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<COMMITTEE ON ENVIRONMENTAL PROTECTION

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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION,  
JOINTLY WITH,  
COMMITTEE ON PUBLIC HOUSING

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May 2, 2017  
Start: 10:12 a.m.  
Recess: 2:28 p.m.

HELD AT: Miccio Community Center  
110 W 9<sup>th</sup> Street  
Brooklyn, NY 11231

B E F O R E: Carlos Menchaca, Chairperson  
Costa Constantinides, Chairperson  
Ritchie Torres, Chairperson

COUNCIL MEMBERS: Rory I. Lancman  
Brad Landers  
Laurie Cumbo  
Jimmy Van Bramer, Majority Leader

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

3 Dr. James ??

4 Ray Lopez  
5 Director of Environmental Health and  
6 Family Asthma Program at LSA Family  
7 Service

7 Steve Edwards, Esquire  
8 Quinn, Emanuel, Sullivan & Urquhart

9 Wally Basemore

10 Brian Clark  
11 Senior Vice-President for Operations

12 David Farber, Esquire

13 Serine ??  
14 Senior Advisor to the General Manager

15 Chris D'Andrea  
16 DOHMH

17 Michael Gilsman (SP)  
18 Assistant Commissioner of the Bureau of  
19 Environmental Compliance at the New York  
20 City Department of Environmental  
21 Protection

22 Deborah Goddard  
23 Executive Vice-President Capital Projects

24 Patrick Purcell  
25 Executive Director of Greater New York  
LECET

Mike Drusdore (SP)

2 Sean Brennan  
3 Training Director Mason Tenders Training  
4 Fund

4 Edison Severino  
5 Local 78

5 Bob Abotroni (SP)  
6 East EA Advisor

7 Morris Napolitano, Director  
8 Michael Caputo, Treasurer  
9 Environmental Contractors Association

10 Cheryl Braxton  
11 Village of Red Hook

11 Sabine Aronowsky  
12 Fifth Avenue Committee

13 Karen Blandel (SP)

14 Katherine McBride

15 Anna ??

16 Harold ??

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2 CHAIRPERSON MENCHACA: Buenos dias. Good  
3 morning, everyone. Welcome to our public hearing  
4 today, on May 2, 2017. My name is Carlos Menchaca  
5 and I am a New York City Council Member representing  
6 this incredible community of Red Hook and Sunset  
7 Park, District 38 and I welcome all of you today.  
8 This hearing, as it comes to order officially,  
9 [gavel] is a joint hearing with Public Housing  
10 Committee and Environmental Protection Committee  
11 chaired by Council Member Ritchie Torres and  
12 Constantinides respectfully. Today, Council Member  
13 and Chair Ritchie Torres is at another hearing on a  
14 very important bill and he will be joining us shortly  
15 so in his stead, I will be taking over as Chair for  
16 the Public Housing Committee and welcoming other  
17 council members as they come in. We are here to  
18 conduct an oversight hearing examining NYCHA's record  
19 in removing mold from public housing. We will also  
20 be hearing a bill, Proposed Intro 978A, which would  
21 require licensure for a mold abatement, assessment  
22 and remediation work and set minimum standards for  
23 suck work. As residents of Red Hook can tell you,  
24 and today they will tell you, NYCHA's mold abatement  
25 practices have been willfully inadequate. Mold has

1 plagued NYCHA developments for years and Hurricane  
2 Sandy exacerbated these conditions and we all saw it.  
3 Tenants have turned to NYCHA for help to remediate  
4 the mold problem but many tenants report the NYCHA  
5 often does nothing in response to the mold or does  
6 nothing to clean as it does poorly because the mold  
7 comes back. In 2013, NYCHA residents sought to  
8 enforce their right to safe and sanitary housing by  
9 suing NYCHA in Federal Court because NYCHA had failed  
10 to protect the health of residents with mold and mold  
11 sensitivities. It should have never come to that, a  
12 lawsuit, to move NYCHA. Mold is a health hazard that  
13 NYCHA must take seriously and that is something that  
14 we all in this room understand as residents, as  
15 science experts, as workers. In Red Hook, residents  
16 with support from local organizations like the Red  
17 Hook Initiative, Fifth Avenue Committee and the  
18 Tenant Associations, took the mold issue into their  
19 own hands by producing their own survey and study of  
20 the problem. After the release of that report and a  
21 lot of press attention, residents and I toured some  
22 of these apartments that had some incredible cases,  
23 cases that you would never think possible. Some of  
24 those cases are up here, blown up in photos for you  
25

2 all to see. This has revealed a deeper heart of this  
3 issue. This is a complicated issue but it is not an  
4 impossible one to solve. As such, we must hold NYCHA  
5 accountable. Undoubtedly the best solution to the  
6 mold problem would come with more money for capital  
7 repairs and I recognize, we recognize, that NYCHA  
8 suffers from chronic underfunding. It has a heavy  
9 financial burden and proposed federal budget cuts are  
10 positioned to add more to that burden but even with  
11 limited resources NYCHA must fulfil its minimum  
12 obligation to provide clean and safe housing and we  
13 must do everything we can to protect the health of  
14 our residents. The people in our communities are  
15 literally sick of it so I want to thank all of Red  
16 Hook who came out. I want to thank all of New York  
17 who came out to this because in Red Hook we are a  
18 village of fighters and we will continue to fight  
19 until we see that response. At this time I am going  
20 to hand this over to Chair Constantinides.

21 CHAIRPERSON CONSTANTINIDES: Thank you  
22 Council Member Menchaca, Chair Menchaca. Thank you  
23 for welcoming us here to Red Hook. It is great to be  
24 here, great to bring a New York City Committee  
25 hearing to the people so it is a great day to be out

2 here in Brooklyn. I am Chairman Costa  
3 Constantinides, Chair of the Environmental Protection  
4 Committee and today the Committee will hold oversight  
5 examining NYCHA's record in removing mold from public  
6 housing and on Intro 978A that would establish a  
7 local licensing requirement for persons who engage in  
8 accessing remediating and abating mold conditions and  
9 would also establish minimum standards for carrying  
10 out the work. This law would differ from existing  
11 laws and that would apply to only large buildings  
12 with more than four units including NYCHA  
13 developments, exempting buildings containing one or  
14 two four units and exempting any design professional  
15 license pursuant to Title 8 of Education Law of  
16 performing mold work within the scope of their  
17 practice. Hazardous substances and ways that have  
18 been heavily regulated since the risk posed to public  
19 health and the environment for these substances was  
20 documented in Love Canal, New York in the 1970s.  
21 However, some pollutants and contaminants have  
22 escaped regulations over the years due to the nature  
23 of the substances and the developments and  
24 remediation standards and their methodologies. As a  
25 result, remediation in the area of mold has been

2 spotty, ineffective and sometimes lacking in a form  
3 to prove both procedures. This legislation is  
4 intended to address the issue by providing minimum  
5 standards and regulation procedures for parties  
6 already engaged in this field and new entrants who  
7 want to ensure that a high level of performance is  
8 maintained and rewarded. Flooding from Hurricane  
9 Sandy highlighted the urgent need to address other  
10 forms on environmental pollution not regulated such  
11 as mold and bacteria. It is impossible to eliminate  
12 all molds and mold spores in an indoor environment.  
13 However, mold growth and moisture impacts can be  
14 controlled indoors by proper mediation measures. All  
15 mold and bacteria have the potential to cause adverse  
16 health effects. Molds can produce allergens that can  
17 trigger allergic reactions or even asthma attacks in  
18 people who have allergies to mold. The World Health  
19 Organization has found that likely occupants of damp  
20 or moldy buildings, both houses and public buildings  
21 are at an increased risk for respiratory symptoms,  
22 respiratory infections and exasperation of asthma.  
23 The institute of medicine has also found sufficient  
24 evidence to link indoor exposure to mold with upper  
25 respiratory tract symptoms: cough and wheeze in



2 otherwise healthy people and with asthma symptoms in  
3 people with asthma. The Institute of Medicine  
4 further found evidence linking indoor mold exposure  
5 and respiratory illness to otherwise healthy  
6 children. This law requires the EP promulgate rules  
7 establishing qualifications for mold licensees and  
8 that a minimum persons qualified to receive a mold  
9 license must be at least 18 years of age, must have  
10 completed course work approved by the DDP or New York  
11 State Department of Labor, must pay appropriate fees  
12 and for a mold assessment and remediation license  
13 must have submitted DEP insurance certificates  
14 evidencing workmen's compensation coverage and  
15 liability insurance. This legislation will increase  
16 public health protection by providing standards,  
17 training and regulation procedures for parties  
18 already engaged in mold remediation as well as new  
19 entrants to the field. This bill also provides a  
20 process with licensing with DEP and the ECB may  
21 impose and recover civil penalties under the section.  
22 Finally, this legislation provides a DEP must  
23 establish rules to prevent and remedy fraud and  
24 promote fair trade practices by persons engaged in  
25 covered activity and to acquire a person's license

2 under the section to keep records to ensure the  
3 license has appropriate financial disclosures to  
4 protect health, safety and convenience and welfare of  
5 the general public and to assure persons engaged in  
6 covered activities do not discriminate against anyone  
7 in violations of the law. This is truly a public  
8 health issue especially for those living in public  
9 housing so I am glad to be doing this today in  
10 partnership with Chair Ritchie Torres, who as my  
11 colleague Council Member Menchaca mentioned, will be  
12 here soon and of course with Council Member Menchaca  
13 himself. This issue has plagued us for way too long  
14 and so I look forward to hearing all the testimony  
15 today. I want to thank all the Sergeant at Arms  
16 staff and all of the staff that have done the  
17 translation services, our legislative attorneys, out  
18 policy analyst. So I want to thank everyone that  
19 helped put this hearing together and moving City Hall  
20 right here to Brooklyn to make sure that residents  
21 don't have to travel all the way there to tell us  
22 what we can do better and how we can make government  
23 work for them. With that, we will call up the first  
24 panel.

2 CHAIRPERSON MENCHACA: Thank you, Chair  
3 Constantinides and I want to also -- actually we are  
4 going to call the first panel up and the first person  
5 up, Dr. James ??, Ray Lopez from Manhattan Together,  
6 Mr. Steve Edwards and Mr. Wally Basemore a Red Hook  
7 resident. [Inaudible - 00:11:58]. Start when you are  
8 ready.

9 DR. JAMES ??: Good morning, let me make  
10 sure this is on so you can hear me, good morning  
11 Councilmen Menchaca and Constantinides. Glad to  
12 actually meet both of you. I have seen the names  
13 many times and appreciate the opportunity to testify  
14 today. I will briefly summarize my written testimony  
15 which I have submitted. Actually, Councilman  
16 Constantinides read about -- looked like you took  
17 over half of it so that's good and you're [inaudible  
18 - 00:12:50]. I'm an environmental, occupational  
19 health physician. I have worked for federal  
20 government, state health department and the last 20  
21 years for the labor union in New York State and in  
22 Washington. I first encountered problems with mold  
23 in public buildings over 35 years ago and seen people  
24 becoming ill. Then it was not a well-recognized  
25 phenomena however as time's gone by people have

1 recognized problems from it more and more. I have  
2 served on a task force the state legislature set up  
3 back in around 2006/2007 to look at mold issues. At  
4 that time we heard from residents from NYCHA and  
5 other public housing in New York, all the problems  
6 that they were experiencing due to mold. Just to  
7 briefly summarize the health effects, it has been  
8 stated, I think that recognize mold causes major  
9 problems, respiratory problems are the most common  
10 and that is allergic, allergy to mold or aggravation  
11 of preexisting asthma or other allergies. It can be  
12 very debilitating if you are living in a housing unit  
13 or a building that has the mold there all the time,  
14 every time you come into your house or your apartment  
15 you are going to be -- have problems, your asthma  
16 will be aggravated and will start up. It is not  
17 actually the mold on the surfaces that usually cause  
18 the problem, it is the spores from the mold that  
19 become airborne and very small and can be breathed  
20 very deep into your lungs and either initiate  
21 irritation of your lungs setting off the asthma or it  
22 can lead to the allergic reaction and set off an  
23 asthmatic attack but you don't have to be allergic to  
24 mold to be affected by it. I think that is important  
25

2 to know. There are other illnesses that occur from  
3 mold. You can have Hypersensitivity pneumonitis,  
4 another kind of allergy that can be quite  
5 debilitating, and you can also have -- develop those  
6 kind of systemic illnesses due to mold. People with  
7 altered immune systems due to cancer or certain kinds  
8 of medications can actually be very seriously  
9 affected by exposure to certain types of mold. I  
10 think it is also important to note that there are  
11 many different types of mold and usually they are  
12 found, depending on how they grow and so forth and  
13 the medium there, but usually what is important for  
14 most mold is that there be a source of moisture there  
15 for them to grow on. That usually is what triggers  
16 off the development of mold because mold spores which  
17 are the mold seeds are found throughout the  
18 environment so you don't need a special circumstance  
19 to have those or special contamination can occur any  
20 place. They like a source of water, damp area. They  
21 can grow behind the wall, behind wall boards so a  
22 water leak behind a wall. They can grow in that and  
23 escape there and they can also -- the spores can be  
24 spread throughout an apartment unit, a housing unit  
25 or throughout a building. Occasionally, we have

1 problems where there is a mold source usually from a  
2 humidification system or ventilation system in a  
3 larger building which can contaminate the entire  
4 building with mold spores. So it can be a very  
5 serious and widespread problem. I think you will  
6 hear later from people who experience problems from  
7 the mold. I don't want to go through more detail on  
8 that with again it's -- children and adults and it  
9 can be a long-term problem and can lead to very  
10 serious illness, particularly for people with asthma  
11 and other preexisting respiratory illnesses. The  
12 evaluation can include sometimes a sampling but that  
13 is usually very complicated and not necessary.  
14 Usually it is by observing the mold. The truck  
15 outside has excellent examples where you can see both  
16 the water damage and growth of mold within buildings  
17 [inaudible 00:17:12] NYCHA or other public housing.  
18 It is mainly by observation and by looking for the  
19 source of the moisture or leak or whatever.  
20 Obviously, Hurricane -- Superstorm Sandy was an  
21 example of a very large leak that led to major mold  
22 problems. It is very important to know that unless  
23 that leak or that source of moisture is controlled,  
24 the mold problems will recur. You wipe off, use

2 disinfectant, use whatever to clean up the area but  
3 unless you address the source of the moisture and  
4 what triggered the initial mold growth, you will not  
5 be able to get rid of the problem. It will just  
6 recur and that is usually the most common problem we  
7 see in people trying to address the problems. They  
8 wipe the surfaces. They don't look for what is going  
9 on behind the wall board or in the basement or  
10 whatever that is the source of the mold. To address  
11 mold problems, I think it is important and outlined  
12 in the legislation that is being discussed here today  
13 is one needs a trained workforce that means people  
14 trained in how to do proper assessment, people  
15 trained how to do proper clean-up and setting up a  
16 project and doing the clean-up and thirdly, people  
17 doing the actual work being trained in how to protect  
18 themselves as well as how to do the work properly.  
19 They need training and proper oversight for that.  
20 That is why I think a licensing requirement and  
21 training requirements are so critical to doing this  
22 work, who've had the same experience with lead,  
23 asbestos abatement. You need to have trained  
24 workers, trained contractors, trained assessors to go  
25 in there and evaluate and remediate the problem. You

2 need to protect them and you need to protect other  
3 people in the building. One of the other common  
4 problems you see is people trying to abate a mold  
5 problem and only making it worse for everybody else  
6 in the building if they don't properly block off the  
7 ventilation system, don't properly block off the  
8 other areas of the building from -- while they are  
9 doing the abatement because that only just makes it  
10 worse. Finally, and again to reiterate, again going  
11 back people need to remember that problems not only  
12 cleaning up the mold, there are techniques for doing  
13 that but there are also removing the original source  
14 of the mold to that and it needs to be done and again  
15 my final statement is to remember that this is a  
16 complicated environmental problem to try to measure  
17 or identify specific mold but it has devastating  
18 health effects for people and can really ruin their  
19 lives and cause all sorts of hardship and it is very  
20 important that we start paying more attention to  
21 addressing this. Thank you.

22 STEVE EDWARDS: Good morning, I am Steve  
23 Edwards. I am with the law Quinn, Emanuel, Sullivan  
24 Urquhart. We are lead counsel for the plaintiff  
25 class in the Baez Case. The Baez Case is a class



1 action in which we have sued NYCHA on behalf of NYCHA  
2 residents who have asthma. The suit was originally  
3 brought in December of 2013. It is brought under the  
4 Americans With Disabilities Act. Shortly after we  
5 brought the lawsuit, NYCHA entered into an consent  
6 decree. In that consent decree, NYCHA agreed to  
7 effectively remediate mold at the source and it also  
8 agreed to complete simple repairs relating to mold in  
9 an average of seven days and more complex repairs in  
10 an average of 15 days. After about a year of  
11 observing NYCHA's conduct under this consent decree,  
12 it was apparent that NYCHA was not complying with the  
13 consent decree. It was misinterpreting the consent  
14 decree. It was not performing simple repairs in an  
15 average of seven days and it was not effectively  
16 remediating the mold and in fact the reoccurrence  
17 rate was frighteningly high in the neighborhood of 35  
18 to 40 percent. So we brought a motion before the  
19 judge, Judge William Pauley, who sits in the Federal  
20 District Court in Manhattan seeking the enforcement  
21 of the consent decree. Judge Pauley found that NYCHA  
22 had violated the consent decree and had in fact  
23 violated it from the outset. He ordered NYCHA to  
24 comply with the decree and he appointed a special  
25

2 master to supervise that compliance. Mr. Lopez, who  
3 is one of the community leaders and also the client  
4 in the lawsuit, is going to talk more about what we  
5 are doing with the special master. I just want to  
6 say that since the special master has been working  
7 with NYCHA and in the aftermath of the court's order  
8 finding NYCHA in default on the consent decree, NYCHA  
9 has improved the speed with which it performs the  
10 repairs and it now appears to be complying with the  
11 seven and 15 day requirements. However, the  
12 reoccurrence rate is still very high, still in the  
13 neighborhood of 30 percent and that is obviously  
14 because they are not effectively remediating the mold  
15 at its source. Let me just close my remarks by  
16 saying that while we generally support any effort to  
17 improve attempts to remediate mold in New York City  
18 housing, public and private housing, we want to make  
19 sure that the legislation you're considering does not  
20 conflict with what we are doing in our lawsuit and  
21 what the court has ordered NYCHA to do in our lawsuit  
22 and Mr. Lopez is going to talk more about that.

23 Thank you.

24 MR. RAY LOPEZ: Hello. Thank you for  
25 inviting me to testify. My name is Ray Lopez. I am

2 the Director of Environmental Health and Family  
3 Asthma Program at LSA Family Service CBO in East  
4 Harlem. Little Sisters LSA Family Health Service is  
5 a member of Manhattan Together. Manhattan Together  
6 is an organizational plaintiff in the Baez Case.  
7 Manhattan Together is a diverse non-partisan, multi-  
8 faith community power organization that is part of  
9 metro industrial area's foundation and Manhattan  
10 Together has thousands of members who live in public  
11 housing. Speaking on behalf of Manhattan Together,  
12 our position on the proposed local law requiring  
13 licensing for mold abatement, assessment and  
14 remediation is that the law should not undermine any  
15 of NYCHA's existing mold and moisture remediation  
16 obligations that the Federal judge ordered in the  
17 Baez Case. Together with Micro Ecologies, which is a  
18 firm that was hired by NYCHA to help them improve  
19 their mold assessment and mold remediation policies,  
20 we think that it will help bring NYCHA in compliance  
21 with the judge's order. On the face, we think that  
22 this new protocol that NYCHA has been working on with  
23 consultants will help them to better address the root  
24 causes of the problem. We think that the previous  
25 methods were willfully inadequate. They were

2 cosmetic in essence and they just weren't in keeping  
3 with the order itself. With this new pilot that they  
4 are beginning, we think that the workers will be  
5 focused on making sure that they identify the  
6 underlying root causes but we are worried that the  
7 pilot only includes 38 developments which comprises  
8 less than 10 percent of all NYCHA apartments and, you  
9 know, while this happens thousands of attendants  
10 continue to suffer from NYCHA's ineffective mold and  
11 moisture remediation work system-wide. We are also  
12 concerned NYCHA hasn't committed to implementing  
13 these new protocols NYCHA wide as of yet. Even if  
14 the study proves that the new protocols are effective  
15 in reducing recurrence of mold, as of now the federal  
16 courts oversight in special masses tenure ends April  
17 2018 and there is no guarantee from NYCHA that this  
18 will continue to follow -- that they will continue to  
19 follow the new protocol thereafter so we believe  
20 there are many aspects of the proposed licensing law  
21 that would be helpful if they applied to NYCHA but we  
22 ask Council not to do anything that would diminish or  
23 negate their obligations under the order and this  
24 pilot program and we've attached a chart to our  
25 testimony that compares and comments in more detail

1 the proposed local law in relation to New York State  
2 Mold Licensing Law and the Baez Order. For now, I  
3 want to highlight three points. First, NYCHA is  
4 required under the Baez Order to identify and  
5 remediate the underlying source of mold and excessive  
6 moisture. The proposed law does not go far enough in  
7 this regard we think. It encourages mold assessor to  
8 specify the underlying sources of moisture that may  
9 be causing mold but it doesn't mandate that these  
10 sources be diagnosed and abated. If the root cause  
11 of the mold is not effectively remediated, the mold  
12 is going to grow back. The law should require mold  
13 remediation plans and licensees to identify the  
14 underlying source and to make sure that it is  
15 corrected. Two, NYCHA is required under the Baez  
16 Order to effectively remediate mold and excessive  
17 moisture in an average of seven to 15 days and this  
18 proposed local law requires licenses to submit their  
19 remediation plans to the DEP 14 days prior to  
20 commencing the work. This is not clear to us what  
21 the DEP is going to do during that 14 day period but  
22 under no circumstances do we want -- would we accept  
23 such a long delay for NYCHA tenants. Third, Baez  
24 Order requires NYCHA to effectively remediate not  
25

1 only mold but also excessive moisture which is  
2 defined in the order as uncontrolled dampness,  
3 wetness or presence of water due to leaks in or  
4 seepage from building infrastructure or systems. It  
5 is important to understand that excessive moisture  
6 alone, even in the absence of visible mold can  
7 exacerbate asthma. So proposed law does not address  
8 that which may be a shortcoming. In conclusion, we  
9 support all efforts to improve remediation of mold  
10 and excessive moisture in private and public housing  
11 but we ask the Council not to do anything that would  
12 diminish NYCHA's preexisting obligations under Baez  
13 and we note that there are a number of provisions in  
14 the proposed law that go beyond the requirements of  
15 the Baez Order and we would have no problem if these  
16 provisions are applied to NYCHA as well because they  
17 have a potential to help protect the health and  
18 safety of the most vulnerable NYCHA tenants. These  
19 provisions include mandating ongoing training and  
20 mold assessment and remediation licensees, requiring  
21 mold remediation plans to be made publically,  
22 available online and empowering the commissioner of  
23 the Department of Environmental Protection to  
24 investigate and address injuries caused by violations  
25

2 of the law through fines and other civil penalties.

3 Thanks again for the opportunity to testify.

4 MR. WALLY BASEMORE: Good morning, my  
5 name is Wally Basemore and I have lived in Red Hook  
6 for 60 years. I've seen the good, the bad and now we  
7 are starting to regress in reference to mold removal,  
8 asbestos. I had cancer. I had cancer of the kidney.  
9 I lost my kidney because I had a tumor the size of a  
10 baseball on it. Ironically, I coached baseball at our  
11 lead filled fields in Red Hook. For the last 50  
12 years, I either played or coached baseball on those  
13 fields. 1955, my parents came here. Two parents,  
14 three sons. I'm the last. They all died of cancer.  
15 They all lived in Red Hook. Okay? So maybe next  
16 year my son will be giving my testimony if something  
17 is not done but I know I was saved and blessed just  
18 to testify, not only for myself but for my neighbors.  
19 I have been very active in this community for 28  
20 years dealing with the children, fighting crime in  
21 reference to Mad Dads, Men Against Drugs and social  
22 disorder in the community. Now I don't know where  
23 this cancer came from. It could have come from the  
24 jungles of Vietnam where I served or it could have  
25 came from 9/11 where I got called over there or it

2 could have come from these lead filled and asbestos  
3 filled apartments. I understand this place was built  
4 back in 1939. Asbestos -- they didn't have the same  
5 technology that they have today but a month ago I met  
6 with Carlos at RHI. I showed him some pictures of my  
7 apartment with asbestos. I showed him the before and  
8 after. I had to clean the asbestos up. I am not a  
9 trained asbestos cleaner, you know, but I wasn't  
10 going to live in an apartment especially in my  
11 kitchen with asbestos where I have to wash dishes,  
12 have to prepare my meals. I understand that HUD is  
13 dealing with a deficit, a financial deficit, and I  
14 understand the fact that we've become persona non  
15 grata in the eyes of the government especially this  
16 current government and I can't wait and I hope that  
17 we have an opportunity to speak with Dr. Carson when  
18 he goes on his speaking tours, you know, because we  
19 have some issues here that we would like to expose to  
20 Dr. Carson and HUD. We need more money in HUD. We  
21 need public housing. The city's not building mixed  
22 income housing. They are building affordable housing  
23 but affordable for who? Multimillionaires? So where  
24 do we go? The people that have been here for all  
25 these years, we are not going to get displaced. This



2 isn't South Africa. We are not going to live in  
3 shanty towns. This is not Manhattan -- I call  
4 Manhattan the Hampton on the Hudson but to me it  
5 looks just like Johannesburg. We are not going to be  
6 Salado. So we need your attention to detail with  
7 this. I appreciate all these gentlemen sitting up  
8 here giving us the technical aspect of what is going  
9 on in our communities but when you are inhaling this  
10 stuff, when our children are inhaling this stuff,  
11 where do we go? I know that is not part of my  
12 testimony but I don't always follow the script. I'm  
13 not an actor. I'm an activist. I believe in this  
14 community. I came back to his community to help this  
15 community. I am not going to abandon my community.  
16 I've seen it in good days and now we are going  
17 through some rough periods and as a community as a  
18 New York City community, City Council, our  
19 surrounding community with residents that own homes,  
20 we need to collectively get this thing together. We  
21 need to fight together. We need to get this thing  
22 cleaned up because we have other ongoing issues that  
23 we got to worry about that's going to come out of  
24 1600 Pennsylvania Avenue and I won't touch on that.  
25 I'm not too -- well, I digress. We need some

2 immediate attention. Like I said, I coach kids out  
3 here for 15 years for little league baseball. Most  
4 of these kids couldn't run around the track because  
5 they had pumps, they had asthma. We have lead filled  
6 fields. We need some help. I want to thank you very  
7 much.

