

FIRE DEPARTMENT OF NEW YORK

TESTIMONY

OF

THOMAS JENSEN

CHIEF OF FIRE PREVENTION

NEW YORK CITY FIRE DEPARTMENT

BEFORE

THE NEW YORK CITY COUNCIL

COMMITTEES ON BUILDINGS AND ON FIRE AND CRIMINAL JUSTICE

October 24, 2007

Introduction

Good morning, Speaker Quinn, Chairmen Dilan and Martinez and Committee Members. My name is Thomas Jensen, and I am the Chief of Fire Prevention for the New York City Fire Department (FDNY). I am pleased to have the opportunity to speak with you today about our Department's oversight of blasting operations in the City and about Intro 613, which would amend the provisions of the Building and Fire Codes that govern blasting operations and the use of explosives in New York City. I am joined today by Fire Prevention Assistant Chief Richard Tobin, and by New York City Department of Buildings (DOB) First Deputy Commissioner Robert LiMandri, who are present to answer any questions you may have.

I would first like to discuss FDNY oversight and controls relating to blasting operations in New York City, and then I will briefly discuss the proposed bill.

The Explosives Use Permit Application Process

The use of explosives in New York City is highly regulated. In fact, our City's laws regarding blasting are some of the most stringent in the nation. Blasting is subject to the oversight of the FDNY's Explosives Unit. In order to become a Blasting Inspector in the FDNY, a person must provide evidence of extensive experience in the use of explosives in New York City. In addition to holding a valid FDNY Certificate of Fitness for blasting, they must have a minimum of eight years' experience, including experience in supervisory and inspection positions.

Explosives use in blasting operations in New York City is unlike anywhere else. New York's high population density, complex infrastructure and unique urban geography render conventional construction and demolition training inadequate. Accordingly, we

usually require blasters licensed by outside jurisdictions to have two years' experience working with a New York City blaster before we will consider issuing them a Certificate of Fitness to oversee explosives use here.

At the beginning of or during a project requiring any excavation or building demolition, a contractor on behalf of the developer or property owner will determine whether blasting operations will be needed. If so, the contractor contacts the FDNY Explosives Unit to seek a blasting permit, and provides detailed plans for blasting at the site.

An FDNY Explosives Unit Inspector then conducts a pre-site survey, noting the type of project and the site's surroundings. Particular attention is paid to transit and utility resources in the area, as well as any schools, hospitals, houses of worship or other sensitive locations nearby.

The Inspector then arranges an on-site blasting conference or site inspection with the contractor. This conference may include the building owner; ConEd, Keyspan or other utility companies; community groups or representatives from nearby buildings, especially schools, hospitals or houses of worship; and any City agencies whose jurisdictions would be affected by the blasting, such as the Transit Authority, the Department of Transportation, or DOB. At this site inspection, the FDNY, the building owner and the contractor review the plans with the invited parties and address any issues or concerns that arise. For example, they may confer with representatives from a nearby hospital to set protocols that ensure blasting does not occur while doctors are performing surgery. The representatives also discuss how to conduct the blasting with as little

inconvenience as possible to the surrounding area. If the Explosives Unit Inspector determines that blasting cannot take place safely, the permit will be denied.

After the permit conditions are determined, a blasting pattern that defines the depth, number and spacing of the blasting holes and the configuration of the charge placement is established. Once the blasting pattern has been determined and all other conditions are met, the FDNY Explosives Unit issues the blasting permit. Permits are issued for periods of up to one year.

Contractors generally use mechanical means to excavate a site. When bedrock that the machinery cannot penetrate is reached, the blasting contractor will use explosives. The blasting may take place on a regular basis, or may occur intermittently over a series of months as job conditions warrant. Most blasting operations last six to seven months, while larger scale jobs may last several years.

At the beginning of a job, the contractor secures an insurance policy for the use of explosives on the site. The first step in that process is to hire a seismologic monitoring company whose civil engineer will conduct a pre-blast survey of the site. This assessment includes detailed records and photographs of all surrounding buildings so that if any claim of damage is made, definitive evidence on the claim's validity is available. This is undertaken by the contractor, and the resulting survey is kept by the contractor. The City is not involved with the process.

