



October 19, 2020  
Testimony of John Sudnik, Chief of Department, FDNY  
**Legislation Relating to Film Production**

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Good morning Chair Borelli and all of the Council Members present. My name is John Sudnik and I am the Chief of Department at the New York City Fire Department. I'm joined today by Kevin Brennan, Deputy Assistant Chief of the Bureau of Fire Prevention, and Kelly Carr, the Deputy Code Development Counsel for the Bureau of Fire Prevention. I am also joined by Lori Barrett-Peterson, General Counsel for the Mayor's Office of Media and Entertainment. Thank you for the opportunity to speak with you today about the Council's legislation relating to fire safety measures at film production locations.

I would like to begin by addressing the tragic incident that prompted the legislation and the discussion that we're having today. On March 23, 2018, firefighters responded to a five-alarm fire on St. Nicholas Avenue in Harlem. The location was a former jazz club that had been temporarily converted into a movie set. Firefighter Michael R. Davidson was operating a hoseline to suppress the fire when he became separated from his fellow firefighters inside rapidly deteriorating conditions. After a desperate search to locate Firefighter Davidson, he was transported to Harlem Hospital where he succumbed to injuries sustained in the fire. Firefighter Davidson was a 15-year veteran of the Fire Department when he died. He was a native of Sunnyside, Queens, and the Fire Department was in his blood; his father served for 26 years in

the Department, and his brother Eric is an active firefighter, serving in Engine Company 88 in the Bronx. On four different occasions, Firefighter Davidson was cited for bravery and life-saving actions. He was posthumously promoted to the rank of Lieutenant.

It is an unfortunate reality that the Fire Department is not new to tragedy. Firefighter Davidson was the 1,150<sup>th</sup> member to make the Supreme Sacrifice in the line-of-duty. We put a priority on learning from tragic events, and we draw from these experiences to make sure that members of the Department responding to subsequent incidents are safer and better protected.

As with every large incident, FDNY fire marshals performed an investigation of the fire. They determined that heat from a boiler ventilation flue pipe ignited nearby combustible materials, causing the fire in the cellar. Due to pending litigation, we are restricted with how much detail we can discuss here today. However, one of the conclusions of the subsequent health and safety report was that the fact that the location was being used as a film set presented challenges to firefighters who responded to the fire. Among other factors, the set included temporary partitions that created voids, causing confusion and obscuring the fire as it grew. Fire resistant materials had also been removed from the first floor.

We are grateful to the sponsors of this legislation – and to the Council in general – for working with us and for prioritizing the safety of our members. Following a review of this incident, there are a number of changes that we would like to see take place at filming locations in New York to help the Department to avoid a similarly dangerous situation in the future. We have worked with

our colleagues at MOME to make improvements, and we think this legislation can be helpful in improving Fire Department operations at filming locations and enhancing the safety of our members and the public that we serve.

### Introduction 1849

Introduction 1849 is sponsored by Chairperson Borelli and would establish fire safety provisions for film production locations and require production location fire safety managers for certain scouting, rigging, and production activities, as well as pyrotechnic usage. While we have some suggestions for small changes, we are supportive of this bill. This legislation enables the Department to establish rules around filming locations, including making sure that construction and alterations of locations used for film sets are completed in a safe manner.

One aspect of this bill that we find particularly valuable is that it would require film productions to designate an individual to serve as the *production location fire safety manager*. Productions will now have someone who will be responsible for periodically inspecting the location, ensuring that permits and other necessary approvals have been properly obtained, completing fire safety surveys, and that individual will provide the Fire Department with a point of contact to deal with when on site or responding to an emergency. The legislation also enables the Department to make rules designating certain production activities during which FDNY representatives will be on scene.

We do want to clarify that that the legislation may reference some activities for which the production company may not need to designate a production location fire safety manager. We recognize the importance of the film industry in New York, and as with every industry that we regulate, we know our safety regulations have an impact on their operations. The legislation as drafted would require a production location fire safety manager to be designated when a permit is issued for scouting activities, but in fact we would not have any need to interact with such a person during scouting activities. The rules that we promulgate in accordance with this legislation will be mindful not to impose any burden unnecessarily.

The Mayor's Office of Media and Entertainment would like revise the definition of "product location" to specify that it includes "a premises associated with any location approved for the purpose of motion picture, television, or commercial production" because their jurisdiction under the Charter is limited to exterior public property and the purpose of this legislation includes application to private property.

#### Introduction 1852

Introduction 1852 is sponsored by Councilmember Cornegy and would require anyone receiving a permit for filming from the Mayor's Office of Media and Entertainment to provide to the Fire Commissioner and the local firehouse a detailed blueprint of any production location, with a penalty for failure to do so resulting in a revocation of the permit and a civil penalty. It would

also require that such permits only be issued when all city, state, and federal healthy and safety violations have been closed or clear.