8 CHAIRPERSON MENCHACA: Thank you for that  
9 testimony. I want to clarify for the record and you  
10 were talking about mold when we sat down about a  
11 month ago. I know you said asbestos but I want to  
12 make sure that we clarify that it was mold that we  
13 were looking at?

14 MR. WALLY BASEMORE: [Inaudible, off mic  
15 -- 00:36:51].

16 CHAIRPERSON MENCHACA: So what I wanted  
17 to point out because I think what you did was elevate  
18 a very big issue and one question for the doctor, the  
19 lead conversation that this country has had over time  
20 and the asbestos conversation that we've had over  
21 time is the same conversation we're having with mold  
22 to elevate the community's cry for response from  
23 policy makers to really elevate the issue on safety  
24 to deal with mold. So the doctor can just hit that  
25 point because I think that is going to be the

2 important thing in connection. The way that we deal  
3 with lead, the way that we deal with asbestos is the  
4 way we have to deal with mold and mold is so  
5 complicated and it grows unlike lead; lead doesn't  
6 multiply. Just correct me if I'm wrong, but mold is  
7 the thing that has spores that can grow over time?

8 DR. JAMES ??: Yeah, so correct. What is  
9 different, mold is similar. It is something that is  
10 found in homes, found in other buildings as lead and  
11 asbestos can be as we all know. There are some  
12 special things about lead, some special things about  
13 asbestos but there is a key special thing about mold.  
14 It causes illness, which you know that, different  
15 illnesses in lead and asbestos but it can continue to  
16 grow. Once you abate it, it can come back and it can  
17 come back very quickly if you don't abate the  
18 underlying source of that problem, usually a leak or  
19 some other moisture source getting into the area. So  
20 it can be devastating that way. Whereas the lead,  
21 you get the lead paint out of residences, get the  
22 asbestos insulation out of residence or building and  
23 then it's gone. Mold can keep coming back unless you  
24 abate the source of it. I think the term that was  
25 used here is not abating just the mold but abating

2 the mold and the moisture source is a good way of  
3 thinking about it.

4 CHAIRPERSON MENCHACA: We have also been  
5 joined by Council Members Brad Lander from Brooklyn  
6 and Rory Lancman from Queens. Rory?

7 COUNCIL MEMBER LANCMAN: Thank you. I am  
8 Council Member Rory Lancman from Queens and in my  
9 district we have Pomonok houses and Shelton houses.  
10 Shelton is a senior citizen residence run by NYCHA  
11 and mold is a persistent problem and getting NYCHA to  
12 do anything about it is a persistent problem. So I  
13 want to ask the gentleman from Quinn Emanuel, sorry I  
14 didn't get your name, thank you, Mr. Edwards. So I  
15 know that there was an agreement. I know that NYCHA  
16 has been faulted and cited by the court for not  
17 living up to its agreement. Could you just explain  
18 that to us a little bit? Because as a lawyer myself  
19 I find it remarkable that a government agency would  
20 present itself in federal court in gross violation of  
21 a settlement or a court order and there wouldn't be  
22 consequences and then I want to ask you what can we  
23 do as elected officials when we find ourselves with a  
24 mold situation in an apartment or in some cases the  
25 problem is broader than just a single apartment. As

2 Shelton, we had it in the garage. Other than just  
3 complaining to NYCHA, is there some way that we could  
4 complain through you to the court so that the court  
5 with its authority can get NYCHA off its behind and  
6 do what it's supposed to do?

7 MR. STEVE EDWARDS: Sure. Well, I  
8 think it's fair to say that at least as far as we  
9 could tell for the first year under the consent  
10 decree, NYCHA was just not taking it seriously. It  
11 was interpreting the decree that made it appear it  
12 was complying but there was really no basis for that  
13 interpretation and in fact it was not complying and  
14 it was not being honest about whether it was  
15 complying.

16 COUNCIL MEMBER LANCMAN: I want to stop  
17 you there because I think you are being very kind  
18 when you say that NYCHA was interpreting the decree  
19 in a way that was not producing the result it was  
20 supposed to. That's a polite way of saying that they  
21 were willfully ignoring and -- well, willfully  
22 failing to uphold their responsibility and you  
23 concluded by using the magic word honesty. They were  
24 lying to the court.

2 MR. STEVE EDWARDS: Well, that was our  
3 view and I think the court agreed with the substance  
4 of what we were saying which is why the court found  
5 NYCHA to be in violation and why the court appointed  
6 the special master. We asked the court to also hold  
7 NYCHA in contempt but the court declined to do that.  
8 The court felt that it was more in the nature of  
9 systemic failure and gross negligence as opposed to  
10 intentional conduct on NYCHA's part. We don't agree  
11 with that quite frankly but the court ruled the way  
12 the court ruled and decided to appoint this special  
13 master to supervise --

14 COUNCIL MEMBER LANCMAN: So the court  
15 said essentially NYCHA, you can't be relied upon to  
16 fulfil the terms of the, the, the order and we're  
17 going to appoint someone to oversee you directly to  
18 make sure you do?

19 MR. STEVE EDWARDS: That's correct,  
20 that's correct. And we actually --

21 COUNCIL MEMBER LANCMAN: That's a pretty  
22 stunning indictment for a public agency.

23 MR. STEVE EDWARDS: I think so and the  
24 court was quite plainly very unhappy with NYCHA even  
25 though the court did not hold NYCHA in contempt. One

1 of the things we asked the court to do is appoint the  
2 special master who can impose penalties on NYCHA for  
3 failing to effectively remediate mold. Our view was  
4 it's not our job to tell NYCHA how to remediate mold.  
5 We are not scientist and engineers. It is their job  
6 to get it done and if they don't get it done there  
7 should be consequences. Unfortunately, the court did  
8 not adopt our suggestion and the court agreed with a  
9 program where the special master is attempting to  
10 teach NYCHA, if you will, how to remediate mold and  
11 experts have been brought in to help train NYCHA  
12 employees and create new protocols for the  
13 remediation of mold. We will see if it works. We  
14 have made it very clear to the court and the special  
15 master that we are very skeptical about whether it is  
16 going to work but we are cooperating and we are  
17 trying to make it work and if it doesn't work we are  
18 going to be back in there asking the court to impose  
19 more rigorous penalties.

21 COUNCIL MEMBER LANCMAN: So let's get to  
22 that part because the bottom line is I, and all  
23 council members up here, represent a district of 150,  
24 160,000 people who've got NYCHA facilities, NYCHA  
25 houses in our districts. When we get complaints

2 about from our constituents whether it is an  
3 individual apartment or something more systemic in a  
4 building, of course we are going to reach out to  
5 NYCHA and tell them you need to take care of this.  
6 Should we also alert the special master so that he or  
7 -- who is the special master?

8 MR. STEVE EDWARDS: His name is Frances  
9 McGovern.

10 COUNCIL MEMBER LANCMAN: Okay. So should  
11 we alert the special master so that he can keep a  
12 running tally of the complaints? Should we alert  
13 you? What should we do other than just communicate  
14 with NYCHA and hope that they take it seriously?

15 MR. STEVE EDWARDS: All of the above.  
16 You can obviously start with NYCHA but alerting the  
17 special master in our view would be a great idea and  
18 alerting us is also a great idea. We keep a running  
19 tally of our own mold situations that are completely  
20 out of control and haven't been remediated for a  
21 very, very long time and we keep hammering away at  
22 both NYCHA and the special master on these issues and  
23 we made it very clear that we are not going away  
24 until the problem is solved. The other thing you can  
25 do is you can always file an amicus briefs if we get



2 into court again and we're probably going to be in  
3 court again about a year from now because this pilot  
4 program that Mr. Lopez described is going to take  
5 about a year to complete and at the end of that  
6 period we made it very clear to NYCHA that we are  
7 going to be asking the court to impose permanent  
8 relief. I mean right now the seven day rule and the  
9 15 day rule and the need to remediate mold at its  
10 source they have a time limit on them. There is a  
11 limit on the amount of time that the consent decree  
12 is effective but at the end of this process, we  
13 essentially are going to ask the court to make it  
14 permanent and at that time an amicus brief from  
15 whoever I think would be very helpful.

16 COUNCIL MEMBER LANCMAN: Thank you very  
17 much. That was very informative and now I leave this  
18 hearing with something more that I can do for my  
19 constituents that I can, not just reach out to NYCHA,  
20 but I can also make sure the special master and your  
21 office knows and that they can help in this lawsuit  
22 to ultimately push NYCHA to do what it is supposed to  
23 do. Thank you very much.

24 UNIDENTIFIED SPEAKER: Thank you all for  
25 your testimony. Doctor, I have a quick question

2 relating to health but beyond health, I know I  
3 represent [inaudible 00:47:47] houses in my district  
4 and just outside my district just across the street I  
5 can wave to the Raven's Wood houses and Queens Ridge  
6 houses are not that far away. Beyond just the health  
7 impacts, I know for young people my district they  
8 miss ten to 30 days of school per year with asthma  
9 related illness so that is ten to 30 days a year that  
10 they are not getting instruction that they are  
11 falling behind their class loads, they're falling  
12 behind their fellow classmates. As far a financial,  
13 there are numerous medications that you have to take  
14 when you are asthmatic just to stay healthy and that  
15 beyond when you are having an attack are even more  
16 costly. I can count five medications that I know of  
17 that I know that children take just to stay -- just  
18 to keep them level every day and then pumps and  
19 different Albuterol and Protopin and those are cost  
20 to families, right? Those are cost -- families are  
21 going to have to make decisions do I purchase my kids  
22 medications, do I purchase the medications that I  
23 need or do I eat dinner, these are many hard choices  
24 that families are going to have to make based on  
25 asthma. We are not talking about only just the

2 health effects which are detrimental but we're  
3 talking educational costs, costs of future and  
4 financial cost to the family is sort of a huge --  
5 these impacts relating to mold and asthma are huge to  
6 families all the way around, correct?

7 DR. JAMES ??: Absolutely and it can put  
8 them behind in school. It is not just missing days  
9 of school but you are so tired from having the asthma  
10 you come home and the child usually wants to go to  
11 sleep because asthma takes its toll on you physically  
12 also. In fact, children and adults too and older  
13 adults that -- I no longer use the term elderly as I  
14 get a little bit older. But, it is a -- the economic  
15 impact and the personal impact on families and  
16 everybody that is effected is very severe.

17 UNIDENTIFIED SPEAKER: There is a  
18 [inaudible - 00:50:05] and most of the time asthma  
19 doesn't go away so sometimes you outgrow it and many  
20 times you are dealing with that for an entire  
21 lifetime.

22 DR. JAMES ??: Correct and it may be  
23 other things that can trigger the asthma later on  
24 even though the mold is gone, say properly abated,  
25 there may be other things that bother you and you

2 have lifelong respiratory disease from it. We see  
3 that in lots of other instances where people have  
4 developed childhood asthma that recurs later on from  
5 other exposures or never go away and cause chronic  
6 lung damage so that means not only problems with your  
7 health over a lifetime but also the expenses of  
8 medication, medical treatment and limitations on what  
9 you can do.

10 UNIDENTIFIED SPEAKER: So it behooves us  
11 to get mold remediation right?

12 DR. JAMES ??: Absolutely.

13 UNIDENTIFIED SPEAKER: For the families  
14 that live in any building and also for those that are  
15 cleaning it out?

16 DR. JAMES ??: Absolutely.

17 UNIDENTIFIED SPEAKER: Making sure we are  
18 getting it right and that they are protected and that  
19 there is a real -- that there are standards put in  
20 place to getting it done quickly and safely.

21 DR. JAMES ??: Absolutely.

22 UNIDENTIFIED SPEAKER: Thank you.

23 CHAIRPERSON RITCHIE TORRES: I have a  
24 question for Mr. Edwards. I am City Council Member  
25 Ritchie Torres. I Chair the Public Housing

2 Committee. How do you respond to NYCHA's argument  
3 that yes, mold is a serious problem in public  
4 housing, no one would deny as much, but that the  
5 Housing Authority has \$17 billion worth of capital  
6 needs and if you have no ability to replace the  
7 rooves and the bricks and the plumbing systems that  
8 might be the underlying conditions that drive the  
9 epidemic of mold growth, how do you respond to that  
10 argument? Is that an argument that you accept that  
11 there are forces beyond NYCHA's control that are  
12 driving the prices?

13 MR. STEVE EDWARDS: The way we respond is  
14 that is simply not an acceptable argument. It used  
15 to be the case that with New York City hospitals  
16 there was a massive failure to control infection and  
17 bacteria and so a certain percentage of the patients  
18 would just go into the hospital and die and the  
19 hospital said we can't afford to do a better job and  
20 that is just not an excuse. We are talking about  
21 people's health here and you have to figure out a way  
22 to get it done and if you, NYCHA, don't have the  
23 money then you've got to go to the agencies and the  
24 government entities that fund you and tell them,  
25 convince them of how important this is. I mean the

2 city has a huge surplus right now. The city should  
3 be stepping up to the plate. The state should be  
4 stepping up to the plate. The federal government  
5 should be stepping up to the plate. The answer that  
6 goes well yeah, there's a lot of mold but we can't  
7 afford to do anything about it is simply  
8 unacceptable.

9 CHAIRPERSON TORRES: I don't know if you  
10 are familiar with the legislation that is under  
11 consideration but how do you respond either to the  
12 legislation or the notion of mold removal done not by  
13 licensed professionals? Is that something that you  
14 support?

15 MR. STEVE EDWARDS: We don't want from  
16 the city law, the proposed law, to interfere with  
17 what we are trying to accomplish in the Baez Case.  
18 We don't think it actually could interfere because  
19 the Baez Order is an order by a federal court and,  
20 you know, under preemption and supremacy clause I  
21 think it would control but we don't want to have a  
22 situation, for example, where NYCHA says, oh well,  
23 we'd like to comply with this order but we don't have  
24 -- we can't afford to get everybody licensed and  
25 therefore we are just going to stop working on this

2 problem. I mean that is not a good outcome and we  
3 are fully in favor of requirements that would enable  
4 the people who remediate the mold whether they are  
5 NYCHA employees or licensed people from the outside  
6 or the NYCHA people are required to be licensed. We  
7 are fully in favor of the higher level of skill being  
8 applied to the job indeed that is what we are trying  
9 to accomplish here but we don't want to give NYCHA an  
10 excuse to say oh well, we've got this new ordinance  
11 and therefore we can't comply with the order.

12 CHAIRPERSON TORRES: It seems to me that  
13 a licensing requirement would suggest a high level of  
14 skill. If you had actually got the training and  
15 obtained licensing that you have the skill to  
16 properly remediate mold. How would that interfere  
17 with what you are seeking to accomplish?

18 MR. STEVE BANKS: It would only interfere  
19 if NYCHA were to say that in order to put ourselves  
20 in a position where our employees, for example, who  
21 have the job of remediating mold get their licenses  
22 it is going to take a lot of time and require a lot  
23 of money that we don't have then what we have done is  
24 made the perfect the enemy of the good and quite  
25 frankly I don't know enough about mold remediation.

2 The skills required to do it or the difference  
3 between the skills that would be required under your  
4 legislation and the skills that NYCHA is currently  
5 trying to create on its own under the court order. I  
6 don't know whether what they are doing rises to the  
7 same level or indeed maybe at a higher more rigorous  
8 level and in the abstract, yeah, higher skills,  
9 licenses, are fine and if that can be done without  
10 interfering with what we are trying to accomplish  
11 that's fine. But if when you get into the details it  
12 does interfere then we need to be careful.

13 CHAIRPERSON TORRES: So it sounds like  
14 you are potentially supportive of the concept but the  
15 devil is in the details?

16 MR. STEVE EDWARDS: Absolutely.  
17 Potentially supportive of the concept. One of the  
18 things Mr. Lopez mentioned, well a couple things he  
19 mentioned, our order in our case clearly requires  
20 NYCHA to remediate the root cause of the mold. It is  
21 not clear that the proposed law includes that  
22 requirement. The person who remediates mold is  
23 supposed to identify the root cause but again if you  
24 look at the law, at least the way we read it, it  
25 doesn't require them to do what is needed to



2 eliminate the root cause. Our order requires that  
3 and that is very, very important because now we are  
4 talking about a situation --

5 CHAIRPERSON TORRES: I would imagine the  
6 ability to identify root causes would require some  
7 skill and training.

8 MR. STEVE EDWARDS: Yes, absolutely.

9 CHAIRPERSON TORRES: And by root cause,  
10 do you mean structural improvement like a new roof or  
11 a new -- what do you define as root cause?

12 MR. STEVE EDWARDS: Well the root causes  
13 we are dealing with are things that go on in the  
14 walls of an apartment, inside the walls, things like  
15 pipe fittings. One of the things we discovered in  
16 our efforts under the special master was that when  
17 NYCHA removed asbestos from pipe fittings in a number  
18 of its buildings it didn't reinsulate the pipes and  
19 as a result of that the pipes sweat and they leak and  
20 that is a major source of mold and so under the order  
21 in our case, NYCHA is required to fix that and in  
22 doing the protocol that has been developed as part of  
23 this program under the special master requires NYCHA  
24 to fix that, that is part of the training that is  
25 going on right now. Another thing we discovered is

2 that the way NYCHA had traditionally done the  
3 caulking around toilets was completely defective and  
4 as a result there was a lot of moisture and leakage  
5 coming from that place where the, you know, the  
6 toilet sort of interfaces with the floor. Again, the  
7 NYCHA people are being trained to do that job more  
8 effectively. Another thing we found was that the  
9 ventilating fans in some of the buildings weren't  
10 working, weren't even turned on and so part of the  
11 effort going on is to make sure that those fans are  
12 working. Quite frankly you mentioned roofs and under  
13 our consent decree for a variety of reasons it  
14 doesn't deal with capital issues, capital  
15 improvements so the roof issue is clearly an issues  
16 but it is not one we have focused on in our lawsuit.

17 CHAIRPERSON TORRES: I can ask you  
18 questions all day but in the interest of time, I  
19 thank you.

20 UNIDENTIFIED SPEAKER: Thank you for your  
21 testimony. We will call up the stars of the show,  
22 the New York City Housing Authority. We have Brian  
23 Clark, who is the Senior Vice-President for  
24 Operations; David Farber, who is general counsel;  
25 Serine, I don't know how to pronounce -- I am not

2 even going to make an attempt to mangle your name,  
3 the Senior Advisor to the General Manager; Chris  
4 D'Andrea from DOHMH and Michael Gilsman.

5 CHAIRPERSON ??: I want to recognize a  
6 member of the Public Housing Committee, Laurie Cumbo.

7 [OATH ADMINISTERED]

8 CHAIRPERSON ??: You may proceed.

9 SERINE RASSI CAMANI (SP?): Hello, can  
10 you hear me? I want to make sure. Thank you, Chairs  
11 Ritchie Torres and Costa Constantinides, Council  
12 Member Carlos Menchaca, members of the Committees on  
13 Public Housing and Environmental Protection and other  
14 distinguished members of the City Council, good  
15 morning. My name is Serine Rassi Camani (SP), NYCHA's  
16 Senior Advisor to the General Manager. Joining me  
17 today are Brain Clark, to my left, Senior Vice-  
18 President for Property Management Operations, and  
19 David Farber, to my right, general counsel and  
20 Executive Vice-President for Legal Affairs. Also  
21 with us today are Chris D'Andrea also to my left,  
22 Director of the Environmental Health Assessment and  
23 Communication Program at the city's Department of  
24 Health and Mental Hygiene and also to my right is  
25 Michael Gilsman (SP), Assistant Commissioner of the

2 Bureau of Environmental Compliance at the New York  
3 City Department of Environmental Protection. Through  
4 our long-term strategic plan, Next Generation NYCHA,  
5 we are changing the way we do business including how  
6 we address mold at our developments. Mold has been a  
7 constant challenge at NYCHA over the years. We now  
8 have a better approach to tackle the issue with new  
9 strategies, the latest technology and staff training  
10 with the ultimate goal of improving residents quality  
11 of life and the health of our building. Thank you for  
12 this opportunity to discuss the progress we are  
13 making. Now before I describe our current efforts, I  
14 would like to provide some important context.  
15 Decades of federal government disinvestment have left  
16 our buildings needing \$17 billion worth of major  
17 repairs and the outlook is far from rosy. President  
18 Trump's skinny budget proposes a more than \$6 billion  
19 cut to HUD, a loss to NYCHA of hundreds of millions  
20 of dollars this year alone from Washington, our  
21 primary funder. How does this relate to mold? The  
22 majority of our buildings are more than 60 years old.  
23 Many of them haven't had their roof replaced in 20  
24 years. Mold is a symptom of our ailing buildings, a  
25 consequence of a severe lack of funding to properly

2 maintain and repair aging infrastructure, replace  
3 leaking roofs and crumbling pipes and old ventilation  
4 systems and hire sufficient staff to keep up with the  
5 mold that results from these conditions. Mold is a  
6 challenge for any building owner, especially those  
7 owning and operating large multi-family buildings.  
8 At NYCHA the issue is twofold: we lack the funding to  
9 make all the capital repairs that are needed and  
10 identifying the source of mold is not  
11 straightforward. The moisture that promotes mold  
12 growth can come from a leaking roof, leaking pipe or  
13 another apartment. The most persistent cases often  
14 result from condensation that isn't being properly  
15 evacuated by the ventilation system. If the source  
16 or sources are not identified, the mold will probably  
17 come back. Once the source is identified the  
18 correction can sometimes involve costly repairs to  
19 address it or full capital replacements and the  
20 funding for that may not be fully available. To  
21 overcome these challenges, we are developing a  
22 smarter, more systematic and cost effective approach  
23 to mold, one that is based on data, the latest  
24 research tools and materials so we can provide the  
25 safe, clean and decent homes our residents deserve.

