

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS

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B E F O R E:

COUNCIL MEMBERS:

- ROBERT CORNEGY, JR.
- RAFAEL ESPINAL, JR
- MARK LEVINE
- KAREN KOSLOWITZ
- ANTONIO REYNOSO
- HELEN ROSENTHAL
- RITCHIE TORRES
- ERIC ULRICH
- JUMAANE WILLIAMS

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

LAURA CAVANAUGH
ASSISTANT COMMISSIONER

RICHARD ROACH
FIRE PREVENTION INSPECTOR

THOMAS MCCAVINAR
BUREAU OF FIRE PREVENTION

THOMAS CANTOR
NEW YORK ELECTRONIC SECURITY ASSOCIATION

2 CHAIR WILLIAMS: Good morning everyone
3 thank you for coming. My name is Jumaane Williams,
4 the Chair of the Councils' Committee on Housings and
5 Buildings. I'm joined here today by Council Members
6 Crowley who's bill we will be hearing and Council
7 Member Rosenthal. We're here today to conduct a
8 hearing on proposed Int. No. 56-A, sponsored by
9 Council Member Crowley which will require that of
10 which require that smoke alarms installed in certain
11 residential occupancies at least one be of the
12 photoelectric type. I understand that Council Member
13 Crowley would like to make some speech statements
14 concerning her bill, so I allow her to do so now.

15 COUNCIL MEMBER CROWLEY: Thank you Chair
16 Williams, thank you for holding this hearing and I am
17 Elizabeth Crowley, I Chair the Fire Committee on the
18 City Council, which has oversight of the Fire
19 Department, which is oversight of Fire Safety
20 throughout the City. I introduced this legislation
21 to reduce the number of fire related fatalities in
22 New York City. And we're quickly approaching the
23 cold winter months a time when fatalities typically
24 spark. It is critical we explore the fire prevention

2 resources available to us right now such as this
3 legislation to make New York City residents safer.

4 Current City laws states that New York
5 City residents must be equipped with either a
6 photoelectric or ionization smoke alarm. But most
7 New Yorkers don't know the difference and when they
8 go to a hardware store to buy a smoke alarm, they're
9 not sure whether they're getting the right type of
10 smoke alarm. Leaving many of harms with the cheaper
11 smoke alarm none as the ionization. However, studies
12 show that on more than half the time, on greater than
13 50% chance that an ionization alarm will not go off
14 in time for an individual to survive a smoldering
15 fire. I repeat greater than 50% of the chances when
16 there's a fire the smoke does not hit the ionization
17 alarm in time for residents to get out of the house.
18 By requiring at least one photoelectric smoke alarm
19 in all residential units, occupants will be better
20 protected from the fires proven to be the most fatal.

21 Fires with long smoldering stages which
22 cause occupants to suffer from smoke inhalation.
23 Photoelectric alarms are proven to detect smoke the
24 soonest sounding the alarm to residents of the
25 danger. However, the same study show that

2 photoelectric alarms provide a 96% chance of
3 survival.

4 Photoelectric alarms are proven to be
5 detecting the soonest, sound may alarm to resident of
6 the danger the soonest.

7 This bill is supported by the super
8 majority of the City Council, over 40 members. Also
9 supported by firefighters, home inspectors and all
10 fire safety experts. All major fire safety
11 organization recognizes the benefits of photoelectric
12 technology as well. States such as Massachusetts,
13 Vermont and Maine, Cities in California and Ohio have
14 all passed legislation for photoelectric smoke alarms
15 yet we in New York City, a leader for change and new
16 initiative are fallen behind on this critical fire
17 safety measure and this much change and the for it to
18 change is now. One life lost to a fire fatality is
19 one to many. Photoelectric smoke alarms provided the
20 greatest change of survival and all New Yorkers
21 deserve this protection and I look forward to hearing
22 the testimony from the fire department and I want to
23 thank my colleague again, Chair of the Committee,
24 Council Member Williams.

2 CHAIR WILLIAMS: Thank you Council Member
3 Crowley and thank you for providing us additional
4 background information on the bill. I'd also like to
5 thank my staff for the work they did to assemble this
6 hearing including Nick Smith, my Deputy Chief of
7 Staff and Legislative Director Jen Wilcox and Malaika
8 Jabali. Is that right? Ok. Council Senior Guillermo
9 Patino, Jose Conde, Policy Analyst (inaudible) Sarah
10 Gastelum the Committee Finance Analyst.

11 As a reminder for those who would like to
12 testify today, please be sure to fill out a card with
13 the sergeant at arms, with that said we have few
14 people with us. Assistant Commissioner Laura
15 Cavanaugh (sic), Thomas McCavinar (sic) and Richard
16 Roach, did I say that right? Sorry, all from the FDNY
17 and I know that a Donald Geoffrey (sic) from DOB is
18 here in case we have any questions so I want to say
19 thank you very much. Can you please raise your right
20 hands? Do you affirm to tell the truth, the whole
21 truth and nothing but the truth in your testimony
22 before this Committee and to respond honestly to
23 Council Members questions?

24 PANEL: Yes in Unisom.

2 CHAIR WILLIAMS: You can begin with your
3 testimony in order of your preference. Thank you.

4 THOMAS MCCA VINAR: Good morning Council
5 Member Jumaane Williams, Council Member Crowley and
6 all the Council Members present. I'd like to start
7 first by apologizing on behalf of Chief Batifore
8 (sic) couldn't make it today. He's actually in
9 Africa doing an educational visit and I'm going to be
10 the Intern speaker on his behalf until he returns.
11 Thank you for opportunity to speak today about Int.
12 No. 56-A regarding photoelectric detector technology.
13 I am joined this morning by Assistant Commissioner
14 Laura Cavanaugh and Fire Prevention Inspector Richard
15 Roach. We appreciate the Council's concerns
16 regarding fire safety and your efforts to increase
17 awareness about the fire detection technologies
18 available on the market.

19 CHAIR WILLIAMS: I'm sorry excuse me one
20 second. We're trying to find your testimony, have
21 you—you submitted it?

22 [background talking]

23 CHAIR WILLIAMS: Ok thank you, I'm sorry
24 you can go ahead.

2 THOMAS MCCA VINAR: Ok. Numerous studies,
3 years of research and real life data shows that many
4 fatal fires occur at night when occupants are asleep.
5 Nighttime fires are particularly dangerous because
6 occupants are provided less time to become aware of
7 and escape a fire. Some evidence shows that
8 nighttime fires maybe more likely to begin as slow
9 smoldering fires. Affordable electric smoke
10 detectors are the proven technology for these slow
11 smoldering fires. The other type of certified
12 detector technology in ionization technology and that
13 technology is better at detecting fast flaming fires.
14 Because both detectors provide different advantages
15 because it is, because both detectors provide
16 different advantages and because it is impossible to
17 determine what type of fire will occur in a
18 residence.

19 National organizations that test and
20 certify detector standards such as the NFPA, ICC and
21 UL, support the use of both types of detectors. Of
22 the two technologies the majority of homes currently
23 have ionization detector rather than photoelectric.
24 For this reason the FDNY is currently providing
25 photoelectric detectors as part of it's Get Alarmed

2 New York City Education Program. Announced last week
3 with the Major and the City Council. It is our hope
4 that by providing photoelectric detectors as part of
5 this program, we will increase the use of this
6 technology.

7 Will the FDNY shares the City Councils
8 support for photoelectric technology the FDNY
9 believes there are a few issue to be discuss prior to
10 enacting such legislation.

11 As you are aware the FDNY does not have a
12 research and development arm to do independent
13 testing of detectors and the organization that do
14 such test currently support both photoelectric and
15 ionization smoke detector technologies. And we do
16 look at these technologies these experts before we
17 make changes to the City's fire and building code.

18 This legislation would limit the use of
19 ionization detectors which they have certified given
20 that many New York City dwellings only contain one
21 detector. We'd want to consult further with these
22 organizations before limiting the use of an approved
23 technology. Additionally, the department worries
24 that enacting such legislation might lead some people
25 to remove an existing ionization detector if they

2 believe such a detector is not effective or may incur
3 a fine or penalty if used. Sadly 2/3 of fatal fires
4 in New York City a working detector of any type was
5 not present. Therefore, the overwhelming focus of
6 the FDNY fire prevention efforts is educating New
7 Yorkers on the importance of having a certified
8 working detector in their home. We would want to
9 ensure that the implementation of this legislation do
10 not lead to the removal of any working detectors.

11 And finally, smoke detector technology
12 continues to revolve and new technologies can emerge
13 while the old ones are still being implemented. For
14 example, progress is being made around detectors that
15 contain both photoelectric and ionization
16 technologies as well as around the prevention of
17 nuisance alarms. The FDNY would like to find a way
18 to increase the use of photoelectric technology
19 without closing the door to other technologies that
20 may emerge. Aside from the concerns mentioned above
21 the FDNY supports the City Council efforts to bring
22 photoelectric devices into people's homes. We look
23 forward to working with them and organization such as
24 the NFPA, the ICC and the UL to address the concerns
25 mentioned above and find the best way to ensure New

2 Yorkers are safe and that fire deaths continue to
3 decline. We thank this committee and the entire City
4 Council for their ongoing support for our ongoing
5 fire safety education fire prevention efforts. My
6 colleagues and I will be happy to take your questions
7 at this time.

