

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES

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October 20, 2008

Start: 10:19am

Recess: 11:04am

HELD AT: Council Chambers  
City Hall

B E F O R E:  
MIGUEL MARTINEZ  
Chairperson

COUNCIL MEMBERS:  
Joseph P. Addabbo, Jr.  
Tony Avella  
Alan J. Gerson  
Vincent J. Gentile  
James Vacca  
Mathieu Eugene

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

Stephen Moro  
Deputy Chief of Operations  
Fire Department of New York City

Julian Bacel  
Chief Counsel  
Fire Department of New York City

Edward Boles  
Treasurer  
Uniformed Fire Officers Association

Evan Lipstein  
New York City High Rise Building Occupants

Joyce Brown  
Public Citizen

2 CHAIRPERSON MARTINEZ: Good

3 morning. My name is Council Member Miguel  
4 Martinez; I'm Chair of the Fire and Criminal  
5 Justice Committee, and we're calling the hearing  
6 to order. Today we're hearing proposed Intro  
7 number 781-A. This bill, which I sponsored, would  
8 require the Fire Commissioner to promulgate rules  
9 establishing standards and requirement for the  
10 placement of apartment door number, letters, in  
11 the lower part of apartment doors in certain high  
12 rise buildings that are 75 feet high or higher.  
13 Generally, those buildings are classified as  
14 building code, as group R-2. We will get into  
15 exactly what building group R-2 includes as we  
16 proceed. As written in the legislation, calls for  
17 the apartment number letters to be made of  
18 photoluminescent, fire resisting glaze, and leaves  
19 the establishment of the standards to the Fire  
20 Commissioner. The goal of the legislation is not  
21 the number lettering to be a particular material,  
22 but rather that it meets particular needs, which  
23 is to be visible with the use of flashlights in  
24 the dark, hot, smoke-filled hallways to which  
25 firefighters have responded to a fire. Whether it

2 is photoluminescent, fluorescent, glow in the dark  
3 or reflective, it is as important as whether it  
4 meets the needs of the firefighters and can be  
5 seen in the condition I just described. I want to  
6 thank the Uniformed Fire Officers Association for  
7 suggesting this legislation, providing information  
8 to the Committee and for describing the value of  
9 this legislation. It is my understanding that  
10 there are instances when the layout on a fire  
11 floor and the apartment door numbering and letter  
12 scheme is different than the layout firefighters  
13 take note of, the department's legislation  
14 requiring them to do, as they exit an elevator  
15 below the fire floor in high-rise building fires.  
16 It is also my understanding that when entering a  
17 fire area, firefighters frequently crawl on their  
18 hands and knees to reduce the adverse affect of  
19 high temperature generated by the fire. As I have  
20 been advised, and as I think it's self-evident,  
21 the ability to see and read apartment door numbers  
22 can be vitally important in aiding firefighters to  
23 orient themselves as in rescuing or aiding  
24 building occupants or fellow firefighters. If the  
25 door number and letters is on the top of the door

2 and is obstructed by the dark or smoke, it is of  
3 little use for the firefighters. Although I have  
4 known there are other municipalities such as  
5 Portland, Maine, that have this kind of  
6 requirement in place, I am not as interested in  
7 following what other cities are doing or aren't  
8 doing, but rather in making our own assessment as  
9 to the value of this legislation and leading the  
10 way for other cities, as we often do, in fire  
11 safety and in other matters. If making that  
12 determination requires testing the device and  
13 advice what materials are best suited for the job  
14 or what type of building it is best suited, my  
15 hope is that the Department would be willing to  
16 undertake those tests to help us make an  
17 appropriate determination and to hopefully enhance  
18 the safety of our firefighters and high-rise  
19 building residents. I am looking forward to  
20 hearing today's testimonies. We have been joined  
21 by, I believe, it's Chief Moro now, correct?  
22 Chief Moro of the department along with the Fire  
23 Department Counsel Julian Bacel. I want to  
24 welcome them to the hearing today and look forward  
25 to their testimony. Before I have them testify,

2 I'm going to introduce members of the Committee;  
3 Council Member Jimmy Vacca from the Bronx; Council  
4 Member Tony Avella; and Council Member Addabbo and  
5 our Counsel to the Committee.

6 [Pause]

7 CHAIRPERSON MARTINEZ: Can I ask  
8 you to just hold for one minute while I go cast a  
9 vote right next door?

10 [Pause]

11 CHAIRPERSON MARTINEZ: Unless Jimmy  
12 Vacca wants to proceed. Come on, Jimmy.

13 COUNCIL MEMBER VACCA: For one  
14 minute, what can I do?

15 [Laughter]

16 COUNCIL MEMBER VACCA: Not that  
17 bad. Now you're going to find out. Right, okay.  
18 Thank you, Mr. Chairman. And why don't we start?  
19 Chief Moro, would you want to start with your  
20 testimony?