2 I have seen first-hand, including here are Red Hook,  
3 some of the mold conditions our residents have  
4 reported. We owe it to our residents to do a better  
5 job in addressing these conditions and we are  
6 committed to doing just that. We have developed new  
7 timelines for completed mold related work orders and  
8 we have produced daily reports to assess our progress  
9 in meeting them. We identified three common issues  
10 related to mold at our development beyond those  
11 requiring major capital repairs: the malfunctioning  
12 of roof fans, missing pipe insulation and toilets  
13 with excessive condensation. We are addressing those  
14 issues with preventive maintenance protocols that we  
15 developed or are in the process of developing. For  
16 instance, we issued guidance to staff on when to  
17 install mold resistant pipe insulation. Also, we  
18 will provide every maintenance worker with an  
19 anemometer, a tool that will enable them to determine  
20 whether there are ventilation issues involving a roof  
21 fan or an obstruction. Staff will also begin  
22 inspecting and sealing toilet bases, a common source  
23 of excessive moisture due to condensation. Monthly  
24 building inspections during which rooftop fans are  
25 checked will be tracked digitally ensuring more

1 accountability and transparency in the process. We  
2 now survey residents 60 days after the completion or  
3 mold work orders involving areas greater than 10  
4 square feet and we do quality assurance re-  
5 inspections of a sample of these work orders. Based  
6 on these initial surveys, we found mold was recurring  
7 about a third of the time after repairs were  
8 completed. Last year, the court appointed a special  
9 master to work with us to better identify the sources  
10 of mold at our developments and reduce its  
11 recurrence. Our collaboration with the special  
12 master will continue for at least another year. With  
13 the assistance of the special master, a mold expert,  
14 building systems expert, we developed an aggressive  
15 mold pilot program, Mold Buster, that started May 1,  
16 yesterday. The pilot will enable our staff to become  
17 more in-depth at investigating the source of mold as  
18 well as remediating it. It's five key components,  
19 which are focused on finding and correcting the  
20 source of mold, mark a significant evolution in our  
21 approach. One, new tools. Our staff are being  
22 equipped with new high tech tools that will provide  
23 them with information vital to determine the source  
24 of the excessive moisture which is causing the mold.  
25

2 This includes moisture meters specially designed to  
3 differentiate between condensation moisture which is  
4 related to ventilation and moisture within the wall  
5 that is from a leak or water infiltration. Other  
6 tools are anemometers which measure ventilation,  
7 hydrometers which measure relative humidity and  
8 borescopes which provide a less invasive view into  
9 the wall. We have brought some of the tools if you  
10 would like to see how they work later. Finding the  
11 right source or sources of excessive moisture is the  
12 first step to correcting the underlying condition  
13 causing the mold. Two, new materials. We are  
14 testing a mold inhibiting paint in some of our  
15 toughest mold cases related to shower condensation  
16 and ventilation where we often see mold recurrence.  
17 Three, new strategies. All of this vital information  
18 is being recorded in a new inspection format designed  
19 with the mold experts and enhanced by our IT staff.  
20 This new format is on staff's handheld and it guides  
21 them through recording the information and then  
22 choosing the next step and remediation methods all  
23 with system guided checks along the way. In the end,  
24 this produces a documented project plan with  
25 information that can be passing along to each craft



1 involved in completing the work. Four, new training.  
2 Our staff received new enhanced mold assessment and  
3 remediation training through eight hours of classroom  
4 training plus a hands on field training day at each  
5 development. In addition to training the  
6 superintendents and assistant superintendents, we  
7 included skilled trades representatives so they can  
8 learn the new remediation methods alongside the staff  
9 who would be directing them. And five, new  
10 accountability. The new protocol requires photos  
11 taken of the area involved from the first word order  
12 to the last at each step and new craft involved  
13 providing a documented remediation plan.  
14 Additionally, after all the work is completed, the  
15 superintendent or assistant superintendent is then  
16 required to complete a follow-up inspection  
17 certifying that the work was done and also  
18 documenting it with a photo. The ten management  
19 sites for the pilot encompassing 38 developments were  
20 chosen by a Columbia University professor and  
21 research professional who was assisting NYCHA with  
22 evaluating the result. The locations were randomly  
23 selected by the research professional to ensure a  
24 representative sample of the following variables:  
25

2 development age, number of mold work orders,  
3 recurrence, the management type and also mechanical  
4 ventilation versus window ventilation. As I  
5 mentioned the pilot officially kicked off this month,  
6 yesterday. It will continue for a year in part  
7 because the mold expert and special master would like  
8 us to analyze how seasonal changes affect mold  
9 recurrence and remediation including the mold  
10 inhibiting paint. We will review the results with  
11 the special master, The Columbia University  
12 researcher and mold expert and get staff feedback  
13 throughout the duration of the pilot so that we can  
14 refine the program, thank you, so that we can refine  
15 the program before it is rolled out to all of our  
16 developments starting next year. We will also  
17 conduct follow-up and quality assurance observations  
18 during the pilot to ensure proper use of the tools  
19 and adherence to the new protocols. With this new  
20 program, which is efficient as well as thorough, we  
21 expect to see a significant reduction in mold  
22 recurrence at the pilot site. Staff will become  
23 better mold source investigators and our process to  
24 combat and remediate mold would become more  
25 methodical and effective. The program will also

2 improve the overall health of our buildings and  
3 potentially prevent future mold sources from taking  
4 hold. But, we want to get this right. The pilot  
5 provides the opportunity to make sure that what we  
6 designed will work. While the pilot will run for a  
7 year, this does not necessarily mean we will wait for  
8 a year to implement the new protocol in part or in  
9 whole. We intend to establish an improved and tested  
10 program as quickly as possible in consultation with  
11 the special master. As part of the mold pilot  
12 evolution into an authority-wide program, all  
13 relevant staff will be trained on the new mold  
14 assessment and remediation protocols and will be  
15 equipped with the new instrument. Additionally, we  
16 are conducting a business process review of our skill  
17 trade. Again, we cannot overstate the connection  
18 between capital funding, residents' quality of life  
19 and the long-term preservation of our properties.  
20 Fortunately, the Mayor and City Council understand  
21 this relationship and the implications of  
22 insufficient federal funding. Mayor de Blasio  
23 recently increased his investment in our roof  
24 replacement campaign to a total of 1.3 billion over  
25 ten years so we can attack one of the most egregious

capital sources of mold at more than 950 of the most deteriorated roofs in our portfolio to the benefit of 175,000 residents. So far, we have already repaired nearly 70 roofs with this unprecedented support. And, just last week, the Mayor committed an additional \$355 million toward façade repair which will help eliminate leaks that create favorable conditions for the mold. We hope that HUD Secretary Dr. Carson, who has spoken about the connection between housing and health, will help ensure that public housing gets the federal investment it needs to support healthy communities. We would also like to comment today on Introduction #978A, a bill that proposes requiring licensing for mold abatement, assessment and remediation work. We are in the midst of working with the special master to develop a new program that will address the unique challenges that NYCHA faces in regard to mold. This bill focuses on cleaning mold rather than getting at its source. Our new approach of going after the source of mold systematically and with accountability is the most effective way to truly tackle the problem. To reduce recurrence, NYCHA must direct its limited resources on the sources of mold and the bill impedes rather

1 than aides this work. It would up end our efforts to  
2 combat mold in the quickest and most cost effective  
3 manner, negatively impacting our residents and our  
4 organization. Furthermore, one, the bill would slow  
5 down NYCHA's efforts to address mold quickly by  
6 requiring the filing of work plans with DEP at least  
7 14 days before work commences so we would not be able  
8 to start addressing mold, even clean it, until 14  
9 days after a complaint is made. Two, licensing  
10 requirements will lead to increased dependence on  
11 third-party vendors to perform mold related work  
12 which will increase NYCHA's cost at a time when it is  
13 least able to absorb them. Third, NYCHA will be  
14 prevented from utilizing its employees in the most  
15 flexible and efficient manner because of the strict  
16 division between assessment and remediation and four,  
17 the bill defines mold projects as anything greater  
18 than four square feet so the requirements would be  
19 applicable for even very small projects. In sum,  
20 this bill would add time and cost to our mold  
21 eradication efforts hampering rather than aiding our  
22 work and delaying resolution for residents. It only  
23 addresses the surface not the source. We believe  
24 that the best way forward is our new mold program  
25

2 which equips staff with the tools, training and  
3 procedures needed to make a real difference for our  
4 residents and enables us to deploy our limited staff  
5 more efficiently and effectively. The safety and  
6 well-being of residents is our top priority and we  
7 are committed to creating safe, clean communities.  
8 With Next Generation NYCHA as our guide, we are  
9 working to become a better landlord by operating more  
10 efficiently despite limited resources. Our new mold  
11 program is just one of the examples we are making  
12 under Chair Olatoye's vision for a strong, modern  
13 organization that delivers better service to  
14 residents. By addressing mold at its source and  
15 reducing recurrence, we will improve the quality of  
16 life of residents and the health of our buildings and  
17 we will free our staff to address other vital  
18 building issues but it must be reiterated that there  
19 is a direct correlation between federal government  
20 disinvestment and public health. Quite simply,  
21 public housing requires more capital funding to  
22 preserve its building and provide the quality of life  
23 that residents deserve. Thank you for your support  
24 as we navigate challenging, uncertain times with  
25 Washington threatening even more brutal funding cuts

2 to public housing rather than providing the  
3 investment it needs. Thank you. We are happy to  
4 answer any question you may have. As for now, I am  
5 going to turn this over to Michael Gilsman (SP) to  
6 provide testimony for DEP.

7 CHAIRPERSON ??: Before you do, I want to  
8 acknowledge that we have been joined by the Majority  
9 Leader Jimmy Van Bramer. You may proceed

10 MICHAEL GILSMAN: Good morning Chairman  
11 Torres, Chairman Constantinides, members of the  
12 Public Housing and Environmental Protection  
13 Committee. I am Michael Gilsman (SP), Assistant  
14 Commissioner of the Bureau of Environmental  
15 Compliance at the New York City Department of  
16 Environmental Protection, DEP. Thank you for the  
17 opportunity to testify on Introduction 970A. As you  
18 know, DEP's mission is to protect public health and  
19 environment by supplying clean drinking water,  
20 collecting and treating waste water and reducing air  
21 noise and hazardous materials pollution. Intro 970A  
22 proposes to establish a licensing program within DEP  
23 for mold abatement, assessment and remediation work.  
24 While DEP has extensive experience with air and noise  
25 pollution as well as asbestos, we have no experience

2 with regulation or enforcement with regard to mold  
3 nor is mold included in our charter mandates. It  
4 might be assumed that DEP is the correct agency to  
5 implement such a licensing program because we oversee  
6 asbestos abatement in the city and license asbestos  
7 handlers, asbestos handlers' supervisors and certify  
8 asbestos investigators who are private contractors.  
9 However, there are significant distinctions between  
10 asbestos and mold that militate against the idea of  
11 establishing an analogous program for the licensing  
12 of individuals who will perform mold assessment,  
13 abatement and removal services. Moreover, as  
14 mentioned, regulation of mold is not included in  
15 DEP's charter mandated powers or duties. Thank you  
16 for the opportunity to testify and we are here to  
17 answer questions.

18 CHAIRPERSON ??: I am so struck by your  
19 testimony that I am actually going to start with you,  
20 Michael. Does every environmental hazard that your  
21 agency regulates is specifically mentioned in the  
22 charter?

23 MICHAEL GILSMAN (SP?): I believe so.

24

25



2 CHAIRPERSON ??: So in your mind,  
3 regulation of mold would not fall within the domain  
4 of environmental protection.

5 MICHAEL GILSMAN (SP?): That's my  
6 understanding.

7 CHAIRPERSON ??: So you feel like mold --  
8 the position of your agency is that mold has nothing  
9 to do with environmental protection?

10 MICHAEL GILSMAN (SP?): For us to enforce  
11 or to institute a program, we are just not -- we  
12 don't have the expertise --

13 CHAIRPERSON ??: But I imagine at one  
14 point in your history you did not have the expertise  
15 to implement a program relating to lead and asbestos  
16 but overtime you developed that expertise, you  
17 develop institutional memory?

18 MICHAEL GILSMAN (SP?): I would say yes.

19 CHAIRPERSON ??: So it could be -- if  
20 there was true for asbestos and lead it could be for  
21 mold?

22 MICHAEL GILSMAN (SP?): Correct, but at  
23 this time, I want to point out, we just don't have  
24 the expertise to handle mold.

2 CHAIRPERSON ??: I just find that to be a  
3 notion that mold has nothing to do with your core  
4 mission of environmental protection is probably one  
5 of the most absurd statements I have ever heard. I  
6 have a question for NYCHA. Do you agree that  
7 asbestos is a public health hazard?

8 UNIDENTIFIED SPEAKER: Yes, good morning  
9 and thank you for the opportunity speaking here this  
10 morning. Yes, absolutely.

11 CHAIRPERSON ??: And since it is a public  
12 health hazard, should it be removed by a licensed  
13 professional? Would you agree with that?

14 UNIDENTIFIED SPEAKER: The asbestos is  
15 being removed by a licensed professional in this city  
16 and in this state.

17 CHAIRPERSON ??: And should that be the  
18 case in your opinion regardless of what the law  
19 provides?

20 UNIDENTIFIED SPEAKER: For asbestos?

21 CHAIRPERSON ??: Yeah.

22 UNIDENTIFIED SPEAKER: Yes.

23 CHAIRPERSON ??: And what about lead,  
24 would you regard lead as a public health hazard?

25 UNIDENTIFIED SPEAKER: Yes, I would.

2 CHAIRPERSON ??: And as a public health  
3 hazard, should it be removed be a licensed  
4 professional?

5 UNIDENTIFIED SPEAKER: Yes. Yes, I  
6 agree.

7 CHAIRPERSON ??: And what about mold, do  
8 you regard mold as a public health hazard?

9 UNIDENTIFIED SPEAKER: I do, I do.  
10 Absolutely.

11 CHAIRPERSON ??: And as a public health  
12 hazard, should mold be removed by a licensed  
13 professional?

14 UNIDENTIFIED SPEAKER: I believe that it  
15 should be removed by folks that have been trained and  
16 educated in the removal and handling of mold, folks  
17 that are aware of potential health hazards and how to  
18 properly protect the work area.

19 CHAIRPERSON ??: But I guess but what -  
20 so you gave a different answer. By what standard  
21 does it make sense to have a licensed professional  
22 remove lead and asbestos but not mold. Why is mold  
23 different in your case?

24 UNIDENTIFIED SPEAKER: So, you know, mold  
25 is something that is very common. It is something

2 that is common throughout the environment, something  
3 that is in folk's homes. It is much more prevalent  
4 than certainly, you know, asbestos or lead. Asbestos  
5 is going to be in certain building components based  
6 on certain areas built for definitive amount of time.  
7 There is a finite amount of the material. The lead  
8 is the same issue. Mold is much more dynamic and I  
9 think to certainly put in a bureaucratic process for  
10 this could certainly uh, hum, you know, uh, uh,  
11 hamstring the process and drive up --

12 CHAIRPERSON ??: But that could be said  
13 of any form of abatement is that anytime you impose  
14 regulations you are impeding the process but the  
15 point of regulations is to ensure quality control. I  
16 imagine we license lead abatement and asbestos  
17 abatement because we have concerns about the public  
18 health hazards that might result from lead exposure  
19 and asbestos exposure so why not apply that logic to  
20 mold? Do you not share the concerns that many of us  
21 have about --

22 UNIDENTIFIED SPEAKER: I --

23 CHAIRPERSON ??: Let me finish my  
24 question, please.

25 UNIDENTIFIED SPEAKER: Sure. Absolutely.

2 CHAIRPERSON ??: -- about the public  
3 health hazards that might result from mold exposure?

4 UNIDENTIFIED SPEAKER: First off, we take  
5 mold, you know, very seriously. You know, we are  
6 committed to identifying and remediating it wherever  
7 it is within our, within our, uhm, buildings,  
8 anywhere on our properties. We are committed, you  
9 know, to training our staff to perform this work.

10 CHAIRPERSON ??: Right. I am asking you  
11 about the public health hazards associated with mold  
12 exposure. What are those hazards in your opinion to  
13 your knowledge?

14 FEMALE: Chris might be more --

15 CHAIRPERSON ??: I actually want to hear  
16 -- I want to know if NYCHA has expertise on the  
17 public health hazard associated with mold exposure.

18 UNIDENTIFIED SPEAKER: Sure. Let me just  
19 tell you a little bit about my background. The -- I  
20 was actually, uh, uh, one of the commenters on the  
21 original Department of Health Guidelines on mold  
22 remediation and all the subsequent, all the  
23 subsequent, uh, uh, versions. My education is in  
24 biology. I am well aware of the potential health  
25 effects of mold, uh, which is, you know, categorized

2 as an allergen and certainly can impact, uh, the  
3 health of folks that are sensitive to mold.

4 CHAIRPERSON ??: And so what are the  
5 health effects?

6 UNIDENTIFIED SPEAKER: The potential  
7 health effects can be, uhm, respiratory, uhm, you  
8 know, condition, can certainly exacerbate, uh, you  
9 know, asthma, you know.

10 CHAIRPERSON ??: Anything else beyond  
11 asthma?

12 UNIDENTIFIED SPEAKER: Those are, those  
13 are, you know, the primary, you know, there are  
14 other, uhm, respiratory type illnesses. Some folks  
15 can actually have a reaction on their skin, uhm, you  
16 know, to the spores. It all depends upon the  
17 individual.

18 CHAIRPERSON ??: So asthma, allergic  
19 reactions?

20 UNIDENTIFIED SPEAKER: Yes.

21 CHAIRPERSON ??: For the  
22 immunocompromised you could have opportunistic  
23 infections?

24 UNIDENTIFIED SPEAKER: Yes.

25

2 CHAIRPERSON ??: Those are not matters to  
3 be taken lightly --

4 UNIDENTIFIED SPEAKER: And we don't.

5 CHAIRPERSON ??: -- and as you know that  
6 asthma is disproportionately higher in public housing  
7 and in the Bronx than it is elsewhere in the city.  
8 Do you consider mold removal a skilled trade in the  
9 same sense that you would consider asbestos abatement  
10 or lead abatement?

11 UNIDENTIFIED SPEAKER: The, uh, -- what  
12 we do is we follow the Department of Health, you  
13 know, Guidelines, you know, for mold, you know,  
14 remediation and we use, you know, staff that are  
15 trained in the removal of it, uh, you know, of it as  
16 it, uh, pertains as a skilled trade, uh, the skilled  
17 trades are more used to really, uh, to correct the  
18 root causes of the mold growth but the remediation,  
19 the actual removal of the, of the mold, you know,  
20 uhm, is done by a janitorial staff.

21 CHAIRPERSON ??: So you do not regard it  
22 as a skilled trade?

23 UNIDENTIFIED SPEAKER: We do not regard  
24 it as a skilled trade.

2 CHAIRPERSON ??: How about if I would  
3 argue to you that mold removal is a skilled trade to  
4 the extent that improper removal of mold could  
5 actually create public health hazards?

6 UNIDENTIFIED SPEAKER: So as I said,  
7 folks, you know, that, uh, are trained on removing  
8 mold and we follow the Department of Health  
9 Guidelines for protecting not only the residents, the  
10 occupants of the apartment if we were removing it in  
11 there, as well as the staff who are removing the mold  
12 are properly, you know, protected. I mean we are  
13 committed to protecting to protecting the health and  
14 safety of our residents, you know, you know, a  
15 hundred percent and if folks are, uh, properly  
16 trained on it we believe that they can remove it  
17 properly, uh, the really technical work gets into the  
18 actual correction of the root cause.

19 CHAIRPERSON ??: Even though mold is a  
20 public health hazard, NYCHA's position is that mold  
21 removal is not a skilled trade and that mold is not  
22 so hazardous that it needs to be removed by a  
23 licensed professional. To your knowledge, what are  
24 the dangers that might arise from improper removal of  
25 mold?



2 UNIDENTIFIED SPEAKER: So just as I had  
3 talked about before, I mean, there could be -- one is  
4 the mold could come back. Two, more mold spores  
5 could be spread outside of the, you know, the work  
6 area and -- but as I said, this isn't just anybody  
7 removing the mold. This is folks that have been  
8 actually trained on, uh, the proper mold removal, you  
9 know, procedures, you know, as per, you know, the  
10 Department of Health Guidelines.

11 CHAIRPERSON ??: Are you familiar with  
12 the -- what kind of equipment do your employees wear  
13 when conducting mold removal?

14 UNIDENTIFIED SPEAKER: So the, uh, uh,  
15 you know, typically the would have eye protection,  
16 you know, gloves, uh, the, uh, you know, depending  
17 upon the level of mold, uh, the Department of Health  
18 has it, you know, broken out into three different  
19 ranges: one to ten square feet, greater than ten  
20 square feet to a hundred square feet and then 100  
21 square feet and greater. Each of those requires, you  
22 know, a different level of, you know, protection so  
23 depending upon what is being removed, impacted would  
24 really dictate, uh, the, you know, personal

2 protective equipment as well as the preparation of  
3 the area.

4 CHAIRPERSON ??: And so for minimum  
5 cases, what kind of equipment are your employees  
6 wearing?

7 UNIDENTIFIED SPEAKER: So, uh, they would  
8 be wearing a N95 dust mask, uh, the eye protection,  
9 uh, you know, gloves, they can -- Tyvek suit.

10 CHAIRPERSON ??: And what about unlimited  
11 cases?

12 UNIDENTIFIED SPEAKER: Excuse me?

13 CHAIRPERSON ??: What about unlimited  
14 cases?

15 UNIDENTIFIED SPEAKER: So that's, that's  
16 on the base cases.

17 CHAIRPERSON ??: And full cases?

18 UNIDENTIFIED SPEAKER: Full cases, uh,  
19 the personal protective equipment is uh, uh, is, uh,  
20 uh, uh, very similar, you know, however, uh, we can  
21 use, you know, HEPA vacs to help evacuate the air out  
22 of the work area. Now when removing mold do you  
23 typically remove a piece of the wall where the mold  
24 might be located?

25

2 UNIDENTIFIED SPEAKER: So the, the mold  
3 removal techniques will depend upon what surface is  
4 being impacted. So, for example, you know,  
5 sheetrock. We do have some buildings that do have  
6 sheetrock. If they are water damaged, that  
7 particular area and a certain number, certain amount  
8 outside that area that is water damaged will be, you  
9 know, will be removed completely and then that piece  
10 would be replaced after we have corrected what the  
11 water source was for that. For other locations, we  
12 also have, you know, plaster, uh, it would be  
13 visibly, you know, removed, uh, with a detergent, uh,  
14 if there is still, you know, staining left behind we  
15 would scrape the surface, uh, and, you know, and  
16 remove it. If the plaster is water damaged, so it  
17 has been structural compromised then we would remove  
18 that area of plaster that has been damaged so. On  
19 concrete slab --

20 CHAIRPERSON ??: Let's assume in cases  
21 where there's no water damage but there is mold that  
22 is growing on the wall.

23 UNIDENTIFIED SPEAKER: So there would be  
24 a, you know, there would be a surface removal of the,

2 of the mold that is growing on that, uh, growing on  
3 the surface.

4 CHAIRPERSON ??: Do you remove a piece of  
5 the wall?

6 UNIDENTIFIED SPEAKER: No, no, the wall  
7 is not removed. It would be the visible mold would  
8 be removed as --

9 CHAIRPERSON ??: But apart from the  
10 visible mold there is often invisible mold behind the  
11 wall?

12 UNIDENTIFIED SPEAKER: Yeah.

13 CHAIRPERSON ??: So how do you get to the  
14 invisible mold?

15 UNIDENTIFIED SPEAKER: So the, the -- we  
16 are removing the visible mold as per the Department  
17 of Health, you know, --

18 CHAIRPERSON ??: What about the invisible  
19 mold? There is often mold behind the wall or behind  
20 the insulation.

21 UNIDENTIFIED SPEAKER: Well it's not --  
22 so the, so the thing about plaster for that minute is  
23 inorganic material. I don't want to get too  
24 technical on you but the mold requires organic matter  
25 to feed on. The, the mold will grow into the paint

2 surface but actually won't, uh, you know, won't eat  
3 the plaster.

4 CHAIRPERSON ??: And who at NYCHA was the  
5 architect of Mold Busters? I'm curious.

6 SERINE RASSI CAMANI (SP?): NYCHA  
7 themselves, ourselves, were not the architect solely  
8 on Mold Busters. It was a program we developed  
9 jointly with the special master, with a mold expert  
10 that was hired by the special master who was  
11 originally hired by the Baez plaintiffs and we worked  
12 then also with the Baez plaintiffs to develop new  
13 mold protocol that is now being piloted under Mold  
14 Busters.

15 CHAIRPERSON ??: Does NYCHA have an in-  
16 house expert on mold?

17 SERINE RASSI CAMANI (SP?): We used an  
18 outside source that is certified industrial --

19 CHAIRPERSON ??: I'm asking a different -  
20 - I'm asking whether you have an in-house expert on  
21 mold?

22 SERINE RASSI CAMANI (SP?): We do have  
23 multiple experts, uh, but we did choose an outside  
24 source to --

2 CHAIRPERSON ??: So who in the Housing  
3 Authority is your chief expert on mold?

4 UNIDENTIFIED SPEAKER: So, uh, certainly,  
5 uh, uh, I'm knowledgeable in mold. I would, you  
6 know, considered, uh, one of our in-house experts,  
7 have a background in industrial hygiene, worked as an  
8 environmental consultant prior to coming to NYCHA.  
9 We also have other staff that have a similar  
10 background in industrial hygiene, uh, uh, who worked  
11 in the private sector prior to, you know, coming to  
12 NYCHA. We also have, uh, architects in our design  
13 department as well as, uh, professional engineers, uh  
14 so we have a lot of in-house sources that can help us  
15 with, you know, the various issues, you know,  
16 associated with mold.

17 CHAIRPERSON ??: So as someone with some  
18 expertise on mold, are you familiar with the various  
19 categories of mold and the health hazards associated  
20 with each one?

21 UNIDENTIFIED SPEAKER: Can you just, uh,  
22 explain what you mean by categories of mold?

23 CHAIRPERSON ??: Well my understanding is  
24 that mold comes in multiple forms and some forms are

2 more hazardous than others. Is that your  
3 understanding as well?

4 UNIDENTIFIED SPEAKER: So the rule of  
5 thumb with mold is if you see it you remove it and  
6 then you determine what caused it to grow, uh, and  
7 you remove it as quickly as possible and as  
8 effectively as possible and we are, you know,  
9 committed to doing that.

10 CHAIRPERSON ??: I have a question about  
11 the lawsuit for the general counsel. My  
12 understanding, what I find frustrating, is that NYCHA  
13 comes to us not with a new policy but with the pilot  
14 program after four years of non-compliance with a  
15 consent decree. Back in December of 2013, you were,  
16 I believe, you agreed to make enhanced efforts to  
17 remove mold as part of a federal court order and two  
18 years later a federal judge found that you were non-  
19 compliant, right, this judge said that NYCHA has been  
20 out of compliance with the consent decree from the  
21 day it has entered by this court, NYCHA's  
22 justification for its failure to comply are  
23 inadequate and the attitude of NYCHA officials  
24 appears to be one of indifference. Those are the  
25 words of a federal judge so it has been four years

2 since the Housing Authority has been out of  
3 compliance with the consent decree. It has been two  
4 years since a federal judge's critique of your  
5 agency's failure to comply with the decree and the  
6 best that NYCHA could produce four years later is a  
7 consent decree. Could you understand why we are  
8 frustrated?

9           DAVID FARBER: I certainly appreciate  
10 your comments. We are committed to facing our  
11 challenges so the challenges we are facing right now  
12 is that there was a lawsuit. While we disagreed with  
13 interpretation or language around the original  
14 consent decree that is moved now to federal court.  
15 The judge has made a decision and his decision was  
16 that he appointed a special master and he tasked the  
17 special master with identifying, investigating the  
18 issues in the case and working with NYCHA and experts  
19 and the plaintiffs to identify specific remedial  
20 measures in order to implement solutions so now we  
21 really -- we're looking forward. We are committed to  
22 facing the issues now, to working and what we are  
23 doing now is it is under the auspices of the special  
24 master. He is the one guiding the process. He is



2 the one who is indicating what the path forward is  
3 for us.

4 CHAIRPERSON ??: But I imagine that the  
5 special masters imposes a floor not a ceiling where  
6 he can't limit what you can do in relation to  
7 multiple -- it is frustrating because NYCHA will  
8 often boast that we are fundamentally changing how  
9 the Authority operates. How does creating -- how  
10 does taking four years to create a pilot program on  
11 mold fit into any reasonable definition of  
12 fundamentally changing the operations of the Housing  
13 Authority?

