

**TESTIMONY FROM NYCHA'S CHIEF COMPLIANCE OFFICER BRAD GREENBURG**  
**AIR QUALITY IN NYCHA APARTMENTS**  
**COMMITTEE ON PUBLIC HOUSING**  
**TUESDAY, FEBRUARY 28, 2023 – 1:00 PM**  
**CITY HALL COMMITTEE ROOM, NEW YORK, NY**

Chair Alexa Avilés, members of the Committee on Public Housing, other distinguished members of the City Council, NYCHA residents, community advocates, and members of the public: good afternoon. I am Brad Greenburg, the Chief Compliance Officer at NYCHA. I am pleased to be joined by Daniel Greene, NYCHA's Senior Vice President for Healthy Homes; Joy Sinderbrand, Senior Vice President for Capital Programs; Josephine Bartlett, Senior Director of Pest Management; and other members of NYCHA's team. Thank you for this opportunity to discuss air quality in NYCHA apartments.

Improving residents' quality of life is at the heart of our mission at NYCHA. In the last few years, we have focused on building out programs that are helping to improve indoor air quality. Today, I'll discuss some of those programs and the changes we've made since we signed our Agreement with HUD, the U.S. Attorney's Office for the Southern District of New York, the EPA, and the City of New York. I also look forward to discussing with you where we must focus next and how we can work together to invest in NYCHA's apartments. I know all of us care deeply about the work we must do together to ensure NYCHA's apartments remain a source of stable, deeply affordable, and *healthy* housing for the hundreds of thousands of New Yorkers who call NYCHA home.

**Addressing Critical Areas to Improve Residents' Quality of Life**

As you know, NYCHA signed its Agreement with HUD in January 2019. The Agreement represented an inflection point in NYCHA's history and we need to get it right. The Agreement focuses on several critical "pillar" areas that most impact residents. Many of these areas were a focus of the Agreement because of their impact on indoor air quality and resident health. That includes mold and leaks, pests and waste management, and the investment of capital in heat systems and other areas that can make a difference for indoor air quality. I would like to highlight a few of the changes and investments we have made in the last few years to help improve indoor air quality.

## **I. Mold**

Mold tends to grow in wet or damp places, and exposure to mold can cause allergic reactions or asthma. NYCHA, in collaboration with our Independent Data Analyst and Independent Mold Analyst and in accordance with our Mold Action Plan, has focused on a number of initiatives to help reduce mold growth in NYCHA apartments.

### **1. Ventilation - Clean Vents Initiative and Roof Fan Replacement Program**

A key way that we are working to improve air quality and reduce the occurrence of mold is by enhancing and modernizing mechanical ventilation systems at our developments. To improve our ventilation systems, we had engineering firms proactively inspect our fans and then we installed oversized fans to ensure air can move more easily through lateral vents. We also launched the Clean Vents Initiative, where NYCHA staff use a HEPA vacuum to remove dust and debris that have built up in bathroom and kitchen vents over many decades. When we do this work, we measure airflow volume to ensure the upgrades are working.

This was a massive undertaking, launched during the pandemic, and we recently celebrated the completion of the roof fan portion of the project. Over the past two years, we replaced 6,188 roof fans across the Authority. Engineers determined that many of NYCHA's other roof fans – 2,248 in total – are modern and function effectively. Ensuring that roof fans are functioning properly provides better ventilation for residents and helps prevent humid, moist conditions that can give rise to mold.

New York City's Comptroller audited the roof fan program and found that NYCHA's Office of Mold Assessment and Remediation maintained adequate controls over the project, including by taking steps to combat delays, by using emergency contracts, by mobilizing an asbestos team, and by working with manufacturers to deliver thousands of rooftop fans. NYCHA's federal Monitor in a recent report also noted that with completion of the roof fan portion of the ventilation project "mold cases have been reduced significantly in the past year." These are steps in the right direction.

We also recently celebrated a milestone in our Clean Vents Initiative – we have cleaned vents in nearly 70,000 apartments across the city. Cleaning bathroom and kitchen vents dramatically improves ventilation and air circulation in apartments – by an average of 37 percent. We aim to finish this proactive effort to clean vents in all applicable apartments by the middle of this year. To date, the roof fan and vent-cleaning initiatives have helped improve the quality of life for about 85,000 NYCHA families.

## **2. Mold Busters**

In the last few years, NYCHA also rolled out the Mold Busters initiative to ensure we properly inspect for mold and excessive moisture conditions using objective standards of measurement. Mold Busters involves enhanced tools, materials, and strategies, along with staff training and greater accountability through photo documentation and follow-up inspections. As part of Mold Busters, NYCHA staff must work through a set of tasks, from cleaning vents and repairing windows to remediating leaks and using mold-resistant paint, as part of a holistic approach to remediating mold in a resident's apartment.

We ensure compliance with this new business process through re-inspections by our Independent Mold Analyst and our Environmental Health & Safety Department and by using data tools developed by our Independent Data Analyst. We also focus now on completing the tasks identified in the unit during an inspection that we know will help address the health hazard in the more immediate term.

Our work to prevent and remediate mold is making a difference for residents. To date, our Office of Mold Assessment and Remediation, in collaboration with our Operations team, closed nearly 17,000 mold-cleaning and mold-resistant paint work orders as part of “Operation Mold Cleanup,” which was launched in May 2022. We also created a team dedicated to cleaning up mold; it has completed about 2,300 mold-cleaning work orders to date. Since it was established last year, our Mold Inspection Initiative team has completed about 1,400 mold inspections at high-risk locations.

A key tool in fighting mold in the past year was the introduction of the Mold and Leaks Scorecard – a visual and assessment tool that rates the performance of every NYCHA

development, providing us with a greater understanding of where we need to focus our Mold Busters-related resources.

We used the Mold and Leaks Scorecard to select developments with the most mold-related work orders for our Enhanced Oversight Program, creating performance milestones for these developments and providing staff training when necessary. As part of the Enhanced Oversight Program, we help close mold inspections, mold-cleaning work orders, tub enclosure replacement work orders, and other skilled trades work.

### **3. Capital Investment**

Our Building Line Initiative is replacing entire plumbing systems in select building lines that are failing quickly, leading to leaks up and down the building line. This initiative helps to address mold while upgrading kitchens and bathrooms. Our Comprehensive Modernization program and our PACT program also include plumbing systems in the scope of work. Roofs and facades are also being addressed at some locations using these and other capital sources. But replacing our plumbing systems and addressing sources of moisture penetration through our roofs and facades across NYCHA's more than 2,000 buildings in the long term requires tens of billions of dollars and a real investment across the portfolio.

Let me emphasize this point: we have a short window to address NYCHA's plumbing and its physical infrastructure before the systems fail. Most of our buildings were constructed in the 1940s and 1950s and have not had their plumbing systems replaced since they were originally constructed. To prevent moist and damp conditions in NYCHA apartments, we need to invest significantly in the properties.

## **II. Pest and Waste Management**

Like mold, managing pests in a way that protects residents' health is an important pillar of our Agreement with HUD. The Agreement focuses on the extermination of pests, including rats, mice, and cockroaches, which can be sources of indoor allergens. The Agreement also requires that we adopt Integrated Pest Management (IPM), an environmentally sensitive approach to extermination that ensures we are not impacting air quality with excessive spraying of pesticides.

NYCHA's Pest Control Department, in collaboration with the federal Monitor under our Pests and Waste Management Action Plan, has focused on a number of initiatives to help reduce pest populations in NYCHA apartments.

## **1. Integrated Pest Management**

For instance, NYCHA has been changing its business process, using a new IPM Standard Procedure designed with the federal Monitor's expert entomologist, to emphasize a set of tasks that reduces indoor allergens while also getting at the root cause of pest infestations.

In accordance with IPM principles, NYCHA uses residual sprays less often and instead applies more gel in our pest treatments, benefitting residents' health. NYCHA's exterminators also use a HEPA vacuum to remove any roach shells or rodent droppings, which can impact respiratory conditions. And our exterminators use exclusion techniques to prevent entry by pests into the apartment in the long term.

As with the Mold Busters process, we built these steps into staff's handheld devices so that we can review compliance with these new requirements. And we launched several trainings for our exterminators and their supervisors on these new techniques. We also put in place an accountability structure to ensure compliance with these requirements on an ongoing basis. This includes the use of data tools, and also re-inspections and observations by our Quality Assurance Department, our Environmental Health and Safety Department, and the federal Monitor.

We expect that a continued focus on IPM principles will reduce the pest population over the long term. In 2022 we had almost 15 percent fewer verified pest complaints from residents compared to the year prior, a strong early indicator that IPM is working.

## **2. Pest Sensitive Population**

The Agreement also requires that we provide an expedited response to pest conditions in households designated as "pest-sensitive." NYCHA now conducts outreach to residents so they know they can self-identify as a household where someone in the family has a respiratory illness,

immune deficiency or suppression, or someone's health is otherwise impacted by insects or rodents. We are using this information to prioritize pest inspection and treatment in these households. We use multiple sources of data to ensure we appropriately tag these units for expedited service.