21 STEPHEN MORO: All right. Good  
22 morning, Chairman Vacca.

23 [Laughter]

24 STEPHEN MORO: And Committee  
25 Members. My name is Stephen Moro and I am Deputy

2 Chief of Operations for the New York City Fire  
3 Department. Thank you for the opportunity to  
4 speak with you today about Intro 781-A, which  
5 would mandate that the Fire Commissioner  
6 promulgate rules requiring certain building owners  
7 to place photoluminescent apartment numbers on  
8 apartment doors. Specifically, the legislation  
9 would mandate that photoluminescent, fire-  
10 resistant decals be placed on the lower quadrant  
11 of apartment doors by owners of buildings and  
12 spaces classified in occupancy group R-2, formerly  
13 J-2 under the 1968 building code, that are 75 feet  
14 or taller. Such photoluminescent, fire-resistant  
15 decals would be required by this law to clearly  
16 indicate the number of each apartment and be at  
17 least four inches wide and five inches high. The  
18 occupancies affected would be R-2 buildings, or  
19 generally speaking, residential high-rise  
20 apartment buildings. The FDNY supports the intent  
21 of this bill and believes signage has the  
22 potential to facilitate our operations at fires  
23 and other incidents, especially those involving  
24 smoke conditions or other hazards limiting a  
25 responder's ability to see. We think reflective

2 markings as opposed to photoluminescent decals  
3 would suffice for purposes of identifying an  
4 apartment for a first responder in a smoke-filled  
5 environment. These markings would still  
6 facilitate our operations during emergencies, and  
7 would be a less costly option for building owners  
8 during these tough economic times. We do believe  
9 that this effort should be coordinated with the  
10 building code. The building code sets forth  
11 requirements for building construction, building  
12 components or materials that must be installed or  
13 constructed before a building can be issued a  
14 certificate of occupancy. Required elevator  
15 signage and stairwell markings are part of the  
16 building code, for example. The fire code and  
17 FDNY rules do not regulate the design and  
18 construction of buildings generally and the FDNY  
19 is not involved in the review or approval of  
20 construction work. The FDNY is authorized to  
21 enforce certain provisions of the Building Code,  
22 pursuant to cross-enforcement provisions of that  
23 code. However, if the requirements of this bill  
24 are to be included in the Fire Code, we think that  
25 chapter five, which addresses fire operations



2 features and already includes the requirements for  
3 shaft way markings would be a more appropriate  
4 chapter. I summary, I think we should continue  
5 our discussions on this bill to clarify some of  
6 the issues we and others, such as those in the  
7 building industry, may have. Thank you for the  
8 opportunity to speak with you today regarding  
9 Intro 781-A. I would be happy to take your  
10 questions at this time.

11 CHAIRPERSON MARTINEZ: Thank you  
12 Chief. I just want to be clear. In your  
13 testimony, I don't get a clear sense of whether  
14 the Department supports the concept of having the  
15 marking on the lower level of the doors, rather  
16 than the place on top of the door. What is the  
17 Department's position, regardless of the material,  
18 as I mentioned in my testimony.

19 STEPHEN MORO: Without getting into  
20 the technical part of the material, it would have  
21 to be on the lower quadrant, because on the upper  
22 quadrant, that's where the smoke collects, and  
23 that would make visibility impossible. That would  
24 be the whole reason to have them on the lower  
25 quadrants. Our operations in a smoke-filled

2 environment are done on our hands and knees,  
3 sometimes on our bellies, and anything that was on  
4 the lower quadrant we would have a better  
5 opportunity than if it was above.

6 CHAIRPERSON MARTINEZ: So we agree  
7 in concept. The Department would support the  
8 legislation?

9 STEPHEN MORO: Yes, it would.

10 CHAIRPERSON MARTINEZ: And you made  
11 reference to a material. Does the Department have  
12 a preference?

13 STEPHEN MORO: No. We do not have  
14 a preference at this time.

15 CHAIRPERSON MARTINEZ: So, the  
16 Department doesn't have a preference whether it is  
17 reflective, whether it's the photoluminescent.

18 JULIAN BACEL: Yeah, I think the  
19 issues-- we're just reluctant to offer an opinion  
20 at this time because we've been hearing some  
21 comments from other sources as to whether or not,  
22 you know, from a technical point of view whether  
23 the photoluminescence would be sufficiently  
24 charged in residential hallways, which have lower  
25 lighting levels than office buildings. You know,

2 the cost factors and things of that sort have been  
3 raised by the real estate industry. We don't have  
4 a position on this. We're not really fully  
5 familiar with these details at this time. But  
6 we're open to the concept and whichever one proves  
7 the most cost effective would be the one that I  
8 assume we would go with.

9 CHAIRPERSON MARTINEZ: Yeah. We've  
10 also heard some concern from the building industry  
11 in terms of the cost of the photoluminescence.  
12 But what we are mostly interested in is, you know,  
13 what would be the best or the most effective  
14 material rather than cost when it comes to safety.  
15 And I understand that there are some issues with  
16 the photoluminescence in terms of, you know,  
17 generating the lighting in the hallways for it, so  
18 it could be reflective, particularly when the  
19 smoke conditions occur. Does the Department have  
20 any detailed study, information, facts on some of  
21 the materials that could be utilized that you  
22 could share with the Committee?

23 JULIAN BACEL: The expert on  
24 photoluminescence is actually the Department of  
25 Buildings. You know, they develop the

2 photoluminescent marking requirements for the  
3 building code, you know, as a result of the World  
4 Trade Center legislation. And so they have a  
5 pretty good understanding of the photoluminescent  
6 reflective tape that's been in use for many years.  
7 I think its qualities are known. So that one, I  
8 think, we're familiar with. It would probably  
9 suffice for our purposes, whether the  
10 photoluminescent would be superior is something  
11 that we probably want to defer to the experts on.