14 DAVID FARBER: So the special master was  
15 appointed in early 2016 so we've been working with  
16 him for about a year. We have discussed with him  
17 this issue that you raised that we need NYCHA wide  
18 improvements but he also believes -- he believes that  
19 doing a pilot program is the way to properly address  
20 these issues. It is important to get it right. I  
21 think our experience so far is that while we believe  
22 that we did make progress after the 2014 consent  
23 decree, we believe we made progress, we believe that  
24 we were addressing mold more quickly that we were  
25 doing a better job but I think where we are now is we

2 realize we need to make substantially more progress.  
3 The special master believes the way to do that is to  
4 do a pilot program where you make sure that you get  
5 it right, you learn, you implement measures, you  
6 follow them carefully, you get data, you talk to  
7 staff and then when you know you get it right, that's  
8 when you take the measures to expand it NYCHA wide.  
9 In the meantime, we are undertaking measures on a  
10 NYCHA wide basis that will improve how we are dealing  
11 with mold even before the pilot gets to an end and  
12 Serine can talk about that.

13 SERINE RASSI CAMANI (SP?): I would also  
14 like to state that right after I believe it was after  
15 2014 there was a new mold procedure that was put in  
16 place. We did make changes to our work orders to be  
17 able to collect additional information and our staff  
18 did go through a training that was developed in  
19 partnership with Ryker's University and Hunter's  
20 College, very similar to the state training. So they  
21 went through that type of training. We did also  
22 impose the seven day and 15 day standards as Mr.  
23 Edwards spoke of earlier that seven days on average  
24 for a simple work order, 15 days on average for a  
25 complex work order and as he also testified to that

2 we are in compliance of that on average. So there  
3 have been improvements but one of the things that was  
4 also addressed by the earlier panel and that we spoke  
5 of in the testimony is the issue of recurrence and  
6 cleaning the mold. If you don't find what that  
7 source is and you don't make a correction to that  
8 source, that mold is going to come back. Our staff is  
9 going to be back in there cleaning it again. The  
10 residents are going to experience it again and so  
11 that is really a focus of this new pilot is finding  
12 the source.

13 CHAIRPERSON ??: I think we all agree  
14 that there is value in identifying the underlying  
15 conditions that drive the reoccurrence of mold. I  
16 notice that your pilot includes all these diagnostic  
17 tools, right?

18 SERINE RASSI CAMANI (SP?): Yes.

19 CHAIRPERSON ??: Why limit it to only  
20 those employees? Why not provide every single one of  
21 your employees with the tools necessary for  
22 diagnosing the underlying causes of mold? We know  
23 that those tools work so why not provide it to every  
24 employee?

2 SERINE RASSI CAMANI (SP?): As I  
3 mentioned earlier in the testimony, the anemometers  
4 which do measure the cubic feet per minute from  
5 ventilation systems that is something that we will be  
6 providing to every maintenance worker that will  
7 assist with ventilation issues but this is a actually  
8 a package pilot project that all of these pieces  
9 working together is really what we see --

10 CHAIRPERSON ??: I am not asking about  
11 the package. I'm asking about the tools that enable  
12 you to more reliably identify the underlying  
13 condition behind mold. If those tools can work in  
14 these -- what are the number of developments you're  
15 piloting? 38? Wouldn't that apply to all upward of  
16 300 developments in NYCHA?

17 SERINE RASSI CAMANI (SP?): There is  
18 actually a process that goes along with those tools  
19 though.

20 CHAIRPERSON ??: I'm not asking about the  
21 process, I'm asking about the use of those tools.

22 SERINE RASSI CAMANI (SP?): To just be  
23 able to hand out tools to staff without the procedure  
24 behind it, without the proper training behind it --

2 CHAIRPERSON ??: Are you in a position to  
3 train every one of your employees in the use of those  
4 diagnostic tools?

5 SERINE RASSI CAMANI (SP?): We will be  
6 preparing to be in that position.

7 CHAIRPERSON ??: And what prevents you  
8 from doing it as soon as possible?

9 SERINE RASSI CAMANI (SP?): As we  
10 mentioned, the pilot is something that we want to be  
11 able to focus on, make sure that it works before we  
12 roll this out. We have already rolled out a training  
13 --

14 [cross talk]

15 CHAIRPERSON ??: The point of a pilot is  
16 not to show that these tools work. We know that  
17 these tools work. So, why not equip every one of  
18 your employees with these tools and training in the  
19 use of those tools? It seems to me there are pieces  
20 of your new process that you can scale up immediately  
21 without waiting for the whole pilot to complete  
22 itself.

23 SERINE RASSI CAMANI (SP?): And yes, as we  
24 mentioned in testimony, that we don't want to wait  
25 for the full year as a pilot but there are results

2 that we do want to measure and in consultation with  
3 the special master if we can roll this out in parts  
4 or in whole then we will before that year is up.

5 CHAIRPERSON ??: Sure we have results, we  
6 just don't need to measure the effectiveness of these  
7 tools because we know these tools work. I am  
8 repeating myself. I will, for the sake of time, I am  
9 going to hand it over to Council Member  
10 Constantinides.

11 CHAIRPERSON CONSTANTINIDES: Just quickly  
12 for DEP. Is asbestos or lead written into the city  
13 charter that you must remediate them?

14 MICHAEL GILSMAN (SP): I don't know if  
15 it's in the charter but it is certainly in our rules  
16 and regulations.

17 CHAIRPERSON CONSTANTINIDES: So it's not  
18 in the charter but you --

19 MICHAEL GILSMAN (SP): I'm not -- I --

20 CHAIRPERSON CONSTANTINIDES: I have the  
21 charter and it doesn't so I'm you a question I know  
22 the answer to.

23 MICHAEL GILSMAN (SP): I don't know the  
24 answer to that. I'm

25 [cross talk]

2 CHAIRPERSON CONSTANTINIDES: -- and yet  
3 DEP has to do it because it is a matter of public  
4 health so it just gleans that mold should be part of  
5 that protocol, correct?

6 MICHAEL GILSMAN (SP): Like I said, we  
7 certainly -- we are -- appreciate the intent. DEP is  
8 just concerned that we don't have the expertise to  
9 fulfill the requirements --

10 CHAIRPERSON CONSTANTINIDES: So who would  
11 have those expertise?

12 MICHAEL GILSMAN (SP): I am not an expert  
13 in mold. I have no idea who would have those --

14 CHAIRPERSON CONSTANTINIDES: Is there  
15 someone there at the table who wants to take  
16 responsibility for mold? No? So basically we are  
17 doing this like the scarecrow in Wizard of Oz? We're  
18 pointing in two different directions and -- I just  
19 trying to get a sense of the testimony here who  
20 thinks they should be responsible for mold?

21 [off mic talk]

22 SERINE RASSI CAMANI (SP?): We are  
23 responsible for mold.

24 CHAIRPERSON CONSTANTINIDES: At NYCHA?

25 SERINE RASSI CAMANI (SP?): At NYCHA.

2 CHAIRPERSON CONSTANTINIDES: But DEP  
3 should have no role? City-wide, all right. So  
4 moving on. For NYCHA, how long does it typically  
5 take to abate mold in NYCHA apartments?

6 UNIDENTIFIED SPEAKER: Our average is  
7 less than seven days to respond and remove mold.

8 CHAIRPERSON CONSTANTINIDES: And what is  
9 that -- how long -- when you say remove mold, what  
10 does that mean? Full remediation?

11 UNIDENTIFIED SPEAKER: So yeah. If I can  
12 take the opportunity to kind of clarify our process  
13 but when a resident calls in to our call center or  
14 can create a work order off on online off of MyNYCHA  
15 app or if we during our apartment inspections find  
16 mold within the apartment, a work order is created.  
17 We respond to that work order within seven days. A  
18 supervisor goes with maintenance team, up to the  
19 apartment. The supervisor is tasked with determining  
20 with what is really causing, what is the moisture  
21 source for the mold, why is it growing while the  
22 maintenance staff or janitorial staff is there to  
23 remove, you know, to remove the mold.

24 CHAIRPERSON CONSTANTINIDES: If someone  
25 is doing a lot of these things in the pilot now,



2 looking to scale up from the pilot, taking pictures I  
3 don't see that as part of the regular processes of  
4 NYCHA. Why aren't pictures, and I said this to you  
5 privately so I will ask you that same question  
6 publically because you didn't answer my question, why  
7 is not documenting these conditions through pictures  
8 currently part of NYCHA processes?

9 UNIDENTIFIED SPEAKER: So as part of our  
10 current procedure, we do take photos when we don't  
11 find mold. However, based on your suggestion we are  
12 taking that under consideration to modify our  
13 procedures to include pictures of whatever we find  
14 when we go to the apartment.

15 CHAIRPERSON CONSTANTINIDES: Just for  
16 quality control, would it make sense to take pictures  
17 all the way through, here's the mold, here's how we  
18 removed it, here's three months from now that we know  
19 it was actually removed; just have this documented  
20 evidence? It's a good thing to have.

21 UNIDENTIFIED SPEAKER: Yeah, Chair. Yes,  
22 we agree this is something that you put on the table  
23 and we think it is a good idea to consider so we will  
24 follow-up with you on that and see if we can expand  
25 that to beyond.

2 CHAIRPERSON CONSTANTINIDES: I think we  
3 should definitely expand it, right? I think we want  
4 to make sure. As far as recurrences, what sort of  
5 inspections are we making? You want to jump in  
6 there.

7 UNIDENTIFIED SPEAKER: I apologize for  
8 interrupting your chain of -- train of thought. I  
9 just want to point out that the asbestos regulations  
10 are under the air code in the charter. I just wanted  
11 to make that clear for the record. It came to me  
12 after we were speaking.

13 CHAIRPERSON CONSTANTINIDES: I appreciate  
14 that. Thank you. I know the legal counsel is  
15 raising his hand. You good? All right. So  
16 recurrence? So how are we making sure we are  
17 currently keeping it, you said about one-third,  
18 right, in your testimony? So what can we do to make  
19 sure that we get that down to zero? How do we keep  
20 mold from recurring?

21 SERINE RASSI CAMANI (SP?): That is a  
22 large part of this pilot. It is focusing staff on  
23 finding that source and providing them the tools and  
24 the inspection strategy to be able to do that. SO

2 finding the source is what we believe is going to  
3 reduce that number on recurrence.

4 CHAIRPERSON CONSTANTINIDES: I heard you  
5 say earlier that part of the current process is  
6 looking for that source so what is different between  
7 now and then, the pilot and before?

8 SERINE RASSI CAMANI (SP?): Well, having  
9 the tools, something that can distinguish between  
10 condensation and a leak to direct staff, something  
11 that actually measures, an instrument that actually  
12 measures how well that ventilation system is working  
13 so those are a few things and what is really  
14 essential is designing the inspection protocol that  
15 we have so you can give somebody new instruments and  
16 then can, you know, oh look what this does, let's  
17 measure something but using that in the systematic  
18 approach that we design in consultation with the mold  
19 experts is a real key to being able to find the  
20 source. It actually walks them through very  
21 strategic measurements through the room when they are  
22 responding to a mold case and they will then also  
23 indicate specifically what their next steps are and  
24 how they are going to remediate that condition.

2 CHAIRPERSON CONSTANTINIDES: How long  
3 does it take to train workers to get that done?

4 SERINE RASSI CAMANI (SP?): As I  
5 mentioned in the testimony, there is eight hours of  
6 classroom training for each staff person and then  
7 there is a day of training at the development. That  
8 was done for the pilot program and we will receive  
9 feedback from staff to make sure that we are  
10 developing the best training program when we go to  
11 roll this out across NYCHA.

12 CHAIRPERSON CONSTANTINIDES: And so just  
13 to sort of reiterate what my colleague has said.  
14 Wouldn't doing that training and getting the tools in  
15 the hands of those using it make the most sense now  
16 and maybe some of the other protocols be something we  
17 can look at to the future but getting tools and  
18 getting training for those tools up front be a good  
19 use of time and resources for NYCHA to utilize?

20 SERINE RASSI CAMANI (SP?): Well with the  
21 pilot we really want to be able to focus on getting  
22 it right before we start to use the effort and  
23 expense and time to be able to roll something out in  
24 part with none of that feedback.

2 CHAIRPERSON CONSTANTINIDES: Okay.

3 Doctors use stethoscopes; they don't need a pilot  
4 program to tell them that's a good idea, right? That  
5 just doesn't make any sense but I will move forward  
6 from that and turn this over back to my colleague and  
7 Chair, Council Member Torres.

8 CHAIRPERSON TORRES: Actually our next  
9 questioner is our host Council Member Carlos  
10 Menchaca.

11 COUNCIL MEMBER MENCHACA: Thank you.  
12 Thank you to the Chairs. Before I start my questions  
13 to the agencies, I want to say thank you to all who  
14 are here today. Each of you represent such an  
15 important part of this bigger conversation whether  
16 you are a worker, whether you're a resident, whether  
17 you are part of an organization, all of you are part  
18 of the final and next step to remediating mold which  
19 brings us a real opportunity here and I will ask on  
20 behalf of the Red Hook community to come back to Red  
21 Hook and have a deeper conversation in a Town Hall  
22 style, the complexity of this information is so deep  
23 and important to get a full understanding from non-  
24 experts and scientist, the folks that are what you  
25 all as the agencies so I will be making a very public

2 ask right now, will you all as agencies, even DEP,  
3 [inaudible 01:56:52] table, whether you agree or not  
4 that you are responsible for mold, you need to be at  
5 the table in a very real way, will these agencies  
6 come back and have a conversation with us in a Town  
7 Hall style where we can have real direct information  
8 and understanding of the issue?

9 SERINE RASSI CAMANI (SP?): That is  
10 something we will definitely have to discuss and we  
11 will definitely get back to you.

12 COUNCIL MEMBER MENCHACA: Great. Thank  
13 you. That was a request made publically and I want  
14 to make sure everybody knows that we are going to  
15 follow-up with you all to bring you back and have a  
16 large conversation. The first question, where I  
17 wanted to start my Q&A, and I want to thank the  
18 Chairs for really digging deep. I want to add a  
19 couple pieces to the Q&A that revolve around  
20 Department of Investigation Report from 2015 that  
21 talked about -- actually, what did that report talk  
22 about? The Department of Investigation gave a  
23 report, can you highlight the top two or three things  
24 they reported back to you.

2 UNIDENTIFIED SPEAKER: One piece was  
3 reoccurrence. Another piece was recommendation to  
4 clean our ventilations system. Another piece was the  
5 response to floods and water that had gotten  
6 different responses in that, you know, in that area.

7 COUNCIL MEMBER MENCHACA: So I will  
8 highlight one of those pieces because we can talk a  
9 long time about all those pieces and maybe in the  
10 Town Hall we can go in deeper. Ventilation is one of  
11 those places where nobody would think mold would grow  
12 in ventilation areas. How have you responded to that  
13 and really how have you connected and integrated a  
14 ventilation concept and issue with your current Mold  
15 Buster Program that you have right now?

16 UNIDENTIFIED SPEAKER: What I can do is  
17 comment about our current protocol and then Serine  
18 can explain how the next steps that we are taking  
19 with the pilot program. So part of us, part of NYCHA  
20 in revising our, you know, our mold procedure in our  
21 latest version was issued after that report includes  
22 within the work order different questions to ask the  
23 staff that are responding and a lot of those focus  
24 on, you know, ventilation. When you look at the root  
25 causes for mold in a lot of our apartments,

2 ventilation in one of the major issues. It can be  
3 something as simple as a window, trouble with window  
4 balances and the windows blowing open, right? It can  
5 be dirty vent grill, you know, clogged impeding the  
6 air from going through. It could also be that the  
7 roof fan is out of order and then sometimes, you  
8 know, residents do cover it up because they are  
9 concerned with odors and sometimes insects they claim  
10 are coming into the apartment through the ducts. So  
11 that is part of our protocol now is to go in there  
12 and take a look. We also check regarding ventilation  
13 to see if there is clearance under the bathroom door  
14 so that we can get airflow from that area as well.  
15 The vent cleaning piece was something that we took  
16 under consideration. It is extremely costly for vent  
17 cleaning and this is the entire system. This is the,  
18 you know, the branch piping as well as the horizontal  
19 run and there is a question of really the efficacy of  
20 that cleaning if there is really is a uh, uh a return  
21 on the investment.

22 COUNCIL MEMBER MENCHACH: And if we hand  
23 it over to Serine, the Department of Investigation  
24 report also asked for a recommended alternative  
25 funding streams to deals with some of these issues.



2 How has that impacted your process about bringing  
3 more and seeking new funding streams to deal with  
4 these issues.

5 BRIAN CLARK: We are all fund or we are  
6 all for different -- any avenue that can bring  
7 funding into our agency. The -- whether it is  
8 through federal funding, grants, you know, city,  
9 city, city funding and then we have our, you know,  
10 the, the fund for, you know, -- what's that?

11 [off mic]

12 BRIAN CLARK: Yeah, and then we have the  
13 fund for public housing which was established in  
14 raising funding for, you know, for NYCHA and I think  
15 we have just had our one year anniversary. Is that -  
16 David? Yeah. And we just had our one year  
17 anniversary for the fund for public housing so folks  
18 that want to give money to public housing certainly  
19 go to our website and see the fund for public housing  
20 and follow-up in that area. I will turn it over to  
21 Serine to explain.

22 SERINE RASSI CAMANI (SP?): Thank you,  
23 Brian. Yes, definitely with ventilation there were a  
24 few things that I mentioned that I will go over  
25 again. One of the things that we are doing and that

2 we're looking to improve on is the building  
3 inspections that are done monthly are currently done  
4 on paper and, you know, NYCHA moving forward to be a  
5 more modern, efficient organization, we are going to  
6 change that process to a digital process because we  
7 want to make sure that we are able to monitor  
8 building fan inspections and that also gives a lot  
9 more accountability in the process when you have that  
10 type of central monitoring going on here at NYCHA.  
11 Additionally, -- I'm sorry, did you want to ask a  
12 question?

13 COUNCIL MEMBER MENCHACA: Can I just jump  
14 right into another set of questions on digital  
15 reporting?

16 SERINE RASSI CAMANI (SP?): Sure.

17 COUNCIL MEMBER MENCHACH: Sounds like you  
18 have already started some of the new reporting  
19 digitally so you can get the word out, not only  
20 internally so everyone can see in real-time  
21 information but there are Baez and other  
22 requirements, requirements to get information  
23 digitally out to people quarterly. Where are those  
24 reports and have you submitted them at all to the  
25 City Council before now? There are requirements for

2 quarterly reports, have you submitted those  
3 publically? Are those public documents?

4 SERINE RASSI CAMANI (SP?): Yes. The  
5 quarterly reports for the Baez Case are submitted to  
6 the court.

7 COUNCIL MEMBER MENCHACH: Is that  
8 something that the Committee can get access to those  
9 reports?

10 UNIDENTIFIED SPEAKER: Yes. Those, those  
11 are public documents. They are submitted to the  
12 court. I think to date we submit them only to the  
13 court but they are available.

14 COUNCIL MEMBER MENCHACH: These monthly  
15 reports you just spoke to Serine, will they be part  
16 of the package of information that we can all look  
17 at? This is part of the accountability and  
18 transparency that I think all of us are asking for  
19 right now. Is that all part of the same document of  
20 reports?

21 SERINE RASSI CAMANI (SP?): I'm sorry,  
22 the monthly reports, just to clarify, the monthly  
23 reports that I was talking about are specific to  
24 development inspection reports. When they -- so in  
25 line with our apartment inspections, each development

2 does a monthly building inspection so it, it would be  
3 something that we are going to put into our work  
4 order system.

5 COUNCIL MEMBER MENCHACH: Okay. So I'll  
6 move on. We are going to follow-up on the  
7 transparency piece and getting as much information as  
8 possible. This will be helpful for Town Halls that  
9 you will be asked to do in the future. So now I'm  
10 going to go over to the timeframes that are related  
11 to response on simple mold cases and more capital  
12 investment required cases. What is your policy right  
13 now to deal with an issue as you walk into an  
14 apartment and some of these photos represent certain  
15 cases that you actually might be familiar with.  
16 These are some the most severe cases that you see.  
17 You walk in, you see an issue. One of them takes you  
18 down a path of major capital construction and the  
19 other doesn't. What is your timeline and response  
20 and what is the current NYCHA policy?

21 SERINE RASSI CAMANI (SP?): Brian, you  
22 want to speak to that?

23 BRIAN CLARK: Sure. So the, you know,  
24 certainly we've, we've, you know, we've laid out of  
25 capital challenges and the needs of the agency but we

2 are not going to throw up our arms and quit. We  
3 can't and we won't. Though it may be frustrating to  
4 our residents and certainly to our staff, we are  
5 going to go out, let's say for example, if the  
6 contributor, you know, the water source was from a  
7 plumbing infrastructure that has passed its useful  
8 life and it -- we're having multiple leaks, we are  
9 going to go out, make the repairs, you know, to that  
10 system, fix that leak at that point in time.  
11 Unfortunately, somewhere within that system we could  
12 have another leak a week later, two weeks later, a  
13 month later. The smart thing is to replace the  
14 entire system but we don't have the funding to do  
15 that. So what we have to do is replace where the  
16 problem is and remove it. Our current protocol, as  
17 explained before, if a resident feels they have mold  
18 in their apartment they can call into our call  
19 center, put in a work order request for mold online  
20 or through their smartphone if they have the MyNYCHA  
21 app which can be downloaded for free. We really  
22 encourage folks to please call this information in or  
23 make the work orders online, very important that we  
24 get that, you know, get that information. I know  
25 that folks that have multiple problems in their

2 apartments are frustrated but we can't fix it if we  
3 don't know about it. So really please encourage your  
4 constituents to please call that-- get that  
5 information in.

6 COUNCIL MEMBER MENCHACH: Everyone just  
7 heard that here but I want to come back to the  
8 reporting piece but before I leave that I just want  
9 to finish the final kind of concept of the economic  
10 impact. I think that we would like to see NYCHA work  
11 on an economic impact of when you make a decision of  
12 not to invest in a capital improvement and then are  
13 required to return with staff to deal with an issue  
14 that is reoccurring or spending x amount of dollars  
15 on a reoccurring issues.

16 BRIAN CLARK: Yes.

17 COUNCIL MEMBER MENCHACH: And when does is  
18 to get more expensive to figure out a reoccurring  
19 issue rather than making the initial investment in  
20 the first place. I mean that is an important piece  
21 that I think we need to know when NYCHA is making a  
22 decision and whether or not it's even aware of the  
23 decision that are being made and the economic impact  
24 that it has. So it would be great to get your  
25 response to that and how we can work together to

2 figure out what is actually happening on the ground  
3 with decisions that are being made on reoccurring  
4 issues versus a capital program or capital need that  
5 is too big?

6 SERINE RASSI CAMANI (SP?): I would like  
7 to ask a colleague to come to the table, Deborah?

8 COUNCIL MEMBER MENCHACH: We are going to  
9 have to swear you in. Just raise your hand.

10 [OATH ADMINISTERED]

11 COUNCIL MEMBER MENCHACH: Thank you.  
12 Please introduce yourself.

13 DEBORAH GODDARD: I am Deborah Goddard,  
14 Executive Vice-President Capital Projects. I want to  
15 mention that one of the things that we take into  
16 account as we prioritize our capital work are the  
17 work order tickets and skill trade tickets as a way  
18 of prioritizing where we have to go first.

19 COUNCIL MEMBER MENCHACH: So you are  
20 prioritizing -- I want to get this correct.

21 DEBORAH GODDARD: Sure.

22 COUNCIL MEMBER MENCHACH: So this is --  
23 you are prioritizing based on the number of tickets  
24 you get per job order.

2 DEBORAH GODDARD: Yeah, and let me pull  
3 back a little bit. The first thing that we are doing  
4 and this goes to a lot of the issues on root causes.  
5 We are doing our roofs and the skin, the bricks,  
6 right, seal the building before you put money into  
7 the building, right? And then we are going to  
8 systems like the piping, like the boilers. In terms  
9 of prioritizing the expenses, the investments across  
10 our portfolio that is when part of what we are going  
11 to take into account are the skilled work tickets and  
12 the mold tickets as well as what we know from our  
13 physical needs assessment.

14 COUNCIL MEMBER MENCHACH: And how do you  
15 define a mold ticket? I have a couple questions  
16 after that but I just want to start there.

17 DEBORAH GODDARD: This is not my -- that  
18 is not my -- except they are marked that way.

19 COUNCIL MEMBER MENCHACH: By whom? Who  
20 marks that?

21 UNIDENTIFIED SPEAKER: Sorry, this is a  
22 little awkward. So if someone calls in and says they  
23 have --

24 [cross talk]



2 COUNCIL MEMBER MENCHACH: -- can we get  
3 another chair for them, please?

4 UNIDENTIFIED SPEAKER: -- it is -- if we  
5 have -- if a resident observes visible mold growth in  
6 their apartment or they think it is visible mold  
7 growth, that creates a work order. If we are doing  
8 an apartment inspection and we see mold, we will  
9 create a mold work order. Okay? We have a -- I  
10 don't want to bore you with the details but it is  
11 categorized as a mold work order.

12 COUNCIL MEMBER MENCHACH: These are very  
13 important details but I want to jump into, I want to  
14 jump into the next two categories of questions and  
15 then I will hand it back to the Chair but what I  
16 think is important about the complexity of this issue  
17 is that there are some people that believe, not just  
18 in Red Hook, but across the system that there is no  
19 mold issue, that there is no problem with mold and it  
20 is either based out of separation of understanding  
21 about what us actually happening and right now you  
22 are relying on people in their apartments to know  
23 exactly what is happening that have a bathroom issue,  
24 have an issue that they might not even know that  
25 there is mold growing behind the walls and you're

2 expecting people to report something that they might  
3 not see but get impacted health wise. So back to a  
4 sense of reporting, you have an issue of separation  
5 of awareness which is why a Town Hall would be so  
6 important for us to understand what it is and inform  
7 people because you are putting a lot of  
8 responsibility on the residents. Two, people have  
9 lost so much faith. I am seeing people shake their  
10 heads right now as they report that you're dealing  
11 with a seven day to 15 day response, going in and  
12 taking care of issues, people are so disillusioned  
13 right now about what you just testified upon and  
14 that's real. That is something that we as council  
15 members understand very, very closely because we are  
16 the ones that are taking these cases and elevating  
17 them with our residents and local organizations and  
18 so there is -- just like any agency, the NYPD for  
19 example, when people stop reporting crimes, crime  
20 deceptively goes down in communities when actually  
21 crime is going up. The community has lost trust with  
22 the agency and that is what has been trying to  
23 elevate in this hearing right now.