### **III. Sustainability Initiatives**

There are many other efforts underway that will help improve indoor air quality at NYCHA. Our range of sustainability initiatives not only help to improve service delivery and enhance the performance of building systems, but they also benefit the environment and provide residents and the community at large with a cleaner, healthier environment.

Our Agreement with HUD requires that we replace 500 boilers through both PACT and our capital program. At many sites, both our PACT partners and NYCHA Capital Projects team are leading projects that will help us move away from fossil fuel-powered heat and hot water systems, by deploying geothermal energy and electric heat pumps. Burning fossil fuels on our campuses contributes to greenhouse gas emissions that impact air quality.

Through the Clean Heat for All Challenge – a collaboration between NYCHA, the New York Power Authority, and the New York State Energy Research and Development Authority – an initial \$70 million investment will result in the development and production of 30,000 new heat pumps for NYCHA residents. This electric, efficient, easily installable technology will provide reliable heating and cooling for thousands of residents.

NYCHA has also been partnering with WE ACT for Environmental Justice, our nonprofit partner, to replace gas stoves, which studies show can impact indoor air quality. Soon, 1471 Watson Avenue will become the first NYCHA building to fully convert from gas to electric use when all residents' gas stoves are replaced with electric induction stoves.

We want to upgrade all our campuses with modern heating, cooling, and cooking systems. If we invest, we can move more of our buildings toward full electrification, installing new appliances and cleaner building systems.

### **IV. Ensuring Healthy Environments**

I would like to mention some other initiatives that demonstrate our commitment to improving air quality in NYCHA apartments. The Smoke-Free NYCHA initiative promotes healthier homes for residents and healthier working environments for employees by reducing exposure to secondhand smoke and providing support and resources to residents and employees who want to quit smoking. In accordance with HUD regulations, smoking is prohibited inside NYCHA buildings and within 25 feet of NYCHA buildings. NYCHA's Smoke-Free team uses evidence-based methods to provide education on the harms of tobacco and exposure to secondhand smoke. Project staff includes the Smoke-Free NYCHA Liaison team of community health workers who provide strategic support at a borough level.

NYCHA's Health Initiatives team also recently launched the Healthy Start @ NYCHA program. This program provides supplies and assistance to expecting and pregnant residents, and, like pest-sensitive households, we tag these units to ensure we prioritize repairs that may impact the health of our future NYCHA residents.

## **V. Ensuring Healthy Homes**

Ensuring that our developments are safe and healthy places for residents to live is our top priority at NYCHA. We believe that we are making progress across many of the areas that I discussed today, from pest management to mold remediation – areas that are critical to residents' quality of life. We know too that there is considerably more work still to do and more investment needed to ensure NYCHA's residents live in the high-quality, modern housing they deserve.

We appreciate your partnership as we continue working to promote healthy homes for NYCHA residents. We are happy to answer any questions you may have. Thank you.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

# Jumaane D. Williams

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## STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS TO THE NEW YORK CITY COUNCIL COMMITTEE ON PUBLIC HOUSING

FEBRUARY 28, 2023

Good Morning.

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. Thank you very much Chair Avilés and members of the Committee on Public Housing for holding this hearing and allowing me the opportunity to provide testimony.

It has been about six months since my office and I released a report on NYCHA called, [\*How the Other Half Lives in Public Housing\*](#), highlighting the unjustified and dangerous conditions at NYCHA developments that we witnessed during our 5 Borough Tour in 2022. Up until today, the issues included in this report continue to happen in various developments that impact the lives of NYCHA residents everyday. It has just been a numerous list of problems that keep appearing. First it was finding my office and I saw or were informed by residents. Then it was the arsenic in the tap water at Jacob Riis Houses. Now it's the poor air quality.

During the 5 Borough Tour, my office and I noticed that there was a frequent issue with mold and rodent and insect infestation. Some residents even had black mold. I am concerned that these two issues have heavily contributed to the poor air quality inside their homes. Many residents have complained that NYCHA is fully aware of mold throughout the building and that inspection should be done to determine the source of mold. Instead, NYCHA leaves it up to residents to inform each other or sometimes even resolve the issue alone. On the rare occasion that NYCHA did respond, they sent a contractor who did a poor job fixing the mold by plastering paint over it. Since a proper mold abatement was never done, each time paint and plaster was applied, the mold would return. This ends up leaving the residents to fix the problem themselves. According to the Federal Monitor, NYCHA is supposed to follow through with an action plan that addresses the mold issue. However, even with clear instructions for them to follow, still nothing has been done. As for the pest and insect infestation, residents are facing excessive filth in their homes with unsanitary conditions that can cause an unhealthy living environment that can lead to illnesses.

This is clearly another extensive list of how NYCHA continues to fail their residents by creating an unsafe environment. Like any New Yorker, NYCHA residents deserve quality housing as well. If NYCHA isn't making these changes, who can these residents rely on? It has been far too long that NYCHA residents have not been prioritized. We need to come together to advocate and



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

# Jumaane D. Williams

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ensure NYCHA residents' needs are being met. Leaders from all levels of government need to supply necessary resources including the funds needed to support New Yorkers living in public housing. [Res 0190-2022](#) calls on the New York State Legislature and Governor to provide their share of three billion dollars annually that will ensure capital needs are being addressed.

These unresolved issues impact the lives of NYCHA residents everyday which is why the recommendations in the report need to be considered. Some of the few that I would like my colleagues to consider supporting are:

1. Amending Local Law 55-2018, the Healthy Homes Act, to include NYCHA;
2. Amending Local Law 127-2021 to mandate automatic inspections by NYC inspectors and the issuance of any building or housing code violations; and
3. The metric used to hire contractors should be improved. NYCHA should develop a reliable list of contractors that can be used within their developments.

I hope NYCHA administration is able to inform us today about any programs or steps they have taken thus far to ensure that the livelihood of NYCHA residents are protected.

Thank you.



**TESTIMONY OF CYNTHIA RAMOS AND ALISON ROBERTS ON BEHALF OF  
LEGAL SERVICES NYC REGARDING THE CONDITIONS OF NEW YORK PUBLIC  
HOUSING AND THE IMPORTANCE OF RENEWED INVESTMENT**

**February 28<sup>th</sup>, 2023**

Background

Cynthia Ramos is a staff attorney at Queens Legal Services in the Housing Unit. Alison Roberts is a law graduate at Bronx Legal Services in the Public Benefits and LGBTQ+ Advocacy Unit.

LSNYC is a non-profit organization that fights poverty and seeks racial, social, and economic justice for low-income New Yorkers. LSNYC is the largest civil legal services provider in the country, with deep roots in all of the communities we serve. Our staff members assist more than 110,000 low-income New Yorkers each year and, along with other legal services providers in the city, LSNYC is at the forefront of the fight to prevent evictions, preserve affordable housing, protect tenants from harassment, and ensure that our clients' apartments are safe and habitable. A significant part of our work is in tenant rights and eviction defense. In support of our anti-eviction efforts, LSNYC helps clients secure, preserve, or increase access to City, State, and Federal benefits programs.

Specifically, the Tenants Rights Coalition (TRC) in Queens Legal Services represents and advocates for tenants who are suffering from unsafe and uninhabitable housing accommodations by suing landlords for failure to repair and/or harassment. In addition to representing and advocating for tenants against private landlords, Queens' TRC has also sued NYCHA for egregious conditions within residents' apartments. In one of our most severe cases, NYCHA's Carleton Manor lacked hot water for months in the dead of winter, leading a housing court judge to say that NYCHA was "dropping the ball."<sup>1</sup> Unfortunately, the conditions within NYCHA apartments have not gotten better and that, in part, is due to the lack of funding for necessary repairs. Further, the maintenance of NYCHA apartments continues to nosedive due to the lack of accountability, transparency, and empathy for tenants.

These issues are not confined to Queens. Bronx advocates have been seeing similar problems for years. The depth of the problem was highlighted recently when a group of advocates began seeing patients at a Bronx health clinic and immediately identified multiple clients whose NYCHA apartments urgently needed repairs. We have clients who have been dealing with leaks, mold, and remnants of fire, but in each case their story is similar: NYCHA sends someone to look at the damage, they take pictures, and nothing is repaired. A Bronx advocate recently witnessed a NYCHA repairman come to fix a broken window and realize he did not have the tools to do so. He took a picture and left. The window is still not fixed. After such failed repairs our clients are left living in damaged units, sometimes for years, wondering if these substandard living conditions are harming their health. We believe that the financial reinvestment in NYCHA provided in Resolution 190 would be a step towards remedying the dire

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<sup>1</sup> <https://www.nydailynews.com/new-york/ny-queens-nycha-tenants-no-hot-water-judge-jail-20220206-6k72w3tb6negfikjhfl66avlqi-story.html>

state of public housing in New York City, but conditions will not improve in NYCHA apartments until the agency itself is more transparent about its repair processes.

Current Conditions in NYCHA Buildings are Unsanitary, Unhealthy, and Unlivable for Many Tenants

NYCHA is home to about 339,900 of low to moderate income New York City residents.<sup>2</sup> Despite being the largest public housing system in the country, NYCHA continues to struggle in providing safe and habitable living accommodations for its tenants. NYCHA's internal data shows that it takes about 345 days to resolve open non-emergency repair requests.<sup>3</sup> The severe lack of urgency from NYCHA has placed thousands of New Yorkers in living situations that gravely affect their right to a safe and habitable apartment.