12 CHAIRPERSON MARTINEZ: So in other  
13 words, it would be the Building Department to make  
14 that determination.

15 JULIAN BACEL: I think that's  
16 probably the appropriate place.

17 CHAIRPERSON MARTINEZ: And does the  
18 Department have any opinion on making this a  
19 standard for all residential buildings?

20 [Pause]

21 CHAIRPERSON MARTINEZ: In other  
22 words-- let me see what he says.

23 STEPHEN MORO: [Interposing] I  
24 would offer my personal opinion that it would be  
25 helpful in any type of building, in any building

2 where smoke, where we have a confined environment,  
3 tight hallways, where difficulty for us to  
4 identify apartments. So, I don't think it would  
5 have to be restricted to high-rise.

6 CHAIRPERSON MARTINEZ: Because  
7 these same conditions occurs in terms of the way  
8 the firefighters operate when responding to a  
9 smoky fire condition in terms of whether it's  
10 high-rise or low-rise, they're still on their  
11 hands and knees.

12 STEPHEN MORO: Yes. Generally  
13 speaking, they're on their hands and knees. High-  
14 rise, definitely are more difficult to ventilate,  
15 in fact there are hardly any ventilation which  
16 makes it critical for something like this to be  
17 available. But we also run into the same  
18 situations with a low-rise fire.

19 CHAIRPERSON MARTINEZ: Correct.  
20 And would it also make sense, I know that the  
21 Department is going through training and using a  
22 new technique by having the blowers to address  
23 smoky conditions, particularly in high-rise, where  
24 there isn't that amount of ventilation-- it would  
25 make sense where it would be an enhancement to

2 that new technique or--

3                   STEPHEN MORO: [Interposing] The  
4 ventilation technique. It would be very helpful.  
5 Yes, it would.

6                   CHAIRPERSON MARTINEZ: Do we have  
7 any questions from any of my...

8                   [Pause]

9                   CHAIRPERSON MARTINEZ: Well  
10 gentlemen, at this point I think there's very  
11 little for us to discuss in terms of following up  
12 with you on the specific wording to the  
13 legislation that will address the type of  
14 material, which I think is the issue that we need  
15 to have further discussion on before we move  
16 forward with the legislation. Having no  
17 additional questions from any of my colleagues, I  
18 want to thank you for being here this morning, and  
19 we'll follow up on the language. Thank you.

20                   [Pause]

21                   CHAIRPERSON MARTINEZ: We next have  
22 Eddie Boles. Anybody else? From the Uniformed  
23 Fire Officers Association.

24                   [Pause]

25                   CHAIRPERSON MARTINEZ: Go ahead,

2 Eddie.

3 EDWARD BOLES: Good morning

4 Committee Chair Martinez and Committee Members.

5 My name is Lieutenant Edward Boles, Treasurer of

6 the Uniformed Fire Officers Association. I am

7 speaking on behalf of UFOA President Battalion

8 Chief John J. McDonnell and the more than 2,500

9 members that comprise the UFOA and whom I proudly

10 represent. I would like to first thank the

11 committee for the opportunity to testify this

12 morning, but more importantly I would like to

13 commend your committee for the hard work and the

14 foresight, especially Robert Calandra, for

15 introducing this very significant bill. As many

16 of you are aware, firefighting is an extremely

17 dangerous occupation, but one of the most

18 dangerous operations that firefighters face is

19 fires in high-rise residential buildings.

20 Unfortunately, there have been countless examples

21 over the last few years where both civilians and

22 firefighters have perished in these extremely

23 punishing fires. On January 3rd of this year,

24 Lieutenant John Martinson, of Engine 249 of

25 Brooklyn, lost his life while battling a fire in a

2 high-rise residential building in the Ebetts Field  
3 Houses. In just the last week, our firefighters  
4 fought gallantly to save the lives of a family of  
5 six, two parents and four children, in Chelsea and  
6 an elderly woman on Roosevelt Island over the  
7 weekend, who all succumbed to the ravages of a  
8 high-rise fire. So the importance of this bill  
9 being introduced at this time is that much more  
10 significant. Throughout the years, many pieces of  
11 legislation on the New York City Fire Codes have  
12 been written, amended and passed to achieve  
13 greater safety for the citizens of New York City  
14 and for the firefighters who take pride in  
15 protecting the lives and property of this great  
16 city. After the tragic fire in the Bronx in  
17 August of 2006, that took the lives of Lieutenant  
18 Howard Carpluck and Probationary Firefighter  
19 Michael Reilly, this committee and their Chair,  
20 Miguel Martiez, along with the leadership of  
21 Speaker Quinn, took the initiative to write and  
22 pass corrective legislation, which addressed the  
23 ills associated with self-certification and which  
24 was a culprit to the shoddy alteration which took  
25 place in this death trap in the Bronx. And just