We believe that the first section of the bill requires more from the industry than is of use to the Fire Department. Blueprints for filming locations would not be particularly valuable for the Department, either at headquarters or at the firehouse, as in most cases, blueprints would not be necessary to evaluate fire safety. Such a requirement could be costly and time-consuming for production companies to obtain. We would remove this provision.

The second portion of this bill – Section 325.3 – has a very useful objective. However, we would suggest that the language be amended to narrow the universe of violations covered by this section to strike a balance between what would be helpful to the Department and what would be feasible to administer. The Fire Department has no mechanism for tracking state and federal violations. As written, the scope of local violations covered by this provision would exceed those necessary to protect the safety arising out of the use of a property for filming. For example, a food-related violation for a restaurant would be irrelevant to the filming location in a different part of the building. However, we do think that it would be useful to compel companies to clear outstanding life and safety violations at filming locations. We recommend amending this provision to cover violations issued by the Department of Buildings and the Fire Department that the Fire Department determines constitute a life safety hazard. With these suggested changes, we would support this legislation as well.

Regarding both 1849 and 1852, we thank the Council for creating legislation that will improve the safety of first responders as well as members of the film production and the public. We sincerely appreciate the interest of the sponsors in improving the protections and safeguards for our members. We would be happy to continue working with you on the suggested changes that I mentioned here today.

I will now answer any questions that you have.



October 16, 2020

Speaker Corey Johnson & New York City Council Members  
New York City Hall  
250 Broadway  
New York, NY 10007

**RE: New York City Int 1852-2020** *A Local Law to amend the New York City Fire Code, in relation to requiring any person permitted for scouting, rigging and production activities to provide film set blueprints in advance of permitted activities to the fire department, should not require reporting for polyurethane foam.*

Dear Speaker Johnson & New York City Council Members:

The American Chemistry Council's (ACC) Center for the Polyurethanes Industry (CPI) thanks the New York City Council for the opportunity to provide input on Bill 1852. CPI's members include the nation's leading suppliers, producers and distributors of chemicals and equipment used to make polyurethane and manufacturers of polyurethane products.

ACC and CPI support efforts to increase the fire safety of materials made with the products of chemistry that are used in the built environment. We want to be part of the solution to support and protect our first responders. We rely on firefighters as a key component of our overall safety initiatives at our manufacturing facilities and offices and we are engaged in ongoing partnerships to provide training, equipment and support for firefighters. Last year, ACC's [TRANSCAER®](#) program trained more than 40,000 emergency responders throughout North America to better prepare for and respond to transportation and hazardous materials emergencies. ACC's 24/7 emergency response call center, [CHEMTREC®](#), establishes links between shippers, carriers, emergency responders and medical professionals.

CPI supports ensuring that first responders have the necessary information to safely protect themselves, the public, and property in New York City. CPI believes proactive communication between fire departments and film and television production companies is the most complete way to ensure first responders understand what challenges may be present due to the unique nature of production studios.

Polyurethane products have been used safely in homes, office buildings, cars, and movie sets since the 1950s. Polyurethane products, like many products present in our daily lives, are combustible. Polyurethane products (or products that contain polyurethane) comply with robust fire safety standards developed at the local, state, and federal levels. For example, the fire safety of mattresses, which contain polyurethane foam, are regulated by the Consumer Products Safety Commission. Fire safety requirements for polyurethane foam insulation are included in the New York City Building Code.

Polyurethane foam products, such as upholstered furniture, mattresses, carpet cushion, automobiles, and insulation are well understood and are used safely in everyday life. The polyurethane foam products used on movie and film sets are no different from the polyurethane products used by the citizens of the New York City in their residences, office buildings, and cars. Bill 1852 proposes to require film and television production companies to file blueprints and report the use of plywood and polyurethane foam to local fire departments.

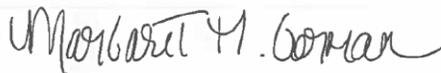


We are concerned that this bill unfairly stigmatizes a product that complies with robust fire safety standards and that, in narrowly drawing the reporting requirements, may not fully achieve the intent of increasing fire safety. We encourage the Council to consider revising this approach to better provide first responders critical safety information and are willing to work with the Council to refine the proposal.

Sincerely,

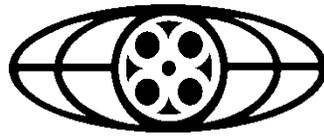


Stephen Wieroniey  
Director, Center for the Polyurethanes Industry



Margaret M. Gorman  
Senior Director, Northeast Region





**MOTION PICTURE ASSOCIATION – AMERICA**

Testimony of

Angela Miele

Vice President of State Government Affairs and Tax Policy

Before the

New York City Council

Committee on Fire and Emergency Management

Intros 1852 and 1849

October 19, 2020

Chairman Borelli and members of the Committee on Fire and Emergency Management, thank you for the opportunity to provide written testimony on the two fire safety measures before you, Intros 1852 and 1849.