As legal services providers, we have seen first-hand how inhumane living conditions are in New York Public Housing. In Queens, tenants are living in subpar conditions, and they must continue to pay rent in fear of being taken to court. Even while rent is paid on time, conditions continue to worsen and affect the physical, emotional and mental health of NYCHA residents. In the Bronx, clients are living in apartments that NYCHA itself has admitted contain asbestos or mold – sometimes for years after these health hazards are discovered. In one case, our client has been living next to a burned-out apartment for over 3 months. Her doctors fear she is facing permanent lung damage as result. This client called NYCHA's mold ombudsman to discuss the air quality in her apartment and fire-related leaks that she feared would lead to mold. But when the mold ombudsman contacted the Housing Assistant, the client's open tickets regarding the leaks were closed even though no one came to the apartment to make repairs.

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<sup>2</sup> [https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA\\_Fact\\_Sheet\\_2022.pdf](https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA_Fact_Sheet_2022.pdf)

<sup>3</sup> [https://eapps.nycha.info/NychaMetrics/Charts/PublicHousingChartsTabs/?section=public\\_housing&tab=tab\\_repairs](https://eapps.nycha.info/NychaMetrics/Charts/PublicHousingChartsTabs/?section=public_housing&tab=tab_repairs)

In an effort to allegedly repair such conditions, NYCHA has begun converting public housing apartments to privately managed apartments through the federal Rental Assistance Demonstration program (RAD).<sup>4</sup> As noted in Resolution 190, there is early evidence that converted apartments have higher rates of eviction. And for the apartments still under NYCHA's control, repairs are severely lacking. NYCHA states that they are unable to complete vital repairs because of funding is unavailable. The agency's 2021 Transformation Plan notes that \$40 billion is needed to fully repair all NYCHA units, with \$18 billion of that amount necessary just to stabilize 110,000 of NYCHA's 175,000 apartments.<sup>5</sup> If it is raised, that \$18 billion will be used to address mold, abate lead, prevent heat outages, reduce elevator outages, and address pests. In other words, NYCHA needs \$18 billion to make most of its apartments livable. These costs are only going up, with NYCHA reporting that the bill to repair its apartments increases by \$1 billion per year.<sup>6</sup> As a result, residents across the city have fought against NYCHA regarding numerous conditions, namely the appearance of toxic water in their development,<sup>7</sup> heating issues,<sup>8</sup> and severe rodent infestations.<sup>9</sup> The additional funding contemplated in Resolution 190 would provide for repairs that are not only necessary, but repairs that tenants are entitled to by law.

For example, a tenant in Pomonok Houses, a NYCHA development in Queens, has been fighting for necessary repairs in her apartment for years. She has submitted dozens of repair

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<sup>4</sup> <https://therealdeal.com/new-york/2020/01/14/nycha-head-agency-now-needs-40b-in-repairs/>

<sup>5</sup> New York City Housing Authority, NYCHA's Blueprint for Change: Transformation Plan (2021), [https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA\\_Transformation\\_Plan\\_Final.pdf](https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA_Transformation_Plan_Final.pdf), 116-117.

<sup>6</sup> New York City Housing Authority, NYCHA's Blueprint for Change: Transformation Plan (2021), [https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA\\_Transformation\\_Plan\\_Final.pdf](https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA_Transformation_Plan_Final.pdf), 116.

<sup>7</sup> <https://www.ny1.com/nyc/all-boroughs/public-safety/2022/09/03/traces-of-arsenic-found-in-tap-water-at-jacob-riis-houses>

<sup>8</sup> <https://pix11.com/news/monica-makes-it-happen/over-10000-nycha-residents-without-heat-hot-water/>

<sup>9</sup> <https://gothamist.com/news/rats-on-the-rise-at-nycha-housing-they-got-bigger>

work tickets over the years with no real repairs done until recently. Even now, the work that has been done by NYCHA is not satisfactory, as she still fights against a host of issues, which include roach infestation, gas outages, and defective kitchen cabinets. The funding called for in this resolution could be invested into the repair ticket system so that it is effective in notifying management and receiving the repairs necessary in a reasonable time frame.

As of July 2020, NYCHA only had \$3.3 billion of the \$40 billion needed to repair its properties secured.<sup>10</sup> If additional New York State funding is focused on the stabilization of NYCHA apartments, it would fill the gap in funding required to adequately address repair needs. While full repairs are important to restoring the dignity of public housing, NYCHA first must ensure that none of its residents are at risk of permanent illness simply because they live in a NYCHA property.

While State Investment May Improve the Situation, Improvements Require  
Accountability within NYCHA

Though the additional funding from New York State called for in Resolution 190 could help improve the many conditions issues NYCHA residents face, we have concerns that funding alone will not be enough. While interacting with NYCHA as legal advocates we have witnessed a pattern of apathy among staff who face no consequences if they fail to maintain the developments they work for.

As mentioned previously, it has been reported by NYCHA that severe delays in the repair work ticket system exist. However, the repair work ticket system can be faulty and there is no

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<sup>10</sup> New York City Housing Authority, A Blueprint for Change (2020), 3, [https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Blueprint-for-Change\\_NYHC\\_Final.pdf](https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Blueprint-for-Change_NYHC_Final.pdf).

accountability for NYCHA when tenants' complaints fall through the cracks. When residents try to complain about the lack of repairs, NYCHA Housing Assistants sometimes do not respond to their calls for weeks on end. It is at this point that tenants often look for legal services, but advocates have few ways to help because the only available way to escalate complaints above the Housing Assistant level is filling a Housing Part (HP) Action in Housing Court.

The New York City Housing Maintenance Code (HMC) offers an accountability mechanism for NYCHA on paper by allowing tenants to sue for repairs through HP Actions. However, tenants who go to court find that no enforcement mechanism exists in reality. In one case, NYCHA has delayed a tenant's lawsuit asking for repairs seven times. At each court date, NYCHA promised to address issues in her apartment, but it never has. The City's Department of Housing Preservation and Development (HPD) issues violations against private landlords that make it easier for tenants sue for repairs, but HPD will not inspect NYCHA apartments until it has a court order to do so. Normally, if violations are placed by HPD, private landlords receive notifications (and possibly fines) if the work is not completed. NYCHA is able to continue neglecting their own tenants with no penalty.

While additional funding for NYCHA to perform repairs would be beneficial, it does not ensure that these conditions will be repaired in a timely manner. Currently, in order to receive repairs at all, NYCHA tenants must either litigate their issues in the press or commence HP Actions. Regardless of the financial reinvestment in Resolution 190, NYCHA tenants may still have to resort to their own devices as Resolution 190 does not guarantee that NYCHA will perform repairs in reasonable time frames.

Until there are additional accountability mechanisms for NYCHA, more State funding is unlikely to dramatically improve public housing conditions. If Housing Assistants are able to

continue avoiding speaking with tenants and their lawyers, they will be able to ignore poor living conditions even when there is funding to improve them. If HPD continues to take a back seat in all HP actions against NYCHA, tenants will not be able to effectively use housing court as a last resort to get repairs. As legal advocates, our ability to help our clients is only as good as the mechanisms available to enforce their rights. Through our public housing work at LSNYC, we have found that clients living in NYCHA housing have few channels to pursue their rights because of a lack of accountability in and around NYCHA. True improvement in the quality of New York City public housing will require ensuring that courts, City agencies, and NYCHA leadership are incentivizing change at the development level. That change begins with increased funding, but it cannot end there.



To: New York City Council Committee on Oversight and Investigations  
New York City Council Committee on Housing & Buildings

From: George Bassolino on behalf of the Master Plumbers Council

Date: February 27, 2023

Re: T2023 Oversight-Department of Buildings Enforcement of Qualifications for  
Gas Line Work

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## Introduction

My name is George Bassolino, Technical Director of the Master Plumbers Council (MPC).

The MPC is comprised of over 230 licensed Master Plumber companies of all sizes both union and non-union. The MPC provides members with the most up to date information on codes, policies, and procedures. In addition, we offer training courses for workers to gain required experience and obtain the appropriate qualifications that allow them to safely perform gas and plumbing work to code specified standards.

Gas safety is public safety. Qualifications for gas work are only one component of the Code required for gas safety. They are tangible proof of a person's ability and authority to perform gas work. The subject matter is very technical, but the takeaway for this Oversight committee should be simple. A person is either properly qualified or they are not and they must be qualified before they perform the work.

Natural gas is being phased out and during the wind down process we must vigilantly guard against paying less attention to it. In 2016, the Council passed 10 gas safety laws in response to tragic gas explosions, tragic because they were preventable. Preventable had the existing Codes, rules and procedures been adhered to. The same conditions that existed then still exist now and effective enforcement is essential to prevent them from reoccurring.