2 this past July, after several hundred hours of  
3 many dedicated individuals in the FDNY, many of  
4 them being UFOA members, the New York City Fire  
5 Codes have been updated and revised to meet more  
6 current standards; the first overhaul since the  
7 Fire Codes were last revised in 1968. So today  
8 this committee has an opportunity to improve the  
9 safety of both citizens and firefighters by  
10 presenting and hopefully passing Intro 781-A.  
11 This bill would require photoluminescent fire  
12 resistant decals to be placed in the lower  
13 quadrant of the apartment doors in high-rise  
14 residential buildings that are 75 feet or more in  
15 height. What seems simple and very logical would  
16 be an asset to firefighters who operate at these  
17 fires. What is significant about a  
18 photoluminescent fire resistant decals on the  
19 lower quadrant of apartment doors in high-rise  
20 residential buildings? As I described earlier,  
21 fires in these types of buildings are the most  
22 punishing fires that firefighters face. Do to the  
23 fireproof construction and the limited means of  
24 ventilation, these fire produce high heat  
25 conditions and a zero visibility environment.

2 Often, wind conditions, especially on the upper  
3 floors, add to the intensity of these fires, which  
4 make conditions often unbearable even in the  
5 protective firefighting gear that we wear. Just  
6 think what conditions the residents who experience  
7 fires in these buildings with no protective gear  
8 and breathing apparatuses face; extremely dire.

9 That's why it is imperative that our members are  
10 provided with all the equipment and resources to  
11 fight these dangerous fires. When firefighters  
12 enter a fire area, they must crawl on their hands  
13 and knees to reduce the adverse effects of the  
14 high heat generated by the fire. Under these  
15 excruciating conditions, photoluminescent  
16 apartment decals on the lower quadrant of  
17 apartment doors provides firefighters a visual cue  
18 which will help orient them and assist them with  
19 locating and rescuing civilians and firefighters  
20 who may be in grave danger. It is important to  
21 note that the quicker firefighters can get water  
22 on the fire, the more lives will be saved, the  
23 less property damage will occur. With the  
24 photoluminescent apartment door decals being on  
25 the lower quadrant of the door, preferably on the

2 lock side of the door, we are able to shine our  
3 flashlight on that decal from a crawling position,  
4 view that decal from a better perspective and gain  
5 a greater orientation of where we are in relation  
6 to the fire. Although this may sound simplistic  
7 in the grand scheme of things, having that  
8 important cue in a hazardous situation can be a  
9 lifesaving tool. As I stated earlier, if we can  
10 equip our firefighters with the tools and  
11 resources to assist them in making their  
12 firefighting operations more efficient then we  
13 should provide them with those resources.

14 Photoluminescent apartment door decals are a  
15 relatively inexpensive, simple device, which can  
16 provide lifesaving results to both civilians and  
17 firefighters. In closing I would like to  
18 reiterate that the City Council have been able to  
19 work with our Department and our fire unions in  
20 passing legislation that helps save lives. For  
21 example, after the tragedy of September 11th,  
22 2001, some evacuees reported that they were able  
23 to follow the glow paint that helped them find  
24 their way out of the World Trade Center. They  
25 Port Authority installed these photoluminescent

2 markings after the 1993 bombing. As a result of  
3 one of the recommendations from the 9/11 Task  
4 Force Report, on October 22, 2004, Local Law 26/04  
5 was passed, which required the installation of  
6 photoluminescent egress guidance systems in public  
7 corridors and emergency stair paths in Class E  
8 office buildings to assist those evacuating these  
9 buildings during an emergency; again, a valuable  
10 asset to both civilians and firefighters in smoky  
11 or limited visibility situations. Intro 781-A is  
12 another device that can greatly assist  
13 firefighters in their operation. The City of  
14 Portland, Maine already has this law on their  
15 books since July 1, 2000. It is time that New  
16 York City, the most vertical residential city in  
17 the United States, enacts this law. I once again  
18 want to thank the Committee for having the  
19 foresight and initiative to introduce this bill  
20 and I implore you to pass this bill. I appreciate  
21 the opportunity to testify before you today on  
22 Intro 781-A, and I am available if the Committee  
23 has any questions.

24 CHAIRPERSON MARTINEZ: Thank you  
25 for your testimony. Does your union have a

2 preference in terms of the type of material being  
3 utilized? And before you answer that, I just want  
4 to recognize two other members of the Committee.  
5 Council Member Gentile and Council Member Gerson  
6 have joined us. Does your union have-- I know you  
7 worked closely with us and the Committee here in  
8 drafting the legislation; is there a preference in  
9 terms of the material? And if so, could you  
10 describe the difference between photoluminescent  
11 and reflective or any other type of material?

12 EDWARD BOLES: As Chief Moro said  
13 earlier, we would not have a preference; whatever  
14 would be the most cost effective yet something  
15 that when we crawl down a hallway and we can shine  
16 a light on it, we can see it, it would be  
17 appropriate for us. So, the technicality of  
18 regards to what type of material really is not  
19 that imperative to us.

20 CHAIRPERSON MARTINEZ: Okay. And  
21 I'm going to ask the same question I asked the  
22 Chief, what is your opinion in terms of safety,  
23 making this a standard across the board to have in  
24 all residential buildings?