The Use of Explosives

The FDNY Explosives Unit's oversight of blasting operations does not end with the issuance of permits. A few days before blasting operations are to begin, the contractor notifies the Explosives Unit of his or her intent to commence blasting. The

contractor also posts notices around the area of the site to alert neighboring homes and businesses to the upcoming blasting operations, and works with any locations in need of special attention to ensure that blasting operations are as undistruptive as possible.

On the day before blasting is to begin, as a safety and control measure, the FDNY's Chief Blasting Inspector contacts the explosives vendor to release explosives to the job site. Our Explosives Unit is in contact with the vendor every day that blasting takes place in the City so that we can ensure proper oversight of every job.

At the end of each work day, any unused explosives are removed from the job site and returned to the vendor's secure facility via GPS-tracked vehicles. These safety measures are in place to ensure that explosives will not fall into the hands of anyone who would use them improperly.

We also require that a seismologist be on-site for each blast, and maintain seismic readings. The FDNY regularly appraises these readings. If the seismic effects of the blasts approach a certain predetermined maximum level, work is automatically stopped pending a review by the blaster and the FDNY Explosives Unit, and adjustments are made to the blasting pattern as necessary.

In most cases, the maximum allowable seismic reading for detonations is "two-peak particle velocity," or a vibration speed of two inches per second. The FDNY calls for blasts that fall well under this limit, generally in range of 1.0 to 1.3 peak particle velocity. Again, given New York City's dense urban environment, we believe this provides enhanced safeguards for the buildings and infrastructure surrounding a blasting site.

On the first day of any blasting we require a technical representative from the explosives' manufacturer to visit the site to conduct a training session on the specific explosives being used. Along with a representative from the explosives' manufacturer, the FDNY Inspector observes the first test blasts and makes adjustments to the strength of the charges as needed. This ensures that the least powerful charge necessary to accomplish the job is used.

On each day the explosives are to be used, an FDNY Explosives Unit Inspector visits the site and discusses the specifics of the day's blasting with the blaster and the contractor. The Inspector verifies that the site's explosives magazine keeper – the person responsible for storage of the explosives on the site – has a valid FDNY-issued Certificate of Fitness, and that the identification numbers for the explosives and the amounts of explosives on the vendor's invoices match the explosives present on-site.

The Inspector ensures that the charges employed are within the guidelines for blasting vibrations. He or she also inspects controls in place to protect the area from "fly rock," which is airborne rock propelled by the blast. The Inspector checks that proper protective mats are in place to prevent fly rock and that there are arrangements for halting vehicular and pedestrian traffic during blasting.

Finally, the local FDNY company visits the site daily to ensure that no explosives are being improperly stored overnight. The fire company confirms at the end of the day that the explosive magazines are open and empty, signaling that any unused explosives have been removed to the vendor's facility.

Taken as a whole, these oversight measures and strict controls – many of which go above and beyond current law – ensure not only that the contractor's personnel are

qualified to use explosives, but also that the individual blasts are performed properly and safely. We believe this process provides for the safe use of explosives and protects the workers at the site and the local communities.

Intro 613

I would now like to discuss Intro 613, the legislation being considered today. The use of explosives is an important component of many construction and demolition projects throughout the City. It is vital to the safety and security of all New York City residents and visitors that explosives are used in the safest manner possible.

We believe Intro 613 is well intentioned but reflects a fundamental misunderstanding about the use of explosives in New York City and the controls in place to govern that activity.

Intro 613 weakens existing City law or regulations. In addition, many of the bill's key proposals are already FDNY practice and, as such, are being included in the Fire Code revision we will bring before the Council in the very near future. While we believe Intro 613 could be amended extensively to address our concerns, at this time we oppose the bill and urge the Council to consider instead adopting those provisions of the current draft Fire Code that address blasting operations. We would be willing to offer amended legislation that would incorporate the blasting provisions of the proposed new Fire Code.

