

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HEALTH

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October 24, 2017
Start: 10:24 a.m.
Recess: 11:03 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: JAMES VACCA
Acting Chairperson

COUNCIL MEMBERS: Rosie Mendez
Mathieu Eugene
Peter A. Koo
James Vacca
James G. Van Bramer
Inez D. Barron
Robert E. Cornegy, Jr.
Rafael L. Espinal, Jr.

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

Corinne Schiff, Deputy Commissioner
Environment Health at
NYC Department of Health and Mental Hygiene

Arthur Klock, Training Director
Plumbers Local Union No. 1
Trade Education Fund

Stewart O'Brien. I'm the Executive-Executive
Director of the Plumbing Foundation

Daryn Cline
Alliance to Prevent Legionnaires' Disease

2 [sound check, pause]

3 CHAIRPERSON VACCA: Hello, everyone.

4 Thank you for coming, and I'm James Vacca, and I'm
5 filling in for the Chair of the Health Committee
6 Corey Johnson who could not be here today. So while
7 I'm on the train, I was asked to do this, and it's my
8 pleasure to fill in when a member is ill. Today, the
9 Committee will be hearing legislation relating to the
10 creation of a water tank inspection report database.
11 The city's water mains provide enough pressure to
12 deliver water to buildings [door bangs] up to six
13 stories. Taller buildings use electric pumps to
14 carry water into water tanks on the top of the
15 building and rely on gravity to distribute the water
16 to the floors below. According to the Department of
17 Mental Health, there are about one-about 10,000
18 buildings in the city that contain at least one water
19 tank. The majority of these tanks are made of wood
20 and when not maintained properly they have been found
21 to contain viruses, bacteria and parasites. In 2009,
22 the Council passed Local Law 11 sponsored by Council
23 Member Dan Garodnick, which required building owners
24 to have their water tanks inspected annually and
25 submit the results of these inspections to DOHMH upon

2 request. In 2013, DOHMH inspections on a random
3 selection of 110 buildings of seven stories found
4 that only a third were able to demonstrate proof of a
5 water tank inspection in the previous year. Having
6 only one third of building owners—owners following
7 the law is unacceptable. Intro 657-A sponsored by
8 Council Member Garodnick, which we are hearing today
9 would require building owners to submit annual water
10 tank inspection reports to DOHMH, and would require
11 DOHMH to forward the results of water tank
12 inspections to the Department of Buildings. The bill
13 requires DOB to create a water tank inspection
14 database accessible through its website, which would
15 contain each building's complete history of water
16 tank violations. Intro 657-A would require DOHMH to
17 report—to submit a report relating to water tank
18 inspections to the Council on an annual basis, and
19 require that such reports include data on the number
20 of inspections results received, and the number of
21 results that demonstrate compliance with the health
22 related requirements for water tanks.

23 I want to thank my colleague Council
24 Member Garodnick for pursuing this issue and Council
25 Member—Member Garodnick, I'd like to introduce you to

2 say several words on the bill you're sponsoring
3 today.

4 COUNCIL MEMBER GARODNICK: Thank you very
5 much Chair Vacca and, of course, we wish Chair
6 Johnson a speed recovery. I'm very pleased we're
7 having a hearing today on Intro 657, which is a bill
8 that we introduced to strengthen and bring greater
9 clarity to rules surrounding the inspection of water
10 tanks. Water tanks are an essential element of New
11 York City's water infrastructure, and it is critical
12 for the public to understand their condition. Yet,
13 for many years it was impossible for a member of the
14 public to find out whether the water tank providing
15 water to their family was meeting basic maintenance
16 requirements. That's why we passed that bill back in
17 2011 that actually required that there be the
18 opportunity to access water tank inspections as a
19 resident of a building. Prior to that time, you
20 couldn't access water tank inspections even if you
21 had a subpoena. So, it was an oddity under New
22 York's law and we changed that. However,
23 investigations by the Department of Health and by the
24 New York Times found that few buildings were having
25 their water tanks inspected. Fewer still were