My name is Angela Miele, Vice President of State Government Affairs and Tax Policy for the Motion Picture Association – American (MPA-A). I am submitting testimony on behalf of the members of the MPA-A a trade association representing the leading producers and distributors of motion picture, television series and streaming productions in the United States.\* All MPA-A member companies produce and distribute motion pictures for theatrical exhibition, streaming and for subsequent release on pay, cable and broadcast television, streaming and other media device outlets.

We obviously support and implement fire safety measures and currently follow existing New York City fire safety protocol on all sets. We appreciate the opportunity to share our concerns regarding these proposed new fire safety measures, which establish requirements for rigorous fire safety mandates on production sets.

The motion picture and television production industry have a long history of developing and supporting a sustainable and safe environment for production throughout the five boroughs.

The legislative measures (Intros 1852 and 1849) as currently drafted pose challenges. We respectfully believe these challenges would impose insurmountable obstacles and time delays for productions. These obstacles could impact union production workers and their jobs, which total 50,000 in New York State. The industry strives to be safe, responsible and compliant, however, we submit increased fire safety review should be fair and reasonable so unnecessary interruptions do not occur.

Specifically, we have the following proposals: We submit the Mayor’s Office of Media and Entertainment (MOME) should continue to be the “one stop shop” for production applications and approvals given their expertise. We urge the development of clear and succinct guidance. That is why we suggest a “Fire Safety Check List” should be developed. Our recommendation is to have FDNY collaborate with MOME on a fire safety checklist to be completed and submitted along with every production permit application.

In addition, we propose that each production designate a production location fire safety manager. The production fire safety manager will be responsible for determining compliance with the required fire safety measures such as confirming that permits or other required approvals have been obtained, as well as completing fire safety surveys or other recordkeeping. Production companies would complete the checklist and file it with MOME once any interior sets have been identified (typically after the permit application has been submitted).

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\* MPA-A members include: *Walt Disney Studios Motion Pictures; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Universal City Studios LLC; Netflix Studios and Warner Bros. Entertainment Inc.*

We believe the proposed fire safety checklist developed in conjunction with MOME and the Fire Department will clearly identify those productions, which may require further fire safety review.

This new protocol will provide a seamless and clear path to increased accountability for fire safety on the production sets and peace of mind for all cast/crew and location workers.

Thank you for the opportunity to share our concerns and we look forward to working with you to revise these proposed measures, so they are clear and not a compliance burden or an administrative challenge for both the City and the production industry.

## City Council Davidson Bills Hearing

My name is Ilana Sofie Mercado and I'm a member of Manhattan Community board 9 and also a member of the Community Board's Taskforce on Film and Television. I am testifying today on behalf of the Taskforce.

The Taskforce was created to address community concerns regarding the overwhelming use of our district for filming various TV and movie productions. The Taskforce's goal is to be a conduit of communication between community members, the film production companies and the Mayor's Office of Film Television and Entertainment, the entity in charge of giving out permits to these production companies.

The concerns from our community ranged from multiple and ongoing quality-of-life disturbances, such as filming during all hours of the night, sidewalk congestion, street safety concerns for school children, storing flammable gas tanks near playgrounds, parking interference and complaints of improper or untimely notification that there would be a film shoot at particular locations.

We understand the great source of revenue that the film industry brings to the city, however, we also believe that communication between this industry and our communities is of utmost importance for our quality of life and also as in this case to prevent the loss of life.

As you may know this devastating fire that took the life of FDNY Lieutenant Davidson occurred within our district. We lost a valuable member of the FDNY who bravely served our community and we also lost a community Landmark the st. Nick's Jazz Pub. The proposed legislation serves to prevent tragedies like this from occurring by providing a means of notification and communication between the film industry and the FDNY.

Specifically,

Int 1849-2020

"requiring production location fire safety managers for certain scouting, rigging and production activities, and pyrotechnic usage."

We believe that having such personnel will help to ensure that safety measures are being taken on set, thus protecting the lives of our community members and the fire fighters who protect our community.

Int 1852-2020

"This bill would require anyone permitted for film production activities to share with the Fire Department a blueprint of the set, including any nonpermanent walls, and when plywood or polyurethane foam is used in set design and construction."

We believe this requirement will provide life saving transparency for the FDNY in the case of an on set fire such as the devastating fire at the heart of this proposed legislation.

Thank you.

Ilana S Mercado