Some concerns we have with Intro 613 as currently drafted are as follows. Intro 613 proposes that "a certificate of fitness or similar authorizing document issued by an agency of the United States or New York State" can be substituted for an FDNY-issued Certificate of Fitness for explosives use. The Department strongly opposes this. As I discussed earlier, we currently require applicants for Certificates of Fitness for blasting to

have relevant experience within New York City. No substitutions are permitted, regardless of how many similar authorizations for explosives use the applicant may have. We could not support a bill that weakens our current practice.

The legislation calls for notifications to the surrounding area when a *permit application is submitted*. This makes little sense in reality. We do not think notifications should be required until either a permit has actually been *issued*, or when the blasting *actually begins*.

Intro 613 also requires notice be given to neighboring buildings within 250 feet of the job site before each blast. While the Department agrees that advanced notice should be provided, we believe that the current 100-foot notification radius is sufficient. We do not feel that additional notifications would be beneficial.

The legislation's proposal that an FDNY Inspector be present during all blasting operations is simply not feasible, given the number of inspectors we have and, in our estimation, would not enhance the safety of the site. We believe the numerous oversights and safeguards already in place make this unnecessary.

Intro 613 also proposes that explosives permits be issued for only three months at a time, with the possibility of extending them up to one year. Most construction or demolition jobs that require blasting last longer than this. We believe that the one-year timeframe works well because of the many variables involved with blasting, and we do not believe a shorter time frame would necessarily enhance site safety. While we are open to discussion of a shorter period for issuing permits, industry representatives may feel differently.

The drafters of the legislation may have had reasons, unclear to us, for including the list of agencies and other entities that are to be notified during the permit process and/or blasting operations. We believe this list is too broad. Unless specific aspects of a project require the input of the Department of Transportation, we do not think it is necessary to include that agency in all meetings and site visits. The FDNY is the only City agency with the expertise to monitor and oversee the use of explosives. It is unnecessary to require other agencies' input or authorization unless a proposed blasting job would affect their specific jurisdictions and authority.

For example, the bill would require several City agencies to review and approve a structural survey report for the area surrounding the blasting site. This is unnecessary since many of the agencies which would have to be notified – notably the Department of Environmental Protection and the Department of Transportation – do not have the expertise to analyze and approve such a document. We would, however, support legislation calling for a copy of the structural survey report to be kept at the job site so that it can be easily accessed in the event of an emergency.

Information Sharing Between FDNY and the Department of Buildings

Increasing communication and information sharing between the FDNY and DOB is something the two agencies continually work toward and we have instituted several ongoing initiatives establishing those links. However, DOB and other agencies do not employ explosives experts and therefore would not necessarily be able to enhance safety at these sites. Rather, their roles are to advise and oversee those aspects of sites within their respective jurisdictions. For instance, DOB's Building Enforcement Safety Team

(BEST) visits building sites regularly to monitor aspects of these jobs that affect DOB's areas of expertise, including buildings' structural stability.

As part of our continuous efforts to increase interagency communication, our current operating procedure requires us to notify DOB:

- Upon receipt of notification from a blasting contractor of anticipated filing of a permit application, or when a permit application is filed, whichever is received first,
- Of all Permit Job Site Inspections to afford DOB the opportunity to attend such inspections,
- Upon the issuance of a permit,
- Of the date for commencement of blasting operations, and,
- Upon receipt of notification by the blasting contractor of a Reportable Seismic Measurement.

In addition, both DOB and our Department will notify the other as needed regarding reports or complaints of physical damage or other safety concerns resulting from blasting operations.

Conclusion

We would welcome the opportunity to take the Speaker and Committee Members on a tour of a blasting site in the near future. Witnessing blasting operations in progress will allow you to see firsthand the extensive safety and security measures taken at these sites throughout the City.

We look forward to working with the Council in the coming months on both the revised Fire Code and an amended version of Intro 613. Thank you for the opportunity to speak with you today. We would be happy to answer any questions you have at this time.