25 EDWARD BOLES: As the Chief stated

2 earlier too, and I'd agree with him. He's been in  
3 those fires; I've been in those fires. Any fire  
4 you go into, you're on your hands and knees  
5 because of the high heat. It's more because of  
6 the high heat. And also the visibility is much  
7 better when you're crawling than it is when you're  
8 standing up. And especially in a high-rise  
9 residential, it's so hot you can't stand up. You  
10 have to be on your knees. Certainly it would be  
11 great in all residential buildings. However, the  
12 most adverse conditions that we face are in high-  
13 rise residential buildings because of, as I said  
14 earlier, the fireproof construction and the  
15 limited ventilation that's in those type of  
16 buildings, because there's no windows, it's as if  
17 you're going into an oven. The heat does not  
18 lift. It stays right there. So that's why it's  
19 so important that we're able to find the fire  
20 quickly and put water on it as quickly as possible  
21 to reduce the high heat condition. So getting  
22 back to your question, high-rise residential is a  
23 start, but we would love to see it in all  
24 buildings.

25 CHAIRPERSON MARTINEZ: Seeing no

2 other questions-- one question from Council Member  
3 Gerson.

4 COUNCIL MEMBER GERSON: Just for  
5 clarification when you say you are neutral with  
6 respect to the material used, does that extend to  
7 neutrality in terms of the technology, whether  
8 it's reflective or photoluminescent?

9 EDWARD BOLES: Yes, yes.

10 COUNCIL MEMBER GERSON: Okay.

11 EDWARD BOLES: Whatever would work.  
12 At the end of the day this is the most important  
13 thing for us: When our firefighters are crawling  
14 down a smoky, high heat hallway, that they can  
15 shine their light and see that's apartment 4F,  
16 that's apartment 4E, so they know where they are  
17 and they can get to either a civilian or, god  
18 forbid, a firefighter, as quickly as possible.

19 COUNCIL MEMBER GERSON: So the  
20 decal would have apartment identification on as  
21 well as specific, not to the particular apartment,  
22 not just an insignia indicating that that's an  
23 entrance way?

24 EDWARD BOLES: No. It would have  
25 the apartment number on it.

2 COUNCIL MEMBER GERSON: Okay.

3 EDWARD BOLES: And just for--

4 COUNCIL MEMBER GERSON:

5 [Interposing] That makes perfect sense.

6 EDWARD BOLES: For the Committee's  
7 knowledge, it does exist in buildings already in  
8 the City, but it's limited. There are building  
9 complexes that have it. There are other cities  
10 that there's cooperative in-- and believe it or  
11 not, I've been in touch with members throughout  
12 the country and they're very interested in this  
13 bill, because there is a cooperative in many of  
14 the cities, but some of the cities have not  
15 enacted this type of bill yet.

16 COUNCIL MEMBER GERSON: And  
17 finally, is there any reason why this should not  
18 apply to non-residential structures?

19 EDWARD BOLES: In non-residential?  
20 For us-- see non-residential, it's generally in  
21 commercial occupancies. There's generally, the  
22 doors are glass doors.

23 COUNCIL MEMBER GERSON: Okay.

24 EDWARD BOLES: It's a different  
25 type of set up in Class E types of buildings.



2 Certainly I think it would be helpful in transient  
3 occupations such as hotels, nursing homes, things  
4 like that, where again the identification for us  
5 would make it easier for our operations.

6 COUNCIL MEMBER GERSON: Thank you  
7 very much, Mr. Chair.

8 CHAIRPERSON MARTINEZ: Thank you.  
9 Thank you for your testimony. And you have a  
10 question Councilman?

11 COUNCIL MEMBER GENTILE: Yeah, I  
12 just want to request that my name be added to the  
13 bill.

14 CHAIRPERSON MARTINEZ: Will do.  
15 Thank you.

16 COUNCIL MEMBER GERSON: Mr.  
17 Chairman, can I also ask the same?

18 CHAIRPERSON MARTINEZ: Yes.

19 COUNCIL MEMBER GERSON: Thank you.

20 CHAIRPERSON MARTINEZ: Noted.

21 Thank you for your testimony.

22 EDWARD BOLES: And I really, really  
23 appreciate Chairman Miguel Martinez and your  
24 Committee for really taking initiative on this  
25 bill. We really appreciate it.

2 CHAIRPERSON MARTINEZ: Thank you.

3 [Pause]

4 CHAIRPERSON MARTINEZ: Hey, Jimmy?

5 Can I ask you to take the-- before I go vote  
6 again? Just call up these two witnesses and I'll  
7 be right back.

8 [Pause]

9 COUNCIL MEMBER VACCA: We have two  
10 witnesses, Evan Lipstein and Joyce Brown.

11 EVAN LIPSTEIN: Hi, my name is Evan  
12 Lipstein. I'm a member of the photoluminescent  
13 community in terms of I supply the  
14 photoluminescent markings to buildings that are  
15 part of occupancy class E, which is a current law  
16 under Local Law 26. It applies to a very select  
17 group of 1,650 office buildings in the five  
18 boroughs that are over 75 feet in height. My real  
19 point today is just to tell you that if an when  
20 there's a fire, the fire doesn't know if it's a  
21 commercial building, if it's a residential, if  
22 it's a special use, if it's a shopping center. A  
23 fire just consumes fuel and oxygen. It doesn't  
24 know whether it's burning up a high-rise  
25 residential building or a high-rise office

2 building, and it doesn't care. People need to get  
3 out, they need to be able to find their way to the  
4 exit pathways, and local law 26 of 2004 made that  
5 possible for class E office high-rise buildings.  
6 There's over 15,500 high-rise structures in the  
7 five boroughs, most of which are residential.  
8 These people don't enjoy the same safety measures  
9 that are offered to class E commercial high-rise  
10 buildings. Therefore, it's really an issue where  
11 everybody should be offered the same level of  
12 safety, whether in residential or commercial,  
13 whether you work in a fancy office building on  
14 Madison Avenue and 50th Street or 149th Street and  
15 Grand Concourse; bottom line, everyone deserves  
16 the same. This makes a significant improvement to  
17 safety in these types of buildings and everybody  
18 should enjoy this safety measure. Thank you.