8 CHAIR WILLIAMS: Thank you very much for
9 your testimony, appreciate it but it's a little foggy
10 so I'm going to try get through some of the fog.
11 First how many fire deaths occur every year?

12 THOMAS MCCAVINAR:: Well it varies ok and
13 the trend is, I think the good news is the trend is
14 going down. I think in 2014 we had let me just get
15 you the exact number... we had 71 fatalities in 2014
16 and of those 71 only 18 had working smoke detectors.

17 CHAIR WILLIAMS: Of the 71 only 18.

18 THOMAS MCCAVINAR: Approximately 2/3 in
19 generally speaking and nationally only 2/3 of the
20 homes that have fatal fires do not have working smoke
21 detectors.

22 CHAIR WILLIAMS: Thank you, first
23 congrats I'm glad that the deaths are going down and
24 hope to continue with it going down but of the smoke

2 detectors present do you keep track of what kind of
3 smoke detectors they were?

4 THOMAS MCCAVINAR: What... what we do is we
5 do track the model and the make we do not track
6 whether or not it was a photoelectric or an
7 ionization detector. We were talking about that and.

8 CHAIR WILLIAMS: Sorry... Sorry you get the
9 model and the make wouldn't that tell you whether it
10 is?

11 UNKNOWN: Well that's see to exactpilate
12 that information from that is what we're talking
13 about trying to do, so we... we when we can get the
14 model and the make number because many times these
15 smoke detectors are you melted beyond recognition but
16 when we can we try and get the model and the make
17 number and that's a part of the information that we
18 record but it doesn't tell you in our program whether
19 or not it's a photoelectric or ionization.

20 CHAIR WILLIAMS: But you're trying to set
21 it so that it would tell you in the future you mean?

22 THOMAS MCCAVINAR: That's something that
23 we're discussing currently.

24 CHAIR WILLIAMS: That would probably help
25 if we're trying to figure out which ones work best.

2 So you don't know how many people have photoelectric
3 versus ionization.

4 THOMAS MCCAVINAR: No and since, excuse
5 me and since ionization is probably the longest
6 running technology that was used, there are more
7 ionization detectors that are out there than
8 photoelectric.

9 CHAIR WILLIAMS: The 100,000 smoke
10 detectors were giving away, those are ionization?

11 THOMAS MCCAVINAR: The ones that were
12 giving away now are combination detectors. Their
13 photoelectric and carbon monoxide detectors. There
14 not ionization.

15 CHAIR WILLIAMS: Your saying that they
16 are combination of photoelectric and ionization.

17 THOMAS MCCAVINAR: No. Combination
18 photoelectric and carbon monoxide detectors.

19 CHAIR WILLIAMS: So there photoelectric
20 smoke detectors in the 100,000 giveaway.

21 THOMAS MCCAVINAR: We... we felt that most
22 of most of the residences have ionization detectors
23 now and being that each technology has it's strength
24 well then let's... let's give out photoelectric
25 detectors with a carbon monoxide component with it,

2 so when if you have ionization detector, a
3 photoelectric detector and carbon monoxide detector
4 we are covering the three major concerns.

5 CHAIR WILLIAMS: Are you is there a cost
6 difference?

7 THOMAS MCCAVINAR: I'm sorry.

8 CHAIR WILLIAMS: Is there a cost
9 difference in the photoelectric and the ionization?

10 THOMAS MCCAVINAR: A what difference?

11 CHAIR WILLIAMS: Cost.

12 THOMAS MCCAVINAR: Cost well I just took
13 a quick look today and I and I did have I took a look
14 like in a home depot and it was the combination alarm
15 for these photoelectric and the carbon monoxide was
16 about \$15. I think you can probably get an
17 ionization detector for about \$9.99. So they are
18 very, they are varying, they are varying cost.

19 CHAIR WILLIAMS: You just compared a
20 combo device.

21 THOMAS MCCAVINAR: Yes

22 CHAIR WILLIAMS: With a non-combo device.

23 THOMAS MCCAVINAR: Right.

24

25

2 CHAIR WILLIAMS: I'm talking about
3 straight photoelectric smoke detector and a straight
4 ionization smoke detector.

5 THOMAS MCCAVINAR: I think the cost
6 difference would be nominal, I don't think there's...
7 there's a great cost difference between the two.

8 CHAIR WILLIAMS: Now help me understand
9 the difference between the fires you're speaking
10 about because you said that they have different
11 strengths? But and I'm trying to understand what a
12 fast moving fire is and a slow moving fire.

13 THOMAS MCCAVINAR: Ok so what we're
14 talking about is a smoldering fire is just what it
15 sound like it's a, it's a slow starting mostly smoke
16 generating type of fire where a fast burning fire
17 might be something like a you're going to cook on
18 your stove and you got oil and you know you... you
19 forget that you've left the flame on and now that
20 generates a flash fire as the oil reaches it's flash
21 point, that would be what you consider a flash a fast
22 burning fire.

23 CHAIR WILLIAMS: So those fires would
24 have no time to smolder before it starts?

2 THOMAS MCCAVINAR: Well generally
3 speaking and speaking to the technically side of it,
4 there are people that are much better experts on the
5 technology of it but my understanding of it all is
6 that the ionization detector picks up the flash fast
7 burning fires more quickly than the photoelectric
8 does. The photoelectric is designed to detect more
9 of the particulate from the smoke where the
10 ionization one does not.

11 CHAIR WILLIAMS: So I... I get that you
12 would not be technology expert but I'm, but I'm
13 trying get the expertise of the fire. I don't know
14 the expertise of how fires starts so I'm trying to
15 figure out in my head unless it's some combustion all
16 of a sudden. There has to be a time when the fire is
17 beginning so why would it not count at some point
18 that it's actually moved slower than fast?

19 THOMAS MCCAVINAR: I'm... I'm not sure I
20 understand the question.

21 CHAIR WILLIAMS: Wouldn't the fire at
22 some point had to have been slow and then became
23 fast?

24 THOMAS MCCAVINAR: As I said depending on
25 how the fire starts. So there is numerous ways that

2 fire start and so let take for instance what I see
3 is... is one of the trends lately and that would be
4 fire caused by electrical overloads. So you get one
5 of these strip panels right and everybody puts all
6 kinds of plugs in it and now the thing is kind of
7 unsightly so where does it go, it ends up underneath
8 the couch or underneath the bed and if there's a
9 malfunction of that what it will do is it'll ignite
10 whatever combustible around it and that's where you
11 get at least the beginning of a smoldering fire of
12 the cushions or the upholstery or the furnishings.
13 The

14 CHAIR WILLIAMS: (inaudible) that would
15 be a slow burning fire.

16 THOMAS MCCAVINAR: That would be, that
17 would be you know I hesitate to use the word slow
18 burning because studies show that the National
19 Institute of Standards and Technology did a test side
20 by side test and what they did was they compared two
21 different rooms of furniture and they compared a room
22 of furniture that was say from the 40's and the 50's
23 versus the contemporary furniture we have in our
24 homes now and they simulated a very small fire in a
25 couch and now they film and they want to see how long

2 does it take before the room is fully engulfed in
3 flame. Now the... the legacy furniture is you will
4 from the 40's, 50's, 60's that took about 30 minutes
5 before the room reach what's called flash over stage.
6 The furniture we have in our homes now, it took 3
7 minutes so, 3 minutes in my opinion does not
8 constitute a slow burning fire and if you take a look
9 at simply look at you can probably just look at
10 YouTube frankly and just type in new versus old room
11 fire and you'll only have to watch for 4 minutes and
12 you will see what we're talking about. There's...
13 there's no slow burning fires anymore.

14 CHAIR WILLIAMS: I... I... I get it, I'm
15 trying to determine (inaudible) because I'm confused.
16 It sounds like the photoelectric one are better and
17 then you're saying there better for some type of
18 fires, I'm still not clear the differentials of those
19 types of fires. It's seems to me that whatever fire
20 it is whether it took 3 minutes to burn, 4 minutes to
21 burn, 2 minutes to burn at some point they began
22 unless it was spontaneous combustion they did have
23 some point of smoldering, so I'm trying to understand
24 if they are fires that had no points of smoldering at
25 all, they just spontaneously combusted?

2 THOMAS MCCAVINAR: This... this is a from
3 experience grease fires are not going to be
4 smoldering fires they're going to be flash fires.

5 CHAIR WILLIAMS: Ok.

6 THOMAS MCCAVINAR: For the most part.

7 CHAIR WILLIAMS: And help me understand a
8 flash fire.

9 THOMAS MCCAVINAR: Oil... oil so you have
10 oil in a pan right, so you leave, you leave the flame
11 on underneath that oil, you heat up the oil, the oil
12 heats, it heats, it heats and eventually it ignites
13 and you don't see a lot of smoke that's generated.
14 It's not that type of smoldering fire that the
15 photoelectric detectors pick up, which would be the
16 beginning of a small fire in a couch or in a bed or
17 something like that. There's a you'd have to sort of
18 see to understand it but one of them give off a lot
19 more smoke initially than the other one does.

