

NYC COUNCIL

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SPEAKER'S OFFICE



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

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December 27, 2013

Hon. Michael McSweeney  
City Clerk and Clerk of the Council  
141 Worth Street  
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 867-A, which amends Title 24 of the Administrative Code to create a voluntary master environmental hazard remediation technician registration program.

Introductory Number 867-A sets forth the minimum course requirements for registration and specifies that the Department of Environmental Protection (DEP) will approve and possibly audit the various courses required; promulgate rules for application and registration as a master environmental hazard remediation technician; amend the list of training programs as needed by rule; maintain a registry of technicians; and provide notice and the opportunity to comment in the case of revocation of a practitioner's registration. The licensing fees are to be set at a level adequate to cover the costs of administering the program. Finally, the bill specifies that a violation of any provision, or implementing rule or order will be subject to a civil fine of one thousand dollars returnable to the environmental control board.

Although our Administration believes the policy goal of ensuring consumer confidence in their choice of remediation technicians is laudable, the program defined in this legislation is deficient in a number of ways and would not serve the public interest in its current form. The definition of "Department approved training provider" limits DEP's approval power to programs that are registered with the New York State Department of Labor Apprenticeship Program (DOL), or by an educational institution or school chartered, licensed, or registered by the New York State Department of Education (DOE), or by an Institute of Inspection, Cleaning and Restoration Certification (IIRC)-approved provider. Limiting training to these three categories would essentially be limiting access to the program to only union training providers, based on the fact that almost all State apprenticeship programs in New York City (versus the State) are union and there are virtually no active DOE or IIRC courses available in the City at this time. Furthermore, the definition excludes nationally recognized organizations such as the American

Red Cross and the American Society of for Healthcare Engineering. This program would therefore place a remediation firm's non-union workers, who cannot avail themselves of training provided by unions at no cost, at a competitive disadvantage.

Many of the courses that are being aggregated for certification as a master environmental remediation technician are already required in order for workers to qualify to do specific types of remediation work including asbestos, hazardous waste and lead abatement. But other training courses, such as microbial remediation and water damage restoration, are not a requirement for performing the associated work. The registration in its current form is therefore arbitrary and confers no specific value on employees beyond the licenses and course work they might already have completed.

There are already a number of qualified environmental firms with Certified Industrial Hygienists, a professional designation that encompasses the range of environmental assessment and remediation activities. These professionals provide important services to the public during cleanup and remediation following environmental releases. Registration in this program would not confer any added benefit on these qualified professionals. In addition, it is by no means clear that the registration fees could be set at a level that would be both reasonable and still sufficient to offset the costs to the City for implementing and operating this registration program.

For the foregoing reasons, I hereby disapprove Introductory Number 867-A.

Sincerely,



Michael R. Bloomberg

Mayor

Cc: The Honorable Christine C. Quinn