Council's priority must be to determine if the current level of enforcement is effective. How do we define effective enforcement - is it measurable, affordable, attainable? Why do some people make a choice to not comply with the Code? Is it cost and/or ignorance or is it because they think that they will not be held accountable? Does perception that a Code is not being enforced make people think it is ok to violate it or make them believe it is not important? Applying that thought process to gas safety can endanger the public. If people believe gas laws are not important, will they question if they should follow some other plumbing sections? Enforcing only some sections of the Code could create a dangerous domino effect.

Enforcement must apply to all equally, not just the licensees governed by the Code. For enforcement to be deemed effective it must provide a deterrent effect. We believe that effective enforcement requires a streamlined work process, adequate messaging, discipline and violations. Conditions that allow some to violate the Code must be diminished or removed.

The MPC is presently seeking to have three bills introduced, two of which are directly related to gas safety and the third would benefit Code enforcement. The MPC and our industry partners recently had a productive dialogue with the Commissioner and his senior staff to discuss them. The Commissioner personally presided over the meeting and it was made clear that the Department does not want unqualified persons doing plumbing or fuel gas work. We fully agree and look forward to working with the Department and Council to move this legislation forward.

The Fuel Gas Code (FGC) also includes installation, testing, inspections, and maintenance. All gas work requires a permit or report compliance filing, either of which provides the Department the ability to inspect or audit the work performed. In addition to Gas Work Qualifications, enforcement of each of these sections is essential to protect public safety.

**Local Law 152 of 2016** compliance was addressed at the hearing. There were statements made that there are perceptions that the costs of inspections and/or lack of qualified plumbers are an impediment to achieving an acceptable compliance level for this important safety inspection. The average cost of an inspection for a three-family house is between \$600-\$750. Inspections in larger buildings that are 100 plus families in size may cost between \$2,295- \$3,295. The variance in price is determined by the number of meters and piping configuration. There are several thousand qualified persons available to perform these inspections.

The primary reason why owners are not conducting these inspections is due to ambiguities in the current law. Owners are concerned that their existing gas piping would have to be shut down. We have submitted proposed amendments to this law that provide clarification to the work scope and provide a mechanism to prove work experience. The intent of the inspection is that gas should only be shut down to mitigate an immediate hazard to life or property. We have reviewed the proposed changes with the Department and are hopeful that they will send it back to Council for introduction and enactment. These changes would help create a level of comfort for owners to conduct these critical safety inspections.

**Local Law 150 of 2016** was the primary driver for this hearing. The Council is seeking to determine if the Department is effectively enforcing this important requirement. Prior to conducting an inspection, the Department requires persons conducting gas inspections and tests to produce a valid qualification. The Department has implemented a new procedure requiring that copies of all welders' qualifications and gas qualifications be maintained at the job site and available for review.

With barriers existing for persons seeking to earn this qualification, we urge the Council and Department to work with the industry and simplify the process without lessening the minimum qualification requirements. We recommend that the exam for a Gas Work Qualification be revised to only measure what knowledge a worker requires to perform gas work safely and in a code compliant manner. Persons entering the trade should strive to learn the codes (not simple memorization for an exam) and be able to keep abreast of changes. The ICC Code Organization had expressed interest in working with the Department to create a multiple-choice test. Their nationally recognized open book exams test a person's knowledge of and ability to navigate the code. Adopting these changes would help more persons obtain this qualification. This enhances their skill sets and without this qualification they are not employable for any gas jobs. 1 RCNY §101-03, created a statutory requirement that charges a \$525 fee for a written license exam. We respectfully request for the Department to reduce or eliminate this fee for persons requiring a certification or qualification to simply earn a living.

We have submitted proposed amendments to Article 423 (LL150). One change was to reduce the experience requirement to obtain a Limited Gas Qualification from 6 months to 3 months. This change would make workers more employable and enable them to start obtaining qualified experience earlier in their career. These persons are under the direct supervision of a qualified person and there is no downside to this change. We request for the Council to please consider implementing our suggestions and changes, as they would simplify the process for individuals seeking to obtain these qualifications, help advance their work careers and increase public safety.

**Big Box Stores** continue to replace thousands of residential gas appliances without permits and utilizing unqualified employees. This is a direct threat to public safety as this is the most potentially hazardous work a plumber undertakes. It requires that the gas be shut off and turned on, along with proper safety checks. To be compliant with the code, this work requires a plumbing permit, Department inspection and a gas qualified installer. This regulation increases the cost of what, for most people, is already an unanticipated expense. There is no excuse for performing this work without a permit, and store owners should be violated when found doing so. Where it is appropriate, we believe that a streamlined process that provides for a licensed Master Plumber to do work with minimal fees and regulations should be adopted and implemented. We have submitted proposed amendments to the NYC Administrative Code 28-405.4.4 (Ordinary Plumbing Work), that would allow a licensed Master Plumber to replace these domestic gas appliances, submit a report, and not be required to conduct an inspection. This code section has made this permissible for both residential gas boilers and water heaters since 2007. How does a licensed Master Plumber explain to a homeowner that a simple gas stove replacement has more regulatory requirements and costs than a boiler? These proposed changes remove unnecessary financial and regulatory barriers and increase public safety by having licensed and qualified persons doing the work. Adoption of this legislation would make sense from a public policy perspective. This proposed amendment is presently undergoing review with the Department.

**Messaging** is a critical for effective enforcement, as it helps to create a deterrent effect. More needs to be done in this area. Legislation could be passed requiring signage at locations that sell gas appliances to inform persons purchasing them that they are required to use a licensed Master Plumber to do the installation work.

The utilities could insert a message in each bill informing their customers that any gas repair or installation requires notification to the utility and the use of a licensed Master Plumber.

The Department's website must also be improved. The section for LL152 inspections does not describe the inspection, what an owner can expect, and an assurance that their gas will only be shut down to mitigate a hazard. In the tenant section, there is a message on *gas cut off*. However, it is not listed in the Property and Business owner's sections. This section should clearly inform owners that they are responsible to maintain their building in a code compliant manner and utilize properly licensed individuals.

On the Department website, it lists both licensed and unlicensed individuals that have been disciplined. Licensees can review what a fellow plumber was disciplined for and that helps to create a deterrent effect. When reviewing the unlicensed

worker section, it reveals there have been no entries since 2019. This may send a message to unlicensed individuals that no one is paying attention and the risk of getting caught is slim, which puts public safety at risk.

**Enforcement must be applied equally to everyone.** The industry proposed legislation to seize the tools and trucks of unlicensed **individuals**. That legislation is about protecting public safety through effective enforcement and is not intended to deprive anyone from making an honest living. In reality, that person who is operating without a license, proper insurance and is unqualified may be denying the 5 employees of the local plumber from making a living. That plumber employs NYC residents, pays taxes, benefits, and expends resources to have their employees qualified. These individuals are operating in this manner because no one is stopping them. Is it wrong to require that they invest their time to become qualified, earn a license and start a licensed plumbing business?

**Cover-up plumbing** occurs when an unscrupulous license Master Plumber rents his license to unqualified persons for financial gain. The workers are not properly qualified nor supervised. Today, it seems like no one is paying attention to this and the bad actors are becoming much more brazen. **Owners** who intentionally circumvent the code and put their tenants at risk, must also be subjected to enforcement and should receive the maximum penalties. In one of the 2021 gas explosions, the buildings records indicated a history of noncompliance with work related to gas. If this was determined to be a factor in that gas explosion, the owner must be held personally accountable. Lastly, **individual licensees** are responsible to know and follow all of the published codes and rules. Licensees sometimes violate the code, by mistake or by choice. The discipline applied must be in proportion to which one it was. During the hearing, it was revealed that one licensed Master Plumber was found guilty of conducting over 100 gas safety inspections with unqualified persons, meaning these inspections **never** occurred and that puts the public at direct risk. One of the buildings was subsequently inspected by the Department, they found gas leaks and had to call FDNY to shut off the gas. The licensee received a fine that was a fraction of what could have been levied. It is apparent that the license Master Plumber made a choice to violate the code and threaten public safety.

**How do we obtain effective enforcement?** The majority of gas law subject matter is very technical and persons reviewing possible noncompliance issues must possess adequate Subject Matter Expertise (SME). There are many nuances that exist in the plumbing contracting business. It would be beneficial for the SME to also have industry work experience. That would make them uniquely qualified to determine if a violation was a mistake, intentional or possibly caused by a process issue. The Department used to work with the industry SME volunteers who advised the Department on a multitude of issues. The Department continues to seek input from the industry on various issues. This process would be more transparent and effective if there was an official body performing this important task. The industry has requested that the Plumbing and Fire Suppression Contractor License Board be reinstated. One of the duties of the Board is to advise the Commissioner regarding allegations of illegal practices. Reconstituting the Board would provide the Commissioner with an enhanced ability to review the enforcement process and make recommendations on how to improve it. These SME's working in a strictly advisory capacity could assist in identifying potential enforcement issues and provide suggestions on how to best address them. The Board's responsibility also includes providing advice on code applications, regulations and legislation. From a public policy perspective an external source acting in a **strictly advisory role** could alleviate concerns of the Department becoming insular. The Commissioner is aware of the potential benefits of the Board and has expressed interest in moving forward to discuss this. We are ready to work closely with him to make that happen.