24 SERINE RASSI CAMANI (SP?): I definitely  
25 agree with that. What you are pointing to there is

2 really something why we are so focused on the pilot  
3 and getting this right because if a resident feels  
4 they have called NYCHA before in the past and we  
5 haven't responded in a way that they found  
6 satisfactory that we want to be able to demonstrate  
7 the improvement and focusing on the pilot making sure  
8 that we get it right before we roll it out across  
9 NYCHA. I believe that that is one of the best ways  
10 to let residents know that we are serious, we are  
11 focused on what NYCHA can do and we are focused on  
12 getting this right. If we do that, put that focus  
13 there, get it right in the pilot before we start to  
14 roll this out everywhere that is something that can  
15 really help residents see that NYCHA is very serious,  
16 they tested this, it works and we can expect this in  
17 our community soon.

18 COUNCIL MEMBER MENCHACH: All I have to  
19 say is you have a deficit of trust that is so deep  
20 right now with our community members that is real and  
21 so and just for folks that live in Red Hook, this  
22 pilot is not coming to Red Hook. This pilot is not  
23 coming Red Hook and so we are really relying on you  
24 right now to deal with and this is my next question.  
25 Red Hook initiative and residents came together and

2 put a report together, a survey. I mentioned that in  
3 my opening remarks. How did that impact your  
4 relationship to Red Hook and what are we expecting  
5 and what can you report from that survey?

6 SERINE RASSI CAMANI (SP?): We definitely  
7 appreciate working with Red Hook initiative since  
8 that report. I don't know if they reached out to us  
9 or we reached out to them but we have been working  
10 since that report. We've met with them. We've been  
11 here. I've been out here on-site along with  
12 yourself, Council Member, and to be able to go in and  
13 see some of the individual cases so we went out here  
14 firsthand to see some of the individual cases. We  
15 followed up on some more that Red Hook initiative has  
16 made us aware of and we have continued that  
17 partnership with Red Hook initiative and we hoped to  
18 continue it. One of the valuable things that the can  
19 continue to report to us and that they can do to help  
20 support this initiative is to encourage residents to  
21 report mold so they have actually become a conduit  
22 between us and that community, working with them and  
23 saying please, I implore you to every council member  
24 up on that table too, if your resident lives in NYCHA  
25 housing and they have mold, please tell them to

2 report it. Whatever their experience was in the  
3 past, please tell them, encourage them to report it  
4 and that is something that I do look forward to  
5 continuing to work with Red Hook initiative on that  
6 type of resident engagement but as I stated before,  
7 one of the best things we can do overall for NYCHA is  
8 focus on getting this right in the pilot, focus on  
9 finding the source of mold and reducing reoccurrence  
10 and rolling that out across NYCHA as soon as  
11 possible.

12 COUNCIL MEMBER MENCHACH: So my final set  
13 of questions is about -- well actually I want to ask  
14 a pointed question to anybody on this table. Are any  
15 of you licensed right now to deal with mold, a  
16 licensed mold remediation person on this table? Is  
17 anybody licensed right now to work with mold?

18 CHRIS D'ANDREA: Hi, this is Chris  
19 D'Andrea from the Health Department. While I don't  
20 have a specific license, I am a certified industrial  
21 hygienist and I am the editor of the City's Mold  
22 Assessment Remediation Guidelines.

23 COUNCIL MEMBER MENCHACH: And you are  
24 Department of Health?

2 CHRIS D'ANDREA: That's right. So I  
3 would be as close as you could be to being certified  
4 but I don't have that specific certification.

5 COUNCIL MEMBER MENCHACH: What about  
6 Department of -- NYCHA? Anybody from NYCHA certified  
7 to remediate mold?

8 UNIDENTIFIED SPEAKER: Similar to Chris,  
9 I have a background in industrial hygiene and a  
10 degree in biology.

11 COUNCIL MEMBER MENCHACH: I just want to  
12 note that for the record that I think you get close  
13 to it but nobody is certified to deal with mold at  
14 this point. So here is where I'm going to go to next  
15 on a set of questions that are about workers and  
16 protecting workers across this entire system. I know  
17 we have Local 78 and others that are going to be  
18 talking to that but this is an important piece as  
19 testified by the doctor who really understands that  
20 this is, this is -- we are dealing with something  
21 that can attach to our body, inside our body, on top  
22 of our clothes and as we walk across our day, mold  
23 spores can leave our person and promulgate elsewhere.  
24 This is how toxic and how vulnerable people are and  
25 so this is kind of the next set of questions. Are

2 you actually preparing any workers that are dealing  
3 with this because at this point you have two  
4 different streams, you have folks who are going to go  
5 in and do assessment and you have folks that are  
6 going to go in and remediate and so we are -- and  
7 then you have the folks that are in the house  
8 sometimes and some folks are going to testify to the  
9 fact that folks that come in and deal with mold, come  
10 in and deal with mold, while a child and a  
11 grandmother are in another room hanging out at the  
12 same time. This is stuff that happens. This is  
13 stuff that is happening right now even if you are  
14 testifying against that. So talk to us a little bit  
15 how that is not only going to change but this is part  
16 of the bill that we are trying to finalize to make  
17 sure that everyone is protected and that it is  
18 working on the mold process.

19 SERINE RASSI CAMANI (SP?): Brian, would  
20 you like to speak to the current procedure?

21 BRIAN CLARK: I don't know, Chris, if you  
22 just wanted to provide some background real quick.

23 CHRIS D'ANDREA: I would like to do that.  
24 Yeah, I haven't had much of an opportunity to speak  
25 so I would like to give a little background since

2 there's been a lot of discussion. A couple of things.  
3 One, with regards to types of mold, we would caution  
4 against looking at specific types of mold. In our  
5 opinion all mold growth, can potentially be  
6 allergenic and can produce toxins. So what we want  
7 to do is look at mold in general because it is all  
8 bad, if you will, okay? Secondly, I would say with  
9 regards to the point about asbestos, lead and mold.  
10 Mold is different. Mold is different because not  
11 only is it a living organisms but it does commonly  
12 occur in people's homes and when we wrote the  
13 guidelines on how to address mold problems we were  
14 aware that while we were addressing it to building  
15 owners and managers and workers who would be doing  
16 this kind of work more regularly, we also are aware  
17 that people just in regular house maintenance have to  
18 deal with mold in their bathrooms. Yes, Council  
19 Member Torres?

20 CHAIRPERSON TORRES: [Inaudible 02:19:10  
21 off mic]. There we go. You keep mentioning that  
22 mold is common. Common does not mean safe. That  
23 asthma is common.

24 [cross talk]

25



2 CHAIRPERSON TORRES: Mold, you right, is  
3 common. Common things can be hazardous.

4 CHRIS D'ANDREA: Yes, absolutely. I  
5 don't want to -- let me be clear, what we have and  
6 what the city health department guidelines recommend  
7 is as you have more mold, you need to take different  
8 actions to remove it. We recommend that if you have  
9 extensive mold problems that you seriously consider  
10 or get professional help to deal with that. But, if  
11 you are cleaning your tub basin we are not asking a  
12 housekeeper to get a professional remediator to scrub  
13 a shower basin for example. So we have to look at it  
14 in degrees with mold as opposed to something like  
15 asbestos.

16 COUNCIL MEMBER MENCHACA: We need this  
17 mic up. Thank you. So I think this is what is making  
18 this very difficult to land at this point is that the  
19 variety of DOH recommendations here but we still have  
20 a kind of capital construction deficit here and I am  
21 going to end with questions about safety. How are we  
22 ensuring that the workers that are now as of  
23 yesterday out doing mold busting in people's  
24 apartments right now are protecting themselves as  
25 workers because at this point I have only heard

2 supervisors and assistant supervisors are being  
3 trained to do this work. These are people who did  
4 not choose to do this. This is, this is, you're  
5 tapping current staff. There is no new staff.  
6 You're not bringing a workforce in to do this work,  
7 you're taking it out of your own staffing and  
8 deputizing people to take care of a very, very  
9 dangerous situation and the protocols to ensure that  
10 the home is safe. Once you disturb the mold, the  
11 mold will be airborne, go into the ventilation, which  
12 is why I asked about ventilation, this is critical  
13 and like lead, it took a while for communities to get  
14 to a point where lead was an issue and public policy  
15 responded, asbestos is the same situation and so this  
16 is the kind of critical path to figuring out how we  
17 solve this in a situation where there is a funding  
18 gap, how do we prioritize it and make sure that as we  
19 are prioritizing it we are keeping everyone safe?

20 UNIDENTIFIED SPEAKER: Thank you. Yes, I  
21 agree with that. I want to point out that with mold  
22 unlike lead or asbestos, we are exposed sometimes to  
23 very high levels just in our ambient environment.  
24 People can have allergic response to mold just be

2 being outdoors say in the fall when levels can be  
3 very high so there are some differences here.

4 COUNCIL MEMBER MENCHACA: But it should  
5 not happen in our apartments, in our home, and we  
6 have a responsibility as the City of New York --

7 UNIDENTIFIED SPEAKER: I agree 100  
8 percent --

9 COUNCIL MEMBER MENCHACA: -- and NYCHA --

10 UNIDENTIFIED SPEAKER: -- mold growth  
11 indoors is inappropriate and needs to be addressed.

12 UNIDENTIFIED SPEAKER: Just regarding the  
13 training so our caretaker, our janitorial staff, as  
14 part of their on-boarding process all go through mold  
15 remediation training which includes health effects of  
16 mold and tech peaks for removing mold and how to  
17 protect the work area. The supervisors of the  
18 caretakers as well receive this training and for the  
19 large jobs for level three, we actually use licensed  
20 lead abatement workers who are familiar with the  
21 containment procedures that are required for when we  
22 do lead abatement so we use them for the jobs that  
23 are over 100 square feet.

24

25

2 COUNCIL MEMBER MENCHACA: So you are  
3 using people who are already kind of training in  
4 other kind of abatement procedures?

5 UNIDENTIFIED SPEAKER: Correct. For the  
6 large, you know, for the large jobs that Chris  
7 D'Andrea talked --

8 COUNCIL MEMBER MENCHACA: And just to  
9 clarify on the ventilation questions and other areas,  
10 the garbage shoots, are they also part of a kind of  
11 analysis of mold, mold producing areas? Are the  
12 garbage shoots places where mold can grow and is that  
13 something that is on NYCHA's radar right now?

14 UNIDENTIFIED SPEAKER: So, you know, mold  
15 -- there is potential anywhere there is organic  
16 matter, there is a --

17 COUNCIL MEMBER MENCHACA: And moisture.

18 UNIDENTIFIED SPEAKER: Yeah, and there is  
19 a potential for --

20 COUNCIL MEMBER MENCHACA: All that --

21 UNIDENTIFIED SPEAKER: -- and there is  
22 potential for mold growth so if a worker identifies  
23 it within our compactor, you know, systems, uh, uh,  
24 certainly we would follow-up and address it.

2 COUNCIL MEMBER MENCHACA: Final question  
3 on Mold Busters. Does Mold Busters require  
4 assessment of the buildings before you go in and do  
5 the work so are you just responding to tickets? Are  
6 you doing an actual assessment of the building of  
7 whether not the skin, and this is on the capital  
8 side, the skin is it something that you are doing an  
9 assessment building-wide rather than ticket  
10 prioritization that we already know that trust is  
11 down, you're not going to get the reporting.  
12 Reporting is not where you are going to want to look  
13 at. People have lost trust with NYCHA. They are not  
14 reporting mold. Maybe they don't even know what mold  
15 is or when to make it an actual issue. Are  
16 assessments being done right now of the buildings  
17 themselves to understand the fuller kind of building-  
18 wide issue per building?

19 SERINE RASSI CAMANI (SP?): I am going to  
20 turn that over the Deborah to speak about how we do  
21 our capital assessments but the mold investigation  
22 that is going to be done under the Mold Busters  
23 program is specific to responding to a mold work  
24 order so, of course, the staff that is responded to  
25 that is from the development, familiar with the

2 buildings, familiar with the issues that those  
3 buildings are having so they can use that general  
4 knowledge as a part of their response but we are also  
5 focused in the assessment process on providing them  
6 with the tools and the inspection procedure that will  
7 allow them to actually point to what the source is so  
8 it is focused on the source of responding to that  
9 specific mold complaint and if you would like to  
10 understand a little more about the capital assessment  
11 process I will turn that over to Deborah.

12 DEBORAH GODDARD: So in general, apart  
13 from understanding the mold situation, we do a  
14 physical needs assessment every five years. We are  
15 in fact wrapping one up at the end of this calendar  
16 year. We will have our new results so that is done  
17 every five years. That is the typical protocol.

18 COUNCIL MEMBER MENCHACA: Every five  
19 years per building --

20 DEBORAH GODDARD: Everything.

21 COUNCIL MEMBER MENCHACA: -- gets an  
22 assessment?

23 DEBORAH GODDARD: Everything.

24 COUNCIL MEMBER MENCHACA: And that is  
25 public information that we can get?

2 DEBORAH GODDARD: That is public  
3 information. It is on the website. It is roofs,  
4 boilers, doors, the whole nine yards. In addition,  
5 as you know, we are subject to the city's Local Law  
6 11 Program and so we are on the cycle, we have all of  
7 our exteriors inspected as well.

8 COUNCIL MEMBER MENCHACA: Okay. As I  
9 hand it back to the Chair, I want to say for Red  
10 Hook, the way that we are experiencing mold is  
11 compounded by the fact that our temporary boilers  
12 right now, and I want to thank Chair Torres for  
13 taking this seriously, as we both walked the Sandy  
14 impacted Red Hook and saw the boilers that were  
15 pumping moisture and this was food for mold and  
16 that's why we saw such an important moment to raise  
17 the alarm and really kind of push NYCHA to make sure  
18 there was a response. They are the same boilers.  
19 Even though they are Version Two, are still pushing  
20 blunt amounts of heat and moisture into these homes  
21 and some of these pictures, and I think some of  
22 these, I know they have changed but some of them the  
23 high impact mold areas in apartments were caused and  
24 continue to be caused by high amounts of moisture  
25 that can't be regulated right now because we are in

2 temporary boiler situation. That is a real problem  
3 and the fact that Mold Busters isn't part of a Sandy  
4 impacted neighborhood is a huge concern for us and is  
5 going to require a massive amount of attention that  
6 we will bring to you and your doorstep to access.  
7 That is real. I know that there is money coming and  
8 I know that there is a lot of investment on its way  
9 and people need to know that too that the design and  
10 construction of the new buildings are on its way but  
11 it has been such a long time between Sandy and now  
12 and people are getting impacted and there are seniors  
13 right now that have had -- they get -- that have been  
14 diagnosed with asthma that have never had asthma in  
15 the past. That is a health care -- that is a health  
16 crisis, public health crisis and so that is the alarm  
17 we're sending today and I want to thank you and thank  
18 you, Chair. I don't know if you have any response  
19 but I am going to hand it over to the Chair. Thank  
20 you.

21 CHAIRPERSON TORRES: Council Member  
22 Lancman?

23 COUNCIL MEMBER LANCMAN: Thank you. Good  
24 afternoon. So Council Member Constantinides  
25 referenced the City Charter. I just want to make



2 sure that there are no more ambiguity about this and  
3 that DEP does have the authority it needs to be  
4 engaged in this issue in a way that this legislation  
5 is trying to engage it. Mold, you would agree, would  
6 be categorized as an airborne concern? What happens  
7 is the mold spores get into the air? Someone?

8 UNIDENTIFIED SPEAKER: Yes, I would say  
9 largely that is true.

10 COUNCIL MEMBER LANCMAN: Okay. So, I  
11 mean, the charter is very clear in spelling out what  
12 DEP's authority is and, you know, we all have our  
13 smartphones now, Air Resources Control, the  
14 Commissioner of DEP, shall regulate and control the  
15 emission into open air of harmful or objectionable  
16 substances including but not limited to and then it  
17 goes on to enumerate a long list of things. I hope  
18 that we can put to bed the issue that the DEP does  
19 not have the authority within the charter or within  
20 its power to be engaged on this issue. Do you want  
21 to comment on that? Because I don't see in your  
22 testimony where you are citing any basis for not  
23 having that authority.

24 MICHAEL GILSMAN (SP): Let me state that  
25 DEP is very appreciative of the Council's intent. We

2 are all for helping everybody that we can. We just  
3 don't think -- I understand what you are saying and  
4 that is a very broad based comment that can pretty  
5 much cover everything but we just don't think at this  
6 point --

7 COUNCIL MEMBER LANCMAN: Well it can, it  
8 literally can cover --

9 MICHAEL GILSMAN (SP): It can but what we  
10 are saying is that we don't think that, you know,  
11 that, that, the way we are interpreting this that it  
12 is actually purview and we also feel that with the  
13 work that NYCHA has been doing and all is in the  
14 forefront of everything that we could be doing. We  
15 are kind of following along with what NYCHA is doing  
16 because they have done such great work and as you  
17 have said that is a very broad category and we don't  
18 think it is specific to us at this point. We are  
19 having a discussion now.

20 COUNCIL MEMBER LANCMAN: That's okay. I  
21 think that issue is resolved. But the real reason I  
22 have stayed here for an hour plus and missed two  
23 meetings back at 250 Broadway and I am going to be  
24 late for my next hearing is all of us represent  
25 districts and all of this talk comes down to serving

1 real people. I've got a real guy in my district  
2 who's got an issue. His name is Mr. Lamb. He lives  
3 in Shelton Houses which is a senior residence run by  
4 NYCHA. On April 7<sup>th</sup> -- well last year we complained  
5 about mold in his apartment. I happened to be there  
6 on April 7<sup>th</sup> because we are rededicating the senior  
7 center. They took me to his apartment, no change.  
8 We requested with NYCHA that somebody come out and  
9 deal with the mold and the other issues in his  
10 apartment, the pictures are just horrific. No human  
11 being should have to live in an apartment like that  
12 and I hear the testimony that you are giving and I am  
13 sitting here and I am thinking all right, nobody  
14 wants to get up here and talk about the individual  
15 things in their districts. Believe me, my colleagues  
16 are like I got problems in my district but I owe it  
17 to Mr. Lamb to bring it up. I emailed my office,  
18 what is the status of this and here's what I get from  
19 my office: Reached out to NYCHA on April 7<sup>th</sup> and they  
20 sent maintenance to view the damage and scheduled  
21 April 25<sup>th</sup> for doing the repairs. Good. I called  
22 Mr. Lamb just now and maintenance never showed up to  
23 do the work. All of this Mold Busters and everything  
24 else, at the end of the day if you can't get people  
25

2 to show up and do the work it is just talk. So on  
3 behalf of Mr. Lamb, and thank you my colleagues for  
4 indulging me, because I know we all have Mr. Lambs,  
5 but on behalf of Mr. Lamb, can you tell me that Ms.  
6 Camani (SP), that within seven days someone will show  
7 up at Mr. Lamb's apartment and do this work?

8 UNIDENTIFIED SPEAKER: That is, you know,  
9 completely unacceptable and that is not what we are  
10 about. I am responsible for, you know, for  
11 operations and that is not how we want to do  
12 business. We are going to look into that. We are  
13 going to address his issues within the seven days and  
14 we are going to figure out what went wrong and we are  
15 going to fix it and if that means we are going to  
16 have to hold people accountable that's what we are  
17 going to do but that's not what we are about.

18 COUNCIL MEMBER LANCMAN: Thank you. I  
19 look forward to me or my staff being there on that  
20 day so we can all see that something is going to get  
21 done for this guy. Thank you all.

22 CHAIRPERSON TORRES: Council Member  
23 Cumbo?

24 COUNCIL MEMBER CUMBO: Thank you to our  
25 Chairs, thank you for your testimony. I wanted to

2 start off with as Chair Torres brought up, which  
3 group of individuals do you identify as being the  
4 most vulnerable to issues of mold within our NYCHA  
5 developments?

6 UNIDENTIFIED SPEAKER: SO I think it is a  
7 complex question. Certainly people with any  
8 underlying respiratory conditions existing asthma  
9 would be most vulnerable. If people had recent  
10 surgery or immunocompromised or immune compromised  
11 drugs, those people would be the most vulnerable in  
12 my opinion.

13 COUNCIL MEMBER CUMBO: And in the  
14 research I have done, it also states that infants and  
15 newborns are the most susceptible and those  
16 individuals, woman that are carrying a child,  
17 newborns, infants that mold that can be found in the  
18 apartment can do irreparable damage to a child, to an  
19 infant and what has been your understanding in terms  
20 of how NYCHA has addressed those cases specifically  
21 so that if someone calls and they are bringing a  
22 newborn home that have mold within their home, is  
23 there any type of priority that goes to those where  
24 the types of symptoms that are found with mold are  
25 irreparable often for children and babies.

2 UNIDENTIFIED SPEAKER: I can appreciate  
3 the vulnerabilities that infants and pregnant women  
4 or anyone who is under bodily stress if you will  
5 might face with any environmental hazards including  
6 mold. I can't really speak to how NYCHA approaches  
7 that issue and I would have to turn it over to them.

8 COUNCIL MEMBER CUMBO: I want to say in  
9 your pilot program and also in terms of how you  
10 prioritize, you absolutely in terms of how you  
11 prioritize cases and issues of mold we should look at  
12 in terms of everybody deserves to live in a mold free  
13 home. I can't imagine hard days' work and you're  
14 working and coming home but you're coming home to an  
15 environment that makes you sick so you are coming  
16 home every single day to a home that you know is  
17 further exacerbating your situation and making you  
18 sick. I can't imagine going home and thinking about  
19 I want to rest, I want to feel good, I want to have a  
20 good day but now I feel sick but then compounding  
21 that by having a child or a newborn, coming home and  
22 your understanding that the environment that you  
23 placed your child in is making that child sick.  
24 There has to be through NYCHA there has to be the  
25 same way we look at downsizing and we look at who

1 gets to move and who doesn't get to move and you get  
2 a medical -- individuals, I believe, should be  
3 prioritized that have a medical reason as to why mold  
4 would be detrimental to their health. The examples  
5 that you laid out, mothers, those with children,  
6 those with newborns, we have to -- this is a state of  
7 emergency in this case in terms of the health and the  
8 well-being of a child and creating irreparable damage  
9 to a newborn.  
10

11 UNIDENTIFIED SPEAKER: So the -- and we  
12 agree. The health and safety of our residents is our  
13 number one priority. The -- if someone is having a  
14 health issue within their, you know, within their  
15 apartment there can be reasonable accommodations  
16 made, you know, for those and for example if the  
17 apartment, if they feel their apartment is  
18 contributing to their health issues they can file for  
19 a transfer and it receives our highest priority.

20 COUNCIL MEMBER CUMBO: That sounds good  
21 in testimony but in practice when you are a council  
22 member and you're addressing and dealing with issues  
23 of mold and mildew and issues of that, these calls  
24 come in repeatedly month after month after month  
25

2 after month and they are not getting the services  
3 that they need to remedy the issue.

4 UNIDENTIFIED SPEAKER: I agree that we  
5 have to do better and --

6 COUNCIL MEMBER CUMBO: As you see, I'm  
7 not --

8 UNIDENTIFIED SPEAKER: No, I fully, fully  
9 --

10 COUNCIL MEMBER CUMBO: Testimony sounds  
11 great but we have to be realistic that in practice  
12 this is not happening for the residents here.

13 UNIDENTIFIED SPEAKER: We fully  
14 acknowledge that we have to do better and we will do  
15 better and that is why it is so important the things  
16 that we learn from the pilot that we apply NYCHA wide  
17 that we have to get this right. We have too.

18 COUNCIL MEMBER CUMBO: But I think it is  
19 unfair that at the same we have to be real about our  
20 testimony in terms of, you know, you may state that  
21 you have a policy but is the policy actually being  
22 enacted and is it actually being enforced and so what  
23 the individuals, people who have come here today, are  
24 interested in finding out how do we remedy this  
25 because even in understanding in what the policy and



2 procedure here as outlined it says NYCHA must abate  
3 mold and excessive moisture by completing simple  
4 repairs within seven days and complex repairs within  
5 15 days and we know that is not accurate and we know  
6 that is not true and we've got to come away from this  
7 hearing with how do we actually fix and address this  
8 but like it was said you have this experiment that  
9 is, I call it an experiment, that is going to be  
10 going on in 38 developments we need to understand  
11 that while that is going on this policy has to be  
12 adhered to for the health and safety our of NYCHA  
13 residents.

14 UNIDENTIFIED SPEAKER: And we  
15 wholeheartedly agree with that and if you feel there  
16 is an aspect within our policy, so for example  
17 mentioned about reasonable accommodations, if you  
18 feel there has been a situation where we haven't  
19 followed that please bring this to our attention and  
20 we will review it and explain exactly what occurred  
21 there and if it was our fault we will correct it and  
22 we will learn from it to try and prevent it from  
23 happening again. The mold, this is a challenge. It  
24 is an issue. We have discussed our reoccurrence  
25 rate, 30 percent of the time, that is unacceptable

2 and we want to fix that and that's why we are working  
3 towards doing that and I know that is frustrating for  
4 everybody here and for you up there and for us here  
5 but we want to get this right. We do.