2 requiring with the requirement that we created to
3 have proof of that inspection, and even when water
4 tanks were being inspected, those buildings were
5 largely not posting the required notice to tenants
6 that the inspection results were available. All
7 requirements of the bill that we passed through this
8 Council. This system continued to be broken. In
9 2015, the Department of Health took a big step
10 forward and adopted rules requiring building owners
11 to share these inspection results with the
12 department. Subsequently, DOHMH created a database
13 allowing residents to see water tank inspection
14 results for buildings. Our bill today goes even
15 further. I codifies into the Administrative Code
16 this requirement for buildings to submit their annual
17 water tank inspection results to the Department of
18 Health. It also adds language requiring the
19 Department of Health to send these results to the
20 Department of Buildings, which could better allow
21 agencies to work in tandem to identify, and rectify
22 maintenance issues with water tanks. Lastly, our
23 bill would require the Department of Health to submit
24 annual reports on water tank inspections to the
25 Council so we can also better track compliance. We

2 are going to bring some more sunlight to the issue
3 here, and give the public more certainty that their
4 water is safe to drink. I look forward to hearing
5 today's testimony, and I encourage my colleagues to
6 join me in support of this bill Intro 657-A, and Mr.
7 Chairman, thank you for the opportunity and I look
8 forward to hearing the testimony.

9 CHAIRPERSON VACCA: Thank you, Dan
10 Garodnick and I am already a co-sponsor. I think
11 this is very much needed. We have been joined by
12 Council Member Ydanis Rodriguez and Rafael Espinal,
13 who will be right back I'm sure and Council Member
14 Peter Koo is here, and Council Member Robert Cornegy.
15 I want to thank the staff for all their fine work as
16 always. I'd like to introduce Corinne Schiff, who is
17 Deputy Commissioner for the New York City Department
18 of Health and I would have to swear you in. Do you
19 affirm to tell the truth, the whole truth, and
20 nothing but the truth in your testimony before this
21 committee, and to respond honestly to Council Member
22 questions?

23 DEPUTY COMMISSIONER SCHIFF: Yes.

24

25

2 CHAIRPERSON VACCA: Thank you so much.

3 Would you please proceed? Introduce yourself for the
4 record.

5 DEPUTY COMMISSIONER SCHIFF: Good

6 morning, members of the Health Committee, Council
7 Member Garodnick and please send my best to Chairman
8 Johnson. I'm Corinne Schiff, Deputy Commissioner for
9 Environment Health at the New York City Department of
10 Health and Mental Hygiene. On behalf of Commissioner
11 Bassett, thank you for the opportunity to testify on
12 Introduction 657-A, which builds on an existing
13 framework [door bangs] to enhance transparency about
14 drinking water tank inspections. Before turning to
15 the proposed legislation, I want to provide--

16 CHAIRPERSON VACCA: [interposing] Excuse
17 me. I'm sorry to interrupt you. I'm sorry, but
18 could we have copies of your testimony? I don't have
19 a copy here of the--is it there? I want to follow you
20 as you speak, but we always have testimony in front
21 of us. Is that it? Okay, thank you. Please
22 proceed.

23 DEPUTY COMMISSIONER SCHIFF: Sure. Before
24 turning to the proposed legislation, I want to
25 provide some background on the Health Department's

2 role overseeing the safety and quality of New York
3 City's drinking water. The city's water originates
4 from protected reservoirs in the Hudson Valley, and
5 Catskill Mountains. About a billion gallons a day
6 travel south through a system of approximately 7,000
7 miles of water mains, tunnels and aqueducts to the
8 city where they are distributed throughout the five
9 boroughs. Pressure in the city water mains is
10 powerful enough to send water into buildings and up
11 as high as the sixth floor. In taller buildings
12 water is typically delivered to the basement, and
13 then pumped to a tank on top of the building where by
14 force of gravity it descends through building pipes
15 to the tap. The Health Department oversight
16 responsibility to ensure that the city's drinking
17 water meets federal and state water quality
18 standards. We do this by inspecting upstate
19 reservoirs, water treatment plants and storage, and
20 distribution facilities. We review designs from the
21 Department of Environmental Protection for new and
22 upgraded water facilities, validate system wide
23 samples results and check water supply and treatment
24 operational reports. The Health Department conducts
25 water quality sampling at taps around the city and

2 investigates water quality related complaints. The
3 Health Department also enforces New York City Health
4 Code and Administrative Code requirements on property
5 owners regarding building drinking water tanks.
6 Water tanks, the iconic round mostly wooden
7 structures that dot our rooftops are subject to
8 mandates from the Health Department and Department of
9 Buildings that govern construction, annual cleaning,
10 inspection and water sampling, tenant notification
11 and reporting on inspection and sampling results.
12 New Yorkers can find the results of their building's
13 annual water [door bangs] tank inspection and water
14 sampling on our website at nyc.gov/health/water
15 tanks. New York City water meets or exceeds legal
16 requirements, is famous for its quality and great
17 tasted and as Dr. Bassett likes to say, is the best
18 beverage for your health. The Health Department
19 supports Intro 657-A, which would restore the
20 requirement that the department report information
21 about building owners annual water tank inspections
22 to the Council by expanding transparency, the
23 legislation will further promote New Yorkers'
24 confidence in their drinking water. We look forward
25 to working with the Council on this bill. Thank you

2 for the opportunity to testify, and I would be happy
3 to take questions.