Thank you for providing us with the opportunity to provide Testimony and participate in the process. We are available at any time to meet and answer any follow-up questions you may have.

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## **MPC PROPOSED CHANGES INTRO 875-2023**

§ 28-318.1 General.

Commencing January 1, 2019, building gas piping systems, other than gas piping systems of buildings classified in occupancy group R-3, shall be periodically inspected in accordance with this article.

[Exceptions:]

1. **As part of the inspection, if it is determined that a building that contains no gas piping and is not currently serviced by a utility for gas** [and for which the owner of such building has submitted to the commissioner, in a form and manner determined by the commissioner, a certificate of a registered design professional], a licensed master plumber or an individual under the direct and continuing supervision of a licensed master plumber **with appropriate qualifications under section 28-318.3.1**, [or a person satisfying other qualifications that the commissioner may establish,] **shall submit, in a form and manner determined by the commissioner, certification** that such building contains no gas piping.

2. **As part of the inspection, if it is determined that a building [that] contains gas piping but that is not currently supplied with gas, a licensed master plumber or an individual under the direct and continuing supervision of a licensed master plumber with appropriate qualifications under section 28-318.3.1**, [or a person satisfying other qualifications that the commissioner may establish,] **shall submit, in a form and manner determined by the commissioner, certification that such building is not currently supplied with gas.** [that does not contain any appliance connected to any gas piping and that complies with section ] 28-318.3.5.

§ 28-318.2 Frequency of inspection. An inspection of a building's gas piping system shall be conducted at periodic intervals as set forth by rule of the commissioner, but such inspection shall be conducted at least once every five years.

Exceptions:

1. If the New York state public service commission adopts a **revised** rule or other requirement for periodic inspections of service lines, as defined in section 255.3 of title 16 of the New York codes, rules and regulations, with a frequency other than five years, the commissioner may, by rule, require that the periodic inspections required by this article be conducted with such frequency.

2. The initial inspection for a new building shall be conducted in the tenth year after the earlier of (i) the issuance by the department of a letter of completion or, if applicable, a temporary or final certificate of occupancy for such building or (ii) the date such building was completed as determined by department rule.

§ 28-318.3 Inspection process.

Gas piping systems shall be inspected and tested in accordance with sections 28-318.3.1 through 28-318.3.4.

§ 28-318.3.1 Inspection entity. Inspections of gas piping systems shall be conducted on behalf of the building owner by a licensed master plumber or by an individual **holding a journeyman plumber registration issued in accordance with article 409 of chapter 4 of title 28 of the administrative code of the city of New York and working** under the direct and continuing supervision of a licensed master plumber, with appropriate qualifications as prescribed by department rule **but shall include successful completion of a training program acceptable to the department. The department shall require proof of such qualifications on any report and certification as required under Section 28-318.3.3.**

§ 28-318.3.2 Scope. At each inspection, in addition to the requirements prescribed by this article or by the commissioner, all [exposed] **visually accessible** gas lines from point of entry of gas piping into a building, [including building service meters, up to individual tenant spaces] **through the point of connection to**

any appliance that uses gas supplied by such piping, shall be inspected for evidence of [excessive atmospheric corrosion or piping deterioration] abnormal operating conditions that represents [has resulted in dangerous an] immediately hazardous condition, illegal connection[s], and or non-code compliant installation[s]. The inspection entity shall also [test] conduct a leak survey of all visually accessible gas lines from the point of entry of gas piping into a building through the point of connection to any appliance that uses gas supplied by such piping to determine if there is any indication of a gas leak. In addition to the above, all public spaces, hallways, and corridors, [and mechanical and boiler rooms;] on floors that contain gas piping or gas utilization equipment shall also be leak surveyed. [with a portable combustible gas detector to

Determine if there is any gas leak, provided that such testing need only include public spaces, hallways and corridors on floors that contain gas piping or gas utilization equipment.] The leak survey shall be conducted utilizing an instrument approved for leak surveys by the New York State Department of Public Service. The scope of the inspection shall be in compliance with Part 255 of Title 16 of the New York State Codes, Rules, and Regulations.

Exception: Other than as required to provide access to a point of entry location, gas piping or gas utilization equipment located inside of an individual dwelling unit in a building other than a building classified in occupancy group R-3, as defined by section 1102.1 of the New York City Building Code, shall not be required to be inspected.

§ 28-318.3.3 Report and certificate of inspection.

The inspection entity conducting an inspection of a building pursuant to this article and the owner of such building shall comply with the following requirements:

1. No later than 30 days after such inspection, such inspection entity shall submit to such owner (i) a report of such inspection, on a form and in a manner determined by the

department, and (ii) a certification of the licensed master plumber who performed or exercised direct and continuing supervision over such inspection that an inspection pursuant to this article has been completed for such building. Such report shall be certified by such licensed master plumber and, where applicable, by any individual who performed such inspections under the direct and continuing supervision of such licensed master plumber, and shall include, for each gas piping system inspected, a list of conditions including instances where a part or parts of such system is worn to such an extent that the safe and reliable operation of such system may be affected, gas leaks, any observed non-code compliant installations or illegal connections, any conditions described in section 28-318.3.4 and any additional information required by the department.

2. No later than the due date for such inspection, in accordance with department rules, and no earlier than 60 days before such due date, such owner shall submit a certification from a licensed master plumber that an inspection pursuant to this article has been completed by such licensed master plumber for such building, provided that the department may by rule establish an alternative timeframe for such submissions.

3. No later than 90 days after the due date for such inspection, in accordance with department rules, such owner shall electronically submit, or cause to be submitted by such inspection entity, such report to the utility company providing gas service to such building. Such submission shall only be required if, before the date that such submission would be required, the department has determined and set forth in a rule that such utility company will accept such electronic submission at no cost to such owner.

4. No later than 120 days after the due date for such inspection, in accordance with department rules, such owner shall submit to the department, in a form and manner determined by the department, (i) a certification from a licensed master plumber that all conditions that were identified in the inspection report for which a certification was submitted pursuant to item 2 of this section have been corrected, except that such certification may note that correction of one or more

conditions identified in such report, other than conditions referred to in section 28-318.3.4, will reasonably take additional time to complete and (ii) a certification from such owner that such owner is in compliance with item 3 of this section. If such certification notes that one or more conditions will take additional time to complete, such owner shall, no later than 180 days after the due date for such inspection, or by such later date as the department shall determine, submit to the department, in a form and manner determined by the department, a certification from a licensed master plumber that all conditions identified in such report have been corrected.

5. All reports and certifications required by this section shall be kept on file by the inspection entity and the building owner for at least eight years after the date of inspection and made available to the department at the department's request.

§ 28-318.3.4 Reporting and correction of [unsafe or hazardous condition.] **abnormal operating conditions that present an immediately hazardous condition.** If an inspection reveals [any of the following conditions]**an abnormal operating condition presenting an immediate hazard the inspection entity shall immediately take safety actions to protect life or property.**[t]The inspection entity shall notify the building owner, the utility, and the department immediately and the building owner shall immediately take action to correct such condition in compliance with the New York city construction codes.

1. [A gas leak;
2. Evidence of illegal connections or non-code compliant installations; or
3. Any other conditions which (i) if verified by a utility company or utility corporation , would constitute a class A condition as described in part 261 of title 16 of the New York Codes, rules and regulations or (ii) constitutes an imminently dangerous condition.]

**§ 28-318.3.4.1 Reporting and correction of abnormal operating conditions that do not present an immediate hazard. If an inspection reveals an abnormal operating condition that does**

not present an immediate hazard, the inspection entity shall:

1. For abnormal operating conditions occurring on service piping, the inspection entity shall follow the requirements under Part 261 of Title 16 of the New York State Codes, Rules, and Regulations, and follow the applicable utility procedure(s). The condition(s) shall be noted on the inspection form submitted to the Department.
2. For abnormal operating conditions occurring downstream of the point of delivery, the inspection entity shall notify the Department in a manner prescribed by the Department as well as the utility in a manner prescribed by the utility. The inspection entity shall note the conditions on the report form. For abnormal operating conditions that do not pose an immediate hazard, where the remediation of which could potentially increase risk of a piping system failure or would require a shutdown of the gas piping system, the Department shall notify the building owner of the abnormal operating condition while allowing for it to remain in service. The Department shall determine by rule the corrective work that will be required to remediate the conditions. Gas service shall only be interrupted when necessary to eliminate an immediate hazard to life or property. The Department shall notify the local gas utility company and the building owner of the decision prior to taking such action. The building owner shall take action to correct such conditions in compliance with the New York City Construction Codes. For conditions that are classified as non-hazardous and are permitted to remain in service, the owner shall remediate those conditions in accordance with Department rule. If the Department determines that no remedial work is required that information shall be noted on the report form by the inspection entity.

[§ 28-318.3.5 Buildings without active gas service.