6 COUNCIL MEMBER CUMBO: Let me ask you a  
7 question. In terms of Section Three and the ability  
8 to hire residents right from NYCHA in order to be  
9 trained to do this type of work so that NYCHA  
10 residents can be empowered on their own and trained  
11 in order to fix the element issues that are in their  
12 own development and by doing that we address issues  
13 of unemployment, we address issues in terms of  
14 frustration of the removal of the mold and through  
15 time people can continue to get trained in more  
16 complex issues, simple issues, what is the Section  
17 Three policy as it pertains to mold removal in our  
18 NYCHA developments.

19 UNIDENTIFIED SPEAKER: So the majority of  
20 NYCHA staff, our caretaker staff, out actually NYCHA  
21 residents.

22 COUNCIL MEMBER CUMBO: But recognize that  
23 that moto is not sufficient enough to address the  
24 issue. How can we bolster that so we have more

2 residents from NYCHA that are actually addressing the  
3 issue?

4 UNIDENTIFIED SPEAKER: So the, you know,  
5 our staff we have a budgeted headcount and so we  
6 staff to that. That is the constraint that we have.  
7 So the -- right now, for example, we don't have  
8 additional funds to hire additional staff but what I  
9 am saying is that the staff that we do have, the  
10 caretakers that do this work, some of our skilled  
11 trade staff that make the root cause repairs, a good  
12 portion of those are NYCHA residents.

13 COUNCIL MEMBER CUMBO: The capital  
14 funding that was on the council side, excuse me,  
15 administrative side that was put forward for roof  
16 repair so there is going to be a massive rollout of  
17 roof repair. With the roof repair that is going to  
18 be undertaken, is there also going to be a mass mold  
19 removal if issues of air quality, roof leaks, those  
20 sorts of things that create moisture is this also  
21 going to follow part and parcel with a mold removal  
22 and examination of the buildings where the repairs  
23 are being made?

24 UNIDENTIFIED FEMALE SPEAKER: I think in  
25 general we are working hand in hand. The capital

2 plan is aligned with the efforts to address issues of  
3 mold starting with roofs and bricks but in terms of  
4 following a roof job with a specific mold remediation  
5 that is not part of our proposal.

6 COUNCIL MEMBER CUMBO: I think that  
7 should be part of the proposal because if we are  
8 going to invest this amount of money in roof repair,  
9 we should utilize that at same particular time as an  
10 opportunity to also make those homes whole again by  
11 removing mold from those homes at the same time.

12 UNIDENTIFIED FEMALE SPEAKER: I agree  
13 with the concept. I think you can go both ways. A,  
14 we don't want to wait for roofs so we want to respond  
15 more proactively. The other thing is the roof may  
16 not be the root cause so again, to go into every  
17 apartment following a roof job may not be getting at  
18 the root cause which is part of the reason for this  
19 new equipment with the Mold Busters which is to  
20 really identify what is the root cause and as Serine  
21 mentioned much of it is the piping inside the walls  
22 which is sort of the third tier of work we do: roofs  
23 and bricks to seal the building, then mechanical  
24 systems, the boilers and the piping.

2 COUNCIL MEMBER CUMBO: So much of the  
3 information in your testimony that you provided is  
4 about the understanding of where and how mold exists  
5 so it looks like there is going to be a lot of data  
6 and information and understanding but is that  
7 actually going to -- are there resources available as  
8 part of this proposal to actually do something about  
9 it once you find out what the issue is?

10 UNIDENTIFIED FEMALE SPEAKER: Our process  
11 will do more than just identify where the mold is.  
12 It is looking at the underlying source. It is  
13 looking at excessive moisture. So where we do find  
14 the excessive moisture that is causing the mold or  
15 the excessive moisture that maybe didn't cause any  
16 mold but has the potential to cause mold and we will  
17 seek out those sources and they will be corrected.

18 COUNCIL MEMBER CUMBO: And DEP, final  
19 question. So basically in your testimony it sounded  
20 a lot more articulate than my summary of it but my  
21 understanding of those is it is not my issue. Right?  
22 So do you believe that the mold removal should be a  
23 part of the issue of DEP? Do you believe that it  
24 should be or do you believe that it should not be and

2 if you believe that it should be, what are you going  
3 to do about it?

4 MICHAEL GISLMAN (SP): We believe that  
5 the mold issue is an important issue as we have  
6 stated before. However, we just don't believe that  
7 we have the expertise in-house at DEP right now to  
8 address that as it should be. That's what our --  
9 that's what I am trying to say. We just don't have  
10 the --

11 COUNCIL MEMBER CUMBO: Do you think you  
12 should have the expertise?

13 MICHAEL GISLMAN: (SP): We don't believe  
14 that it falls within our purview at this moment.  
15 That's what I'm saying.

16 COUNCIL MEMBER CUMBO: I will have to  
17 remember that kind of answer.

18 MICHAEL GISLMAN (SP): I appreciate that.

19 COUNCIL MEMBER CUMBO: It is unacceptable  
20 and we are talking about the health and well-being of  
21 thousands of people, hundreds of thousands of people  
22 and for you to have the responsibility and be charged  
23 with environmental review and oversight, you should  
24 absolutely recognize that we have a hole and a gap in  
25 our mission as an agency and we need to do everything

2 in our power to acquire that expertise so that we can  
3 remedy this issue. These individuals, they didn't  
4 come here today because they had nothing to do. They  
5 have come here today because they have been living  
6 with mold and all other types issues in their homes  
7 and they are at their final wits with how do I  
8 actually resolve these issues. I have called 311, I  
9 have gotten a complaint number, I've been waiting,  
10 I'm sick, my family is sick. We are here today  
11 because we need answers, we need solutions and for  
12 you to simply come by to say not our issue, don't  
13 have the expertise and don't think we should acquire  
14 the expertise is unacceptable to us as well as  
15 everyone here.

16 MICHAEL GILSMAN (SP): What I am saying  
17 is we appreciate it, we are here because we are as  
18 concerned as everybody but we want to make sure that  
19 it gets placed in the right location and there is a  
20 lot of overarching issues that we discussed here and  
21 that's what we are saying. There is a lot of  
22 overarching issues that need to be discussed and  
23 worked out and DEP at this point is just saying that  
24 we don't think that's with our expertise at this  
25 point in time. That's all we are saying.

2 COUNCIL MEMBER CUMBO: Do you think that  
3 this level of mold were in your home, you would  
4 discover the expertise in order to address it with  
5 your family and your children?

6 MICHAEL GILSMAN (SP): Of course I  
7 would and I am not saying that DEP is not, is not  
8 expounding that we have those concerns. All we are  
9 saying is we just don't think that at this point that  
10 we have the expertise or that it is within the  
11 purview of DEP to be running a licensing program  
12 especially when NYCHA has done such an outstanding  
13 job and has been at the forefront of this with  
14 finding that expertise. That's all I'm saying.

15 COUNCIL MEMBER CUMBO: I think what NYCHA  
16 has said today is that they have not done an  
17 outstanding job and that they feel they can do better  
18 but they are recognizing that they need help, all  
19 hands in deck. All I'm going to do simply by closing  
20 out is by saying is do for your family -- do for our  
21 community in New York City what you would do for your  
22 own family and that is the end of my questions.  
23 Thank you.

24 CHAIRPERSON TORRES: I feel like I am  
25 receiving contradictory testimony because on one hand



2 NYCHA is telling me that mold removal is so simple  
3 that it requires no licensing and should not be  
4 considered a specialized trade and then DEP is  
5 telling me it is so complicated it can't possibly be  
6 part of charter mission. I have a question about the  
7 various types of mold. I take Brian's point that the  
8 rule is if you see mold, remove it. But there are in  
9 fact differences among the various types of molds and  
10 so I have a question about a particular one. It's  
11 Stachybotrys. So where does that rank among the  
12 various kinds of mold? Is that one of the worst or?

13 UNIDENTIFIED SPEAKER: Certainly  
14 Stachybotrys was the mold that kind of things going  
15 in terms of the health department's guidance back in  
16 the 90s but what when I came on in the 90s one of the  
17 things that I looked at was not just Stachybotrys  
18 because yes there are toxic components that can be  
19 produced by Stachybotrys under certain conditions but  
20 that is also true for many other molds and for us to  
21 start to go hey this type mold is worse than this  
22 type, I don't think that is necessarily good public  
23 health policy because one, we don't have the  
24 expertise to start testing all these molds which is  
25 very costly. We will find sometimes that

2 Stachybotrys won't produce a toxin. Does that mean  
3 that it is okay, no, it doesn't because there can  
4 still be allergenic components and we can't ignore  
5 other types of molds that produce --

6 CHAIRPERSON TORRES: I'm not advocating  
7 and in fact I --

8 UNIDENTIFIED SPEAKER: This is where I --  
9 that is why I want to get away from --

10 CHAIRPERSON TORRES: The reason I ask is  
11 that I agree that if you see mold you should remove  
12 it, right, but if you have Stachybotrys tricorum in  
13 your apartment which is the worst kind of mold, maybe  
14 the tenants need medical attention, maybe there needs  
15 to be action that has to be taken beyond mold removal  
16 so I think it matters what kind of mold you have in  
17 the apartment.

18 UNIDENTIFIED SPEAKER: Again, I would  
19 caution about saying the worst type of mold.  
20 Stachybotrys might be bad for a particular person but  
21 Aspergillus might be worse for a different person so  
22 it depends on your personal sensitivity so again I  
23 would caution against characterizing one mold as  
24 worse than another. They are all bad. They all need  
25 to be addressed.

2 CHAIRPERSON TORRES: [Inaudible  
3 02:51:35].

4 UNIDENTIFIED SPEAKER: I would say that  
5 is how we treat them.

6 CHAIRPERSON TORRES: Would you say that  
7 there are some molds that are so hazardous that long-  
8 term exposure to them could do real damage?

9 UNIDENTIFIED SPEAKER: [No audible  
10 response]

11 CHAIRPERSON TORRES: And that the people  
12 who have been exposed for a long period of time  
13 probably should seek some form of medical attention?

14 UNIDENTIFIED SPEAKER: I think that if  
15 you have medical conditions that indicate a problem  
16 of exposure to mold you should see a physician. If  
17 you have mold growth in your home for extensive  
18 periods of time and you suffer from symptoms that  
19 might be related to mold exposure you should see a  
20 physician but more importantly what has to be done is  
21 that condition needs to be corrected and the  
22 underlying condition causing that problem needs to be  
23 corrected in all cases regardless of the kind of  
24 mold.

2 CHAIRPERSON TORRES: I will just wrap up.

3 I don't know if any of my colleagues have any  
4 additional -- first I find DEP's testimony to be  
5 embarrassingly disingenuous and I think Council  
6 Member Lancman put to rest the notion that it is  
7 outside your jurisdiction. Commonsense dictates that  
8 it is within the jurisdiction of your agency but in  
9 fact I will do you a favor. I will, we will revise  
10 the bill to specifically say that mold falls within  
11 the jurisdiction of Department of Environmental  
12 Protection and I believe we can do that without a  
13 referendum because we are not curtailing the power of  
14 an elective office. I am troubled by NYCHA's  
15 position that even though you can see that mold is a  
16 public health hazard you don't regard it as a  
17 specialized trade even though improper removal can  
18 release spores into the atmosphere and exposure to  
19 those spores can cause real damage to people's lives  
20 and to people's health and you don't see it as  
21 something that should be licensed and even though you  
22 have these analytic tools that can be helpful in  
23 identifying the underlying causes of mold you  
24 immediately equip every one of your employees with  
25 the training and tools necessary for properly

1 identifying underlying conditions. I have to be  
2 honest, I am underwhelmed and disappointed with the  
3 progress and the approach that you have taken so far  
4 and I just want to state that for the record. If you  
5 have nothing else to say we will call the --  
6 actually, I do have one more question regarding  
7 roofs. Since you are installing new roofs, have you  
8 done an analysis of whether the buildings that have  
9 new roofs have actually seen a decrease in the number  
10 of mold complaints or mold conditions?  
11

12 UNIDENTIFIED FEMALE SPEAKER: We are  
13 going to be working on that this year and I -- we  
14 have a problem in that we do not -- we are not right  
15 now able to create the causality between instance of  
16 work ticket and the specific capital repair and we  
17 are digging into that now so that we can tie in the  
18 complaints we got, the skill trade tickets we got,  
19 the work orders we got and the specific capital  
20 investment. We cannot do that right now.

21 CHAIRPERSON TORRES: I don't understand  
22 why you couldn't do that. If a building has  
23 dramatically fewer mold complaints after a new roof  
24 than it did before, that would seem to suggest some  
25

2 kind of connection so why can't you make that  
3 determination?

4 UNIDENTIFIED FEMALE SPEAKER: There are a  
5 couple things. One, not every aspect -- not every  
6 apartment with mold is reported, not every mold  
7 complaint is accurate that it was mold but more  
8 importantly --

9 CHAIRPERSON TORRES: That is true all the  
10 time.

11 UNIDENTIFIED FEMALE SPEAKER: -- but we  
12 know that the roof may not have been the root cause,  
13 there may be other things --

14 CHAIRPERSON TORRES: We never know but  
15 if, if, if, if you have dramatically fewer complaints  
16 after a roof replacement then the evidence would seem  
17 to suggest the new roof had something to do with it.

18 UNIDENTIFIED FEMALE SPEAKER: We can make  
19 a generality, yes.

20 CHAIRPERSON TORRES: But you are  
21 testifying here today that the root cause is the lack  
22 of funding for public housing that if we had more  
23 funding for roofs and more funding for bricks that we  
24 could have a real impact in driving down mold in

25

2 public housing but you're not even conducting an  
3 analysis to show that that's actually true.

4 UNIDENTIFIED FEMALE SPEAKER: As I said,  
5 this year that is one of the projects between  
6 operations and capital is to identify the change  
7 between work orders and capital --

8 CHAIRPERSON TORRES: I don't know why  
9 this year. You have been replacing roofs with city  
10 funding for three years. Okay. Thank you very much  
11 for your testimony. I would like to call Pat Purcell  
12 (SP) from ??; Edison from Local 78; Sean Brennan from  
13 Mason Tenders Training Fund; Mark Drusdore (SP) from  
14 CES Training Center. Is Local 78 going to testify  
15 that mold is outside your jurisdiction? Okay. Pat,  
16 you may proceed. We actually in the interest,  
17 because we only have this center for a few hours so  
18 we are going to have to put you on the clock for two  
19 minutes each.

20 PAT PURCELL: No problem. Good  
21 afternoon. My name is Patrick Purcell and I am the  
22 Executive Director of Greater New York LECET. I want  
23 to thank you, obviously Council Member Torres,  
24 Constantinides, all the council members that have  
25 come out and participated today. I am happy to

2 testify here today on behalf of our 15,000 members of  
3 the Mason Tenders District Council and 1500 signatory  
4 contractors on Intro 978A and the importance of  
5 setting licensing and removal standards of mold.

6 Similar to the public health crisis that New York  
7 City saw before the asbestos abatement standards were  
8 established the public is being put increasingly at  
9 risk by high rates of indoor mold throughout our  
10 city. Research from the Institute of Medicine and  
11 Center for Disease Control found evidence linking  
12 indoor mold exposure to upper respiratory tract  
13 issues: coughing, wheezing, asthma and many of the  
14 things you already heard from today. This issue was  
15 further exacerbated by all too common but incorrect  
16 quick fixes of scraping, bleaching or painting over  
17 mold which puts workers performing this work also  
18 increasingly at risk. As New York City continues to  
19 make every effort to ensure New Yorkers are living in  
20 a toxic free city, Intro 978A will complement these  
21 efforts by setting stringent licensing standards that  
22 mandate abatement assessment and remediation  
23 procedures, requires the use of personal protective  
24 equipment for our workers and institute a public  
25 notification process for said mold abatement,



1 assessment and remediation work. Altogether, these  
2 standards will make sure this hazardous microorganism  
3 is properly handled to ensure New Yorkers aren't  
4 continually put at risk when unscrupulous contractors  
5 improperly remove mold. Sure, you go it. They told  
6 me to slow down just so you know. All right. I am  
7 listening to this young lady. With similar  
8 legislation already in affect at the state level,  
9 Intro 978A will also ensure at risk communities, like  
10 the Red Hook houses, and other Superstorm Sandy  
11 affected areas where severe mold infestations aren't  
12 accepted for mold removal standards. Without  
13 properly assessing abating and remediating these  
14 structures, damage from this hazardous microorganism  
15 will become increasingly dangerous for the  
16 individuals and structures alike. Intro 978A  
17 commonsense licensing standards will protect New  
18 Yorkers from this dangerous microorganism and  
19 continue the city's work on protecting your  
20 constituents from hazardous and toxic substances. I  
21 want to thank you again for the opportunity to  
22 testify. I want to thank you especially for the  
23 really amazing effort you have been making over the  
24 last several months and being very aggressive in  
25

2 representing your constituents and the people of this  
3 city on this important issue. And again, on behalf  
4 of the 15,000 members and our 1500 signatory  
5 contractors, I cannot say in any stronger terms how  
6 important it is for us to enact 978.

7           MARK DRUSDORE: Hello, everybody. My  
8 name is Mark Drusdore (SP) and I was invited here  
9 today to speak for my experience and professional  
10 expertise on the subject. I am a licensed mold  
11 professional and in addition to that I am an  
12 instructor and have performed numerous training  
13 sessions for the license that is now required by the  
14 New York State Department of Labor. I can also share  
15 with you that I speak at numerous conferences around  
16 the country and I see my colleagues around the  
17 country and I can't help to compare how things are  
18 done here in New York with other regions and I am  
19 happy to report that the New York City Asbestos  
20 Regulation by far proves to be most effective than  
21 anywhere else I've seen in the country. I hope that  
22 mold legislation is equally effective here in New  
23 York City and I also want to state that there is no  
24 substitute for good training and certification and  
25 licensing to make sure that the individuals do

2 perform what they are expected to perform what they  
3 are expected to perform and if there is no license it  
4 may be difficult to enforce the proper work practices  
5 and as with the license in place I think this is the  
6 purpose is that the individual or the companies not  
7 doing what they are supposed to be doing then their  
8 right to perform their work is revoked. Thank you.

9 SEAN BRENNAN: Good afternoon, Chairman  
10 and the Committee. Thank you for the opportunity to  
11 speak before you today. I have written statement and  
12 am going to just paraphrase what I have written  
13 because it is fairly lengthy. My name is Sean  
14 Brennan. I am the training director for the Mason  
15 Tenders Training Fund. We're the training provider  
16 for asbestos, lead and hazardous waste laborers Local  
17 78 and also construction and building laborers Local  
18 79. I trained the 15,000 members that Pat referred  
19 to earlier in his testimony. I -- while I come here  
20 as the training director, my testimony is not  
21 necessarily all about training. We have trained over  
22 a thousand members in the -- since the state mold  
23 bill was passed last year or the year before last and  
24 enacted last year and in the end it was all for  
25 naught. Those licenses that we provided to those

2 workers would be great if there was a mechanism  
3 within the state law that provided some reporting or  
4 some trigger mechanism to cause a project to begin.  
5 Unfortunately with the Intro 978A, the same problem  
6 exists. As written, there is no mechanism to require  
7 an individual who comes across mold to say hey, we've  
8 got a mold job. I need to be -- I need to fall under  
9 this regulation, I need licensed remediators and  
10 licensed workers to do the work. The problem is  
11 really contained in one definition within the bill.  
12 That is the term project. With the term in the bill,  
13 it is defined -- its definition specifically excludes  
14 and I quote, "routine cleaning, construction,  
15 maintenance, repair or demolition of buildings  
16 structures or fixtures undertaken for the purposes  
17 other than mold remediation or mold abatement." What  
18 that says is if I go in there to do a renovation  
19 project, I pull a piece of sheetrock away from the  
20 wall it is covered with mold on the inside, I'm not  
21 required to notify anyone. I can just take it down.  
22 There is no trigger, there is no mechanism but which  
23 that job becomes a mold abatement job therefore it  
24 doesn't fall under the bill. Thank you.

2 EDISON SEVERINO: Good afternoon, to the  
3 Committee and all present here and thank you for the  
4 opportunity to testify, Council Members. My name is  
5 Edison Severino, I represent the men and women that  
6 are members of Asbestos, Lead and Hazardous Waste  
7 Labor, Local 78. We are the embodiment of the  
8 professional in New York City and we believe that  
9 regulations around the safe removal of toxic  
10 materials and hazardous materials are pivotal not  
11 only for the protection of the public and the  
12 communities but also the workers that perform the  
13 work. When Sandy hit we saw the buildings downtown  
14 utilize professional workers to remove mold, but the  
15 homes around the Rockaways and Red Hook didn't. It  
16 was the Tale of Two Cities. [Inaudible 03:06:55] and  
17 wanted to make sure that the job got done right, hire  
18 environmental contractors that were professional  
19 equipped to remove mold remediation but that wasn't  
20 the case across the city. We work with government  
21 and the state so that a bill could be introduced to  
22 regulate mold in the light of Sandy to make sure that  
23 didn't happen again so that the union and non-union  
24 workers are able to work protected and safely around  
25 mold, removing this hazardous. In the [inaudible

2 03:07:28] special interest headed by the real estate  
3 board and the billionaire tycoons that own the real  
4 estate in the city took a hatchet to the bill.

5 Basically leaving it with no teeth to do what it was  
6 supposed to do. We want to make sure that this time  
7 around this doesn't happen. We want to make sure  
8 that you do the right thing for these workers.

9 Government has an obligation to protect the  
10 communities where they live and also has an  
11 obligation to protect them at work. Government  
12 failed them once with this bill. We want to make  
13 sure that doesn't happen again. When 9/11 happened,  
14 more than 2000 members of Local 78 when descended on  
15 Ground Zero and cleaned all the buildings around the  
16 area. Now the government told us that the air was  
17 clean and we believe that was the case. When we went  
18 into the buildings to do the work, again, [inaudible  
19 03:08:22] but the building owners wanted to make sure  
20 that they protected themselves from liability so  
21 again they hire environmental professionals to do the  
22 cleanup. Our members are protected while doing the  
23 work inside the work area because they were wearing  
24 all the protective gear but when traveling in and out  
25 of the jobsite or eating lunch or during breaks they

2 did not wear any protective gear. Today, they are  
3 the vast majority of the workers. Basically the vast  
4 -- the biggest concentration of any trade in the  
5 months [inaudible 03:08:52] and a lot of our members  
6 are suffering from great illnesses such as cancer and  
7 respiratory disease so we want to make sure that  
8 government failed them once, we want to make sure  
9 that government doesn't fail them again. It is in  
10 your hands to make sure that you do the right things  
11 for these workers that you protect them at work and  
12 also that you protect the communities. We heard  
13 NYCHA here today passing the buck. We saw DEP  
14 passing the buck. We want to make sure that City  
15 Council will boast of having the most liberal mayor  
16 in the country and has council men and women that  
17 come from our communities that look like us that  
18 understand our issues and understand communities that  
19 you protect these workers just as much as you  
20 protecting the communities that you serve and the  
21 people that live in these buildings also for workers  
22 that doing work need protection. We heard NYCHA  
23 today talking about how they send these untrained  
24 workforce to work with [inaudible 03:09:46] removing  
25 mold. That is unacceptable. We want to make sure

2 that you correct these issues to this bill. Thank  
3 you.

4 CHAIRPERSON TORRES: And I should clarify  
5 actually, Edison provided some useful historical  
6 content that the state actually enacted a licensing  
7 scheme for mold removal. The trouble with the state  
8 bill is that it exempts NYCHA, REBNY and RSA which  
9 are the three largest landlords in the state.

10 UNIDENTIFIED SPEAKER: Yeah, it is fair  
11 to say that by the time the state got done with the  
12 mold bill, it took care of everything except mold.

13 CHAIRPERSON TORRES: NYCHA disputes that  
14 mold removal should be regarded as a skilled trade  
15 but I would argue that mold removal should be  
16 regarded as a skilled trade A, because it requires  
17 training and B, because if you carelessly remove mold  
18 you can actually release spores into the atmosphere  
19 and cause a public health hazard. What do you -- how  
20 do you respond to that? What do you make of NYCHA's  
21 claim?

22 UNIDENTIFIED SPEAKER: The claim is  
23 ridiculous, simple as that. When you remove  
24 asbestos, it is done so carefully and so regulated  
25 that we make absolutely certain that no one outside



2 of that containment area is ever going to come in  
3 contact or inhale or ingest any of that asbestos. We  
4 go to great measures to make sure that that doesn't  
5 happen and here we have mold -- it was discussed  
6 about the levels of jobs less than ten square feet,  
7 ten to 100 and 100 and above and an N95 respirator  
8 being required. I would never, never recommend  
9 anyone wear a N95 respirator to do mold abatement.  
10 An N95 respirator so that you all understand is a  
11 paper mask. It is a little heavier paper mask than  
12 you might buy at Home Depot but it is a paper mask  
13 nonetheless. It is required to be fit tested and I  
14 defy anybody to do a proper fit test on a paper mask.  
15 In order to do a fit test, you need a seal around the  
16 face. You're not going to get a full seal around the  
17 face with an N95 respirator. It just doesn't happen.  
18 It is not -- it is not an effective protection for  
19 the worker. The proper protection for a worker in my  
20 estimation is a half face, lasimeric respirator with  
21 P-100 filters. It is the way to do it correctly.  
22 When those spores are released, if the ventilation  
23 system is on, if the ventilation system hasn't been  
24 sealed off whether it's on or not, spores could  
25 infiltrate that ventilation system and then once

2 spores are in there, it finds any kind of moisture,  
3 any kind of damp area and it is going to reproduce  
4 and that's when the mold grows in the HVAC systems.  
5 You may have removed the mold in the wall but now you  
6 placed it up in the ventilation system. If you don't  
7 know what you are doing or even the idea that the  
8 NYCHA workers shouldn't be licensed, well that is  
9 very convenient. If they shouldn't be licensed,  
10 they're not subject to this bill and that is a  
11 problem.