Intro. 613

Testimony of Christopher O. Ward
Managing Director, General Contractors Association of New York

My name is Christopher Ward and I am the Managing Director of the General Contractors Association of New York. The GCA represents the city's heavy civil public works infrastructure and foundation contractors.

Much of the blasting performed in New York City is required to construct large public works infrastructure projects such as the Third Water Tunnel, the reconstruction of the #1 line's South Ferry Station, the Croton Filtration Plant and the Second Avenue Subway. The Buildings Department presently does not have an oversight role on public works projects, and given the shortage of trained personnel in all segments of the construction industry, it is questionable as to whether the agency's scarce resources should be allocated to these projects. The GCA advocates maintaining the Fire Department and the owner agency as the primary regulators of blasting on public works projects by including a specific provision in the legislation exempting public works projects from the new regulations.

Although recent incidents have highlighted the need to take proper measures to protect adjacent property, there is no failsafe review process that can eradicate human error or mechanical failure. The proposed multi-layered, multi-agency review process will only serve to increase construction costs and leave the public

with no central point of contact in the event that an event does occur. By requiring the contractor to make submissions to a minimum of six different agencies for review, the legislation has the potential to greatly increase the cost and duration of construction. If the involved agencies fail to provide their comments within the planned 30 day timeframe, the contractor will not be able to obtain a permit and a delay at the foundation stage will impact the rest of the project. The legislation offers the contractor no recourse if the agencies do not submit comments or issue approvals within the 30 day timeframe. If a property owner is opposed to blasting near his property, he can use the regulations to deny the contractor access to conduct necessary surveys, and the project will not move forward.

Construction is a vital part of New York's economy and provides thousands of blue and white collar jobs. Rather than creating a new bureaucracy that will provide an incentive for circumvention, the Council should require the city's regulatory agencies to independently assess their existing protocols and make their own institutional changes to address any gaps that could prevent future incidents.

Thank you.

UNIFORMED
FIRE DEPARTMENT, CITY OF NEW YORK
FIRE OFFICERS
LOCAL 854, INTERNATIONAL ASSN. OF FIRE FIGHTERS, AFL-CIO
ASSOCIATION

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**Testimony of Battalion Chief John McDonnell, President of the
Uniformed Fire Officers Association Before the New York City
Council Committee on Housing and Buildings Jointly with the
Committee on Fire and Criminal Justice Services on Int. No. 613
October 24, 2007**

Good afternoon to the Speaker and City Council members. My name is Lt. Edward Boles, Treasurer of the UFOA and I am speaking on behalf of John McDonnell, President of the Uniformed Fire Officers Association (UFOA), representing the Lieutenants, Captains, Battalion Chiefs, Deputy Chiefs, Supervising Fire Marshals, and Medical Officers of the FDNY.

I commend the Speaker, Council member Mark-Viverito, and the committees for addressing the amendments outlined in Int. #613 in relation to the use of explosives for demolition and excavation. In the midst of a construction boom in New York City and in the aftermath of some recent construction tragedies such as 130 Liberty Street, it is important that our city's legislative body carefully scrutinizes the city's administrative codes to help ensure the health and safety of all our citizens- residents, workers, and especially first responders.

The amendments that are outlined in Int. #613 are worthwhile, yet, we would like to make a few recommendations that will provide greater awareness for firefighters and which will also be beneficial to the citizens my members serve.

1. **Notification to the local fire companies-** where notifications are described in Section 27-4039 of the administrative code, we would like it mandated that the local fire companies in the vicinity of any blasting operation be notified especially on the day of actual blasting commencement.
2. **Surveys-** as described in section 27-4039.2 of the administrative code, we would like that copies of the survey and photographs be shared with the local fire companies so they may be better prepared to formulate a more effective operational plan. Additionally, the local fire companies will be furnished with a report after the blasting takes place of the structural integrity of any of the building with the 250' radius of the blasting operation.
3. **Explosive Plan of Operation and Danger Zone-** as described in section 27-4039.2 e & f of the administrative code, a comprehensive plan be provided to the local fire companies for informational and preparedness use.