A building otherwise required to undergo an inspection pursuant to section 28-318.1 that is not currently supplied with gas, and that has no appliance connected to any gas piping, shall not be required to undergo such inspection when the following is submitted to the department:

1. A signed statement from a person with authority to sign such statement on behalf of any utility company that would be responsible for the provision of gas service if such service were provided containing the following:

1.1. The last date upon which gas was supplied to the building; and

1.2. The date upon which gas service was no longer provided to the building.

2. A signed statement from the owner of such building containing the following:

2.1. A certification that the building no longer receives gas service; and

2.2. A certification that the building no longer contains appliances connected to gas piping.]

[§ 28-318.3.6 Resumption of gas service.

Where the owner of a building that has complied with section 28-318.3.5 seeks to resume gas service to such building, the owner must:

1. Obtain a certificate of approval of gas installation from the department; and

2. Comply with the inspection and certification requirements of sections 28-318.1, 28-318.2 and 28-318.3 and the rules of the department before gas service is resumed, regardless of whether such inspection and certification would otherwise be required for that building at that time.]

§ 28-318.3.7 Extension of time to complete inspection.

Owners who are unable to obtain an inspection of a building pursuant to this article by the date set forth in the rules of the department may receive a 180 day extension of the due date for such inspection, and the filing of any certification required to be filed after such inspection, upon notification to the department in a manner established by the department. The department shall conduct periodic outreach to owners of buildings with gas piping systems that must be inspected pursuant to this article regarding the availability of this extension.

§ 28-318.4 Fees.

The department may charge filing fees for the certifications required by section 28-318.3.3, as set forth in the rules of the department.

§ 28-318.5 Enforcement.

Failure by a building owner to submit a certification required by this article shall be classified as a major violation for the first offense and shall be liable for a civil penalty of ten thousand dollars (\$10,000.00), payable to the department. Failure by a building owner of a building classified in occupancy group r-3 to submit a certification required by this article shall be classified as a major violation for the first offense and shall be liable for a civil penalty of two thousand five hundred (\$2,500.00), payable to the department. A building owner may challenge the imposition of such civil penalty by submitting satisfactory proof of a timely and acceptable filing to the department, no later than thirty (30) days following the issuance of such violation by the department. Challenges must be made in writing, in a form and manner determined by the department. After such thirty (30) day period and for each subsequent offense, the building owner shall be liable for the civil penalty as prescribed above. The department shall issue civil penalties of no less than five thousand dollars (\$5,000.00) and no more than ten thousand dollars (\$10,000.00) for each additional thirty (30) day period such building owner fails to submit a certification required by this article. If such building owner fails to submit a certification within six (6) months of the due date as determined by department rule, the commissioner may request, in writing, pursuant to section six hundred forty-five of the New York city charter that the board of standards and appeals or a court of competent jurisdiction revoke the applicable certificate of occupancy of such building.

§ 2. This law shall take effect immediately.

## **MPC PROPOSED CHANGES INTRO 875-2023**

### **ARTICLE 423 QUALIFICATION FOR GAS WORK**

**§28-423.1 Qualification required.** For the purposes of this article, “gas work” means work covered by section 101.2 of the New York city fuel gas code, where such work is required by this code to be performed under the direct and continuing supervision of a licensed master plumber, [provided that the term “gas work” shall not include periodic inspections required pursuant to article 318 of chapter 3 of title 28 of the administrative code.] On and after January 1, 2020, it shall be unlawful to perform gas work unless such work is performed by:

1. A licensed master plumber; or
2. A person working under the direct and continuing supervision of a licensed master plumber if such person:
  - 2.1. Holds a **full** gas work qualification pursuant to this article; or
  - 2.2. Holds a limited gas work qualification pursuant to this article and is performing such work under the direct supervision of (i) a person who holds a gas work qualification pursuant to this article or (ii) a licensed master plumber.

**Exception:** The provisions of this article shall not apply to gas work performed, serviced and maintained by utility corporations and subject to the jurisdiction of the New York state public service commission.

#### **§28-423.2 Applications for full gas work qualification.**

The commissioner shall issue a **full** gas work qualification to a person who submits satisfactory proof establishing that such person:

1. Has demonstrated an understanding of and proficiency and competency with gas work, including (i) a working familiarity with the fuel gas code and the ability to apply the requirements of such code correctly, (ii) the application of skills relating to gas work on the job site, (iii) a working knowledge of the tools for gas work and the ability to utilize such tools properly and (iv) an ability to draft simple diagrams and interpret from drawings for the purpose of performing gas work, by satisfying a requirement that the commissioner shall establish by rule; and
2. Satisfies one or more of the following:
  - 2.1. Such person is a registered journeyman plumber pursuant to article 409 of this chapter;
  - 2.2. Such person successfully completed an apprenticeship in plumbing through a program approved by the New York state department of labor and has at least one year of full-time experience performing or supervising plumbing work under the direct and continuing supervision of a licensed master plumber; or

- 2.3. Such person has at least five years of full-time experience **within the past seven years** performing or supervising [plumbing] **fuel gas** work under the direct and continuing supervision of a licensed master plumber, provided that at least one (1) year of such experience occurred in the city **under the direct and continuing supervision of a NYC licensed master plumber.**
- 2.4 **Such person possess a limited gas qualification for the period of time claimed working under the direct and continuing supervision of a NYC licensed master plumber.**

**§28-423.2.1 Concurrent applications.** The commissioner shall establish a procedure for concurrently applying for a journeyman plumber registration pursuant to article 409 of this chapter and a gas work qualification pursuant to this section. No application fee shall be charged to an applicant for a **full** gas work qualification if such applicant (i) is, at the time such application is filed, a registered journeyman plumber pursuant to such article or (ii) is applying concurrently for a journeyman plumber registration pursuant to such article and a gas work qualification.

### **§28-423.3 Applications for limited gas work qualification.**

The commissioner shall issue a limited gas qualification to a person who submits satisfactory proof establishing that such person:

1. Has at least [six] **three** months of full-time experience performing plumbing work under the direct and continuing supervision of a licensed master plumber; and
2. Satisfies one or more of the following:
  - 2.1. Such person has successfully completed a training program that (i) relates to gas work, (ii) is at least 16 hours and (iii) is approved by the commissioner;
  - 2.2. Such person is an apprentice in plumbing registered in an apprenticeship program approved by the New York state department of labor; or
  - 2.3. Such person satisfies such other requirement for demonstrating competence with gas work as the commissioner may establish by rule.

**§28-423.4 Expiration.** The gas work qualification shall have no expiration and need not be renewed or reissued. The limited gas work qualification shall expire five (5) years after issuance and may not be renewed.

#### MPC PROPOSED 28-105.4.4

**§28-105.4.4 Ordinary plumbing work.** The following ordinary plumbing work may be performed without a permit, provided that the licensed plumber performing such work: (i) provides a monthly report listing completed work and work in progress during the preceding month, including the block, lot and address of each job, a description of the work performed or in progress at each address, and the location in each building where the work was performed or is in progress; (ii) pays the fees for such work in accordance with this code; and (iii) submits to the department a certification that the work was performed in accordance with this code and all applicable laws and rules. Ordinary plumbing work shall include:

1. The relocation of up to two plumbing fixtures within the same room to a maximum of 10 feet (3048 mm) distant from the original location, and the replacement or alteration of related supply, waste, and vent piping associated with the fixture relocation, except in health care facilities.
2. The installation, replacement or repair of a food waste grinder (food waste disposal ); dishwasher; instant hot water dispenser; icemaker; coffee machine; secondary back flow preventer and the replacement or repair of a sump pump.
3. The repair or replacement of a plumbing fixture; faucet or fixture fitting from the exposed stop valve to the inlet side of a trap not constituting an ordinary repair.
4. The repair of components of a plumbing appliance or plumbing appurtenance.
5. The replacement of a plumbing appurtenance.
6. In residential buildings occupied by five families or fewer, the replacement of a gas water heater or a gas fired boiler with a capacity of 350,000 BTU or less where the existing appliance gas cock is not moved, provided that the plumber has inspected the chimney and found it to be in good operational condition.
7. In buildings classified in occupancy group R-3, the replacement of a gas furnace with a capacity of 350,000 BTU or less where the existing appliance gas cock is not moved, provided that the plumber has inspected the chimney and found it to be in good operational condition.
8. The repair or replacement of plumbing piping, except gas piping, not longer than 25 feet (7620mm), or connected piping previously repaired or replaced under this provision.
9. The repair or replacement of plumbing branch piping except gas piping, serving the dwelling unit and including the placement of fixtures, limited to two bathrooms and one kitchen per dwelling unit.
10. The replacement of gas-burning domestic appliances limited to ranges, ovens, stoves, barbecues, and clothes dryers where the existing appliance valve remains and when such appliance replacement is in accordance with this code and the New York City Fuel Gas Code. The existing gas cock or appliance valve shall be accessible, in good working condition with no noticeable corrosion or deterioration, and in the closed off position.
11. The replacement of an appliance connector serving a domestic appliance where the existing appliance valve remains and when such appliance replacement is in accordance with this code and the New York City Fuel Gas Code. The existing gas cock or appliance valve shall be accessible, in good working condition with no noticeable corrosion or deterioration, and in the closed off position.