20 CHAIR WILLIAMS: So in... in... in your
21 expertise of fire not necessarily technology the
22 grease fire would not be caught on a photoelectric
23 smoke detector as fast as it would be caught by an
24 ionization smoke detector?

2 THOMAS MCCAVINAR: That's the, that's the
3 difference between the two why we think that both
4 technologies have something to offer relative to fire
5 safety.

6 CHAIR WILLIAMS: Of the 2/3 of the 1/3 of
7 deaths that occurred with smoke detectors, were they
8 fast moving fires or slow moving fires?

9 THOMAS MCCAVINAR: Of the 1/3 of the... the

10 CHAIR WILLIAMS: The deaths with smoke
11 detectors.

12 THOMAS MCCAVINAR: Right, so that's...
13 that's a great questions and there, there are many
14 variables to... to answer that questions. Why the
15 smoke detectors didn't help and I can only just tell
16 you from a couple of experience fires I've had. They
17 were related to things like elderly citizens who had
18 very loose clothing on looking to make tea in the
19 morning or somewhere around the stove and their
20 clothing caught fire where the smoke detector would
21 not have prevented what occurred there because it
22 just happened to quickly.

23 CHAIR WILLIAMS: Do you know if was by
24 your definition slow moving fires or fast moving
25 fires?

2 THOMAS MCCAVINAR: I would say that was a
3 very fast moving fire based on the material of the
4 clothing that the person was wearing.

5 CHAIR WILLIAMS: So you think they were
6 the spontaneous combustion type not the smoldering
7 type.

8 THOMAS MCCAVINAR: I don't know if I'd
9 use spontaneous combustion I would just say that the...
10 the type of material that's in the night wear was
11 easily ignited and burned very quickly and so quickly
12 that the person wasn't even able to get out of their
13 apartment.

14 CHAIR WILLIAMS: So I get it, I'm trying
15 to, I'm trying to pinpoint this... this thing here and
16 I don't know and I don't know if were saying we have
17 enough information to actually pinpoint it because
18 your saying you don't know if they had smoldered or
19 how long they smoldered or if they will spontaneous
20 combustion type fires. At minimum it's sounds like
21 your saying both of these are very important so than
22 shouldn't we saying are both of them are needed in
23 the units?

24 THOMAS MCCAVINAR: I think we're saying
25 that technologies are revolving. Photoelectric

2 technology is a good technology for smoke detectors.
3 Ionization technology is also good and we like both
4 of them. I like anything that give people a warning
5 to get out during a fire, that's... that's my
6 statement.

7 CHAIR WILLIAMS: But by your testimony
8 you're saying they both have their point so at
9 minimum wouldn't both of them be needed if it's the
10 technology we have available today?

11 THOMAS MCCAVINAR: You know what I would,
12 I'd be happy with that if we had both, if we had both
13 types of detectors in the apartment; I'd have no
14 argument with that.

15 CHAIR WILLIAMS: And my last question and
16 then I'm going to go to my colleagues who bill it is,
17 Council Member Crowley. We've been joined by Council
18 Member Cornegy will he sneaks in at 7 feet and
19 Council Member Reynoso. As it, which this I want to
20 go back to which do you think is more dangerous
21 because if it's a flash fire if you're cooking
22 wouldn't you know that the fire has started as
23 opposed to if you fell asleep with a cigarette in
24 your hand?

2 THOMAS MCCAVINAR: Not well, there's so
3 many variables to that. If you were standing right
4 in front of it, the likelihood is it wouldn't happen.
5 What ends up happening is these are unattended so
6 something as simple as you turn on the flame under
7 the oreo and the phone rings and you take your phone
8 and go into the next room and you get involved in
9 conversation and you forgot that you left, you left
10 the pan on I mean so if a flash fire occurs not when
11 we're standing there watching it but when we leave it
12 unattended.

13 CHAIR WILLIAMS: This is my last, this is
14 my last, last question. Do you, do you have any data
15 on how many people died from those flash fire types?

16 THOMAS MCCAVINAR: I don't, I'm we... we
17 can, we can look to see what the cause of the fire
18 was and maybe try and extract ways of information
19 from that but right now I don't have the information
20 at hand.

21 CHAIR WILLIAMS: You don't have it today
22 or does the fire department don't... don't have it?

23 THOMAS MCCAVINAR: Well the Bureau of
24 Fire and Investigation would tell us what the cause
25 of the fire was they I don't know that they going to

2 be able to tell us whether or not it flashed or it
3 was a slow smoldering fire. What we would try and do
4 it extrapolate that from what was the cause of the
5 fire and then we can make an educated guess as to
6 whether or not it was slow.

7 CHAIR WILLIAMS: whose job is that, it's
8 the fire department or who?

9 THOMAS MCCAVINAR: The Bureau of Fire
10 Investigation they.. they investigate the cause of
11 fires.

12 CHAIR WILLIAMS: Is that a State,
13 Federal, the Bureau?

14 THOMAS MCCAVINAR: New York City.

15 CHAIR WILLIAMS: New York City.

16 THOMAS MCCAVINAR: Bureau of Fire and
17 Investigation.

18 CHAIR WILLIAMS: How does the work on the
19 chart. You have the fire department and where is the
20 bureau?

21 THOMAS MCCAVINAR: So yeah, you have the
22 fire department with the Commissioner and then
23 there's the Bureau of Fire and Investigation.

24 CHAIR WILLIAMS: On the side?

2 THOMAS MCCAVINAR: Bureau of Fire
3 Prevention, there a Bureau of Fire Operations.

4 CHAIR WILLIAMS: All underneath the FDNY?

5 THOMAS MCCAVINAR: Yes sir.

6 CHAIR WILLIAMS: Oh so it's underneath
7 the FDNY?

8 THOMAS MCCAVINAR: Yes.

9 CHAIR WILLIAMS: All right, yeah I'd like
10 to have that information I think it would be helpful.

11 THOMAS MCCAVINAR: Ok.

12 CHAIR WILLIAMS: But I'm going to call on
13 Council Member Crowley now.

14 COUNCIL MEMBER CROWLEY: Thank you Chair
15 Williams and good morning Chief and various
16 representatives from the Fire Department. The
17 Chairman asked some very good questions in regards to
18 this legislation and I'm just going to dig a little
19 deeper. Is there a representative from your Fire
20 Prevention Bureau that you mentioned that
21 investigates the fires?

22 THOMAS MCCAVINAR: I'm from the Bureau of
23 Fire Prevention, the Bureau of Fire and Investigation
24 would be the Marshalls we don't have any of our
25 Marshalls with us here right now.

2 COUNCIL MEMBER CROWLEY: How closely do
3 you work with your Marshalls?

4 THOMAS MCCAVINAR: Fire... Fire Prevention
5 generally speaking now all 3 bureaus work together
6 when we see the you know where our... our lines sort of
7 cross. So...

8 COUNCIL MEMBER CROWLEY: Sorry, so the 3
9 bureaus are Fire Prevention.

10 THOMAS MCCAVINAR: Fire Prevention.

11 COUNCIL MEMBER CROWLEY: Investigation.

12 THOMAS MCCAVINAR: Operations.

13 COUNCIL MEMBER CROWLEY: Operations.

14 THOMAS MCCAVINAR: So operations are the
15 guys that are out on the on the on the rigs and the
16 fire houses, fire prevention are inspectors
17 conducting fire prevention inspections and the bureau
18 of fire investigation if you would, would be the... the
19 police department within the fire department. It's
20 our.

21 COUNCIL MEMBER CROWLEY: Right.

22 THOMAS MCCAVINAR: Our armed
23 investigators.

24 COUNCIL MEMBER CROWLEY: In the police
25 department, they work closely right so in order to

2 prevent crime you work with detectives to see how
3 crime come from right?

4 THOMAS MCCAVINAR: Yes, we see trends, we
5 try and bring it to their attention and they do the
6 same with us.

7 COUNCIL MEMBER CROWLEY: But you didn't
8 seem prepared today with your numbers. You mentioned
9 there were over 70 what about 75 fire fatalities last
10 year. Was it 18 of those deaths had smoking
11 detectors, smoke detectors working or was it 18%?

12 THOMAS MCCAVINAR: 18 had working smoke
13 detectors of the 71, 18 had detectors that worked.

14 COUNCIL MEMBER CROWLEY: Right and of the
15 18 fatalities you do not know whether it was a
16 smoldering fire or a fast moving fire?

17 THOMAS MCCAVINAR: Off the top of my head
18 I don't have that information but I we.

19 COUNCIL MEMBER CROWLEY: But that's
20 critical information we should look at.

21 THOMAS MCCAVINAR: Absolutely.

22 COUNCIL MEMBER CROWLEY: What about the
23 vast majority of fire related fatalities, are they
24 from fast moving fires or from smoldering fires?

