But for new  
15 construction you need to deal with this. You  
16 never knew this before. The technology now allows  
17 us to know if the air is good. And you don't want  
18 to build on something that has bad air underneath  
19 it.

20 CHAIRPERSON DILAN: So it would be  
21 basically that air quality test that would trigger  
22 the need for these systems. Council Member Vacca  
23 has a question?

24 COUNCIL MEMBER VACCA: Not a  
25 question, Mr. Chairman. I have to be excused

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2 because I'm co-chairing a meeting with Council  
3 Member Brewer, but I also agree that I think this  
4 legislation is good and I'd like to add my name to  
5 the bill.

6 CHAIRPERSON DILAN: Council Member  
7 Vacca, thank you. Do any of my other colleagues  
8 have any other questions? Council Member Brewer  
9 has also been joined, and they're both conducting  
10 another hearing together. We've also been joined  
11 by Council Members Rivera and Crowley. And I  
12 would say there's no more questions from me. I  
13 think you guys have made a good argument as to why  
14 this should be put into place. And my level of  
15 understanding has dramatically improved over a  
16 half an hour ago, which is what I was hoping to  
17 achieve out of this hearing.

18 I do have a statement from the  
19 bill's sponsor that I'll just briefly read into  
20 the record. And it's from Council Member Inez E.  
21 Dickens. It says, Chairman Dilan and my  
22 colleagues on the Housing and Buildings Committee  
23 and assembled Citizens of New York, my name is  
24 Inez Dickens and I regret that I can't be with you  
25 testify in person; I'm speaking at a funeral of a

1  
2 very dear friend and constituent. I'd like to  
3 thank Chairman Dilan for allowing me to provide  
4 and read into the record my testimony and support  
5 of Intro 874, which I brought to the Council for  
6 its consideration. Intro 874 will mandate a  
7 number of very important safety related practices  
8 with regard to the installation and licensing  
9 requirements of those that will install radon and  
10 methane venting systems in New York City. Both  
11 methane and radon are extremely dangerous  
12 substances, and in the case of radon, is almost  
13 completely undetectable by anyone without  
14 equipment. This legislation aims to put in place  
15 requirements that the installation of methane and  
16 radon venting systems, both relatively new  
17 technologies in plumbing, be done by new  
18 technicians with the same professional  
19 qualifications as other plumbing tasks. Currently  
20 anyone can install these type of venting systems  
21 without professional qualifications or training.  
22 With such dangerous gases these systems must be  
23 properly installed up to code to protect people  
24 living and working in buildings. Second, the  
25 plumbing industry has come up with a new process

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2 for joining piping together beyond soldering or  
3 brazing. Now piping can be joined by a mechanical  
4 process of compressing pipe--I'm surprised the  
5 Councilmember knows so much about plumbing.

6 Currently the only requirement for joining pipe by  
7 compressing it is to follow the manufacturer's  
8 instructions. DOB needs to have a say over this  
9 process and whether it is appropriate or not for  
10 these specific projects. Requiring manufacturers  
11 to obtain DOB approval before using mechanical  
12 joining systems for joining pipe is imperative to  
13 ensuring the integrity of the piping system is  
14 upheld. Finally new plumbing venting systems can  
15 be designed to specific code requirements or can  
16 be designed by a computer system alternative to  
17 specific code requirements by a licensed  
18 professional. This legislation would amend the  
19 code and require the Department of Building's  
20 approval before any installation of venting  
21 systems that is not designed to specific code  
22 requirements. I'd like to thank the Chairman and  
23 my colleagues for their indulgence, and look  
24 forward to working with all of you towards passage  
25 and implementation of this vital legislation.

1  
2                   And I'd just say on her behalf, the  
3 Council Member has been researching this and  
4 pushing for this hearing for about--at minimum  
5 three months now. And I'd just like to have that  
6 be done for the record, we'd like to thank her for  
7 her hard work and research on this item and look  
8 forward to passage at some date in the future.

9                   Is there anything else you  
10 gentlemen want to add before I close?

11                   JOHN MURPHY: Mr. Chairman, just  
12 one other clarification because hearing it in text  
13 sounds different. We're not looking to reinvent  
14 the current forms of mechanical joints now. What  
15 we're trying to do is have oversight to prevent a  
16 new form of mechanical--a hose clamp--this works,  
17 manufacturer says it works, we're going to put it  
18 in because it doesn't say specifically what's  
19 required. So we're not looking to revert back to  
20 old ways. What is an acceptable practice now is  
21 acceptable. We just want to make sure the DOB has  
22 oversight on new mechanical methods that may be  
23 introduced.

24                   CHAIRPERSON DILAN: Fair enough.  
25 And seeing no other questions from my colleagues,

2 I'd like to thank you gentlemen for your time and  
3 testimony today and as we go forward, you know, if  
4 there are a need for amendments, I'm sure that  
5 myself or Committee staff will be reaching out to  
6 you as we look to close this item.

7 I just want to address one other  
8 item. The bill does call for 90 days and the  
9 Buildings Department asked for six months. You  
10 guys have any idea? I know it's maybe not your  
11 role, but...

12 TERRENCE O'BRIEN: No, we don't see  
13 any objection to that.

14 CHAIRPERSON DILAN: You don't see  
15 one. So if they ask for six months the plumbing  
16 industry wouldn't be opposed.

17 TERRENCE O'BRIEN: That's  
18 reasonable.

19 CHAIRPERSON DILAN: Six months is  
20 considered reasonable. Okay. That helps us out a  
21 little bit on that one part of the bill, and we'd  
22 like to thank you for your time today.

23 Being that there's no other  
24 testimony that needs to be entered into the record  
25 and Intro 874-A at this point will be laid aside.

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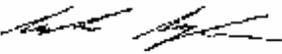
And that will conclude this hearing on the Housing

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and Buildings Committee.

C E R T I F I C A T E

I, Erika Swyler, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  \_\_\_\_\_

Date \_\_\_\_\_ October 26, 2009 \_\_\_\_\_