4 CHAIRPERSON VACCA: Thank you. Things
5 don't come easy like this too often. So, you're in
6 favor of the bill, and you're not suggesting any
7 revisions or any reservations at all, is that
8 correct?

9 DEPUTY COMMISSIONER SCHIFF: Sell, we
10 look forward working with you on some of the detail,
11 but we're—we're supportive.

12 CHAIRPERSON VACCA: Okay. One or two
13 things I do want to mention, we've been joined by
14 Council Member Jimmy Van Bramer. Let me ask you
15 something. So, I have a building in my district.
16 The two tenant leaders asked that I go there and meet
17 with them. I go there and I meet with them, and
18 there was a notice on the wall that the inspection
19 for the tank is—has expired. I then go back to the
20 agency, I go back to the Department of Health and
21 they say that it's up-to-date. It was inspected last
22 on April 2016. The inspection has to occur within
23 the calendar year and results are required to be
24 submitted by mail or online by January 15th of the
25 next calendar year. So, therefore, even though it

2 expired, your agency is saying that the inspection
3 can take place within the calendar year, which is
4 giving this building in my district maybe a six-month
5 extension on the inspection, which I wasn't aware of.
6 Is this how things proceed in matters like—like this?

7 DEPUTY COMMISSIONER SCHIFF: The
8 requirement in the Health Code is for an annual
9 inspection, and also for submission of the annual
10 inspection report by January 15th of the following
11 year. So, there can be an inspection. They—they
12 could do the inspection in April, but not submit that
13 report to us until the following January, and that's
14 when our enforcement would begin.

15 CHAIRPERSON VACCA: We do not know if the
16 inspection was done yet. They have to make a report
17 by January 15th. The tenants are not certain or not
18 at all knowledgeable about whether or not an
19 inspection was performed even though in their lobby
20 is a notice that the inspection is past due.

21 DEPUTY COMMISSIONER SCHIFF: You're right
22 that the requirement is to inspect the tank annually
23 and also within the calendar year. So, depending on
24 the timing for the building there could be an
25 additional couple of months, but I want to emphasize

2 that the drinking water tank by its very design is
3 extremely safe. It keeps the water very safe for a
4 few reasons. The first is that the water is coming
5 directly from the city's water main. It enters the
6 water tank at the top, and is drawn out only through
7 the middle. There is residual chlorine in the water,
8 and that acts as an ongoing disinfectant, and the
9 water is constantly being drawn and pumped in anew,
10 and so there's constant circulation. The water is
11 not stagnating, and the finally, the wood serves as a
12 natural insulator, and so that water stays cool and
13 provides a very low risk environment, and there is a
14 requirement for an annual inspection and reporting
15 that to us the following January so we're sure to
16 cover that 12-month period, but even if there is a
17 little bit of extra time, there's really no
18 additional risk introduced into the system. New
19 Yorkers are welcome to 311 and make a complaint about
20 that, but that's the way that the system works and-
21 and we—and we think that's really an appropriate
22 response.

23 CHAIRPERSON VACCA: Okay. I want to ask
24 the sponsor of the bill Council Member Garodnick to
25 start off with the questioning.

2 COUNCIL MEMBER GARODNICK: Thank you,
3 very much, Mr. Chairman, and one thing that, you
4 know, you and I've learned over 12 years of service
5 to the Council is that when the administration comes
6 and says that they support the bill, we probably
7 should just stop right there, but because I haven't
8 learned everything in 12 years, I just have a couple
9 of very small questions especially one in light of
10 the answer to the question you got a moment ago about
11 the details of the bill. Is there any specific
12 detail of the bill that as you sit here today believe
13 that we should be considering changing, editing or
14 modifying in any way?

15 DEPUTY COMMISSIONER SCHIFF: Well, we'd-
16 we'd like to get back to you with-with the details.
17 They're not here. I don't have any line edits with
18 me, but, you know, overall we're supportive it. As I
19 said, we-we appreciate any opportunity to expand
20 transparency New Yorkers' drinking water because we
21 want New Yorkers to choose water. So, we'd like to
22 be in touch with-with some of the details, but I
23 think we're-we're very close.