2 THOMAS MCCA VINAR: We would have to look
3 at it.

4 COUNCIL MEMBER CROWLEY: That is
5 something we should know.

6 THOMAS MCCA VINAR: Ok.

7 COUNCIL MEMBER CROWLEY: The vast
8 majority I hear about when there is a fire fatality
9 or smoldering fires.

10 THOMAS MCCA VINAR: And just to you know
11 reiterate, I don't know of a slow moving fire
12 anymore, there all fast moving.

13 COUNCIL MEMBER CROWLEY: But you... you
14 don't know because before when the Chairman asked you
15 a question about the 18 that died with smoking, smoke
16 alarms that work you said it was likely an older
17 woman at the stove.

18 THOMAS MCCA VINAR: No... no... no I... I didn't
19 say that, I didn't say it was likely that, that
20 happened I said that is one of the occasions where a
21 smoke detector would not have prevented the fatality.

22 COUNCIL MEMBER CROWLEY: A photoelectric
23 smoke detector.

24 THOMAS MCCA VINAR: Any smoke detector.

2 COUNCIL MEMBER CROWLEY: But we don't
3 know? We don't know if that was one of the fatalities
4 that happened last year?

5 THOMAS MCCAVINAR: No, I couldn't tell
6 you if the exact one is one.

7 COUNCIL MEMBER CROWLEY: But we do know
8 that in Brooklyn when seven children died in a fire
9 fatality it was a smoldering fire?

10 THOMAS MCCAVINAR: We do know that there
11 were no working smoke detectors in that house.

12 COUNCIL MEMBER CROWLEY: Every time I see
13 on the new or read in the newspaper your fire
14 fighters, your operation side are taking bodies out
15 of buildings that would not affected by the fire but
16 were affected by smoke inhalation and you don't know
17 here that actual number each year of how many died
18 from smoke detector, from smoke inhalation versus
19 raging fire?

20 THOMAS MCCAVINAR: I would say that just
21 about 100% probably died from smoke inhalation.

22 COUNCIL MEMBER CROWLEY: 100%?

23 THOMAS MCCAVINAR: That well that's...
24 that's the major cause of death is carbon monoxide
25 poisoning.

2 COUNCIL MEMBER CROWLEY: Not to the woman
3 that catches fire at a stove.

4 THOMAS MCCAVINAR: Right and... and

5 COUNCIL MEMBER CROWLEY: But almost 100%.

6 THOMAS MCCAVINAR: Yes, absolutely.

7 COUNCIL MEMBER CROWLEY: And then that
8 should end the hearing right here.

9 THOMAS MCCAVINAR: Ok.

10 COUNCIL MEMBER CROWLEY: You're giving
11 away free smoke detectors today and your giving away
12 photoelectric.

13 THOMAS MCCAVINAR: Right.

14 COUNCIL MEMBER CROWLEY: Tend to be more
15 expensive but I believe each and every one you hear
16 on the panel has a photoelectric in your house if you
17 know about fire safety.

18 THOMAS MCCAVINAR: Ok.

19 COUNCIL MEMBER CROWLEY: Do you?

20 THOMAS MCCAVINAR: I do.

21 COUNCIL MEMBER CROWLEY: If you had one,
22 which one would it be?

23 THOMAS MCCAVINAR: I have both
24 technologies.

2 COUNCIL MEMBER CROWLEY: You only have, I
3 understand that but if you could only protect
4 hypothetically.

5 THOMAS MCCAVINAR: Hypothetically I want
6 one that works and both of them work, both
7 technologies I want to protect my family with both,
8 that's what I have.

9 COUNCIL MEMBER CROWLEY: With the odd of
10 your family your home going on fire and your family
11 dying from that fire it's... it's smoke inhalation not
12 a raging fire. The odds are you said almost 100%.

13 THOMAS MCCAVINAR: Correct.

14 COUNCIL MEMBER CROWLEY: Ok. So to me it
15 just makes sense to have a photoelectric because it's
16 you know the a underwriters laboratory known as UL
17 say that a photoelectric will pick it up smoke 48
18 minutes faster than an ionization smoke alarm and
19 that one we have the new sensor alarms that happen
20 because of smoke in a kitchen and the battery goes
21 off and there's really no fire people take the
22 battery out of the smoke alarm because of nuisance
23 alarms and photoelectric are less likely to have
24 these types of nuisance alarms. So if a family has a
25 working smoke detector or no working smoke detector

2 it's more likely that they have that ionization one
3 without the battery because it went off because of a
4 nuisance alarm and had we had this technology with
5 the photoelectric it would never have had the
6 nuisance alarm to begin with. I know that there are
7 some... some people who get confused and say just tell
8 us what kind and of course it's better to have both
9 but if you're giving away the photoelectric on,
10 you're paying more money for that one and your saying
11 (inaudible) that this is better. New Yorkers get
12 confused when they go to a hardware store and they
13 don't know which type of smoke alarm to get. It's
14 better to have both but if you're only going to have
15 one, it's better to have the photoelectric. I have
16 no other questions.

17 CHAIR WILLIAMS: Thank you and I just
18 wanted to get clarity so most people who die from
19 fires from smoke inhalation is that correct? What
20 percentage is it?

21 THOMAS MCCA VINAR: That's correct.

22 CHAIR WILLIAMS: What percentage is it?

23 THOMAS MCCA VINAR: I don't have
24 percentage but I guess we can probably find
25

2 numbers on the cause of death through the medical
3 examiner's office.

4 CHAIR WILLIAMS: Would you say it's more
5 51% or 95%?

6 THOMAS MCCAVINAR: I would say most time
7 smoke inhalation is the, is the major cause of death.
8 Carbon monoxide poisoning.

9 CHAIR WILLIAMS: Ok smoke inhalation or
10 carbon monoxide poison?

11 THOMAS MCCAVINAR: Well it's... it's carbon
12 monoxide is... is one of the...

13 CHAIR WILLIAMS: In the smoke.

14 THOMAS MCCAVINAR: Yes, that's the
15 primary.

16 CHAIR WILLIAMS: Ok.

17 THOMAS MCCAVINAR: Poison that in there.

18 CHAIR WILLIAMS: It seems to me one I'm
19 very disappointed that you don't have the information
20 were looking for because I think enough notice was
21 given about this hearing, this bill and another forum
22 was heard last... last session. Council Member
23 Rosenthal you know you don't want to, you don't?

24 [off mic]

25

2 CHAIR WILLIAMS: Ok thank you all right
3 thank. It was... was there was some hesitation during
4 that hearing. It seems to me that there is an
5 acknowledgement of how good it is but some hesitation
6 to say that it should be this one, at least you said
7 in your testimony that maybe it should be both but
8 there's nothing backing up why you're saying it is
9 and if you had the data to back it up my belief is
10 that you would have it here today so it leads me to
11 believe that there may not be a real reason or you
12 don't have the data to back it up, so I'm... I'm not
13 sure what to say to that but I mean if you had the
14 data it should have been here today, so I'm
15 disappointed that's not it's not it's all germane to
16 the topic that we said we were going to talk about so
17 having that information particularly if there's
18 hesitation on your side would have helped us out a
19 lot. So I'm sorry you want to say something.

20 RICHARD ROACH: It's ok. Let me just
21 interject, Chief Batisfore has taken an extreme
22 personal interest in this project and unfortunately
23 the personal data and information that he's collected
24 incidentally he came through the fire marshal's
25 office of the fire department before he reached his,

2 his current rank as Chief of Fire Prevention.

3 Unfortunately, much of that data is simply not
4 available to us today because Chief Batisfore is out
5 of the Country in Africa on a teaching mission. We
6 did not have access to his information so I believe
7 we may have tried to get this postponed as a result
8 of the fact that the Chief couldn't be here but rest
9 assure he has additional information that would have
10 been extremely helpful to have here today and I think
11 you would have been much happier with that. It's
12 just that we could not access it. What he does in
13 his, in his office and... and spare time we just was to
14 privy to.

15 CHAIR WILLIAMS: Ok appreciate that,
16 there might have been some data sets that could have
17 been given to you I think that might have been
18 helpful it's terrible if only one person in the
19 entire department has access to the data. Maybe you
20 couldn't have explained it as well but I'm sure it's
21 some data sets that could have been handed off to
22 someone to provide us today and that piece of
23 information about most people dying from inhalation
24 seems to me a very important piece to saying which
25 one these would actual be more effective. But I

2 think Council Member Crowley has one more question
3 and then we have Council Member Reynoso.

4 COUNCIL MEMBER CROWLEY: Every time there
5 is a fire, the fire marshals come and investigate
6 correct?

7 THOMAS MCCAVINAR: Every time there's a
8 fatal fire, they do yes.

9 COUNCIL MEMBER CROWLEY: But not every
10 time there's a fire?

11 THOMAS MCCAVINAR: Well they just don't
12 have the resources to investigate every fire that we
13 have in the City.

14 COUNCIL MEMBER CROWLEY: Ok at what point
15 do they start the investigation if there's?

16 THOMAS MCCAVINAR: Usually if the fire is
17 deemed suspicious that's when they would come out but
18 if... if there's you know careless cooking on the
19 stovetop the fire marshals would not need to
20 investigate that because the units on the scene were
21 able to determine the cause.