**ARTICLE 417**  
**BOARDS**

**§28-417.1 Plumbing and fire suppression piping contractor license board.** The commissioner shall appoint annually and may remove in his or her discretion each member of a plumbing and fire suppression piping contractor license board that shall have as its purpose the following:

1. To advise the commissioner regarding the character and fitness of applicants for certificates of competence and licenses who have passed the required examination.
2. To advise the commissioner regarding allegations of illegal practices on the part of licensed master plumbers, licensed master fire suppression piping contractors, master plumber businesses or master fire suppression piping businesses.
3. To advise the commissioner regarding plumbing and fire suppression piping practices, code applications, regulations and legislation.
4. To perform such other responsibilities as may be requested by the commissioner and as set forth in rules promulgated by the department.

**§28-417.1.1 Removal.** The commissioner may remove any member of the license board and shall fill any vacancy therein.

**§28-417.1.2 Membership.** Membership of the board shall consist of:

1. Two officers or employees of the department;
2. Five licensed master plumbers, three of whom shall be selected from nominees of the New York city contracting plumbing association whose members perform the largest dollar value of work within the city and one of whom shall be the holder of a class A or class B master fire suppression piping contractor license. The two remaining licensed master plumber board member positions shall be from the next largest plumbing association in the city of New York.
3. Two licensed master fire suppression piping contractors, both of whom shall hold a class A license and shall be selected from nominees of the New York city sprinkler/fire suppression piping contractors association whose members perform the largest dollar value of work within the city;
4. A registered journeyman plumber from the organization representing the largest number of registered journeyman plumbers;
5. A registered journeyman fire suppression piping installer from the organization representing the largest number of registered journeyman fire suppression piping installers;
6. An engineer having at least five years' experience in the planning or design, and installation, of plumbing systems;
7. An architect;
8. An engineer who is a full member of the society of fire protection engineers;
9. Two officers or employees of the fire department representing the fire commissioner; and
10. A real estate owner or manager or representative thereof.

**§28-417.1.3 Organization of the board.** A member of the board who is an officer or employee of the department representing the commissioner shall serve as chairperson and all members shall serve without compensation. Nine members including the chairperson, who shall be entitled to vote, shall constitute a quorum of the board for the transaction of business. In the absence of a member or in the event of a vacancy, an alternate member of the board, may vote in the place and stead of the member for whom he or she is the alternate or on account of whom the vacancy exists. Alternate members shall be appointed and removed at the commissioner's discretion. All actions shall be conducted by majority vote except as otherwise provided, and the board shall keep minutes of its proceedings and records of its investigations. Except as otherwise determined by the chairperson, the board shall meet at least once a month.

**§28-417.1.4 Advisory and support personnel.** The board may request the commissioner to appoint duly authorized representatives to conduct investigations and other activities incidental to the functions of the license board. Such appointees shall be non-voting members of the committee to which they are appointed, and may include personnel who are not department employees who shall serve without compensation. In addition the commissioner may designate such employees of the department as the commissioner deems necessary to the service and support of the license board.

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## **Residents to Preserve Public Housing (RPPH) Written Testimony to New York City Council Re: Resolution 0190-2022 2/28/23**

RPPH would like to express its gratitude towards Councilmember Alexa Aviles and the Councilmembers co-sponsoring Resolution 0190 for advocating increased funding for the New York City Housing Authority, and calling on New York State to increase its budget allocation for Section 9 public housing in New York City. The need for funding in NYCHA communities citywide grows more critical by the day, and so we urge the City Council to stand behind this Resolution, amend it to include RPPH's budget platform, and to pass it before the State finalizes its annual budget on April 1st.

The New York City Housing Authority has largely prioritized the deeply concerning RAD/PACT and Preservation Trust programs as methods to address the funding and maintenance issues facing NYCHA communities. However, despite NYCHA's optimism and enthusiasm for these programs, they each pose significant barriers to actually addressing the outstanding needs in the city's public housing communities. The RAD/PACT program, as noted in Resolution 0190, has already drawn significant concerns regarding tenant protections, services, and rates of eviction, as well as skepticism in the program's ability to attract unsubsidized funding (detailed in a 2018 Government Accountability Office report to the Department of Housing and Urban Development). Just as RAD/PACT suffers from a systematic lack of comprehensive oversight, monitoring, and tracking, the recently passed Preservation Trust is also an untested model. RPPH, resident leaders, and tenant organizations have raised consistent concerns regarding both RAD/PACT and the Preservation Trust for years. Most recently, a report from the City's own Independent Budget Office details the many challenges facing the successful implementation of the Preservation Trust, including the well-founded distrust residents have expressed as a potential rejection of the Trust in any resident voting process, as well as the significant reliance on the hope of increased federal funding for Tenant Protection Vouchers far beyond historical appropriation levels.

In the meantime, public housing communities and residents continue to bear the brunt of chronic disinvestment from each of the City, State, and Federal levels of government. Beyond the growing cost of renovations needed at the housing authority, public housing residents are forced to live with a host of substandard living conditions and public health hazards, including inferior air quality, widespread heat and gas outages in the winter months, out of service elevators, and still chronic concerns around mold and lead abatement.

## THE RESIDENTS TO PRESERVE PUBLIC HOUSING (RPPH)



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To that end, RPPH has steadily advocated a budget platform to address the critical needs of New York City’s public housing through public funding. This budget platform was recently endorsed by the New York State’s Black, Puerto Rican, Hispanic & Asian Legislative Caucus in their annual “People’s Budget.” A recent support letter circulating among State elected officials has also endorsed our budget platform, and called attention to the critical need for increasing NYCHA funding at the State level. We call on the City Council to meet the urgency of the moment and stand alongside these efforts by amending Resolution 0190 to include RPPH’s budget platform, and passing it before the State finalizes its budget on April 1st. New York City’s public housing communities cannot afford to wait any longer



February 28, 2023

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**Testimony of WE ACT for Environmental Justice**

**To the New York City Council Committee on Public Housing**

**Regarding Air Quality in NYCHA Apartments**

To Chair Alexa Avilés and the Committee on Public Housing:

WE ACT for Environmental Justice, an organization based in Harlem, has been fighting environmental racism at the city, state, and federal levels for more than 30 years. WE ACT convenes a group of members living in New York City Housing Authority developments to discuss and organize around the various environmental health hazards that currently exist in their homes and communities. We want to thank the committee for holding such an important hearing.

To put the New York City Housing Authority (NYCHA) in perspective: As New York's largest landlord, it provides affordable housing to nearly 600,000 New Yorkers in 326 developments across the five boroughs of New York City. If NYCHA were its own city it would be the thirty-fifth largest city in the country by population, larger than populations of Sacramento, Atlanta or Miami.<sup>1</sup>

NYCHA, however, faces a myriad of problems – most of which are tied to the fact that it has been chronically underfunded for years. As a result, the New Yorkers who rent apartments in NYCHA developments often have to endure environmental challenges such as mold, lead, and pests along with substandard service in terms of repairs and other basic issues.

**We urge the New York City Council to:**

- **Hold an oversight hearing on the NYCHA Sustainability Agenda** that "... details the commitments that NYCHA will make over the next 10 years to improve resident well-being and operate as an effective and efficient landlord."<sup>2</sup> It has been almost seven years, this Council,

<sup>1</sup> April 2020 U.S. Census Estimate

<sup>2</sup> <https://www.nyc.gov/assets/nycha/downloads/pdf/NGN-Sustainability.pdf>

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[www.weact.org](http://www.weact.org)



the public and NYCHA residents deserve to know how devoted NYCHA has been to their commitments which includes strategies to improve indoor air quality. Oversight and accountability is the key to improving the lives of nearly 600,000 New Yorkers.

- **Pass Resolution 190** which calls upon the New York State Legislature and Governor to provide their share of the additional three billion dollars annually that must be reinvested into NYCHA in order to address capital needs resulting from decades of disinvestment in its building stock. We know the type of neglect and state of disrepair NYCHA developments are in is considered unacceptable in private housing, it should also be unacceptable in public housing and the State and Governor must include investing in NYCHA as a part of their housing plan.
- **Pass Int 0550-2022** which would convene NYCHA resident representatives and invite the contribution of senior NYCHA officials in order to study, report on, and make recommendations to improve NYCHA's engagement with its tenants and better address resident's concerns with building safety and quality of life within NYCHA facilities. NYCHA residents have felt that interaction with NYCHA has been inadequate and there has been declining trust in leadership due to the discrepancies in what officials say about their progress and the lived experiences of residents.
- **Pass Int 0724-2022** which would require the 311 customer service center to issue quarterly reports regarding 311 complaints or requests for service related to NYCHA. This bill adds much needed accountability data to address the clear lack of transparency on NYCHA complaints; exposes disparities among developments; quantifies the qualitative data on housing conditions; and allows for more targeted, equitable remediation planning.
- **Study and explore establishing citywide, health-based and enforceable indoor air quality standards for all housing types.**



## Indoor Air Quality

Indoor air quality is among the many environmental challenges that NYCHA residents face, including exposure to particulate matter, nitrogen oxides, and carbon monoxide. The majority of these pollutants are generated through gas combustion, specifically from gas appliances such as stoves and boilers. None of the NYCHA residents that WE ACT work with have functioning range hoods or adequate ventilation in their apartments.