24 COUNCIL MEMBER GARODNICK: Okay and when
25 the Department of Health adopted rules requiring

2 reporting actually to the agency, did you see any
3 changes in the compliance rates?

4 DEPUTY COMMISSIONER SCHIFF: No, the
5 shift that was made by the Board of Health toward
6 universal reporting in 2015 I think has been
7 extremely important and it's allowed our-our
8 enforcement to be much more robust. It's hard to
9 answer that question because as you noted in your
10 opening comments the system that existed before
11 universal reporting was frankly weak. So, it's hard
12 to really say what the overall compliance rate was
13 with testimony, with maintaining reports and with
14 providing those to us. So, I think we are moving
15 toward a much more robust oversight of water tanks
16 and we're seeing really better and better compliance
17 and we continue. You know, I should say we continue
18 to see as we have, and I think we probably expressed
19 this years earlier, you know, we also have very
20 active surveillance, and we don't have any evidence
21 of a link—a disease linked between our water tanks
22 and—and disease. So, I think all of these changes
23 has just—have been improvements and I think the bill
24 introduces some additional improvements.

2 COUNCIL MEMBER GARODNICK: And—and just
3 so that we have it for our own purposes, why do you
4 think it is important for us to have some level of
5 public disclosure of the water tank inspections? Why
6 is it important for public health? [door bangs]

7 DEPUTY COMMISSIONER SCHIFF: Our position
8 at the Health Department is that we want New Yorkers
9 to choose water as their beverage, and the more that
10 New Yorkers have confidence in really our world
11 renown drinking water, the more we think they will
12 choose water. We are—we are in favor generally of
13 transparency. We do the people's work, and we want
14 them to know what we do, but here especially the more
15 we can let people know that their water is safe, and
16 of excellent quality, the more we think people will
17 drink water, and that's good for their health.

18 COUNCIL MEMBER GARODNICK: Okay. Thank
19 you, MR. Chairman. Appreciate it.

20 DEPUTY COMMISSIONER SCHIFF: Thank you.

21 COUNCIL MEMBER GARODNICK: And thank you
22 to the department.

23 CHAIRPERSON VACCA: Thank you. Oh, I
24 have one quick question and the Council Member Koo
25 has questions. Where do we stand with public

2 buildings and public schools? Do you inspect them
3 yearly? Is the same effort being made to make sure
4 that those water tanks there are performing well and
5 safe?

6 DEPUTY COMMISSIONER SCHIFF: So, the
7 water—the water tank requirements apply to any
8 building that has a water tank. So, the enforcement
9 system would be the same.

10 CHAIRPERSON VACCA: Are you getting
11 cooperation from NYCHA and HHC and other non-mayoral
12 agencies? Is there cooperation? Is there work that
13 your agency has done with those agencies?

14 DEPUTY COMMISSIONER SCHIFF: We certainly
15 work closely with our sister agencies. I'm not aware
16 of any issues with their—their water tank
17 inspections, but I would—I would—I don't have any
18 details about that. So, I would have to look and get
19 back to you, but we certainly work very closely with-
20 with our sister agencies on all water related issues.

21 CHAIRPERSON VACCA: I—I do want to say
22 that because I can ascertain that the differences or
23 modifications you're requesting are very minimal, if
24 any, in this bill that I'm going to recommend to the
25 Chair that we try to move this for a vote in the next

2 several weeks. So, we will fast track it based on
3 your testimony today. So, if there is input, it
4 would be important that you get that in as soon as
5 possible to the sponsor.

6 DEPUTY COMMISSIONER SCHIFF: Sure we'd be
7 happy to-to have those conversations quickly and-and
8 move ahead.

9 CHAIRPERSON VACCA: Thank you. Council
10 Member Koo.

11 COUNCIL MEMBER KOO: Thank you, Chair
12 Vacca and thank you Deputy Commissioner. My question
13 is does this inspection apply to all buildings
14 including NYCHA and federal and state buildings?

15 DEPUTY COMMISSIONER SCHIFF: The Health
16 Code requirement applies to all buildings with a
17 water tank. The city does not have jurisdiction over
18 federal buildings, but-but buildings in the city
19 that--that are under the authority of the Health
20 Department, applies whether it's a public or a
21 private building.