19 [Pause]

20 EVAN LIPSTEIN: One other thing I'd  
21 say, I brought a representative sample of the type  
22 of glow in the dark markings. This type of  
23 marking would meet the requirement under Local Law  
24 26 of 2004 for the class E commercial high-rise  
25 buildings. This is made of the approved material

2 and it works by ambient light charging the  
3 photoluminescent material, then after, glowing in  
4 the darkness.

5 CHAIRPERSON MARTINEZ: Sergeant-at-  
6 Arms, can you hand me that?

7 [Pause]

8 CHAIRPERSON MARTINEZ: I'm sorry, I  
9 had to go vote in the other room. But what type  
10 of material is this?

11 EVAN LIPSTEIN: That's the  
12 photoluminescent material that's currently  
13 required by class E commercial high-rise under  
14 Local Law 26. That's a glow in the dark material  
15 that will meet the standard code under what's  
16 referred to as RS6-1.

17 CHAIRPERSON MARTINEZ: Now does  
18 this type of material need to have a certain  
19 amount of lighting so that when it is dark and  
20 smoky it would be reflective?

21 EVAN LIPSTEIN: Yes, sir. It's not  
22 reflective. It generates light. It absorbs light  
23 then after, glows the light out, like all glow in  
24 the dark products do. It has an after glow  
25 effect. The current law requires that you have

2 two foot candles of activating illumination at a  
3 specific amount of charging time. That's how they  
4 test it to set a standard of quality.

5 CHAIRPERSON MARTINEZ: Now we heard  
6 from the chief that one of the issues with this  
7 type of material is there needs to be a certain  
8 amount of lighting in the hallway so that it could  
9 work, so that it could be effective in terms of  
10 absorbing that light and then becoming luminescent  
11 when there is no light. Is there a required  
12 amount of lighting in the hallways for it to work?  
13 Does it require a certain amount of lighting, in  
14 other words?

15 EVAN LIPSTEIN: Yes, sir. But  
16 that's covered under other codes in the New York  
17 City Building Code with regard to the lighting in  
18 a common corridor in a public place, such as an  
19 apartment building, which is one foot candle. It  
20 depends on the age of construction of the  
21 building. After 1968, you have two foot candles  
22 is the minimum amount of light permitted in a New  
23 York City building. But if the date of the  
24 building is before December 31st of 1968, you're  
25 grandfathered in at low light levels. But the

2 answer to your question is, any light is going to  
3 charge that material. If you're in a totally  
4 darkened hallway, it will not be charged. But if  
5 there is some light and light enough to be able to  
6 see, then you're going to be able to see that glow  
7 in the dark marking on the doorway. It's better  
8 than not having a marking, put it that way. If  
9 there has been any light in the corridor prior to  
10 light being lost, it's going to glow for a certain  
11 amount of time. The more pigment that's included  
12 in the marking typically makes it glow brighter  
13 and longer.

14 CHAIRPERSON MARTINEZ: So, the fact  
15 that you're not placing this on the top of the  
16 door, you're doing it on the bottom, does that  
17 have an impact in terms of the amount of lighting?  
18 Because I think that's one of the issues that he  
19 brought up.

20 EVAN LIPSTEIN: It does, sir. But  
21 what I would say to you is that it would serve  
22 absolutely no purpose at the top of the door.  
23 Once the smoke rises up to the ceiling and begins  
24 to settle downwards, it would obscure that  
25 marking.

2 CHAIRPERSON MARTINEZ: No, no. I  
3 think we agree on that. The issue is, the fact  
4 that it's at the bottom and the amount of lighting  
5 that would get to the bottom of the door is the  
6 concern in terms of using this type of material  
7 from what I gather from the Department.

8 EVAN LIPSTEIN: The proximity to  
9 the light source will impact its ability to glow,  
10 further the angle of incidence, meaning the way  
11 the light is hitting the face of the sign, if it's  
12 at a 45 degree as opposed to a 90 degree angle,  
13 it's going to have less ability to charge. But  
14 it's better to having nothing.

15 CHAIRPERSON MARTINEZ: For example,  
16 I'll give you an example. How effective would  
17 this be with the energy smart appliances and  
18 energy efficient-- I know I've gone into some  
19 high-rise buildings, you know, where light goes on  
20 when there's movement, it has the reflectors.  
21 Would that be an issue with this type of-- and I  
22 don't have--

23 EVAN LIPSTEIN: [Interposing] No,  
24 you're-- yes--

25 CHAIRPERSON MARTINEZ:

2 [Interposing] By the way, I'm sorry, you're not an  
3 expert in this material?