12 CHAIRPERSON TORRES: I want to -- Brian  
13 Clark, who is someone I respect and he is actually a  
14 first rate professional, but Brian said that when  
15 there is mold on the wall, there is no evidence of  
16 water damage NYCHA will simply remove the visible  
17 mold without necessary -- the problem I have with  
18 that is it is almost like an iceberg, right, only the  
19 tip is visible but much of the iceberg is below the  
20 field of perception. I feel like mold operates in  
21 much the same way that there could be plenty of mold  
22 behind the wall. What do you think about NYHCA's  
23 policy?

24 UNIDENTIFIED SPEAKER: I will give you an  
25 example from firsthand experience. Many construction

2 sites, and I used to work in the field, many  
3 construction sites even after the outside skin  
4 whether it was glass or brick or whatever it may be  
5 is applied, when the roof -- if the roof hasn't been  
6 placed on the building yet on a rainy day it is like  
7 it is raining inside the building so things get wet.  
8 One time I was asked because apparently the duct  
9 chaise that had already been enclosed with sheetrock  
10 was the wrong side and needed to be removed. I was  
11 the lucky guy who had to take the sheetrock off.  
12 When I pulled the piece of eight foot tall sheetrock  
13 away from the framing behind it, there was every  
14 color of the rainbow in fuzz on the inside of that  
15 wall from the floor to the ceiling, the entire piece  
16 of sheetrock was covered with mold. Now what kind of  
17 mold, I don't know. Did it look healthy, absolutely  
18 not. But this is what I'm talking about. There was  
19 absolutely -- there was -- we knew it was wet in the  
20 building but none of us had any idea there was that  
21 sort of activity going on inside the wall. This is  
22 not uncommon. It happens all the time. If you see  
23 mold on the inside of a room that is visible to you,  
24 I can pretty much guarantee you it is going to be on  
25 the inside of that wall.

2 CHAIRPERSON TORRES: One of NYCHA's  
3 criticisms of the bill, I want to read from NYCHA's  
4 testimony and then I would be curious to hear your  
5 response. NYCHA claims that the bill would slow down  
6 NYCHA's efforts to address mold quickly by requiring  
7 the filing of work plans with DEP at least 14 days  
8 before work commences so we would not be able to  
9 start addressing mold, even clean it until at least  
10 14 days after a complaint is made. So NYCHA is  
11 claiming that this bill far from expediting the  
12 removal of mold will actually delay it. How do you  
13 respond to that?

14 UNIDENTIFIED SPEAKER: A couple ways. I  
15 think their assumption that at the end of the day we  
16 would pass a bill that would slow down the process of  
17 cleaning up the mold in itself is ridiculous. This  
18 Council, under Speaker Viverito's leadership, under  
19 your leadership, leadership of the council members  
20 here, that is a question of sitting down and looking  
21 and talking to them about it but to think that we  
22 would actually come here together, to put all this  
23 effort in that we've put in for over two years now so  
24 we could slow down the process I think they are  
25 basically trying to find flaws. I think -- what I

1 would say to you is that at the end of the day when I  
2 hear our opponents talk what I'm hearing at the end  
3 of the day always is cost. At the end of the day it  
4 is about money. We understand that. If there was no  
5 cost involved whatsoever, we were here saying that  
6 there is no problem raising the standards, every time  
7 we go in this city to try to bring a license or raise  
8 the standard for what it takes for a worker to do  
9 something, for a worker to be safe, for communities  
10 to be safe, every time we talk about it, it all comes  
11 down to cost. The issue when it comes down to cost  
12 is this, I have seen a City Council that has been  
13 very, very proactive and I commend them for their  
14 efforts to reduce emissions in this city. You have  
15 worked so hard to reduce the exposure of our children  
16 to toxic fumes, to the things that happen in this  
17 city, to what they have and what they deal with and  
18 what they live outside and I commend you greatly for  
19 that but what good does it do if we protect the  
20 outside air for our children but we are not then  
21 protecting the inside air where we send them back  
22 home? As you talk about it, as you have heard the  
23 experts here talk about it, mold is not something  
24 that at the end of the day we can simply wash away.  
25

2 Asthma rates in this city are astronomical despite  
3 the amazing proactive record of the city council and  
4 this administration to reduce those, we continue to  
5 invest hundreds of millions of dollars to reduce  
6 asthma, the medical costs are astronomical so what I  
7 would simply say is that when we talk about the cost  
8 of what it will take to raise these standards, to  
9 bring them to the levels that you have heard,  
10 Business Manager Severino and Sean talk about that is  
11 going to be the thing that ultimately turns the  
12 corner on asthma problems in this city. We cannot  
13 simply protect the air outside and then send the  
14 children in this city back into their homes to be  
15 affected by mold.

16 CHAIRPERSON TORRES: I agree with you on  
17 the public health case for mold removal but I want to  
18 take NYCHA's argument for mold rather than dismiss  
19 it. What is the rationale for the 14 day, for the  
20 requirement that you submit work plans with DEP 14  
21 days before the work commences, I want to take that  
22 concern seriously.

23 UNIDENTIFIED SPEAKER: Sure. How long  
24 does it take to get sick? Does it take a day, does  
25 it take a week? Does it take an hour? Why are we

2 wasting time? It is senseless to me that we are  
3 taking this great period of time before we can  
4 remediate the situation.

5 CHAIRPERSON TORRES: So do you disagree  
6 with the 14 day requirement or --

7 UNIDENTIFIED SPEAKER: I believe, if I  
8 may, that we saw when the council members here was  
9 questioning about the issue with his tenant but this  
10 member of legislation in particular that it has been  
11 months that NYCHA knows about this issue and it  
12 hasn't been dealt with so it takes a council member  
13 to come in a hearing and bring NYCHA straight to the  
14 fire. For them to add they find the 14 days as too  
15 much. Right now they have a seven day window and  
16 they are not active in seven days. Right now there  
17 are thousands and thousands of cases where home --  
18 mold infected homes that are not being treated at all  
19 so the 14 days protocol is a period so there is  
20 notification to DEP so that there is time to  
21 establish the project and that there will be a  
22 project here so they do the oversight. I go from the  
23 asbestos industry. There is identification process  
24 in the asbestos industry. I understand. That is  
25 different.

2 CHAIRPERSON TORRES: I got it. So that  
3 answers my question. So even if NYCHA could respond  
4 one days, two days, if you do it incorrectly it will  
5 simply regrow. The point of the waiting period is to  
6 ensure that there is independent oversight and that  
7 it is done correctly. Is that the rationale --

8 UNIDENTIFIED SPEAKER: Exactly. That is  
9 the rationale; that is the oversight.

10 CHAIRPERSON TORRES: Question for Sean.  
11 Stachybotrys tricorum, if you have that in your  
12 apartment are there cases where you would advise the  
13 tenant to seek medical attention because --

14 SEAN BRENNAN: Sure, absolutely. When  
15 you're dealing with something that could -- it  
16 doesn't necessarily make you sick today. It could  
17 make you sick and again some of the testimony in the  
18 last panel was absolutely correct. It depends on  
19 your particular personal sensitivity to it. It's  
20 like asbestos. Just because you breath asbestos  
21 doesn't mean you are going to get sick.

22 CHAIRPERSON TORRES: That's true of every  
23 illness but --

24 [cross talk]



2 SEAN BRENNAN: Absolutely correct. I  
3 can't, I can't say that Stachybotrys as opposed to  
4 aspergillus or penicillium or any of the other molds  
5 is going to be more dangerous than any other. That  
6 was accurate testimony but if something is in your  
7 house that you've possibly been breathing in for  
8 weeks, months, possibly years, it only makes sense to  
9 get some sort of medical review as to whether it has  
10 had any adverse health effects on you. It is  
11 commonsense. There is one other point I would like to  
12 make about some of the testimony from NYCHA. I am a  
13 great believer in a difference between a reason and  
14 an excuse. What I heard as their reasoning for not  
15 having licensed professional, skilled workers  
16 necessarily do the work was that if remediation is  
17 simple the removal of the mold and not finding the  
18 cause. I have yet to see -- even in the city's own  
19 guidelines, it says in bold print In all situations  
20 the underlying moisture problem must be corrected to  
21 prevent recurring mold growth. No mold responsible  
22 mold remediation contractor is even going to sign-off  
23 on a job they have done without finding the root  
24 cause of the moisture. It is that simple. And so  
25 the excuse that having trained workers to do it, a

2 trained worker is going to know that is the first  
3 thing they have to find out.

4 CHAIRPERSON TORRES: Unless my colleagues  
5 have questions, I want to thank this panel for your  
6 testimony. Council Member Menchaca?

7 COUNCIL MEMBER MENCHACA: Thank you,  
8 Chair. I again want to thank you all for coming out  
9 today and testifying on behalf of not just the  
10 workers that you deal with on a daily basis but for  
11 real movement to understand and really elevate this  
12 issue in a way that is serious and removes excuses  
13 and really kind of points to the actual stuff that  
14 can actually happen so on that note I want to know a  
15 little bit about your responses or you all heard the  
16 same testimony that I heard in Q&A. NYCHA really  
17 puts a lot of responsibility for tenants to report  
18 mold. In your experience and I am going to ask about  
19 the workers as well, what kind of role do you  
20 believe tenants play in this whole process? The bill  
21 outlines a very particular process: oversight,  
22 training, safety, workers. But what do you all think  
23 the role the tenant should be in this process?

24 UNIDENTIFIED SPEAKER: In our experience  
25 dealing with other environmental hazards, the tenants

2 definitely play an important role. So if you are a  
3 tenant and you see mold in your building, you should  
4 be able to report it in this case, not to NYCHA, but  
5 to DEP. You can call 311, report it to DEP which  
6 then should trigger a mechanism for that to be  
7 inspected by DEP and then DEP order a remediation of  
8 that mold so that doesn't have to go on a waiting  
9 list or whenever we can get to it but it is treated  
10 as what it is which is a health hazard for the  
11 tenants that are in that buildings so tenants have an  
12 important role to play. There is something I left  
13 out which is Section Three --

14 COUNCIL MEMBER MENCHACA: I was going to  
15 ask about that too.

16 UNIDENTIFIED SPEAKER: If I may, Section  
17 Three and I know this is not just about NYCHA but the  
18 jobs that would be created, should be created if this  
19 bill one day passes definitely need to be done, need  
20 to take into consideration the members of the  
21 community, the people leading NYCHA the new career  
22 opportunities and they can get access to real jobs,  
23 real career opportunities by performing work in their  
24 own buildings. The City of New York had that program  
25 in place and it is already -- it's -- it has the

2 program as part of the capital improvement program  
3 using the contractors and in the Local what we did is  
4 we started training, we change our training protocol  
5 to make sure that we are able to train non-union  
6 NYCHA residents, the non-members, we are training  
7 them free of costs so they can get trained and get  
8 licenses so they can go get those jobs. Our  
9 contractors are demanding, we are asking for them  
10 because NYCHA was vehemently enforcing that  
11 regulation in the contract. Section Three was  
12 vehemently enforced by NYCHA at one point so  
13 contractors needed that influx of NYCHA residents in  
14 their jobsites. About a year ago that came to a  
15 screeching halt. NYCHA simple stopped enforcing  
16 Section Three. Now all the members that were  
17 trained, all the NYCHA residents that are all members  
18 of the Local because with time, in time we have  
19 opened the doors to about [inaudible 03:27:10]  
20 trained in our training center those who become full  
21 fledged members of the Local right now don't have a  
22 place to be in that part of the workforce they are  
23 working elsewhere when they can but NYCHA is no  
24 longer requiring Section Three although [inaudible  
25 03:27:27] pressuring NYCHA to make sure that not only

2 this bill but also as part of the capital improvement  
3 program they enforce Section Three and they should  
4 give you answers of why they stop enforcing Section  
5 Three.

6 COUNCIL MEMBER MENCHACA: Thank you for  
7 that testimony. We are going to follow-up with NYCHA  
8 on that piece and what happened a year ago when they  
9 stopped enforcing that and essentially remove the  
10 urgency to bring workers that were licensed to do the  
11 work so thank you for bringing that up.

12 UNIDENTIFIED SPEAKER: I just want to add  
13 onto the tenant piece and as you heard Severino say,  
14 the role of the tenant is very important and in fact  
15 one of the things that we have done in conjunction  
16 with Local 78 and the training program over the last  
17 few months and we are happy to continue to work with  
18 council members in their district but we have  
19 distributed more than 2000 mold test kits in NYCHA  
20 facilities free of cost obviously to the residents so  
21 we can help them identify it because they play such  
22 an important role in this so we are happy to continue  
23 to work with council members in their district and  
24 being able to provide people, you know, the tools  
25 that they don't have to pay for it and we are willing

2 to continue to do that because the role of the tenant  
3 is very important in this process.

4 COUNCIL MEMBER MENCHACA: Thank you for  
5 that and that is an important part of this whole  
6 concept is that tenants have an opportunity to join  
7 not only in awareness but actual actions and in Red  
8 Hook this is alive and well. In Red Hook, we take  
9 action in our own hands in partnership with the  
10 skilled workforces and experts. That is how we  
11 change the game here. That is how we bring power to  
12 community and --

13 UNIDENTIFIED SPEAKER: I know you have a  
14 lot of folks here from Red Hook so let me just, you  
15 know, commit to them that if you need us then we  
16 would be happy to provide these mold test kits to  
17 whatever residents need them.

18 COUNCIL MEMBER MENCHACA: Great. Thank  
19 you of that. So my next question is so they talk  
20 about tenants. NYHCA just rolled out yesterday a  
21 Mold Busters Program and you heard a little bit more  
22 about it today. What do you see as the role for  
23 NYCHA staff, staffing? Do you see them playing any  
24 role in touching the concept, the issue, the crisis  
25

2 that is mold at all. Do you see a role for them in  
3 this whole thing?

4 UNIDENTIFIED SPEAKER: Well right now  
5 NYHCA has a lead task force and an asbestos task  
6 force. So when they encounter small projects,  
7 asbestos projects, renovations that are minor, they  
8 have their own group that is qualified that is  
9 licensed and trained and take all necessary  
10 precautions and follow the rules and send  
11 notifications into the city and perform the project  
12 for both lead and asbestos. We believe that the same  
13 thing needs to be true for mold. I believe that  
14 NYCHA has a role to play when we are talking about  
15 minor repairs or minor renovations and minor clean-up  
16 of mold, NYCHA could have -- NYCHA workers could be  
17 trained, right, licensed, trained and protected.  
18 They could go and perform those projects. We talk  
19 about major mold clean-up, that should be done by  
20 licensed contractors, licensing contractors is an  
21 essential part of this bill. If we have anybody do  
22 it because it is not just about NYCHA, Council  
23 Member, this is also about other buildings and if we  
24 just say anybody can have their superintendent in the  
25 building take a license and go and do it, we know

1 what is going to happen. What is going to happen is  
2 the rules are not going to be followed, people are  
3 going to do this in the darkness of night, just throw  
4 away, throw away and its gone. It's not like another  
5 hazard like asbestos where you have clear evidence  
6 that there was asbestos there. Mold can be there and  
7 can make it disappear and there's no following the  
8 rules and nobody would ever know so it is important  
9 that a licensed contractor be required. It is an  
10 essential key element of this regulation.  
11

12 COUNCIL MEMBER MENCHACA: I will stop  
13 with the questions here and say thank you again for  
14 really elevating the situation, giving us the history  
15 the way the state came in real strong and then the  
16 carve outs happened which makes no building at this  
17 point required by the state law to be remediated  
18 under the state law. The city has an opportunity to  
19 come in, fill that gap and really force a  
20 conversation that has real teeth and responsibility  
21 and oversight over how we do what we do, not just  
22 NYCHA but for all landlords across the entire city of  
23 New York so thank you so much. Pass it back to you,  
24 Chair.  
25



2 CHAIRPERSON TORRES: Thank you, Council  
3 Member Menchaca. Very quickly, looking at NYCHA's  
4 argument, right, NYCHA is making the case that this  
5 is not a specialized trade, providing some measure of  
6 training, they haven't really detailed what that  
7 eight hour class would cover or what topics they  
8 would go over but a hand's on day would be enough to  
9 make the workers who already have an awful lot on  
10 their plate specialist in mold, right, expecting them  
11 it become the mold busters. How is this idea flawed  
12 and how do we -- what is the argument here? What are  
13 the common mistakes that are made remediating mold  
14 and why is it so important to have the licensing? I  
15 see it but let's spell it out.

16 UNIDENTIFIED SPEAKER: Councilmen, when  
17 the state did their due diligence to try to determine  
18 what exact training would be required they enlisted  
19 the insights and the health from a lot of training  
20 people throughout the state including me and we  
21 recommended a 24 hour program including eight to 12  
22 hours of hands-on training. In the end, the state  
23 settled for 16 hours of training, at least -- we do  
24 at least eight hours of hands-on. Is it enough? I  
25 would prefer more quite frankly but it -- we are

2 doing what the state requires. It is important that  
3 they understand how to do this correctly. This can -  
4 - this is not something that should be done with  
5 speed. It should be done meticulously. It should be  
6 done carefully. It should be done slowly. It should  
7 be done methodically because releasing those mold  
8 spores is the problem and the less disturbance you  
9 have of the materials that are covered with mold, the  
10 less likely those mold spores are to be released.  
11 That is what you want to make absolutely certain does  
12 not happen. So I think that getting licensing,  
13 making sure someone who is licensed and properly  
14 trained and is the right way to go.

15 UNIDENTIFIED SPEAKER: Yeah, I doubt  
16 there was a moment in history where we seek to  
17 increase standards in any public agency ever came  
18 forward and their testimony was we agree. They said  
19 the same thing I'm sure about asbestos and they said  
20 the same thing about lead and they will continue to  
21 say that because at the end of the day, as I said, I  
22 ultimately believe their answers are driven by cost  
23 and at the end of the day what I think is beyond  
24 questioning is we continue to see skyrocketing  
25 asthma, we continue to see the effects of this of

2 mold. I think we see because of the reasons you have  
3 heard outlined here today whether it has to do with  
4 improper removal whether it just simple has to do  
5 with it not getting removed but the fact that speaks  
6 loudest I think to this is at the end of the day is  
7 that the health issues that are associated with mold  
8 are on the increase. They are not on the decrease  
9 which I think is exactly each one of the things  
10 historically that have brought us to this point in  
11 time whether it be asbestos, whatever it would be,  
12 will be exactly that. The problems are getting  
13 worse, they are not getting better and our delay in  
14 asbestos I think I will leave you with this, I don't  
15 think there is a morning I wake up where there is no  
16 an add from a law firm about asbestos and the  
17 billions that had to be put aside for all the people  
18 that have then died and had cancer from asbestos. I  
19 think the thing here is not saying there is a  
20 relation in that area but the bottom line is far too  
21 many children in this city are being affected with  
22 asthma and just at a horrible rate and so I think it  
23 is now time that we realize that we need to raise the  
24 standards, we need to provide licensing and we need  
25 to move aggressively now and take those dollars being

2 invested in the children and the asthma and really  
3 get down to what it is and that is removing the mold.  
4 This is what they are living in. It has to be done  
5 right. It has to be licensed and it has to meet the  
6 standards that are necessary.

7 CHAIRPERSON TORRES: I definitely agree  
8 with you and thank you for your testimonies today and  
9 making sure that there is a voice given to our  
10 tenants and to our workforce so thank you for that.  
11 Thank you for your testimony gentleman. Appreciate  
12 it. Next up, our next panel is Bob Abotroni (SP)  
13 from East EA Advisor; Morris Napolitano from the  
14 Environmental Contractors Association; Michael Caputo  
15 from the Environmental Contractors Association and  
16 Cheryl Braxton from the Village of Red Hook. Just  
17 again, to let you guys know, we are going to have to  
18 stick to two and a half minutes to space the fact  
19 that we have to leave the premises in one hour and 12  
20 minutes.

21 BOB: We will try to adhere to that.

22 CHAIRPERSON TORRES: Thank you, Bob.

23 BOB: First of all thank you for hearing  
24 our testimony, Chairman Constantinides and Chairmen  
25 Torres, first time we've met. I could have spoken a

2 lot longer obviously but we are restricted to time.

3 To my left is Morris Napolitano, he is the Chairman

4 of the ECA and to his left is Mike Caputo, who is the

5 board member of the ECA as well, and I'm sorry, we

6 have a community person here which I am very, hello

7 Cheryl, very proud to be seated with. What we see

8 today is a classic example in my mind of the

9 forgotten people. Okay? We've lived this life, what

10 we represent, we are the contractors, okay? We do

11 the jobs and we work closely, work very closely with

12 labor. Now you heard Edison refer to forgotten

13 people as well. In our past, Costa as you know, we

14 work with this Mayor who is part of the environmental

15 committee and he was always a very aggressive

16 proponent of good environmental practices and he

17 carries that on I believe in his role as mayor today

18 so we support that but just going back to what

19 happened with Sandy. What happened with Sandy was

20 abysmal. Contractors came in, ripped off people,

21 charged an exorbitant amount of money, left the

22 premises and guess what, the mold came back almost

23 instantaneously and these people had to have

24 remediation again. There was a program put in place

25 that we took part in with Local 78. We did over 2000

2 dwellings. It was funded by the Robin Hood  
3 Foundation and the Mayor's Fund for New York and you  
4 guys should take a look at that. It allowed us to do  
5 over 2000 dwellings, put people back in their homes,  
6 not with these fees that were astronomical, the  
7 proper fees and have them live a normal life. What  
8 you have here in the Red Hook Community, and  
9 Councilmen I think you can see that, is a forgotten  
10 group. We have many forgotten people in this city  
11 including the people that were Sandy victims and we  
12 should be taking action on their behalf. It is easy  
13 for us to say let's remediate everything. We are not  
14 looking to reap the rewards of monetary value. What  
15 I didn't say before to is we also contributed  
16 \$100,000 in funds as a contribution to Sandy victims  
17 so it is our intent to do it the right way. When I  
18 hear people say we shouldn't have skilled labor, when  
19 I hear people in denial or when NYCHA is saying  
20 things that are totally ridiculous and irresponsible  
21 it gets me sick. They just happened to start a pilot  
22 program yesterday. I mean, that is -- I'm sure  
23 that's not what this Mayor wants, it is not what your  
24 body wants and it is not what these people deserve  
25 quite simple. So that's my opening statement. We

2 would love to answer anything from the perspective of  
3 the experts in the field that are seated to my left.

4 MORRIS NAPOLITANO: Morris Napolitano,  
5 Chairman of the ECA Environmental Contractors  
6 Association. We represent 48 environmental  
7 contractors in the City of New York. What have  
8 Katrina and Sandy, one of the things they had in  
9 common was unscrupulous incompetence and naive  
10 contractors. They came into our town after Sandy,  
11 they charged homeowners all kinds of money and they  
12 left. Government got involved, they brought in other  
13 contractors who were cheaper; they were thrown out.  
14 They finally came to the Environmental Contractors  
15 Association along with Local 78 and negotiated a  
16 price. We went and cleaned 2000 homes at the number  
17 we negotiated and the time we said we were going to  
18 do it in and we got nothing but praises. Sometimes  
19 we had to go back and we did go back and clean  
20 because why, we were responsible people. My mother  
21 always said, buy cheap pay twice. So everyone keeps  
22 talking about money, money, money but if you do it  
23 right you are only going to do it one time and if you  
24 can prevent stuff from spreading look how much money  
25 you are going to save. As a contractor what I am

2 faced with is my primary obligation, responsibility  
3 are to my men. When I put my men in harm's way,  
4 which is cleaning environmental hazard, it is my  
5 responsibility, my duty to protect them. I have to  
6 make sure they have the proper equipment, proper  
7 respirators, proper education. Of course that  
8 requires money on my part but to protect, to protect  
9 the people who are impacted by an environmental  
10 situation, any environment it is well worth it. But  
11 who is my competition? I have to compete against a  
12 guy with a rake and a gallon of bleach and say I  
13 could do mold remediation and they go and do it.  
14 Sure, they may do it at a fraction of my price but is  
15 that cheaper when they didn't do a job? No. It  
16 really cost you a fortune because they didn't do the  
17 correct job. But, I still have to compete against  
18 that and did they do anything wrong? No. Why?  
19 Because there are no laws, no regulations, no  
20 licenses, no proper standards. How can I compete  
21 against that? Either I have to drop my standards or  
22 I have to close my doors. That's why licensing is so  
23 important and it is important for everybody and this  
24 is how that is, let's say each of you were a property  
25 owner. You want to do the right thing. You want to



2 hire the right contractor, the right people to do  
3 your job. How do you know if there is no licensing  
4 or standards? If there is license or standards, now  
5 you have documentation. You have a manual. You have  
6 a way of gauging you're a good guy, you're a bad guy  
7 and then when we go do the work you also have a way  
8 of judging how that person is doing the work if they  
9 are doing it correctly. So this is so important that  
10 we do this. Thank you.

11 MICHEAL CAPUTO: I am Mike Caputo. I am  
12 also on the Board of the Environmental Contractor's  
13 Association and as Morris, my company also  
14 participated in that clean-up after Sandy. I just  
15 wanted to address the issue of the training and  
16 licensing and I say as a pervious committee said, 16  
17 hours may not be a long time but our people have  
18 evolved out of the abatement business for 30 years so  
19 they have been significantly trained in the processes  
20 that are needed to be done. Sixteen hours may be  
21 enough for our workers but I also question that when  
22 NYCHA said that 16 hours or 8 hours is enough for  
23 their workers in trying to do this work properly and  
24 I contend that workers that have been trained as long  
25 and hard as our people have been trained can do this

2 work much more quickly and efficiently in the  
3 timeframe and when you look at a cost analysis how  
4 much does it really cost you at the end of the day,  
5 you know. Still we are always in favor of licensing.  
6 It has worked for us when we started 30 years in  
7 abatement to where it's evolved today and it's been  
8 with mold and the different training that our people  
9 have gone through it made it a successful program for  
10 our companies. I think I left a little bit of extra  
11 time for you.