22 COUNCIL MEMBER CROWLEY: Ok no... no further
23 questions.

24 CHAIR WILLIAMS: Thank you, Council
25 Member Reynoso.

2 COUNCIL MEMBER REYNOSO: Thank you guys
3 for being her by the way and thank you for all the
4 work that you do and to the fire department as well.
5 Just a wanted to ask a couple of question and you say
6 smoke inhalation, can you just describe that scenario
7 and why it's most folks die from that in a fire than
8 the actual fire because I just want put in
9 perspective because what I'm seeing is there's a fire
10 you know I'm running away from the fire probably
11 catching more smoke than being burned and possibly
12 dying because of all the smoke I'm inhaling not
13 necessarily because I guess it's a, it's a
14 circumstantial situation where you're not going to
15 run into fire you're running away from it. You'd
16 rather run into smoke so in an effort to prevent you
17 know an agonizing death you're running towards smoke
18 I'm guessing. Does that make any sense? I just want
19 to put it into perspective on why it's happening a
20 lot more than like death through fire.

21 THOMAS MCCAVINAR: I'm... I'm sorry Council
22 Member Reynoso I'm sure what's the question exactly?

23 COUNCIL MEMBER REYNOSO: So I guess what
24 the difference so why is it that people die from
25 smoke as oppose to fire when there is a fire? And..

2 and do you haven't explained that you kind of just
3 said it but let's explain it so that to put into
4 perspective.

5 THOMAS MCCAVINAR: Ok to answer you I
6 understand you question now. Most of the fire
7 fatalities happen during the night when people are
8 sleeping and the things is that carbon monoxide is
9 the poison that normally kills us because it mixes
10 with the hemoglobin and it's you know there's a whole
11 metabolically things that happens where your blood
12 absorbs carbon monoxide faster and that ends up being
13 what kills us is the carbon monoxide and it excludes
14 the oxygen from our, from our bodies and while I'm
15 not a doctor or anything I just know that all the
16 studies say that carbon monoxide is the primary
17 killer in smoke.

18 COUNCIL MEMBER REYNOSO: Ok thank you
19 it's so than my idea of why people are dying to smoke
20 as oppose to fire is off so but I get it, it's the
21 carbon dioxide, I do want to say there's so there's a
22 I have a concern about having to replace every single
23 smoke detector in the City of New York from a from
24 what we currently have which you think is effective
25 into a photoelectric I guess system and what that

2 means and whether people would think theirs is
3 illegal, whether they think there is insufficient you
4 know I'm just really concerned about that entire
5 transition. I would actually prefer that maybe we
6 have this legislation speak to new buildings or new
7 residences that are coming up as oppose to the entire
8 City of New York. I don't necessarily no if that
9 what the legislation does but maybe you can clarify
10 because you probably looked through the legislation
11 clearer. Does this apply to every single residential
12 building in the City of New York or to maybe new
13 construction?

14 LAURA CAVANAUGH: Sure, we share that
15 concern I think we've mentioned it in the testimony
16 and we'd be open to a solution that resolved that
17 concern for sure.

18 COUNCIL MEMBER REYNOSO: Ok so I'm Chair
19 I just want to let you know that this doing the City
20 Wide it would be a huge concern to me, I've seen that
21 transitioning happening but also how many deaths
22 happen because of no fire smoke detector or no or
23 defective smoke detectors? What percentage of fires
24 happen in that time?

2 THOMAS MCCAVINAR: I believe the... the
3 statistics indicate that 2/3 of the fire fatalities
4 which occur in homes that do not have working some
5 detectors.

6 COUNCIL MEMBER REYNOSO: So 66% of fires
7 happen because or happen in locations that either
8 have faulty or no smoke detectors?

9 THOMAS MCCAVINAR: 66% of the deaths
10 occur because of that.

11 COUNCIL MEMBER REYNOSO: Deaths so we
12 would be preventing 66% of those deaths just by
13 putting in what we the standard stuff that we have
14 now, we would have 2/3 less fires just that way. So
15 I see that our bigger problem here so if 90% of the
16 deaths are happening because of smoke inhalation but
17 66% of those deaths are happening because there is no
18 fire detector, I think the big, the fire detection I
19 think the bigger issue we have is making sure
20 everyone has a working fire detection system and not
21 necessarily that we change the model. Especially
22 this sweeping the entire City of New York situation.
23 So I'm currently on the legislation. I would only
24 agree to stay on it if we talk about possibly making
25 it so that new buildings get these types of fire

2 detection services and that we continue to make a
3 push to that every single building has it and that
4 your inspectors or whatever we need to do get to work
5 and make sure that every building has a functional or
6 an actual smoke detector. Thank you.

7 CHAIR WILLIAMS: Thank you very much
8 Council Member Reynoso. Just for clarity I
9 (inaudible) carbon monoxide is in the smoke and that
10 the smoke will catch in the photoelectric which would
11 make that one more effective and from what we're
12 hearing. I understand..

13 COUNCIL MEMBER REYNOSO: Terry can I just
14 ask another question? I'm sorry so but I have a
15 carbon monoxide detector slash smoke detector is that
16 so can you explain why that's not I don't understand
17 your saying carbon monoxide is the problem and that's
18 what the photoelectric would look at so my carbon
19 monoxide detection machine.

20 CHAIR WILLIAMS: Hold on I'm saying the
21 photoelectric, I think combos are better I'm just
22 saying if you have a photoelectric as oppose to a... a
23 photoelectric smoke detector versus an ionization
24 smoke detector because the carbon monoxide is in the

2 smoke the photoelectric will catch the regular smoke
3 quicker, carbon monoxide or not.

4 COUNCIL MEMBER REYNOSO: So I'm guessing
5 I have a photoelectric.

6 CHAIR WILLIAMS: No you, you can have
7 probably ionization smoke detector and a carbon
8 monoxide together. But what I'm saying is if you
9 don't have a combo and you have one or the other.

10 COUNCIL MEMBER REYNOSO: Right.

11 CHAIR WILLIAMS: The photoelectric will
12 catch the other elements in the smoke so even though.

13 COUNCIL MEMBER REYNOSO: Ok.

14 CHAIR WILLIAMS: Sorry go ahead.

15 THOMAS MCCAVINAR: I just wanted to add
16 to answer your question about the carbon monoxide
17 component and that is that carbon monoxide is
18 odorless, colorless and tasteless right so, so that's
19 why we need that so if your, if your fuel burner in
20 the basement should malfunction you won't necessarily
21 get the particulate matter which sets off a
22 photoelectric detector but a carbon monoxide detector
23 will be able to detect the invisible carbon monoxide
24 which is which is the poison and you see every year
25 unfortunately where a person or a family is overcome

2 in the middle of the night by carbon monoxide because
3 it's impossible to detect with the human senses.
4 That's why we need to have the carbon monoxide
5 detectors and that why I think the law requires it.

6 COUNCIL MEMBER REYNOSO: So the carbon
7 monoxide detections happen better with a carbon
8 monoxide detector than it does with a photoelectric?

9 CHAIR WILLIAMS: I don't think the
10 photoelectric catches, a photoelectric any smoke
11 detector doesn't catch carbon monoxide so if you want
12 to if were comparing apples to apples were just
13 comparing ionizes smoke detector and photoelectric
14 smoke detector. Any but any combination with the
15 carbon monoxide would be better because with the
16 carbon monoxide we get it by itself.

17 COUNCIL MEMBER REYNOSO: But if.. if our
18 biggest concern is carbon monoxide deaths which are
19 90% of what's which are the majority of what's
20 happening then wouldn't a better solution be mandate
21 in carbon monoxide detectors as oppose to the
22 photoelectric? So I'm... I'm, I guess I'm... I'm just.

23 CHAIR WILLIAMS: That's... That's mandated
24 already.

2 COUNCIL MEMBER REYNOSO: All right, so
3 all right so I didn't necessarily think there's a
4 problem is what I'm trying to say.

5 THOMAS MCCAVINAR: If I can just... just
6 maybe this will clear this up. Carbon monoxide is
7 the most abundant gas in fires. It's within the
8 smoke particulate. Carbon monoxide by itself without
9 particulate matter of a smoldering fire is poison and
10 will kill you and it's invisible so we need to have
11 carbon monoxide and you need to have a smoke detector
12 because that's what detects the particulate matter in
13 the smoke the unburned incomplete combustion creates
14 that particulate matter that our smoke detectors are
15 detecting.

16 COUNCIL MEMBER REYNOSO: All right thank,
17 I'm sorry I just wanted to get a lot of clarity here.

18 THOMAS MCCAVINAR: No problem.

19 COUNCIL MEMBER REYNOSO: And I feel like
20 I'm... I'm getting to a better place.

21 CHAIR WILLIAMS: And I let it go because
22 I know I'm always shocked at how many people actually
23 watch these hearings, so I'm sure that some of the
24 people watching probably have similar questions. And
25 I understand you share the concerns of Council Member

2 Reynoso about sweeping this across the City as oppose
3 to new construction. My only issue is a normally I
4 would have similar concern I might still have a
5 little bit but... but given the fact that I believe we
6 know there's so many smoke detectors that are not
7 even operational properly because people don't change
8 the batteries. I'm not sure if... if it doesn't make
9 since to try to get an operational one in there. If
10 you can just respond to that, if you know how many,
11 how many don't work because people don't replace the
12 batteries properly or something like that would be
13 helpful. So I know I've had some in batteries so
14 long like the little acid came out. You probably
15 shouldn't admit that but you know you just didn't
16 change the batteries often enough and I know I'm not
17 the only one that does that.