AFFILIATED WITH

NEW YORK STATE AFL-CIO

NEW YORK CITY CENTRAL LABOR COUNCIL AFL-CIO • MARITIME PORT COUNCIL OF GREATER NEW YORK & VICINITY
UNION LABEL & SERVICE TRADES COUNCIL OF GREATER NEW YORK & LONG ISLAND • NATIONAL SAFETY COUNCIL

4. **Interagency Protocol**- as described in section 27-4039.3 of the administrative code, that the results of this operational protocol be disseminated to the local fire companies for preparedness training and operational tactics.

Many of the recommendations we outline here may seem obvious, however, we feel it is imperative to have on record the importance of our fire service units to have such vital information.

We wish again to applaud the efforts of the various committees on working on Int. #613 and the opportunity afforded to me today to speak. I am available for any questions that the members may have.



**International Society of
Explosives Engineers**

October 23, 2007

**Committee on Housing and Buildings Hearing Re: Int. No. 613
Wednesday, October 24, 2007 at 1:00 PM, Council Chambers, City Hall, New York, NY**

Kamilla Sjodin
Counsel
Committee on Housing and Buildings
250 Broadway, 14th Floor
New York, NY 10007
Tel: 212-341-0358
Fax: 212-788-9168

The International Society of Explosives Engineers hereby submits comments RE: Int. No. 613 the proposed local law to amend the administrative code of the City of New York, in relation to the use of explosives for demolition and excavation.

The International Society of Explosives Engineers (ISEE) was formed in 1974 as a professional society dedicated to promoting the safety, security and the controlled use of explosives in construction, mining, quarrying, seismology, demolition, manufacturing, aerospace, forestry, avalanche control, art, automobiles, special effects, exploration, agriculture, law enforcement, and other peaceful uses of explosives.

With more than 4,600 members and with 34 Chapters in the US, Canada, the Society is recognized as an industry leader in providing explosives technology, education, and information, and promoting public understanding of the benefits of explosives. In addition, ISEE, with individual members acting as resources, has consistently been at the forefront of efforts to address legislation and regulation on the use of explosives at the federal and state level.

The Society has consistently supported the national standard developed in states, townships and municipalities through National Fire Protection Association (NFPA) 495 Explosives Materials Code. We have sent a reference copy of the 2006 Edition to your office under a separate cover. We strongly recommend NFPA 495 to any agency that has responsibility for the enforcement of explosives regulation. We recommend that the Fire Department of New York be the agency enforcing such regulations and that the Explosives Unit of the Fire Department be actively engaged as they have the requisite experience, training and knowledge of technology for monitoring the use and storage of commercial explosives in the city of New York.

Concerning the proposed amendment to the administrative code of the city of New York, we object to language that would extend pre-blast survey requirements that exceed those stated in NFPA 495. There is no technical basis to exceed those stated requirements without greatly adding to cost and time and there would be no resulting improvement to public safety or the protection of property.

We strongly recommend that the Committee on Housing and Buildings adopt NFPA 495 Explosives Materials Code as the standard for the use commercial explosives in the city of New York.

Sincerely,
Jeffrey L. Dean, CAE
Executive Director and General Counsel

EXPLO POWDER INC.

**570 Zerega Avenue
Bronx, New York 10473**

October 24, 2007

The Council of The City of New York
Office of The Speaker
City Hall
New York, N.Y.

Dear Council:

I work for Explo Powder and we deliver industrial explosives to contractors in New York City. We are not the explosives contractor, which is where much of these proposed changes are focused. We are knowledgeable, however, about industrial explosives sold and used throughout many parts of the world, including in most major cities. We appreciate the opportunity to share our preliminary views on the proposed legislation.

In New York City industrial explosives are used to excavate rock for water tunnels, site work, subways, and other construction. The quantities used in the City are very small but very significant to the City's progress. It is the safest and most efficient way to break rock.

In all places in the United States, including New York City, industrial explosives are licensed and regulated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives and The Department of Transportation. In the City, we are regulated by the Explosives Unit of the New York City Fire Department. By far, it is the most stringent and effective program in the world. They are well ahead, as much proposed federal legislation over the years has been practice in the City for a long time. The system works for a couple of important reasons.