4 EVAN LIPSTEIN: No, I am, sir.

5 CHAIRPERSON MARTINEZ: Oh, you are.  
6 Okay, good. So would that have an impact?

7 EVAN LIPSTEIN: Absolutely. I mean  
8 what you're talking about is, first you mentioned  
9 energy star. Well any of the energy star lamps  
10 these days are fluorescent. Fluorescent has a  
11 higher UV, greater wavelength, better at charging  
12 that material. And respecting motion sensors, if  
13 there's motion sensors, which I don't believe are  
14 permitted in New York City residential corridor,  
15 the lights have to be on 24/7, I would say that if  
16 the light has not been on, it will not charge that  
17 marking. So a motion sensor is not-- in fact in  
18 New York City under Local Law 26 they now prohibit  
19 the use of motion sensors in stair paths because  
20 of the way the photoluminescent markings need to  
21 be charged 24/7. So, you do need light to charge  
22 them. They don't glow on their own.

23 CHAIRPERSON MARTINEZ: Can this be  
24 charged by a flashlight? In other words, if a  
25 firefighter, you know, points to it, would it



2 work?

3 EVAN LIPSTEIN: Any light source is  
4 going to charge it, sir.

5 CHAIRPERSON MARTINEZ: Okay. We've  
6 been joined by Council Member Mathieu Eugene.  
7 Ma'am, would you just identify yourself and your  
8 testimony?

9 JOYCE BROWN: Oh, you're finished?

10 EVAN LIPSTEIN: I don't know.

11 CHAIRPERSON MARTINEZ: No, I'll be  
12 back with you.

13 EVAN LIPSTEIN: Okay, sure.

14 CHAIRPERSON MARTINEZ: I just want  
15 to see what she has...

16 JOYCE BROWN: I'm Joyce Brown,  
17 public--

18 CHAIRPERSON MARTINEZ:

19 [Interposing] On your mic.

20 JOYCE BROWN: Sorry. Joyce Brown,  
21 public citizen. And your name? Your name,  
22 Chairman?

23 CHAIRPERSON MARTINEZ: Council  
24 Member Martinez, Miguel Martinez.

25 JOYCE BROWN: You're impressive.

2 You know those last questions were very  
3 impressive.

4 CHAIRPERSON MARTINEZ: Thank you.

5 JOYCE BROWN: Okay. Well this, I  
6 was wondering, I don't know how you'd handle this  
7 for this very important bill, which a lot of your  
8 fellow members seem to be impressed by. This is a  
9 little-- it does have to do with location  
10 identification. I represent all of the people who  
11 in New York City, visitors, whatever, who try to  
12 find out the building numbers on buildings. I was  
13 wondering if you would amend this requirement  
14 about apartment numbers to encompass or put  
15 another bill whereby all buildings in New York  
16 City must have their numbers on the building.  
17 This is because anyone looking for a building--  
18 sometimes you can find it if there's a number on  
19 it, but a lot of times you cannot. So any  
20 workers, firemen, healthcare workers, tourists,  
21 etcetera, I'm sure would like to have the number  
22 on all buildings. That's it. Thank you.

23 CHAIRPERSON MARTINEZ: Thank you.

24 I believe it is required. But you know, as part  
25 of this, as we examine the best material, as we

2 discuss the implementations of this bill, we'll  
3 look into your suggestion in terms of all  
4 buildings.

5 JOYCE BROWN: All buildings.

6 CHAIRPERSON MARTINEZ: Let me go  
7 back to--

8 EVAN LIPSTEIN: [Interposing]  
9 That's a good idea.

10 JOYCE BROWN: Yeah. Gee, isn't  
11 that something?

12 EVAN LIPSTEIN: Lipstein, Miguel.  
13 Lipstein.

14 CHAIRPERSON MARTINEZ: Lipstein.  
15 How much lighting is required for this to work,  
16 the absorption of lighting for this?

17 EVAN LIPSTEIN: Miguel, in New York  
18 City under Local Law 26, the existing code that  
19 requires the glow in the dark markings, they have  
20 two foot candles of activating illumination, which  
21 is really not that bright. There's certain  
22 standards of requirements of luminance values in  
23 common corridors, whether in a residential or  
24 commercial property. Older buildings generally  
25 are permitted to have lower light levels. Okay,

2 if you've been constructed prior to December 31st  
3 of 1968, you're permitted to have a lower light  
4 level in your common corridor. But the bottom  
5 line is, the more light that's on the face of that  
6 sign, the better the ability for it to glow  
7 afterwards, after the light source is lost. But  
8 it will charge from a minimal amount of light; it  
9 just won't glow as brightly or stay glowing as  
10 long.

11 CHAIRPERSON MARTINEZ: Okay.

12 Before I proceed, I just want to greet our  
13 visitors who are up here visiting us today.  
14 Hello.

15 [Applause]

16 CHAIRPERSON MARTINEZ: What school?

17 [Off Mic]

18 CHAIRPERSON MARTINEZ: All right.

19 So you're here at the City Council. We're having  
20 a hearing of the Fire and Criminal Justice  
21 Committee and we're discussing the best way to  
22 identify apartment numbers in building high-rises  
23 whether it's this material or other materials.  
24 That's what we're discussing. Welcome. How much  
25 did this cost?