22 COUNCIL MEMBER KOO: The reason I asked
23 you is because the reason is we have two cases of
24 Legionnaires' Disease in one of the NYCHA buildings
25 in my district, and they came and they inspected, and

2 they do all these other things to prevent further
3 happenings. So, having an inspection like this
4 annual inspection, you know, you prevent
5 Legionnaires' Disease breakout in New York City?

6 DEPUTY COMMISSIONER SCHIFF: Well,
7 Legionnaires' Disease is actually entirely unrelated
8 to drinking water tanks. In a situation where there
9 are two or more cases in a building, it sounds like
10 there is a situation in your district where there
11 were at least two cases within a year of
12 Legionnaires' Disease in a building. That's—that is
13 unrelated to the building water tank. We have an
14 extremely active Legionnaire's Surveillance Program
15 there, and with very sensitive systems to track
16 Legionnaires' Disease and to find patterns in them,
17 and when we see a pattern in a particular building,
18 then we launch an investigation of that building's
19 water system. It's not going to be an investigation
20 of the water tank for all of those reasons that I
21 articulated that for why a water tank is very safe.
22 It comes from the water main. The water is not
23 stagnating, and for all of those reasons. That's not
24 a contributor to Legionella Bacteria, which is the
25 bacteria that causes Legionnaire's Disease. Instead,

2 that investigation is going to be of the building's
3 internal plumbing system. The plumbing system can be
4 a place where Legionella Bacteria grow, and so when
5 we see a pattern of Legionnaire's Disease cases in a
6 building then we work very closely—in this case it
7 was NYCHA—we worked very closely with the property
8 owner including NYCHA to investigate the internal
9 plumbing. Sometimes it turns out that that's not why
10 it is—there's Legionnaire's Disease around. There
11 are, you know, 2 to 400 cases a year, but it could be
12 the building's water system the internal plumbing,
13 not the water tank, and so we conduct an
14 investigation. If the results of that investigation
15 indicate that there is the Legionella Bacteria of the
16 type that can cause Legionnaire's Disease, then there
17 are a variety of remedial efforts that can be
18 undertaken and we monitor that. We work very closely
19 on the remedial effort at the building as well. So
20 that is different from water tanks.

21 COUNCIL MEMBER KOO: So, how many cases,
22 you know, water poisoning, you know, the water
23 disease we have in New York City? You know the major
24 ones, you know, that cause people sickness. Have
25 they—if they have been reported to the Department of

2 Health then cases annually because of the water tank
3 problem?

4 DEPUTY COMMISSIONER SCHIFF: We also have
5 an active surveillance program to track, for example,
6 E coli, which would be one of the bacteria that we'd
7 be concerned about that make people sick, and we have
8 no evidence, no cases of-of E coli that we can link
9 to a drinking water tank. So, those reasons that I-
10 that I listed for why water tanks are very safe,
11 those are the reasons why we have no evidence of
12 disease linking to a water tank.

13 COUNCIL MEMBER KOO: So, it's completely
14 safe to drink from the faucet in every building?

15 DEPUTY COMMISSIONER SCHIFF: What I'm
16 here to say is that the water-that the water tank
17 creates a system that is-this is very safe, which is
18 why we're supporting the bill. We want New Yorkers
19 to understand that their drinking water is safe and
20 that it's the best beverage for their health. As Dr.
21 Bassett likes to say, we want New Yorkers to drink
22 water. That's not to say that there can't be some
23 issue in a particular building. You know, New
24 Yorkers who are concerned about their water can for
25 example order a test kit from DEP, but New York has

2 really the safest—some of the safest highest quality
3 water in the world, and we want New Yorkers to know
4 that, and we want New Yorkers to drink water.

5 COUNCIL MEMBER KOO: Okay, thank you.

6 CHAIRPERSON VACCA: Thank you, Council
7 Member Koo. We've been joined by Council Member
8 Rosie Mendez. There being no further questions from
9 the Council, I want to thank you very much for your
10 testimony. I'd like to introduce our first panel.
11 Daryn Cline, the Alliance to Prevent Legionnaires;
12 Stewart O'Brien, Plumbing Foundation; Arthur Klock,
13 Plumbers Union, Local 1. [pause] Mr. Klock, would
14 you please start, and introduce yourself?

