

FOR THE RECORD**TESTIMONY OF ANTHONY SAPORITO BEFORE THE FIRE AND
CRIMINAL JUSTICE SERVICES COMMITTEE OF THE NEW YORK CITY
COUNCIL ON JUNE 8, 2009 ON INTRO. 994**

My name is Anthony Saporito, Assistant Vice President of the Mechanical Contractors Association of New York, Inc. which represents mechanical and fire sprinkler contractors working in New York City. I am here to testify on Intro. 994

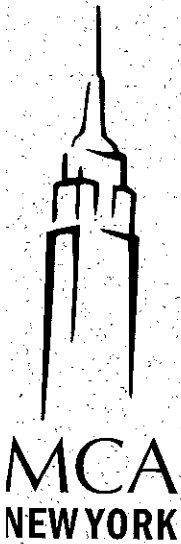
In order to prevent someone from accidentally cutting critical life safety fire suppression systems, Intro. 994 requires the painting of exposed portions of standpipes and sprinklers.

The language does not, however, specify who the responsible party is in this process. The mechanism exists to guarantee that these systems are maintained properly and that is to have only licensed professionals manage the identification and marking of standpipes and fire sprinkler systems. Whether a licensed master plumber or licensed fire suppression piping contractor, it is prudent to make this a requirement in Intro. 994.

As to the pipe identification process, there are national standards available that allow for pipe labels or stencils in lieu of painting. This process could be accomplished far more economically than painting said systems.

Also, Intro 994 calls for painting the sprinkler and standpipe prior to a hydrostatic test. This does not make sense in the event that if there is a problem with the test, the pipe would have to be dismantled and repainted.

Please consider these changes which will help ensure that fire suppression systems are properly installed and maintain so that avoidable tragedies never happen again.

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TESTIMONY OF ANTHONY SAPORITO BEFORE THE FIRE AND CRIMINAL JUSTICE SERVICES COMMITTEE OF THE NEW YORK CITY COUNCIL ON JUNE 8, 2009 ON INTRO. 1000

My name is Anthony Saporito, Assistant Vice President of the Mechanical Contractors Association of New York, Inc. which represents mechanical and fire sprinkler contractors working in New York City. I am here to testify on Intro. 1000.

There are two practical recommendations regarding Intro. 1000 that the council may consider: 1) in Section 3306.9.6 full or partial demolition is noted, but the definition of "partial" needs to be included. Is partial the removal of interior partitions only?

2) Current practice is to install sprinklers around the core from egress stair to egress stair and in all active elevator lobbies in lieu of retaining the existing sprinkler systems when renovating floors that require only demolition in an occupied building. The reason is that the existing sprinkler system cannot be retained in most cases. We suggest that this requirement be included for structures undergoing interior demolition only.

FOR THE RECORD

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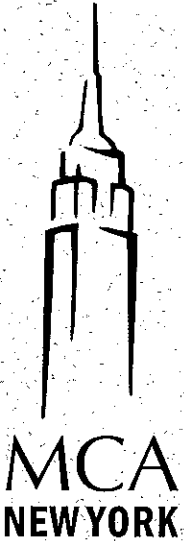
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Statement of James P. Colgate
Assistant Commissioner for Technical Affairs & Code Development
New York City Department of Buildings

Before the New York City Council Committee on Housing & Buildings
Re: Construction, Demolition and Abatement Legislation
(June 8, 2009)

- Good morning Chairman Dilan and members of the Housing and Buildings Committee. Thank you for the opportunity to testify today. My name is James Colgate, and I am the Assistant Commissioner for Technical Affairs & Code Development for the Department of Buildings.
- I want to thank Chairman Dilan for convening this hearing, Speaker Quinn and her staff for working with the Administration to develop and advance the legislation before the Committee today, and finally, the sponsors of the bills under consideration.
- I would also like to recognize the presence of Chief Richard Tobin from the Fire Department.
- The four bills under consideration today are part of a larger package of bills that together, will enable the City to implement an important series of reforms to the way that construction, demolition, and abatement jobs (what we refer to as “CDA operations”) are regulated by the City and conducted in the field.
- Speaker Quinn and Deputy Mayor Skyler announced the CDA legislative package in early May, and the Council has moved quickly to consider these measures. Cas Holloway, Chief of Staff to Deputy Mayor for Operations Edward Skyler and Special Advisor to Mayor Bloomberg, has now testified in front of both the Council’s Environmental Protection Committee and the Council’s Fire & Criminal Justice Services Committee on other bills related to this package.
- The dozen bills stem from the events of a tragic fire on August 18, 2007, at the former Deutsche Bank building at 130 Liberty Street, which took the lives of two of New York City’s bravest, Firefighters Joseph Graffagnino Jr., and Robert Beddia.
- The Mayor committed that the City would do everything in its power to prevent a similar tragedy from happening again. He subsequently ordered a comprehensive review of CDA Operations led by Deputy Mayor for Operations Edward Skyler, and DOB has worked with FDNY, DEP, and the Mayor’s Office to implement the 33 recommendations made to the Mayor last July.
- Before discussing the specific bills before the committee today, I want to say a few words about steps the City has already taken—particularly to strengthen its internal processes with respect to the oversight of construction, demolition, and abatement work.