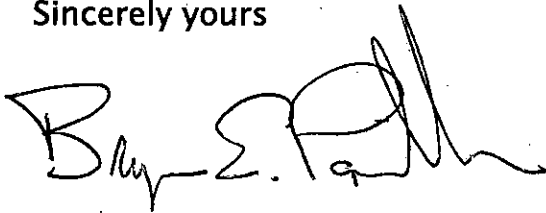
1. The business requires very specialized knowledge, and this department is very knowledgeable. The inspectors have worked with explosives and blasting for many years. Many of them are former blasters themselves.
2. They know all of the parties involved, as all parties are subject to their direct authority.
3. They have full control

The proposed legislation is major. It discusses involving 3 to 5 more agencies plus councils, community boards, and state bodies. It involves an arithmetic increase in notices, reports, procedures, meetings, applications, studies, and protocol. Some of the legislation has significant security concerns.

One single regulatory body can do it better. Way better. Especially when they have the expertise, the knowledge, and the full authority. If the city believes that additional legislation is necessary, then I encourage it to be under the control of FDNY.

Thank you for the opportunity to speak. The proposed legislation will involve many, many aspects of how excavation and construction is done in New York City today. It will require careful study. We appreciate the opportunity to be part of it.

Sincerely yours

A handwritten signature in black ink, appearing to read "Bryan Papillon". The signature is stylized with a large initial "B" and a long, sweeping underline.

Bryan Papillon
Explo Powder Inc.



Louis J. Coletti
President & CEO

BTEA: NEW YORK'S ALLIANCE OF UNION CONTRACTORS

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TESTIMONY TO

THE NEW YORK

CITY COUNCIL

RE: INT. NO. 613

October 24, 2007

Submitted By
Henry C. Kita
Senior Vice President
Building Trades Employers' Association



Good afternoon.

My name is Henry Kita. I am the Senior Vice President of the Building Trades Employers' Association of New York City (BTEA). The BTEA represents 25 contractor associations comprised of 1,500 construction managers, general contractors and subcontractors who employ the over 100,000 members of the Building and Construction Trades Council. The BTEA represents the management half of the Construction Industry Partnership with our partners in the labor sector at the Building and Construction Trades Council.

I am here this afternoon to provide some comments and express some reservations on behalf of the BTEA regarding Int. No. 613 – A Local Law to amend the administrative code of the City of New York, in relation to the use of explosives for demolition and excavation.

While the BTEA and its member associations and contractors are passionate advocates for safety in all facets and phases of construction activity, we believe that Int. 613 as proposed overreaches in the name of safety and creates a system for the use of explosives that will hamstring certain construction processes in the area of excavation and demolition.

As prescribed in Int. 613, the various notice requirements and submission processes for various city agencies will make the use of explosives in construction difficult if not impossible. Notifications to every tenant within a 250 foot radius plus every elected official from the state level on down will be cumbersome and impractical. This bill will almost certainly slow construction and potentially add to pollution and increase noise in construction. This unintended side effect would be caused by some contractors who might be driven to alternate construction strategies such as hoe ramming, drilling and splitting that might have to be used as an alternative means to explosives in the excavation and demolition process because of these onerous notification requirements.

In addition, we believe that this bill as currently structured might complicate the efficient completion of public works infrastructure projects. As we read this bill, the Department of Buildings would have an oversight and permit role in these public works projects, where they have not in the past. As it stands now, the Department of Buildings has little if any role in the issuance of permits or oversight for this type of work. With personnel resources severely taxed during this current construction “boom”, it is questionable as to whether the Department of Buildings resources should be stretched to cover these public works projects when they are already overseen by other arms of city and state government.

Finally, it appears that in its current form Int. 613 is silent on what will happen if the prescribed agencies charged with reviewing the contractor's plans such as DEP, DOT, MTA, Con Ed, etc. do not supply their comments to the FDNY within 30 days. If these various entities are not diligent in responding within 30 days, what will happen? Will a contractor not be issued a permit until they do?