12                   CHERYL BRAXTON: How is everybody doing?  
13 Hello, I am Cheryl Braxton. I want to thank you for  
14 being here, especially coming to Red Hook. I was  
15 very excited that this hearing is going to be at Red  
16 Hook and I was telling everybody and I was like  
17 you've got to know about the hearing but I really  
18 want to say that I was a part of Occupy Sandy and  
19 also people were asking me if y'all have another  
20 hearing just to say can you please have it at night  
21 because people have to work. Anyway, I was a big  
22 part of Occupy Sandy from the very beginning. I  
23 stood in the cold, sleeting rain to make sure lights  
24 got on and after that we were supposed to have  
25 continuous meetings and these meetings were supposed

2 to be about the residue that was left after Sandy and  
3 today we are having electricity problems, we having  
4 building [inaudible 03:46:25], our sewers are messed  
5 up and it is far beyond just apartments and I would  
6 like it to be no only looked at but investigated and  
7 tested, the water tested, the air quality and also if  
8 we can get the gas tested because it's been a lot of  
9 fire drills, fire trucks coming every other day,  
10 ambulance coming every other day. It is really bad  
11 and also if I can say the senior citizen home, which  
12 it could be my senior citizen home, it is not open.  
13 Okay? I don't know what's the progress or why it is  
14 taking so long with the opening and also we have our  
15 baseball fields that are contaminated. We have  
16 meetings but there is nothing that ever comes out of  
17 these meetings. I mean, what are we having meetings  
18 for? I hope today really that we do something about  
19 it and not just sit here and debate on and we need  
20 these apartments tested. Okay? They have a certain  
21 kind of mold and asbestos testing where they turn out  
22 all your lights, because I had it done in my house,  
23 they go in with some kind of blue light and they look  
24 for this mold so we can have it tested. Yes, Red  
25 Hook is a big huge development but that doesn't mean

2 we should be left out. We still have Sandy money, we  
3 still have FEMA money and yes, a lot of this is from  
4 Sandy so I'd like to thank you for your time. I know  
5 you have things to do but if any case you need me to  
6 help you with anything, this is me again, this is  
7 when I worked with NYCHA from the beginning and we  
8 got the lights on and the boilers here. Another  
9 thing about the boilers, there is no way to adjust it  
10 so people are in their apartments sweating they  
11 brains out and it is too hot with the boilers so I  
12 just wanted to bring the other things up that wasn't  
13 mentioned today so everybody can really take heed to  
14 that and hopefully after today is over we will go  
15 back and we will continue to have these meetings.  
16 Thank you.

17 CHAIRPERSON TORRES: Thank you, Ms.  
18 Braxton. Very quickly, raising the floor is not a  
19 bad idea, right, making sure we have licensed  
20 contractors that are doing the work that are -- a  
21 workforce that is trained in doing remediation to  
22 know what to look for to make sure that they are  
23 doing the work correctly and they are protecting  
24 themselves is good for the cost for the city all the  
25 way around, correct? Let me get you the mic.

2 BOB: It is essential to have the  
3 experts. You know, we don't perceive to be the  
4 experts in other fields but you need qualified  
5 people. If not, you are going to wind up with a  
6 disaster. You are going to be revisiting and as  
7 Morris said before spending more money so it is naive  
8 to even think that savings is being realized when it  
9 is done improperly. We do it the right way. I am  
10 proud to represent the Environmental Contractors  
11 Association. As you know I was Deputy Commissioner  
12 of DEP. We did many things together. We passed  
13 legislation. We brought Lower Manhattan back after  
14 we had an abysmal start there with the federal  
15 government and we did do the CDA, we did a CDA  
16 license and it was a choice of two agencies to put it  
17 in, Department of Buildings or DEP, and we put it in  
18 DEP and it worked out favorably. I think that we  
19 need to look at this and what you heard today I think  
20 is an important thing and that every time you guys  
21 ask a question, every time you folks asked a question  
22 it was always deferring to the Department of Health  
23 and that is wise because you always defer to the  
24 Department of Health because it is about keeping  
25 people healthy, okay, so I think Chris D'Andrea

2 probably spoke the least and said the most and as I  
3 said, when we hear that there are pilot programs  
4 being put in, I feel for you Councilmen Torres, you  
5 know, how frustrating it must be for you to look at  
6 this and they are under the equivalent of federal  
7 magistrate or federal monitor and they should be  
8 going to the higher standard. It is a disgrace. It  
9 is a disgrace to these people and it is a disgrace  
10 because quite frankly as I said that we are not  
11 looking proactively and hiring the right people with  
12 the right workforce to protect the public and our  
13 workers and that's the way we do things.

14 CHAIRPERSON TORRES: Just really quick  
15 right now, we had passed legislation under the last  
16 council that was vetoed by Mayor Bloomberg at the  
17 time and one of the first tasks that I got to, that  
18 we all go to do, as members of this council was to  
19 override that veto that created the voluntary  
20 licenses or super licenses and DEP was heavily  
21 involved and so for them to state here today that  
22 they don't have the expertise when we have passed  
23 legislation where they have to do these voluntary  
24 licenses, super licenses for mold remediation and  
25 other pollutants is that accurate in your assessment?

2 BOB: Yes, you know I was a proponent.

3 CHAIRPERSON TORRES: I remember we did it  
4 together.

5 BOB: We got it overturned and it was the  
6 right thing to do and the people prospered. I  
7 rarely, rarely disagreed with Mike Bloomberg but I  
8 did on that one. That being said, we have more to  
9 do. We can't have people being victims in the  
10 future. NYCHA cannot sit down here and be totally  
11 irresponsible. Yes, I am going to defend DEP for  
12 saying what they did. What they didn't say is they  
13 should have kicked the ball, punted it over to  
14 Department of Health and Mental Hygiene because quite  
15 frankly that is where the expertise is.

16 CHAIRPERSON TORRES: They were doing this  
17 a lot.

18 BOB: Yeah, and [inaudible 03:52:20] you  
19 know I never avoid responsibility and I am not about  
20 to do that representing ECA and working with our  
21 friends in labor.

22 CHAIRPERSON TORRES: Thank you, Bob.  
23 Thank you all for your testimony. The next panel  
24 will include Joel from the Red Hook Initiative,  
25 Katherine McBride, Alisa Desato, Karen Blonder.

2 Daniel Carpenter? Okay. Fifth Avenue Committee?

3 You're here, great.

4                   SABINE ARONOWSKY: I will start. Sorry,  
5 Sal if you don't mind. Thank you. Good afternoon.  
6 Thank you so much to the Committee on Public Housing  
7 and Environmental Protection for being here in Red  
8 Brook -- in Red Brooklyn, in Red Hook South Brooklyn  
9 today. My name is Sabine Aronowsky. I work for the  
10 Fifth Avenue Committee. We are a 39 year old  
11 comprehensive community development corporation. We  
12 have met with most of you individually to express the  
13 needs of South Brooklyn public housing residents. We  
14 help to manage affordable housing locally in South  
15 Brooklyn and provide programs that serve over 5000  
16 low and moderate income residents annually and we  
17 helped nearly a decade ago to launch the Asthma Free  
18 Homes Campaign to help local residents that were  
19 seeking assistance to rid their apartments of mold.  
20 Sorry, there's feedback. We obviously understand a  
21 lot of the issues that tenants face and we really see  
22 this as a public health issue as well as a housing  
23 code issue and we know that the legislation in  
24 regards to the Asthma Free Homes doesn't even include  
25 NYCHA so it is a very big problem and we have been



2 part of a local environmental and climate justice  
3 collaborative for South Brooklyn really aimed at  
4 helping public housing residents to not just survive  
5 but thrive in this changing climate both economically  
6 and environmentally here. So our collaborative  
7 includes folks that are joining us today and I will  
8 let them introduce their organizations. I just want  
9 to point out in the testimony that we are submitting  
10 we have data on -- from the Department of Health on  
11 Asthma and there is a direct correlation between the  
12 census tracks that house public housing developments  
13 within them and it is excessively high rates of  
14 asthma in our community so we understand that this  
15 really is related to the indoor housing condition  
16 particularly at NYCHA and there is a disproportionate  
17 impact to residents that live in public housing in  
18 terms of health. So there is a health crisis in  
19 public housing. There is no doubt the Department of  
20 Health data shows this in the increased asthma rates  
21 and there is an understanding how this relates to  
22 mold. We want to point out in regards to the 978A  
23 legislation that we think it is important that there  
24 be an independent assessment and we think that is  
25 what this legislation is most strongly provides that

2 that -- it provides opportunity for oversight to  
3 track and monitor outcomes from the residents  
4 perspective to make sure that their needs are being  
5 met to satisfaction and we know that there is a lot  
6 more obviously that needs to be done to address  
7 residents' concerns and we have been advocating  
8 tirelessly for our community from that perspective.  
9 One other thing I want to mention is that in regards  
10 to some of these coordination and task force that  
11 you've been mentioning we've been -- there's been  
12 talk about lead and asbestos task force but there  
13 hasn't really been a comprehensive discussion about a  
14 task force to deal with all the different  
15 remediations that are happening in terms of  
16 coordination, prioritization and sequencing of indoor  
17 --

18 CHAIRPERSON TORRES: In the interest of  
19 time --

20 SABINE ARONOWSKY: Yeah. -- exterior and  
21 interior remediation that needs to happen and we want  
22 to see that and I will let my colleagues address some  
23 of our other issues.

24 KAREN BLANDEL: Good day, everyone. My  
25 name is Karen Blandel and I am a resident of Red

2 Hook. I also work with Sabine and Katherine on the  
3 T3 which is Turning The Tide Initiative. That is an  
4 environmental justice initiative so we are training  
5 and teaching the residents about a lot of things  
6 including mold. We have a super fund in this area,  
7 we have lead in the ball fields but for time I am not  
8 going to get into that. What I do what to get into  
9 is as residents we want to be trained by the best of  
10 people. We want to be trained by the ones who know  
11 the best way to train us but we are not often invited  
12 into that room in regards to the unions, okay? The  
13 union specifically has become more diverse and on  
14 June 2, Gary Labarber (SP) had a seminar at New York  
15 School or the new school and it does show some  
16 diversity there but what is happening is I am tasked  
17 with Red Hook, Gowanus, Wyckoff and Warren Street  
18 houses which is a part of this district and when I  
19 look at the geographics there, the demographics you  
20 have none immigrant black, indigenous and Puerto  
21 Ricans so when it comes to the union we want to get  
22 in but we are not able to get in and I brought  
23 documents showing that a black non-immigrant are  
24 still having a hard time. Some of it is caused by  
25 the language barrier. If 78 is 85 percent Spanish

2 speaking, that presents a problem for me because I  
3 don't speak Spanish. I want to work with you guys  
4 but you have to be more inclusive of the people in  
5 this community so I want to make sure you understand  
6 that. The second thing is I have background in  
7 engineering. I assisted the engineers on Local Law 11  
8 assessments from the Bronx, Queens, Brooklyn, you  
9 name it, Staten Island. All of these buildings are  
10 different. In Red Hook we have windows for  
11 ventilation. In Wyckoff, they have vents. SO each  
12 building is going to have to be assessed for the type  
13 of building it is. Now if the situation is starting  
14 from the roof then I suggest you do a licensed  
15 trained contractor to do the infrastructure but if it  
16 is in the garbage dump, the Mold Busters should be  
17 involved but the final thing I am going to say is the  
18 component that is written in the Department of  
19 Health's own mandates and it mandates that each one  
20 of these trades are capable of talking to the  
21 resident or the occupant in the unit because they  
22 have to make an assessment if the resident is  
23 actually causing more harm to themselves. Thank you.

24 CHAIRPERSON ??: I do want to correct,  
25 you cited Gary Labarber's panel --

2 KAREN BLANDEL: I have it.

3 CHAIRPERSON ??: -- it was based on a  
4 report by the Economic Policy Institute --

5 KAREN BLANDEL: Yeah, right.

6 CHAIRPERSON ??: -- which indicated that  
7 black workers have greater representation in the  
8 union sector and not --

9 KAREN BLANDEL: Okay, I was there and --

10 CHAIRPERSON ??: I just want to be --

11 KAREN BLANDEL: I was there and I asked  
12 ?? Michele if that number that he had for blacks  
13 indicated just non-immigrant blacks or all blacks and  
14 he said it was all blacks so that is a problem for  
15 us. Where we live in public housing, we know even by  
16 something that Council Woman Cumbo said that got her  
17 in trouble, there are certain projects that are first  
18 generation immigrants up in the Bronx, down in Lower  
19 Manhattan but Red Hook, Red Hook belongs to non-  
20 immigrant blacks and Spanish so the representation  
21 for the work and the training has to go to them.

22 CHAIRPERSON ??: For the record, you can  
23 be an immigrant and still live legally in public  
24 housing.

2 KAREN BLANDEL: I didn't say -- I have no  
3 problem with immigrants. I am supporting immigrants  
4 in all of their different campaigns all across the  
5 city but I still have to eat too and so does my  
6 community.

7 CHAIRPERSON ??: Okay.

8 KATHERINE MCBRIDE: Good afternoon, and  
9 thank you again for the opportunity to testify today.  
10 My name is Katherine McBride and I am here to  
11 represent Red Hook Initiative and I also want to  
12 thank Council Member Menchaca for the commitment he  
13 has made to addressing this issue in Red Hook and  
14 thank you all for bringing this hearing to Red Hook.  
15 I know you had a longer trip than we all did so thank  
16 you. So RHI, Red Hook Initiative, is a community  
17 based organization that has been in Red Hook for 15  
18 years. I'd like to share with you the work our  
19 agency has done to address the issue of mold in Red  
20 Hook and also the disconnect between NYCHA residents  
21 priorities and with the proposed legislation. RHI's  
22 top priority is to improve conditions of mold in Red  
23 Hook especially as it relates to residents' health  
24 The legislation speaks to an important concern of  
25 worker licensing. Although we see both worker

1 qualifications and residents' health as part of the  
2 overall mold issue, it is important to distinguish  
3 the two. This legislation is not an answer to the  
4 health crisis of mold in public housing. We need a  
5 wide variety of stakeholders to ensure a long-term  
6 solution including licensing priorities in the bill,  
7 changing the process of reporting mold and addressing  
8 the capital issues and funding gaps that are  
9 contributing to the mold crisis. In response to a  
10 call to action from the community, RHI initiated a  
11 campaign in early 2016 to understand the complex  
12 issue of mold, the impact on residents' health, what  
13 NYCHA's response has been and the reason for  
14 underreporting. In October of 2016, we released a  
15 report, the summary of which is distributed to you  
16 today with our written testimony. Following our  
17 report, they should make notable progress on  
18 addressing gaps in the Baez settlement and showed a  
19 renewed commitment to modify the system of reporting  
20 and responding to mold complaints. While the  
21 proposed legislation addresses resident concerns  
22 about transparency, it would add gapping loopholes  
23 and an administrative burden to the housing authority  
24 that may inhibit potential progress. The bill as  
25

2 written includes a timeline, a timeline requirement  
3 that would actually create a violation of the mandate  
4 of the Baez Settlement. Attached to our written  
5 testimony, you will find a set of recommendations  
6 compiled by New York Lawyers for the Public Interest  
7 and Turning The Tide, a partnership between RHI,  
8 Fifth Avenue Committee, ?? Center and Southwest  
9 Brooklyn Industrial Development. The mold crisis  
10 will not end with this legislation. We urge the  
11 Committee to review the recommendations of our  
12 coalition and to continue a dialogue with resident  
13 leadership, community groups and NYCHA to ensure that  
14 the legislation doesn't inhibit NYHCA's progress or  
15 increase residents' wait time. Thank you.

16 CHAIRPERSON ??: Can I question you at  
17 that point?

18 KATHERINE MCBRIDE: Sure.

19 CHAIRPERSON ??: Would you agree with me  
20 -- do you think of mold abatement in the same sense  
21 that you would like asbestos abatement?

22 KATHERINE MCBRIDE: So I'm a social  
23 worker by background. I don't know if I am qualified  
24 to answer that. I can say that we support the  
25 licensing and then the heart of the bill. We



2 definitely support that. Our concern is mostly with  
3 the wait time, the 14 day wait time.

4 CHAIRPERSON TORRES: So there is a wait  
5 time, as I understand, in the case of asbestos  
6 abatement. You have to submit a work plan to DEP,  
7 ten days before the work commences because that  
8 ensures that there is independent oversight by DEP  
9 and that the work is done correctly so if that  
10 process works for asbestos abatement, why not apply  
11 the same process to mold abatement?

12 KAREN BLANDEL: Councilmen Torres, the  
13 difference between lead, asbestos and mold is that  
14 when you remove the asbestos, let's say there is a  
15 ton of asbestos in the crawlspace, when you go down  
16 there ten, 20 years later there is still going to be  
17 a ton unless the rats took part of it to make a nest.  
18 Once it is gone it's gone. Mold comes back. All you  
19 need is the conditions which is the temperature, the  
20 moisture and the food which can even be the oil  
21 inside the paint so mold is more similar to bacteria  
22 than it is to asbestos and lead and that is the  
23 difference.

24 CHAIRPERSON TORRES: Do you , do you --  
25 yeah.

2 KATHERINE MCBRIDE: I would add again  
3 that our main priority and the way that we got these  
4 recommendations, we didn't just make them up. The  
5 way that we got them is from the survey that we did  
6 and through a series of community meetings where we  
7 asked residents to think through what they wanted to  
8 see from NYCHA and so from the residents' perspective  
9 that we heard people want to see the mold be  
10 addressed as soon as possible.

11 CHAIRPERSON TORRES: Let me challenge  
12 that point. What if doing it as soon as possible  
13 means that it is done incorrectly then it is just  
14 going to regrow? I think the point of the  
15 legislation is submit a plan so that there is  
16 independent oversight, it is done correctly so that  
17 it does not reoccur again, right? That is -- I think  
18 that is the rationale for the waiting period.

19 KATHERINE MCBRIDE: Right, and is the  
20 waiting period based solely on the asbestos?

21 CHAIRPERSON TORRES: I think it is trying  
22 to treat mold abatement as we would asbestos  
23 abatement.

24 KATHERINE MCBRIDE: I would just ask if  
25 we could push back on that and look at it again and

2 see if because of the connection with health and the  
3 relationship with residents' health we could make it  
4 less, lower waiting time.

5 CHAIRPERSON TORRES: I think those  
6 similar arguments can apply to asbestos but we can  
7 have consultations regarding the bill so Anna?

8 ANNA: Good afternoon. Thank you for  
9 allowing me to be here to testify and I am going to  
10 be speaking right now on behalf of one of the  
11 workers, people working with Red Hook Initiative and  
12 then later on I will do my own testimony. I am  
13 speaking on behalf of Alissa Pizarro. Good  
14 afternoon, Chairperson and Council Members. Thank  
15 you for the opportunity to speak today. My name is  
16 Alissa Pizarro and I have been living in Red Hook for  
17 26 years at 80 Dwight Street, Apartment 14G. I also  
18 work as the referral specialist at the Red Hook  
19 Initiative. I am here today to speak with you about  
20 the issue of mold in Red Hook. For the past three  
21 months I have been the point person for tenants to  
22 come to with their mold complaints and reports to  
23 NYCHA. This is a process that Red Hook Initiative  
24 and NYCHA started together after Red Hook Initiative  
25 released a report on conditions of mold in Red Hook

1 houses. We are happy that NYCHA has taken this issue  
2 very seriously. Tenants come to me to tell me about  
3 their mold issues. They give me ticket numbers,  
4 pictures and information about the complaint. I call  
5 the tenant back seven days after their ticket is  
6 filed and if the situation has not been resolved, I  
7 report the case to NYCHA. In most cases, tenants do  
8 not get a response from NYCHA and I report the issue  
9 to 250 Broadway. By the time tenants come to me, they  
10 have often been dealing with mold for years. Our  
11 mold report found that all those who reported their  
12 mold conditions in NYCHA only 59 percent received a  
13 response and less than 16 percent of those got a  
14 positive outcome and relief from the mold through the  
15 assistance of NYCHA. It is often difficult for me to  
16 get tenants to even open a new ticket because they  
17 are tired of opening ticket after ticket and seeing  
18 no work done. Tenants are tired of a waiting game  
19 and of being accused not being home after taking off  
20 work to be present for their appointments. Our  
21 system of reporting with NYCHA has revealed that  
22 often the communication of our contact at 250  
23 Broadway is very different than from what the tenant  
24 communicates too. On several occasions I visited the  
25

2 homes and see that no work has been done after we  
3 heard that from NYCHA that the work was complete.  
4 Let me just finish this --

5 CHAIRPERSON TORRES: I can't actually  
6 because we have to be out of here in less than ten  
7 minutes so I have to call up the next panel but thank  
8 you for your testimony.

9 ANNA: Okay. I will be in the next  
10 panel.

11 CHAIRPERSON TORRES: Karen from  
12 Assemblyman Felix Ortiz office, Rebecca who is a  
13 resident and Harold Hepple (SP) from Red Stone and  
14 that will be our final panel and then we will  
15 conclude this hearing. Okay. Okay. Fine. [ off mic  
16 talk] I am sorry, just in the interest of time we  
17 have to reduce everyone to one minute. We have to be  
18 out of here within less than ten minutes.

19 UNIDENTIFIED FEMALE: Good afternoon city  
20 council members. Thank you for coming to Red Hook.  
21 Your bill, 978A, is a good bill. I think that it  
22 should also include the language of making sure that  
23 roofs, leakage and piping is addressed because if a  
24 licensed plumber -- mold person goes in and the  
25 leaks, the roofs and piping are not addressed then

2 you will be dealing with mold remediation over and  
3 over again so I would like to request that the  
4 language include that the roofs, the piping and also  
5 the walls and the moisture is considered in the bill  
6 as a language because you will be remediating over  
7 and over again. Thank you.

8 CHAIRPERSON TORRES: Thank you for your  
9 testimony and thank you for the brevity.

10 HAROLD ??: Thank you for the time and  
11 opportunity. My name is Harold ?? and I represent  
12 [inaudible 04:12:39] Company. In 2015, November, we  
13 installed a test room for NYCHA after they agreed to  
14 let us do that and the room looked like that. It was  
15 a mechanical room and we applied coatings to the  
16 room, the product worked. We came back nine months  
17 later the product worked. The product was put into  
18 the NYCHA catalog and since then the communication  
19 stopped so we don't think NYCHA has a technical  
20 problem but perhaps a political problem because we  
21 cannot get through. NYCHA has a solution. Our  
22 product does work. I have spoken about this product  
23 before to a group of people a few weeks ago in Red  
24 Hook and that --

2 CHAIRPERSON TORRES: SO what is the name  
3 of the product?

4 HAROLD ??: It's Emova (SP). It is a  
5 calcium silicon product. It is called WOS. It is a  
6 anti-condensation coating that eliminates mold after  
7 it is applied and it doesn't come back.

8 CHAIRPERSON TORRES: Okay. Thank you for  
9 your testimony. Anna, one minute?

10 ANNA ??: As quickly as I can. My name  
11 is Anna ?? and I member and leader of Community  
12 Voices Heard and I am also a resident raised in  
13 houses on Coney Island. As me and my fellow brothers  
14 and sisters and residents continue to be poisoned by  
15 toxic mold we do not take kindly to whether or not  
16 mold is a contaminate being up for debate. I know  
17 many people, many residents who are having problems  
18 with mold. As a matter of fact, I just spoke with a  
19 resident of mine who actually sent me videos of a  
20 waterfall behind her wall that was causing the leak  
21 that thank God didn't lead to mold but because of  
22 what was going on with the back and forth she was  
23 suffering from a lot of nervous conditions and wound  
24 up having to go to the hospital. Okay, CVH and I  
25 also have another story but I am not going into it

2 right now. CVH agrees with some of the modifications  
3 mentioned today, in particular eliminating the  
4 required 14 day period. We have been waiting long  
5 enough. This bill is a step in the right direction,  
6 good for residents and good for workers. We stand  
7 with our brothers and sisters of Local 78 in support  
8 of the bill, 978A. That said, the public health  
9 crisis caused by mold in our communities goes above  
10 and beyond the scope of this bill. It is the result  
11 of decades of neglect and disinvestment in public  
12 housing. As we stand united against Trump's proposed  
13 budget cuts to HUD we call on our Mayor and City  
14 Council to demonstrate a progressive alternative to  
15 Trump's agenda [inaudible 04:15:29] by investing \$1  
16 billion per year from the city's capital budget to  
17 address the structure root causes of mold to not do  
18 it is to perpetuate the public health crisis in black  
19 and white communities. Our health should not be up  
20 for debate.

21 CHAIRPERSON TORRES: Thank you.

22 ANNA: Thank you very much and have a  
23 good evening.

24 CHAIRPERSON TORRES: One final person to  
25 testify. We have a representative from Congressman



2 Velasquez's office. Since we have such deep respect  
3 for the Congressman we will make an exception but as  
4 quickly as possible.

5 UNIDENTIFIED SPEAKER: I will not abuse  
6 that -- that I will just highlight three letters that  
7 I gave you for the record. One, a letter to the HUD  
8 Secretary calling out the mold problem in public  
9 housing such as NYCHA dated March 15<sup>th</sup>. Another  
10 letter to the Appropriations Committee on April 4<sup>th</sup>  
11 calling for at least \$5 billion to the Public Housing  
12 Capital Fund in the budget and at least \$600 million  
13 of increased funding strategically targeted to  
14 capital repairs to such hazards as mold. And  
15 finally, the Congressman wanted to thank you guys for  
16 doing this hearing. She also got an amendment in the  
17 Financial Services Committee to do special oversight  
18 on this issue so we look forward to working with you  
19 and your committee. Thank you.

20 CHAIRPERSON TORRES: And on behalf of  
21 everyone at City Council we are grateful to the  
22 Congressman for being one of our greatest champions  
23 in Washington DC. Thank you. With that said, this  
24 hearing is adjourned.

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3 [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 June 6, 2017