15 ARTHUR KLOCK: There we go. That's
16 better. Thank you very much, Acting Chairman Vacca
17 and members of the Committee on Health. My name is
18 Arthur Clock. I'm the Training Director for Plumbers
19 Local Union No. 1 Trade Education Fund, this jointly
20 administered labor and management fund operates a
21 40,000 square foot training center located in Queens.
22 In that facility, we provide training for a
23 population of almost 6,000 plumbers from apprentices
24 through journey workers and on up to foremen and
25 supervisors. Students in our various training

2 programs studied the causes and effects of
3 contamination in the water supply system and learned
4 the skills necessary to install and maintain the
5 equipment which provides clean water and more
6 importantly, prevents our buildings' water
7 distribution system from becoming a vector that
8 spreads disease. Recent guidelines and warning from
9 the Center for Disease Control indicate that there is
10 a growing awareness that most cases of Legionnaire's
11 Disease are traceable to the domestic water supply
12 system inside buildings rather than to air
13 conditioning and cooling towers as was once
14 suspected. I'm here today because I want to raise
15 awareness of the fact that the public health risks
16 associated with the domestic water supply system in
17 our buildings are becoming more apparent than we ever
18 knew. While our Department of Health and Mental
19 Hygiene, and I will apologize. I see they're
20 cooperating with the bill. So maybe I'm a little
21 aggressive in this statement—is still not doing
22 enough to monitor and enforce safety rules regarding
23 equipment used for the purposes of storing and
24 distributing drinking water in our buildings. These
25 rules are on the books to prevent opportunities for

2 contamination, which have long been known to exist,
3 and we now have even more to think about. Our
4 drinking water is delivered to the city day through a
5 system of tunnels and aqueducts and distributed
6 throughout the five boroughs through hundreds of
7 miles of piping. There's a minimum water pressure
8 throughout the city water mains, which is usually
9 enough to deliver uninterrupted service up to the
10 sixth floor of most buildings. Where buildings are
11 taller, the water pressure in the system is
12 insufficient to provide the minimum pressure and flow
13 required in the building and supplemental pressure
14 must be provided by the building owner. Generally,
15 this is achieved through the installation of an
16 elevated water tank either on the rooftop or within
17 building. Many buildings have tanks within the
18 building somewhere. Where pumps are used to elevate
19 the water pressure, there is often a large tank in
20 the basement as well to prevent the low pressure in
21 the water main while the pumps are running. All
22 these tanks can be constructed either from wood or
23 metal and recently plastic tanks were proposed. It
24 has been estimated that there are 10,000 to 12,000 of
25 these tanks for storing and distributing drinking

2 water in New York City, but the fact is nobody knows
3 for sure how many of these tanks there are. Under
4 the New York City Health Code building owners are
5 required to inspect water tanks annually and to
6 maintain records of the inspections. This sounds
7 like we have the right idea, but there's been a
8 problem. For decades they didn't have to submit the
9 records to anyone. Did they do the inspections? How
10 would anyone know? What if something happened? When
11 water quality complaints are called into 311, they're
12 initially routed through DEP for handling. If upon
13 investigation DEP determines the complaint is related
14 to the building's internal plumbing it is then
15 rerouted to the Health Department. As little as two
16 years ago, if the Health Department was called in for
17 unsanitary, unsafe water quality conditions in a
18 building water tank, they would then ask to see their
19 records of inspections. Was this how we should
20 protect public health? Wait until people are
21 drinking unsanitary or unsafe water and then ask if
22 the tank has ever been inspected? Obviously not.
23 Recently the Health Department issued a rule that
24 starting in 2015, owners would have to file the water
25 tank reports with the Health Department.

2 Theoretically this would solve the problem. With
3 some simple recordkeeping, we would know how many
4 tanks there are. We would know where they are. They
5 would know if they were inspected. We could educate
6 the building owners who didn't inspect their tanks,
7 and the city could issue violations when no report
8 was forthcoming. Problem solved. Unfortunately, it
9 hasn't happened that way. After two years of
10 mandatory filing there is still no information
11 available to answer any of these questions: How many
12 tanks are there? Where are they? Were they
13 inspected? How many reports have been filed? Has
14 the city educated the building owners who are not
15 inspecting? Has the city issued warnings or
16 violations when no reports were forthcoming? We
17 don't know any of this. Intro 657-A represents a
18 better attempt to fix this problem. Intro 657-A,
19 if enacted into law will help keep New York a healthy
20 city.