18 THOMAS MCCAVINAR: Well I don't have the
19 exact statistics for just the City of New York but I
20 can tell you that in the nation there are roughly 5
21 million homes that are unprotected in any way with
22 any type of... of smoke alarm. And certainly the fire
23 department.

24 CHAIR WILLIAMS: This is just for clarity
25 when you say 5 million homes that includes an

2 individual apartment and a one and two family home?
3 How do, how do you what are you counting as home?

4 THOMAS MCCA VINAR: That's a dwelling a
5 dwelling unit.

6 CHAIR WILLIAMS: One dwelling unit ok.

7 THOMAS MCCA VINAR: One dwelling unit.

8 There are roughly 5 million dwelling units in the
9 United States that have no type of protection
10 whatsoever.

11 CHAIR WILLIAMS: Protection means
12 sprinkler systems, smoke alarms.

13 THOMAS MCCA VINAR: No I'm sorry have no
14 type of a smoke alarm whether it be photoelectric or
15 ionization, there's roughly 5 million dwelling units
16 within the country that have no smoke alarm of any
17 type.

18 CHAIR WILLIAMS: Any numbers particularly
19 in New York City and particularly those who have
20 unworking smoke detectors?

21 THOMAS MCCA VINAR: Well the problem we
22 have in New York City is that we did not have the
23 jurisdiction as the New York City Fire Department to
24 enter into a two family home in the City and even
25 begin to try to obtain some of that data. So that's

2 one of the things that we would like to work with
3 City Council with the Department of Buildings, with
4 the Housing Preservation and Development Department
5 to overcome so that we can actually get that data.
6 But as it stands right now if we come to your two
7 family home and Staten Island and knock on your front
8 door, they have every right to tell us that we cannot
9 come in to see whether they have a smoke detector.
10 So when we have no way of getting the data it's
11 extremely difficult to give the numbers for just the
12 city.

13 CHAIR WILLIAMS: Do you have data on
14 multiple unit dwellings?

15 THOMAS MCCA VINAR: I don't know that we
16 have the data either again there's an issue with that
17 as well. We can knock on your apartment door in a
18 multiple dwelling but if you turn us away.

19 CHAIR WILLIAMS: Yep.

20 THOMAS MCCA VINAR: We... we can't get in.
21 We have no way to... to... to get that data. That's a
22 problem that I've actually spoken with Richard Canter
23 (sic) about who is in the room with us today. That's
24 a problem that I've spoken with Deputy Chief Flemming
25 in the City of Boston and other officials throughout

2 the nation. One of the components of any successful
3 program has to be that you have to be able to get the
4 data that's relevant to what you're trying to
5 accomplish.

6 CHAIR WILLIAMS: Yes we have, we have
7 that issue with obviously DOB and trying to get
8 illegal uses of apartments and illegal conversions
9 people don't have to let them in so, I'm familiar
10 with that. And the other Cities are they having the
11 same issues or they have they work, they have a
12 workaround?

13 THOMAS MCCAVINAR: Well every
14 jurisdiction in the United States is... is got a bit of
15 a different twist to it if you will. Some
16 jurisdictions can go into a two family home. The
17 laws that have been in passed in those municipalities
18 allow them legal access to those locations. So
19 unfortunately in the City of New York we... we aren't
20 quite to that point yet and this is one of the things
21 Chief Batifore is been looking at is that... that
22 enforcement component, the educational component
23 we've been talking to other jurisdictions and we've
24 been working quite frankly, we've been working hand
25 and hand with the... the Council Members office as well

2 as some of the other intercity agencies in
3 determining if there's a better way of doing
4 business.

5 CHAIR WILLIAMS: Ok well definitely
6 appreciate that. I'd be interested to look back and
7 see how we did it with the carbon monoxide because we
8 did make that mandatory thing. If I remember
9 correctly not just a new but also in existing. So
10 thank you for your testimony. Anybody who's watching
11 I think even though it sounds like the photoelectric
12 is actually the better one, it's better to have
13 anyone than to have none. So we don't want people
14 not to purchase one just because they're not sure.
15 You should go ahead and purchase one as well as a
16 carbon monoxide if you don't have one because believe
17 your landlord should have provided you with one and
18 for the carbon monoxide at least I think they can
19 charge you, if I remember correctly. But please just
20 make sure that you get one of those and don't get
21 bogged down.

22 LAURA CAVANAUGH: Can I just note as part
23 of the program..

24 CHAIR WILLIAMS: Sure.

2 LAURA CAVANAUGH: We announced with you
3 last week, you can call 311 any resident can call 311
4 and we will get them a photoelectric combo alarm with
5 a CL alarm and we will install for them.

6 CHAIR WILLIAMS: Nice. Thank you very
7 much for that, appreciate it. Hold on one second.

8 COUNCIL MEMBER CROWLEY: There's just a
9 point that I want to clarify for people who may be
10 watching on TV to. While it better to have both you
11 cannot believe that your home is fully protected
12 without the photoelectric. So I don't want New
13 Yorkers to think that if they have the ionization
14 then their ok. Because we don't have proof of that
15 and that's really at the heart at were getting at
16 today. If you want to make sure your home is as safe
17 as it possible can be you should have both. But if
18 you're going to buy one, it's better to buy the
19 photoelectric one. And that's what we would like to
20 do eventually with this bill, just make sure that
21 everyone knows that it's not only the safest but it's
22 also the law, photoelectric.

23 CHAIR WILLIAMS: Gotcha, if... if the fire
24 department handing them out I think that's is a nod
25 to what you're saying as well.

2 COUNCIL MEMBER CROWLEY: Yes.

3 CHAIR WILLIAMS: I just don't want
4 anybody to stand up at a hardware store and decide
5 not to buy any because they want to ask further
6 questions about which is...

7 COUNCIL MEMBER CROWLEY: It is also worse
8 to think that your home is protected when it's really
9 not to.

10 CHAIR WILLIAMS: Yes but I disagree with
11 the message that sends so I agree that we need to
12 make it a lot more codified and it sounds like
13 photoelectric is better but please get something to
14 protect your house. I think the question we were
15 trying to get if you know but it sounds like you may
16 not base on data. Of the deaths that occurred how
17 many had non-working smoke detectors because the
18 batteries were not changed? Do you know that? Or how
19 many, or how many batteries were not changed or how
20 many batteries were removed?

21 THOMAS MCCAVINAR: We don't have that, we
22 don't have data here available with us today. I
23 think that the that's an important question and one
24 of the components of this new program that perhaps
25 Commissioner Cavanaugh would like to expand on is

2 that these detectors that we giving out have a sealed
3 10 year lifetime lithium ion battery. The New York
4 City Fire Department is looking at that along with
5 your... your manufactures UL in that we are trying to
6 make sure that a quality device is on the market to
7 the, to the people and the detectors that are being
8 given out have this 10 year sealed lithium ion
9 battery so that changing batteries and or replacing
10 batteries is a component of the problem that
11 hopefully some point in time will go away. That the
12 industry is correcting itself along with the fire
13 department assistance in that but perhaps a the
14 Commissioner would like to expand upon that.

15 LAURA CAVANAUGH: I mean I think I agree
16 with that. I just want to note I don't think that
17 the department disagrees with you on the technology,
18 we simply want to talk more about the implantation,
19 so I don't think we're very far apart unfortunately
20 because the Chief is out of town and is unreachable
21 and I don't think know were having this hearing
22 today, we weren't able to talk about some of the
23 implantation issues but I don't think we're very far
24 apart so I think it just a matter of a conversation.

2 CHAIR WILLIAMS: I'm sorry can you state
3 your name for the record.

4 LAURA CAVANAUGH: Laura Cavanaugh.

5 CHAIR WILLIAMS: Thank you very much.
6 Obviously, I wish we had more data but everything
7 you're saying actually thinks supports as you are
8 gathering Council Member Crowley bill and what she
9 saying for handing out 100,000 in which we've chosen
10 photoelectric smoke detectors. I think because we
11 realize that that is the better technology and I'm
12 not, I know there seems to be some apprehension,
13 maybe it's just about the implantation I hope that's
14 what it is otherwise I really haven't been persuaded
15 by anything that was said why we wouldn't do
16 something like this so.

17 LAURA CAVANAUGH: Our concerns are about
18 the implantation, not the technology.

19 CHAIR WILLIAMS: OK. So then, Council
20 Member Crowley is right, if someone is listening,
21 they should buy photoelectric smoke detector and a
22 carbon monoxide. Ok thank you very much I appreciate
23 it thank you. I think we have one panel with one
24 person, Richard Cantor, New York Electronic Security
25 Association.

2 [pause]

3 CHAIR WILLIAMS: Mr. Cantor can you
4 please raise your right hand. Do you affirm to tell
5 the truth the whole truth and nothing but the truth
6 in your testimony before this committee and to
7 respond honestly to Council Member questions?