Make no mistake that this portion of the legislation will provide the impetus for increases in the cost of construction if not revisited and revised. We would suggest that if this legislation moves forward, that a provision be included that would have the plan be considered as approved if the agencies do not respond within the 30 days.

The BTEA and its members stand ready to work hand in glove with the City Council and City Administration to make the construction industry in New York City, the safest in the world. However, we believe that Int. 613 needs to be closely reexamined by the City Council in order to consider the comments and points that I have attempted to make here today.

I thank you for your time and attention this afternoon.



REAL ESTATE BOARD OF NEW YORK

FOR THE RECORD

Testimony of
Marolyn Davenport
Sr. Vice President
Real Estate Board of New York
Regarding Intro. 613 in relation to the use of explosives for demolition and excavation

October 24, 2007

The Real Estate Board of New York, representing nearly 12,000 owners, brokers and managers of real property, including many developers of high rise commercial and residential buildings which would be impacted by this proposal, shares the Council's concerns that any blasting done in the city, whether for excavation or demolition, be done as safely as possible. However, we do not believe the proposed legislation makes blasting in the city actually safer, and it will be impossible to implement as written as it does not reflect the way blasting occurs on construction projects.

Currently, blasting is probably the most highly regulated construction operation that there is, both by the City where the FDNY is in charge and by the Federal Government, where the Bureau of Alcohol, Tobacco and Firearms has jurisdiction. Particularly in Manhattan, the densely built environment means that as little blasting is done as possible. The charges are small and it is done only as necessary as the job transpires. The bill is written as if the full plan for blasting is completely known months before a project starts. It isn't entirely known for the simple reason that it depends on the results of the borings and what is found below the surface as excavation proceeds. Blasting proceeds in small areas at a time, and then only small charges are set off. In a sense, it is something of a piecemeal process in order to keep it as limited as possible.

Prior to any blasting approval, the contractor meets with affected parties and all agencies which could be impacted at the site to review the plan. Test blasts are done in the presence of the FDNY in advance. The plan is reviewed with utilities, the Dept. of Transportation, and the Dept. of Environmental Protection. Notification to adjacent properties is both required and desirable as are surveys of the adjacent properties. Likewise the area is generally posted prior to actual blasting. These requirements are already in place. However, the bill imposes a confusing array of additional requirements on the contractor, the developer and the engineers, which overlap to a degree and do not entirely make sense.

For example, currently permits are issued to coincide with insurance renewals. This clearly is the simplest way to ensure that the required insurance coverage is in place. The three month permit renewable-for-a-year scheme in the bill doesn't add anything to the safety of the project.

The requirement to have a Buildings or Fire Department inspector witness all blasting is not practical. They do not have the staff. This will cause massive construction delays as the project manager does

not know months or weeks in advance exactly when or if blasting will have to be done.. Scheduling this will be impossible.

While we have no objections to notifying adjacent buildings when blasting is planned, the requirement to affix the notice in a prominent location in all buildings within 250' will not happen – those buildings are not going to permit a stranger to come into the building and post a notice in the lobby. It is trespassing and can't be done or enforced. Further, while adjacent properties are currently notified and should be, there is no logic to the 250' radius for notification – it is an arbitrary number.

Likewise, any project which may require blasting most certainly wants to do a survey of the neighboring properties. It protects the project, the blasting contractor and everyone involved with the new project as well as the neighboring properties. However, the time lines in the bill will unnecessarily delay projects. Additionally, the surveys cannot necessarily be done in the presence of the neighboring owner or their reps nor is that necessary. Complete structural surveys may not be possible until some excavation has begun. Often one cannot fully assess the structural supports to a building until some of the foundation has been exposed. Again, the proposal is setting up requirements that do not reflect how construction proceeds.

As we noted at the beginning, blasting is a highly regulated activity in the city. The Fire Department has local jurisdiction. If they have a proposal to change the process, we would certainly take a look at it and would support it if it makes sense from a safety standpoint. But the proposed legislation is not written in a way that the construction industry can comply with it or that the department can enforce it. It will simply add confusion and delay to a complex process.