- The 33 recommendations made to Mayor Bloomberg last summer focus on 4 areas: Data Sharing, Inspection Practices; General Oversight; and Conduct of Operations in the Field. And DOB has collaborated with other City agencies to implement important changes in each of these areas:
 - DOB currently sends FDNY daily notifications of full demolitions commencing in 24-48 hours.
 - DEP, FDNY and certain DOB inspectors are all using checklists in the field to ensure consistency across inspections, and inter-agency collaboration on these issues—including projects like the Yankee Stadium demolition—are becoming institutionalized.
 - DOB is working with FDNY, DEP and the Mayor’s Office to establish a new DEP permitting unit in LeFrak City, Queens.
 - DOB now has a rule that requires site safety managers to conduct weekly tracings of standpipes.
- These are important steps, and the bills under consideration today build on these efforts by increasing requirements for submittal documents for demolition permits, and for standpipe and sprinkler safety at construction, demolition and abatement sites.
- The first bill, Intro. No. 993, addresses submittal documents for demolition permits by the DOB.
 - This bill would amend the Building Code to require the submission by a design professional of plans, sections, and details of buildings to be demolished using handheld mechanical devices (e.g., jackhammers, chainsaws) and for mechanical demolitions using “non-handheld devices” such as a bobcat or backhoe. The bill also requires that the applicant of record for a full demolition permit be a registered design professional, except in limited circumstances.
 - This bill subjects such use of mechanical handheld devices to added scrutiny in that it requires information including the means and methods of demolition operations.
 - Any demolition project is a complex operation involving sophisticated tools. And these new requirements would significantly increase the safety of that work.
- The other three bills that I will talk about today address ways to improve the integrity of standpipes and sprinkler systems.
- Intro. No. 994, will establish new requirements to paint standpipes and sprinklers particular colors in order to facilitate easier identification in case of emergency.

- The Administration is working with the Council to revise the bill to address a conflict with national fire suppression painting standards and certain provisions of the New York City Fire Code.
- The next standpipe and sprinkler bill that I will speak about today is Intro No. 999. This bill will require a site safety manager or coordinator to conduct, at minimum, daily checks of the availability and readiness of standpipe systems and weekly tracings of standpipes.
- This bill will codify into the Building Code current Agency Rules that require site safety managers or coordinators to inspect standpipes regularly.
- The final proposed standpipe and sprinkler bill that I will speak about today is Intro. No 1000. This bill will require a plumbing or fire-suppression license and permit to cut and cap standpipes or sprinklers during demolition and will codify a procedure for the removal of damaged or inoperable sprinkler systems.
- The Building Code currently allows contractors to cut and cap standpipes or sprinklers without requiring a permit, or a plumbing or fire suppression license for the person performing the work. People performing this work may lack the knowledge or expertise to perform this work safely, increasing the risk that a standpipe or sprinkler system could be damaged during demolition. This bill ensures that only licensed individuals with the necessary expertise will perform this work.
- Working standpipes are critical to firefighter operations and the more standpipe inspections we have, the safer our construction sites will be.
- Construction work has inherent risks but these bills as well as the others in the CDA package will mitigate those risks and better protect emergency responders, workers, and the public.

Non-jurisdictional buildings

- I would like to close with a final important issue in CDA Operations: the applicability of City Fire and Construction codes to state, federal and other so-called “non-jurisdictional” property owners.
- The CDA Working Group found that the often informal and voluntary nature of compliance with Fire and Construction Codes creates a risk that there is construction, demolition, or other hazardous activity taking place at these properties that the City does not know about, cannot require building owners to correct, and may not be prepared to address in the event of an emergency.
- The City therefore has called for state and federal legislation to require fire and building code compliance among such non-jurisdictional entities, and has been pursuing

agreements with such entities to heighten compliance. Additionally, State Senator Dan Squadron and Assemblyman Richard Gottfried recently introduced legislation requiring compliance with the New York City Construction Codes and the Fire Code at state buildings

- The efforts of DOB, FDNY and DEP to address compliance by such non-jurisdictional entities complement the Council's commitment to improving construction and abatement safety through local legislation. We look forward to working with you to address this issue.
- I would again like to thank Chairman Dilan and the members of this Committee for the opportunity to testify before you today and I will be happy to take any questions you may have.

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