21 CHAIRPERSON VACCA: Thank you. Sir,
22 would you introduce yourself?

23 STEWART O'BRIEN: My name is Stewart
24 O'Brien. I'm the Executive-Executive Director of the
25 Plumbing Foundation. I'm going to summarize my

2 comments because they're a duplicate of Mr. Klock's
3 but I want to drive home some specific points. I
4 first testified on this issue in 1998 before the
5 Housing and Buildings Committee. I made two points
6 back then that really appear not to have changed too
7 much. One is we really needed to know to protect New
8 Yorkers the actual number of water tanks in the city,
9 and what we heard today is an estimated number, but
10 we still don't know an accurate number. I'll come
11 back to that in a second. And the second thing was
12 that back in 1998, there was no requirement. It was
13 an honor system. The landlords would just keep their
14 inspection report on their premises, and if DOH came
15 out and asked for a copy, you would find out oh you
16 didn't do it. There was no requirement as there is
17 for facades and boilers and all the other periodic
18 inspections that re-filed with the city. Those are
19 the two points we made or the Foundation made in
20 1998. So, let me start with to add to its very
21 belated credit, DOH in 2015, 17 years later after we
22 brought the issue of you can't rely on an honor
23 system that DOH issued a rule, which is codified in
24 657-A, that those reports must be filed with the
25 city. So, how is the new rule working? That's what

2 we care about compliance, right? That's what we care
3 about. So, how is the new rule working? It became
4 effective in 2015. We don't know. We still don't
5 know how many tanks there are, how many reports are
6 filed each year, and how often the city issues a
7 violation when no report is filed. We still don't
8 know that. Intro 657-A would fix that, but I would
9 point out that the Department of Health just
10 testified. You would think that they were going to
11 testify about this issued on a rule that became
12 effective in 2015. The simplest thing to do is say
13 okay, how many water tanks are there in the city?
14 It's been decades since the law went into effect. We
15 should know the number at this point after decades of
16 existence of the—of the law requiring it, and how
17 many reports were filed in 2016? The rule became
18 effective in 2015. Why don't we know in today? Why
19 weren't you told there are 10,722 water tanks and
20 4,000 reports were filed in 2016? It seems to me
21 that's the question that should be asked before the
22 Council today, but I—I do say 657-A is a great step
23 forward because it reinstates the requirement that
24 the Department of Health asked that to expire in
25 20013 that they report to City Council on the number

2 of tanks, and the number of reports of file. It's a
3 great step forward, absolutely. There's no doubt
4 about that. I'm a little concerned say oh, well, we
5 have some issues we'd like to talk to you about it.
6 I've been--was in city government for many years. The
7 agencies talk to you about the issues. This is an--
8 this is an A bill. They should have been talking to
9 you about any issues they had before. All I'm saying
10 there's been a reluctance for full transparency, and
11 I heard that again today without a simple report, but
12 I make amendment (sic), we are fully in support of
13 this bill. We've worked with Council Member
14 Garodnick on it. It's a--it's a great bill. The only
15 thing that we suggest is rather an estimated number
16 of water tanks, that--that the department must come up
17 with an actual number. As I said before, it's been
18 decades that this law has been in effect. Do you
19 have an actual number at the Department of Buildings
20 of the actual number of elevators, the actual number
21 of boilers, the actual number of facades that require
22 periodic inspections? The Department of Health after
23 decades should be able to tell the City Council how
24 many water tanks there are in the city. Obviously,
25 they change, you know, when a new building goes up or

2 a building comes down, but not an estimated number.

3 A real number and then for each year how many reports
4 were filed. If there are 10,000 water tanks, 4,000
5 reports were filed, you know the compliance rate is
6 40%. That is the only suggested change we have in
7 this bill. Otherwise, we're fully supportive.

8 CHAIRPERSON VACCA: Thank you and all the
9 more reason why we in the Council have legislation
10 that we want enacted and we do oversight over city
11 agencies to accomplish so much of what you've
12 indicated. Thank you. Sir, would you introduce
13 yourself first?

14 DARYN CLINE: Yes, my name is Daryn Cline
15 and I'm with the Alliance to prevent Legionnaires'
16 Disease. Good morning Chairman Vacca and members of
17 the Health Committee. I'm the Director of Technology
18 and Science for the Alliance and I appreciate this
19 opportunity to provide testimony on the proposed
20 introduction of Bill No. 657-A. The Alliance to
21 Prevent Legionnaires' Disease is a non-profit public
22 health advocacy group dedicated to reducing the
23 occurrence of Legionnaires' Disease. We promote
24 public research, education, best practices for water
25 management, and advocating for comprehensive public