2 EVAN LIPSTEIN: A sign like that,  
3 Mr. Martinez, about ten dollars.

4 CHAIRPERSON MARTINEZ: Ten dollars  
5 per?

6 EVAN LIPSTEIN: That's correct,  
7 sir.

8 CHAIRPERSON MARTINEZ: And if you  
9 had to make a recommendation of an alternative,  
10 what would it be?

11 EVAN LIPSTEIN: A more expensive  
12 sign that would have a combination of glow in the  
13 dark and reflective.

14 CHAIRPERSON MARTINEZ: It's more  
15 expensive?

16 EVAN LIPSTEIN: If you have both of  
17 those materials together, both glow in the dark  
18 and reflective.

19 CHAIRPERSON MARTINEZ: All right.  
20 Any questions? Do you have a question, Council  
21 Member Gerson?

22 COUNCIL MEMBER GERSON: Thank you,  
23 Mr. Chair. And I share the witness's frustration  
24 with those buildings that are not marked on the  
25 outside. I've been there, done that. And if it's

2 the law, we should enforce it. If it's not the  
3 law, we should make it the law. So I'm sure we'll  
4 follow up. Let me just go back--

5 JOYCE BROWN: [Interposing] Thank  
6 you.

7 COUNCIL MEMBER GERSON: You're  
8 welcome. And I agree with you also, Chair  
9 Martinez is very impressive.

10 [Laughter]

11 COUNCIL MEMBER GERSON: Let me just  
12 ask you, sir, as you know, we've had blackout  
13 experiences in this city on more than one  
14 occasion. And is there any technology-- and my  
15 district has had more than it's share-- is there  
16 any technology that exists so that these markings  
17 would work, would illuminate, would do their job  
18 in the event of a situation where we did not have  
19 power in the immediate area where there affixed?

20 EVAN LIPSTEIN: Alan, the answer is  
21 that these types of markings work through ambient  
22 light first shining on the face of the sign, then  
23 when the light source is lost they afterglow.  
24 You're talking about something that self-generates  
25 light. Now there are products that have done

2 that, but they've been phased out due to  
3 environmental hazards; these use radioactive  
4 elements. They're signs that are called tritium.  
5 And they are to be used in place of a powered exit  
6 sign because they self-generate light. But the  
7 disposal of those products and other dangers that  
8 exist because of the fact they use a radioactive  
9 element have now, as far as I know, the EPA is  
10 phasing them out.

11 COUNCIL MEMBER GERSON: How long is  
12 the afterglow once power is lost, if you're in a  
13 total blackout situation?

14 EVAN LIPSTEIN: In New York City,  
15 the specific requirement calls for certain light  
16 levels at different time intervals. At 90 minutes  
17 you have to have a certain measure of light, it's  
18 37 and 5 millicandela per square meter. As you  
19 start to get into the more technical terminology  
20 of light measuring, you're required in New York  
21 City to have five millicandela per square meter of  
22 luminance value at 90 minutes.

23 COUNCIL MEMBER GERSON: Did you say  
24 millicandela?

25 EVAN LIPSTEIN: Yes, sir.

2 COUNCIL MEMBER GERSON: I thought  
3 so. Well let me rephrase my question in a simpler  
4 way. There's a blackout. The lights go out. How  
5 long after the lights go out will this--

6 EVAN LIPSTEIN: [Interposing] There  
7 will be some visible light even after 24 hours--

8 COUNCIL MEMBER GERSON:  
9 [Interposing] From the mark?

10 EVAN LIPSTEIN: Yes, provided it's  
11 been properly charged. But in New York City, the  
12 code calls for it to have a certain light after 90  
13 minutes. They only then measure it at 90 minutes.  
14 That's the last time interval that it has to  
15 exceed a certain luminance value.

16 COUNCIL MEMBER GERSON: And  
17 finally, the reflective technology, does that also  
18 require pre-charging or does that work when a  
19 firefighter just shines the light on--

20 EVAN LIPSTEIN: [Interposing] It  
21 works like a mirror. When light shines on it, it  
22 reflects the light backwards.

23 COUNCIL MEMBER GERSON: Okay.  
24 Thank you very much.

25 CHAIRPERSON MARTINEZ: I think you



2 are very impressive. Well one question Council  
3 has, I just wanted to ask if you know how many  
4 high-rise residential buildings are there in the  
5 City of New York?

6 EVAN LIPSTEIN: Miguel, I'm not  
7 quite certain. I know that there are 15,500 plus  
8 buildings over 75 feet in height. What percentage  
9 of them are residential, I do not know.

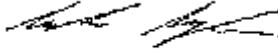
10 CHAIRPERSON MARTINEZ: Thank you.  
11 Thank you both for your testimony and for the  
12 discussion.

13 [Pause]

14 CHAIRPERSON MARTINEZ: For the  
15 record, we had written testimony on Intro 781-A  
16 from Glen Corbett, Associate Professor of Fire  
17 Science from John Jay College of Criminal Justice  
18 in favor of Intro 781-A, as well as written  
19 testimony from CHIP, the Community Housing  
20 Improvement Program that will be added to the  
21 record. Seeing no further witnesses and no  
22 further questions, at this time we're adjourning  
23 the hearing of the Fire and Criminal Justice  
24 Committee. Thank you.

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 25, 2008 \_\_\_\_\_