8 RICHARD CANTOR: (off mic)

9 CHAIR WILLIAMS: Is the mic one? Is it
10 lit?

11 RICHARD CANTOR: Now it's lit, is that
12 better?

13 CHAIR WILLIAMS: Yes, can u just respond
14 again do you affirm to tell the truth the whole truth
15 and nothing but the truth in your testimony before
16 this committee and to respond honestly to Council
17 Member questions?

18 RICHARD CANTOR: Yes I do to the best of
19 my ability.

20 CHAIR WILLIAMS: Thank you and we have
21 will put 3 minutes on the clock, 3 minutes on the
22 clock for you begin your testimony.

23 RICHARD CANTOR: I'm sorry how much?

24 CHAIR WILLIAMS: 3 minutes.

25 RICHARD CANTOR: That's it?

2 CHAIR WILLIAMS: But they'll be questions
3 and.

4 RICHARD CANTOR: Ok well let me just say
5 good morning and I'm delighted to be here so thank
6 you for inviting me. I am Richard Cantor and
7 hopefully my name is familiar to at least vaguely
8 familiar to most of you because I have been writing
9 letters to and emailing and testifying before the
10 City Council Members and the Mayors and the Fire
11 Commissioners and Fire Chiefs for almost 30 years.
12 Personally, I'm a fire safety expert having passed
13 the highest testing level, level 4 by the National
14 Institute for certification in engineering
15 technologies for fire alarms. I'm also a certified
16 training instructor for the Electronic Security
17 Association plus a New York State license security
18 and firearm instructor with over 37 years of
19 experience in the fire safety industry. I am the
20 owner of Ameriagorid (sic) Alarm and Security
21 Corporation a UL listed company, which has been
22 installing residential and commercial fire alarms
23 systems since 1978 and I'm the President of the New
24 York Electronic Security Association who's members
25 install fire alarms systems and if the invitation of

2 FDNY I have served on the industry advisory board.

3 As a disclaimer it is important to mention that

4 neither I nor any of the companies I owned has any

5 vested interest in the legislation. We do not

6 manufacture any fire alarm products, we never have

7 and we have no intention in doing so in the future.

8 My only purpose for being here today is to help saves

9 lives by providing information Council Member need to

10 assure the passage of Int. No. 56-A because it is a

11 wonderful piece of legislation that is long overdue

12 and overtime it will result in saving hundreds and

13 eventually thousands and then tens of thousands of

14 lives. Before beginning the body of my testimony I

15 want to acknowledge my deep respect for Council

16 Members because you have a far tougher job than most

17 people realize. You have to parse the testimony that

18 is all over the map. Often confusing, contradictory,

19 in accurate, incomplete and bias. I am an expert in

20 this field and sometimes what I read and hear has me

21 shaken my head in disbelief. On top of that you have

22 to look at this bill in terms of the cost impact. So

23 let me reassure you that this is a superb bill in

24 every respect. It is simple, clear and easy to

25 comply with. It will significantly improve fire

2 safety throughout the City for all residence. It
3 will require the installation of photoelectric
4 detectors without prohibiting the installation of
5 other types of detectors in addition and it will cost
6 practically nothing in direct cost while saving
7 incalculable amounts in union suffering and many
8 times it cost in reduced property losses. With that
9 since my time is limited, I would like to just start
10 a video for you and hopefully I can get this going.
11 No I'm not connected. Let me see what's happening.

12 CHAIR WILLIAMS: How long is the video?

13 [talking off mic]

14 [video playing]

15 RICHARD CANTOR: Thank you we can kill it
16 there and not go further. If I have more time I'll
17 continue my testimony, If I do not I'd be glad to
18 answer your questions.

19 CHAIR WILLIAMS: Thank you very much you
20 testimony and the video. Do you know so the
21 photoelectric detector was put in at about the 25
22 minute mark? Do you know how long it would've taken
23 if it was in the from the beginning of the smoking?

24 RICHARD CANTOR: Because of the way
25 photoelectric detectors are designed the normal the

2 professional quality not the ones that are sold at
3 \$9, I don't deal with those, I don't know. A
4 professional quality smoke detector will sample the
5 air in the chamber about every 8 seconds. At this
6 first moment that it senses smoke, it will it will
7 up, it will boost that sample rate to once every
8 three seconds. After three of those samples still
9 detecting smoke it will go into an alarm, so at the
10 minimum it's going to go into alarm at nine seconds
11 or eight seconds at the maximum it going to into
12 alarm at 17 seconds once there smoke in the chamber.

13 CHAIR WILLIAMS: Now you just make a
14 differentiation you said the ones that are being sold
15 are different than the ones you're talking about.

16 RICHARD CANTOR: I have never tested and
17 I don't have statistics on consumer grade detectors.
18 We do not use those detectors because their an
19 inferior quality to the ones we do. But I have to
20 respect something.

21 CHAIR WILLIAMS: When you say we.

22 RICHARD CANTOR: We the industry, our
23 industry. If you go as a fire alarm company to a
24 fire alarm distribution, distributor and you ask that
25 the ones I buy to put in client or clients businesses

2 or homes they cost me \$35 way above the level that
3 the consumer in New York City that you're going to
4 consider.

5 CHAIR WILLIAMS: I don't think that
6 accurate, they... they there's smoke detectors that.

7 RICHARD CANTOR: Ok, well what I'm saying
8 is I've never tested the ones that come out of Home
9 Depot that are first (inaudible) but I have tested
10 ours and they are built in technology to make sure
11 they don't false alarm and that they do detect very
12 rapidly.

13 CHAIR WILLIAMS: Have you tested the same
14 high grade ionization smoke detectors?

15 RICHARD CANTOR: Yes we have but an
16 ionization to use the terminology in my book
17 ionization some detector is an oxymoron. And
18 ionization smoke detector is not only not a smoke
19 detector it is impossible for an ionization to detect
20 smoke by the laws of physics and the laws of physics
21 do not change for the New York City Fire Department,
22 they do not change for the City Council, they do not
23 change for anyone. The laws of physics are... are the
24 same for everything. An ionization detector actually
25 detect ions, that where the name ions comes from and

2 you can have as this demonstration showed to you, you
3 can have smoke being produced forever and an
4 ionization detector if it's just smoke is not going
5 to respond. If in combination with the smoke there
6 are ionized particles it will react. A photoelectric
7 detector on the other hand is created with a
8 different law of physics the laws optics.

9 CHAIR WILLIAMS: So I... I also try and
10 discompare apples to apples, because you're talking
11 about the higher grade photo electronic smoke
12 detectors I guess comparing it to higher grade
13 ionization smoke detectors.

14 RICHARD CANTOR: Well I think we went off
15 the tracks a little a bit because you asked me, you
16 asked me how fast it would respond.

17 CHAIR WILLIAMS: Yep.

18 RICHARD CANTOR: A photoelectric and I'm
19 giving you an answer that in my knowledge the only
20 photo that I've tested are the ones we use.

21 CHAIR WILLIAMS: At the \$35 price point.

22 RICHARD CANTOR: So... so that's why we got
23 a little bit off but... but... but.

24 CHAIR WILLIAMS: I just want to make
25 sure...

2 RICHARD CANTOR: Yes, a photoelectric of
3 any type and manufacture will respond very rapidly.

4 CHAIR WILLIAMS: Ok thank you.

5 RICHARD CANTOR: Within seconds rapidly.

6 CHAIR WILLIAMS: Thank you.

7 RICHARD CANTOR: May I add one other
8 thing to this.

9 CHAIR WILLIAMS: Go.

10 RICHARD CANTOR: I think it because
11 there's miss information that sent you way that we
12 have to parce. I can give you an analogy but let try
13 and give it to you straight and if... if you need it
14 needs clarification let me clarify it. A
15 photoelectric detector will detect smoky fires
16 extraordinary faster than ionization detectors you
17 just saw an example.

18 CHAIR WILLIAMS: Was that a Home Depot
19 one or your \$35 one?

20 RICHARD CANTOR: Oh that was a News,
21 they... they picked it I have no idea that's New13
22 Eyewitness in Indiana but they're... there are dozens
23 and I have dozens of other test.

24 CHAIR WILLIAMS: Ok.

2 RICHARD CANTOR: Same thing, same results
3 every time. Texas A&M let me stop for a moment and
4 give you a few resources that you can have on your
5 own. You can go to YouTube yourselves, type in
6 aquarium smoke test and that demo will come up and a
7 lot more. You can also go to Wikipedia on the
8 internet and pick up this report on smoke detectors,
9 excellent report. So you don't have to take my word
10 for it. I bought two three ring binders that you're
11 welcomed to examine. The first one is actually a
12 series of letters back and forth in communications
13 back and forth with the Major of the City with the
14 fire commissioners, with the chief of fire prevention
15 and interesting enough with the speakers of the City
16 Council. I've testified here three or four times
17 previously and over approximately I think the first
18 letter I have in here is 1998, so over all those
19 years and virtually nothing's happened and why
20 nothing has happened, a lot of it is you hear
21 testimony that you just heard previous to mine from
22 the fire department no one can answer your questions
23 (inaudible) because they don't get the support they
24 need from the US Fire Administration and since they
25 don't get the support their not trained in this field

2 and they know fire rescue and fire suppression
3 extraordinarily well and god know if I was ever in a
4 fire these are the guy I want coming to rescue me,
5 but they do not know fire prevention and that's the
6 problem and you witness that in the testimony this
7 morning. They don't have the information because
8 they're not supported.