2 water supply strategies to combat this preventable
3 disease. I understand this legislation aims to
4 provide greater transparency and availability of
5 water tank inspection results. The Alliance supports
6 this effort. However, we have two recommendations to
7 take water quality in New York City to a higher
8 level, and to reduce Legionnaires' Disease cases
9 which at this time are higher than the outbreak year
10 of 2015. First, we recommend the city take a system
11 wide approach to addressing the water quality that
12 supplies these tanks. Second, the Alliance would
13 like the water tank inspections to include tests for
14 Legionella Bacteria in addition to the Coliform and
15 the E Coli tests. We cannot emphasize enough the
16 importance of strategies that address the reality
17 that Legionella and other pathogens can exist in our
18 public water supply. [door bangs] Some recent
19 examples of Legionella in the New York City water
20 supply are the 23rd Precincts in East Harlem, a
21 Legionnaires' cluster attributed to their shower
22 facilities and the Parker Towers in Forest Hills
23 where residents were told by the Department of Health
24 not to run hot water in their sinks or in their
25 showers. To be clear, we do support proper building

2 water management, which includes appropriate testing
3 and treatment of water tanks. However, attempting to
4 control water quality at the end of a very complex
5 distribution system is not only expensive and time
6 consuming, it has been proved ineffective as
7 indicated by the cases of Legionnaires' Disease to
8 date in New York City. It is simply not practical to
9 expect building owners to effectively control water
10 born threats especially when the quality of water
11 supply varies due to unanticipated events. According
12 to the CDC, about 35% of all Legionnaires' outbreaks
13 can be attributed to events, which take place outside
14 of the building including disruptions due to
15 construction or water main breaks and even excessive
16 rain. [door bangs] New York City continues to
17 experience a record number of Legionnaires' Disease.
18 This year New York City has experienced the largest
19 number of Legionnaires' cases in history even higher
20 than 2015 which included a devastating outbreak.
21 Compared to this time last year, cases are up 85%,
22 but Legionella is not the only concern in New York
23 City. To date, New York City has the highest number
24 of cases of Giardia Crypto, and E Coli since 2014.
25 The Alliance urges City Council members and other

2 city officials flip beyond narrow approaches that
3 focus only on one component and examine the system as
4 a whole. We support a more comprehensive approach to
5 the prevention of Legionnaires' Disease that in
6 addition to proper management of building equipment
7 equally focuses on steps that can be taken both short
8 and long term to reduce Legionella health risks
9 originating in the public water supply system. Some
10 steps include increased investments in our aging
11 water infrastructure to ensure that corroding pipe do
12 not contribute—contaminate our water. That our
13 guidelines for communication between water and
14 utilities and building managers when water disruption
15 events occur. Building owners should know when
16 there's an increased risk for Legionella bacteria.
17 Monitoring for Legionella in the public water supply
18 to help determine the root cause of cases that take
19 place throughout the city including water tank
20 inspections that detect Legionella Bacteria, and
21 other opportunistic pathogens in the bulk water, and
22 with the use of the swabs in the tank. Minimum
23 disinfectant residuals to ensure that the water
24 flowing through public pipes is being treated
25 properly before it enters our buildings. Broad

2 solutions like these will ultimately make building
3 water management more effective and provide water to
4 our homes that we can consume confidently. We
5 appreciate each of the Council Member's time and
6 listening to this testimony, and urge each of you to
7 consider comprehensive solutions to keep our
8 communities safe, and ensure that they are receiving
9 the safest and highest water quality possible.
10 Thank you.

11 CHAIRPERSON VACCA: Thank you. Any
12 questions? Council Member Garodnick.

13 COUNCIL MEMBER GARODNICK: Thank you.
14 Just a quick comment. First of all, thank you all
15 for your testimony, and to the point about the actual
16 number, I think that is a--that is a fair point and
17 one that we will--we'll take back. Obviously, the
18 Department of Health was generally supportive. We
19 don't know if they had any particular concerns, but
20 you have raised one, perhaps the substantive issue of
21 the--of the day as to the bill, as to actual number
22 versus estimated number. So, we will certainly take
23 a look at that, and consider whether it's
24 appropriate, feasible, et cetera to add this into
25

2 this bill. So, thank you for that, and thanks to all
3 of you for your testimony today.

4 DARYN CLINE: Thank you.

5 CHAIRPERSON VACCA: Thank you all for
6 coming, and there being no further testimony or no
7 further questions from the Council Members present,
8 it is now 11:00 a.m. and this hearing of the Health
9 Committee is hereby adjourned. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 14, 2017