

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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June 9, 2009
Start: 02:34 pm
Recess: 02:42 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
JAMES F. GENNARO
Chairperson

COUNCIL MEMBERS:
Bill de Blasio
G. Oliver Koppell
Domenic M. Recchia, Jr.
Peter F. Vallone, Jr.
Thomas White, Jr.
Mathieu Eugene
Elizabeth Crowley
Eric Ulrich
Letitia James

CHAIRPERSON GENNARO: I'm going to start and read my statement just to get going. Then by that time I'm certain that we'll have a quorum. Sergeant, if you could start the tape. Good afternoon and welcome. I'm Council Member Jim Gennaro, Chair of the Committee on Environmental Protection. Today we're holding a hearing and a vote on three proposed bills to address asbestos abatement and procedures, in the wake of the Deutsche Bank fire on August 18, 2007. On that fateful day, a fire in the former Deutsche Bank Building caused by a discarded cigarette led to the deaths of New York City firefighters Joseph Graffagnino and Robert Beddia and resulted in injuries to several others. Asbestos abatement activities were taking place at that time and at that time no smoking was permitted. These and other findings, including problems with the safety of asbestos abatement activity led Council Members to pursue legislative solutions to the problems being uncovered. The result of that inquiry is these three bills before you today. Proposed Intro 1001-A would prohibit smoking, carrying tobacco or even carrying matches or lighters into

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2 an asbestos abatement workplace. On the day of
3 the 130 Liberty Street fire, firefighters
4 responded and assessed access issues but were
5 delayed in their response activities due to the
6 presence of wooden planking from the asbestos
7 containment barriers in both stairwells, which
8 also blocked the escape of two firefighters.
9 Proposed Intro 1005 requires that the DEP
10 commissioner, in consultation with the fire
11 commission and the commissioner of buildings
12 promulgate rules which give further guidance to
13 contractors on how to maintain egress as asbestos
14 projects in order to avoid a similar tragedy in
15 the future. The existing abatement process
16 allowed an abatement contractor to commence work
17 on the date indicated regardless of the size or
18 complexity of the job unless the rules required a
19 variance. It was determined that an additional
20 level of review should be required for certain
21 jobs. Proposed Intro 1003-A establishes a three-
22 point asbestos abatement protection program that
23 will require permits for certain abatement jobs
24 that pose the highest safety risk, mandate the use
25 of fire retardant materials during the asbestos

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2 abatement process and authorize DEP inspectors to
3 enforce provisions of the Fire and Building Codes
4 at abatement sites, thereby adding to the safety
5 of these projects for those in the building, the
6 community and those required to respond in the
7 event of an emergency. At this time, we'll
8 entertain votes on these very important bills.
9 I'd like to point out that this is legislation
10 that was developed in consultation with the
11 Bloomberg Administration. They were very helpful
12 in getting us to this good day. I'd like to
13 recognize the members that are here. We have
14 Council Member White, Council Member Recchia,
15 Council Member Ulrich, Council Member Crowley, and
16 myself. That gives us five; that gives us a
17 quorum. And we have Peter Vallone about to enter
18 the room. Council Member James is here as well.
19 I thank Council Member James for being here. One
20 of the bills I understand is a Council Member
21 James' bill. Council Member James, do you wish to
22 place a statement on the record before we take a
23 vote.

24 COUNCIL MEMBER JAMES: Thank you,
25 Mr. Chair. I thank the members of this committee

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2 for voting on this bill. This legislation would
3 prohibit smoking on any floor of a building where
4 abatement activities are taking place. Further,
5 this legislation would prohibit tobacco inside the
6 workplace as such area is defined under DEP's
7 asbestos control program sites. It codifies that
8 which is already a recommendation within the
9 industry. I thank you and I urge all of my
10 colleagues to vote yes on this piece of
11 legislation. Thank you, Mr. Chair.

12 CHAIRPERSON GENNARO: Thank you,
13 Council Member James. I neglected to mention that
14 you are the prime sponsor of Proposed Intro 1001-
15 A. Forgive me. Let me complete the record and
16 say that the prime sponsors for Intro 1005 are
17 Council Member Stewart and Speaker Quinn. The
18 prime sponsors for Intro 1003-A are Council
19 Members Martinez, Gerson and the Speaker and many
20 other members as well. We are joined by Council
21 Member Eugene and Council Member Peter Vallone
22 from Queens. I would ask the clerk to call the
23 roll and the chair urges a yes vote on all three
24 items. Perhaps we can couple all three items. Is
25 the clerk amenable to that? Should we do that?

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WILLIAM MARTIN: Yes.

CHAIRPERSON GENNARO: All three items are coupled, 1001-A, 1005, and 1003-A. Clerk, please call the roll.

WILLIAM MARTIN: William Martin, Committee Clerk, roll calling the Committee on Environmental Protection. Council Member Gennaro?

CHAIRPERSON GENNARO: Yes.

WILLIAM MARTIN: Recchia?

COUNCIL MEMBER RECCHIA: Before I cast my vote, I ask that my name be added to 1001-A, 1005 and 1003-A as a co-sponsor. I vote yes.

WILLIAM MARTIN: Vallone?

COUNCIL MEMBER VALLONE: Aye.

WILLIAM MARTIN: White?

COUNCIL MEMBER WHITE: Aye on all.

WILLIAM MARTIN: Eugene?

COUNCIL MEMBER EUGENE: Aye on all.

WILLIAM MARTIN: Crowley?

COUNCIL MEMBER CROWLEY: Aye on all.

WILLIAM MARTIN: Ulrich?

COUNCIL MEMBER ULRICH: Aye on all.

WILLIAM MARTIN: By a vote of seven

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2 in the affirmative, zero in the negative and no
3 abstentions, all items have been adopted. Council
4 Members, please sign the committee reports. Thank
5 you.

6 CHAIRPERSON GENNARO: Thank you. I
7 would like to leave the record open for this
8 hearing for the maximum duration, which I believe
9 is 30 minutes, to make allowance for the members
10 who are not yet in the chamber to cast their votes
11 on these landmark bills. I wish to thank the
12 staff of the Council and the Mayor's people for
13 putting together such good bills. Thank you and
14 this hearing is not yet adjourned. We will leave
15 the record open for a half hour for other members
16 to come and cast their vote. Thank you all.

17 [Pause]

18 WILLIAM MARTIN: Council Member De
19 Blasio?

20 COUNCIL MEMBER DEBLASIO: I vote
21 aye.

22 WILLIAM MARTIN: The vote now
23 stands at eight in the affirmative, zero in the
24 negative and no abstentions. Thank you.

25 [Pause]

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WILLIAM MARTIN: Council Member

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Koppell?

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COUNCIL MEMBER KOPPELL: Aye on

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all.

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WILLIAM MARTIN: The final vote on

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the Committee on Environmental Protection is now

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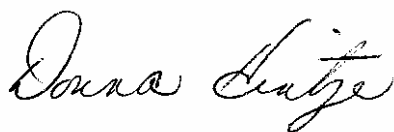
nine in the affirmative, zero in the negative and

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no abstentions. Thank you.

C E R T I F I C A T E

I, Donna Hintze 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.

A handwritten signature in cursive script that reads "Donna Hintze".

Signature

Date July 23, 2009