9 CHAIR WILLIAMS: Ok.

10 RICHARD CANTOR: It's not their fault.

11 CHAIR WILLIAMS: All right.

12 RICHARD CANTOR: I'm not point the
13 finger.

14 CHAIR WILLIAMS: Thank you.

15 RICHARD CANTOR: They don't get the
16 support they need.

17 CHAIR WILLIAMS: Thank you and were
18 joined by Council Member Levine and I think Council
19 Member Crowley has some questions.

20 COUNCIL MEMBER CROWLEY: Thank you Mr.
21 Cantor for being her and for your testimony. I... I
22 agree with what you're saying about the fire
23 department, they've got the operations down and
24 they're the best fire department in the entire
25 Country but they're not doing their investigation

2 well enough to know that if they implemented this
3 change they could prevent a vast, a good number of
4 had the 75 people who died last year had a
5 photoelectric smoke detector most of them would still
6 be alive today. And they didn't even know of the 18
7 died with a working smoke detector what kind that
8 was. But what you said in your testimony that
9 ionization really isn't like a smoke detector is it
10 like a fire detector.

11 RICHARD CANTOR: Ionization in my
12 professional should not be labeled, it should be
13 outlawed that you can say it's... it's no more a smoke
14 detector than a horse or a donkey or a goat is. An
15 ionization detector is not a smoke detector, it's an
16 ionization detector. It's calling some and it a
17 misnomer when... when you put an ionization detector
18 and a photoelectric detector and you value them the
19 same. Let me give you an analogy that maybe helpful
20 to lay people. Let pretend for a second that we
21 wanted to detect whether it was going to rain outside
22 and we had two people to assist us and one of those
23 people was deaf and the other person was blind and we
24 sent them out and we said we want you to tell us and
25 warn us when it's going to be... be raining. Well the

2 person that can see that is not blind can look and he
3 can see clouds gathering very early, he can see if
4 they darken very early, if it started to rain he can
5 see the rain very clearly but the person who's deaf
6 will never be able to see the, I'm sorry the person
7 who's blind will never be able to see the gathering
8 clouds early enough to give you a warning. Never
9 maybe even be able to see it raining. Maybe if it's
10 thundering and lighting the person who is blind can
11 sense that there rain out there. So in a way it's
12 angst to ionization photoelectric. A photoelectric
13 detector when it gets the earliest indication there's
14 a fire through smoke is going to alert the occupants.
15 An ionization if there is not a lot of high energy
16 combustion in those particles is not it's going to
17 sit there and it's not going to go off at all any
18 more than a blind person can look out the window and
19 see whether it's raining. So in my profession
20 opinion I have solicited a response I've encouraged
21 the NFPA which I've been a member of that writes the
22 codes, I said you know we've really got to do the
23 public a better service. Now Elizabeth I'd like to
24 comment on something you made because I want to make
25 something very very clear. This is a critical first

2 step. You on the City Council are more important
3 than anyone on earth to pass this legislation and to
4 save lives. Not the fire department, not me as an
5 expert, not NFPA because if you pass this
6 legislation, which you should it will start saving
7 lives immediately and it will save lives forever into
8 the future and that what I encourage you to do. But
9 I do want to make clear one thing, this is only the
10 beginning. Why is it only the beginning? Because
11 fire safety is much more complicated and involved.
12 In many residential housing units you need more than
13 one detector because the purpose of the detector is
14 first and foremost if you're asleep when you're most
15 vulnerable to wake you up, so it better be in the
16 bedroom. And then when you are awoken you need a
17 safe way to escape, so you need additional detectors
18 along your escape path. If there's more than one
19 bedroom, you need additional detectors. So in number
20 one you need the light detector. Number two you need
21 enough of them in the right place. Number three you
22 have to start talk about the... the annunciation
23 because we know today that people that are hard of
24 hearing will not hear often the 85 decibel alarm. We
25 know that children amazingly are in an adult mind or

2 brain does not work the same as a young child. Young
3 children up through their teenage years often will
4 not wake up to a blaring smoke detector that would
5 make your skin crawl if you're an adult like we are
6 but the children sleep right through it. So from the
7 proper type of technology which is photoelectric, to
8 silicate number in the proper locations, the the
9 announation, all of these things are issues but it
10 starts with having the right detection. And I
11 applaud you Elizabeth Crowley because no one that
12 I've met in 30 years has been more concerned and more
13 right and accurate that this should be done and I
14 thank you and the City Council as far as I'm
15 concerned should bless you for your effort and Jeff
16 Mailman (sic) has been outstanding in devoting hour
17 and hour to investigating on his own and taking me to
18 task and you know beating me up. It's very important
19 you do this. Chairman Williams I don't think there's
20 anything more important you can do and to save the
21 people that you represent. That's how strongly I
22 feel about this. One last, one last, may I say one
23 last thing, this will be the last thing. One of the
24 things I've suggested and if I'm out of place here
25 please forgive me. I believe that the technical

2 aspects of fire protections should be put under the
3 jurisdiction and oversight of the Committee on Fire
4 Safety and Criminal Justice and only the... the
5 building related fire safety issues should be left
6 with the building department. And what I mean by
7 that is this standard which is the, and this is the
8 current standards that we're using for fire
9 detection in New York City right now. It's NFP 72,
10 it's a national fire alarm code, it's the 2010
11 version which is the one the City is using. For
12 buildings and what you do for fire escapes, for fire
13 exit doors and everything, there's a different code
14 that code NFP 101 which is the life safety code. The
15 life safety code should remain with the building
16 department but I believe that Chairman Williams that
17 quite frankly that... that the technical aspect should...
18 should be would be well served to be passed over to
19 the Committee on Fire and Criminal Justice.

20 COUNCIL MEMBER CROWLEY: Thank you Mr.
21 Cantor for your testimony and I just want to say that
22 they were a lot of different organizations that
23 submitted testimony but in particular I think it's
24 important to note that the Uniform Fire Fighters
25 Association of Greater New York which represents our

2 over 10,000 fire fighters and people who are out
3 there working to keep New York City safe also support
4 this legislation. Thank you.

5 RICHARD CANTOR: I'd like to conclude if
6 I may by just saying I have a summary of things that
7 would be interesting to the Council because the
8 entire world, I'm talking about Western world anyway.
9 The United Kingdom, Australia, Canada everyone
10 including municipalities within the United States are
11 moving toward photoelectric because they've done the
12 research now and we've moved forward. In June of
13 2006 the Australian fire and emergency service
14 authorities Council the peak represented body for all
15 Australian New Zealand fire departments published an
16 official report position on smoke alarm and
17 residential accommodations which states the that
18 ionization smoke detectors may not operate in time to
19 alert occupants early enough to escape from
20 smoldering fires. In August of 2008 the
21 International Association of Fire Fighters
22 representing over 300,000 members throughout the US
23 and Canada passed a resolution recommending the use
24 of photoelectric smoke alarms. In May of 2011 the
25 Fire Protection Association from Australia official

2 position on smoke alarms stated, fire prevention
3 association Austria considers that all residential
4 building should be fitted with photoelectric smoke
5 detectors. I can go on and on and on but there a
6 list, this by the way is available on the internet in
7 that, in that article that I told you in smoke alarms
8 and.

9 CHAIR WILLIAMS: You got it.

10 RICHARD CANTOR: Last case Massachusetts
11 has adopted as you know. In the last five year
12 Massachusetts has gone from the State at the 15th
13 level for fire fatalities all the way up to the 3rd,
14 so they have of their the 3rd best state in the
15 Country within just 5 years for putting in
16 photoelectric detectors.

17 CHAIR WILLIAMS: It's safe to say you
18 support the bill.

19 RICHARD CANTOR: Absolutely and I applaud
20 you as well. I really do have tremendous respect
21 because when I listen to some of the testimony over
22 the years that you've, I don't know how you put it
23 together and you already before I came to this table
24 already had... had hit the nail on the head that
25 photoelectric is the way to go.

2 CHAIR WILLIAMS: Thank you very much and
3 a lot of that is thanks to the Council Member Crowley
4 and her leadership on this, I also thank her, thank
5 you for your testimony.

6 RICHARD CANTOR: Thank you so much.

7 CHAIR WILLIAMS: I very much appreciate
8 it and thank you for answering our questions.

9 RICHARD CANTOR: Ok and if I can help in
10 the future, please I'm really, please call on me.

11 CHAIR WILLIAMS: Thank you. All right we
12 have no one else who signed up to testify. We have
13 some testimony for the record; California Real Estate
14 Inspection Association, Deputy Chief of the Boston
15 Fire Department, Fathers for Fire Safety and UFA.
16 With that will say this hearing is are we finished,
17 hearing is now finished, thank you.

18 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 17, 2015