These pollutants are a concern, because they exacerbate cardiorespiratory health conditions, including asthma and chronic obstructive pulmonary disorder (COPD), and can increase the risk for heart attacks.<sup>3</sup> In NYCHA developments specifically, residents are disproportionately bearing the health impacts of indoor air pollution relative to other housing residents citywide. Between 2010 and 2014, the age-adjusted rate of preventable asthma hospitalizations was more than 300% higher among public housing residents than citywide.<sup>4</sup>

This increased burden of hospitalizations is not shared evenly across all NYCHA developments. For example, some NYCHA developments had up to a three times greater rate of hospitalizations for COPD compared to other developments.<sup>2</sup>

In addition to air pollution from gas combustion, mold and pests should be treated as indoor air quality concerns, because of its role in negative health outcomes associated with asthma. Exposure to mold has been associated with childhood wheezing and childhood asthma while mold sensitization and exposure has been associated with asthma symptoms, exacerbations, urgent visits for asthma, and lower lung function in urban children living with asthma.<sup>5</sup> Pest allergens, such as mouse and cockroach allergens, are also major causes of urban pediatric asthma morbidity in the United States.

## Indoor Air Quality Monitoring

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<sup>3</sup> US EPA, O. (2021, September 17). Air Pollution and Cardiovascular Disease Basics [Overviews and Factsheets]. <https://www.epa.gov/air-research/air-pollution-and-cardiovascular-disease-basics>

<sup>4</sup> Yim, B., Howland, R. E., Culp, G. M., Zhilkova, A., Barbot, O., & Tsao, T.-Y. (2019). Disparities in Preventable Hospitalizations Among Public Housing Developments. *American Journal of Preventive Medicine*, 56(2), 187–195. <https://doi.org/10.1016/j.amepre.2018.08.019>

<sup>5</sup> Grant, T. L., & Wood, R. A. (2022). The influence of urban exposures and residence on childhood asthma. *Pediatric Allergy and Immunology*, 33(5), e13784. <https://doi.org/10.1111/pai.13784>



**Despite these well-documented health impacts, there is no clear effort from NYCHA to monitor indoor air quality in a meaningful way within or across developments.** While NYCHA does report to have an Indoor Air Quality Oversight Team (IAQOT) as part of their Environmental Health and Safety Department, the team only includes one administrator and five specialists, which is drastically insufficient for monitoring the indoor air of all 326 NYCHA developments.<sup>6</sup>

To properly address the major health threat that indoor air quality poses to NYCHA residents, NYCHA must significantly scale up their Indoor Air Quality Oversight Team (IAQOT) to carry out routine air quality monitoring along with targeted air quality assessments in response to resident complaints. Air quality assessments should be prioritized for residents living with asthma, COPD and other respiratory conditions.

NYCHA should also coordinate with third-party environmental management and testing companies to conduct random testing throughout NYCHA developments to ensure the validity of air quality assessments conducted by the IAQOT.

In addition to NYCHA, the City also holds some responsibility for this lack of indoor air quality monitoring by failing to establish citywide indoor air quality standards. To help motivate greater indoor air quality within NYCHA developments and across all housing types in New York City, health-based and enforceable indoor air quality standards must be set.

### **Capital Investments to Improve Air Quality**

WE ACT recently completed an [air monitoring pilot project](#) in the NYCHA building 1471 Watson Avenue that measured the indoor air quality impacts of transitioning from gas to electric stoves. Our pilot recorded nitrogen dioxide concentrations in participants' kitchens of 197 parts per billion, well over what is considered safe for outdoor exposure, when cooking with a gas stove. Such high concentrations are the result of a myriad of building factors including poor ventilation as well as older, leaky, and less efficient stoves. However, we measured a 35 percent drop in nitrogen dioxide and a significant decrease in carbon monoxide in apartment units that replaced their gas stove with an

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<sup>6</sup> <https://nychajournal.nyc/indoor-air-quality-at-nycha/>



electric induction stove.<sup>7</sup> This improvement to indoor air quality, coupled with the fact that every single participating household preferred cooking on the induction stove to the gas stove, prove that electrification is a viable and welcomed solution to air quality issues NYCHA residents face.

While all-electric retrofits are not as urgent of a priority as mold, lead and other toxic remediation, electrification will drastically reduce exposure to harmful air pollutants, and will help NYCHA achieve the goals set forth in the 2021 NYCHA Sustainability Agenda and the emission reduction requirements in Local Law 97. There are 61 NYCHA buildings recording gas outages right now, and one building has been without gas for over a year.<sup>8</sup> WE ACT's neighbors in Grant Houses lost gas back in January with the expected date of return to be determined. While these disruptions in service are unacceptable, it offers NYCHA a chance to strategically advance its health and climate goals. Instead of repairing the gas infrastructure at these buildings (which is NYCHA's current plan) the agency could make capital investments that help the properties electrify. This supports the long term health of the residents and sustainability goals of the agency.

According to a NYCHA presentation given to Manhattan Community Board 10 on January 23, 2023: Out of the approximately \$40 billion capital needs for NYCHA over 40% of that is estimated for remediating environmental health hazards like lead, mold and pests (see Chart 1, attached); all of which must be remediated before building electrification. Complete electrification is estimated to cost an additional \$6.2 billion in capital needs. NYCHA should incorporate electrification whenever developments undergo major upgrades, renovations, or complete demolition/reconstruction. Similarly, NYCHA should require properties that go through a Permanent Affordability Commitment Together (PACT) or Public Housing Preservation Trust agreement to fully electrify as a part of comprehensive renovations. This will allow the maximum benefits to indoor air quality.

### **NYCHA Sustainability Agenda**

In 2016, NYCHA released the [NextGeneration NYCHA Sustainability Agenda](#), a “roadmap for creating healthier, safer, and more comfortable homes for our residents while ensuring that NYCHA survives and thrives to serve

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<sup>7</sup> WE ACT for Environmental Justice (2023). Out of Gas, In With Justice. <https://www.weact.org/campaigns/out-of-gas/>

<sup>8</sup> <https://my.nycha.info/Outages/Outages.aspx#>



generations to come”<sup>9</sup> with a Goal #2 being to “Operate as an effective and efficient landlord”. **NYCHA acknowledges that they “...can’t control outdoor air pollution, but its sustainability strategies can improve indoor air quality.”** One of the strategies nestled underneath Goal #2 was to “Create healthy indoor environments” by “...addressing mold comprehensively, minimizing toxic chemicals in the home, reducing second-hand smoke exposure, and by effectively controlling pests.”

In 2021, NYCHA released a new [Sustainability Agenda](#), a “5-year roadmap for creating healthier, safer, and more comfortable homes for residents” with Goal #2 being to “Cultivate healthy and resilient communities based on design excellence”. **In this agenda NYCHA acknowledges that they are “...responsible for ensuring that its apartments are comfortable, safe, and free of lead, mold, and pests.** One of the strategies nestled underneath 2021 Agenda Goal #2 is to “Ensure healthy and hazard-free indoor environments” by implementing the following<sup>10</sup>:

- *Expand mold management program to address water infiltration through capital upgrades*
  - NYCHA has revised its standard procedure for addressing mold complaints and introduced Mold Busters [...] was fully deployed citywide by September 2, 2019.
- *Upgrade mechanical ventilation systems for mold prevention*
  - NYCHA has committed **\$83M** in Federal and City funding to perform portfolio-wide ventilation upgrades, scheduled to be completed by August 2022.
- *Replace roofs and parapets*
  - NYCHA has committed over **\$1.4B** in City Capital funds to upgrade the roofs at 135 developments. As of July 2021, 12 developments have been completed, and the remaining developments are targeted for completion by 2027.
- *Test new cost-saving technologies to reduce water infiltration and seal façades to prevent leaks*
  - NYCHA is spending **\$4M** to test breathable mineral coating technologies to coat façades that will prevent leaks and water infiltration.
- *Implement a standard procedure for leaks*

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<sup>9</sup> <https://www.nyc.gov/site/nycha/about/sustainability.page>

<sup>10</sup> 2021 Sustainability Agenda pgs. 54-61



- The rollout of the standard procedure is anticipated to start in spring 2022
- *Implement an informational campaign for residents on mold awareness*
  - A phased campaign was rolled out the summer of 2021.
- *Perform lead outreach and remediation*
  - NYCHA is committing over **\$1B** to remove lead-based paint.
- *Complete XRF testing and lead-based paint reporting*
- *Perform gut rehabs to address mold and lead comprehensively*
  - NYCHA will renovate entire developments to bring them to a state of good repair. NYCHA has already committed **\$448M** to making these upgrades at St. Nicholas and Richmond Terrace developments.
- *Eliminate elevator outages*
  - NYCHA will spend **\$664M** to replace 275 of its worst-performing elevators by 2024 and is planning the repair or replacement of 1,000 elevators through the PACT program
- *Adopt Integrated Pest Management*
- *Reduce exposure to secondhand smoke*
  - NYCHA will promote resident leaders and activate the Smoke-Free NYCHA Liaison team.
- *Ensure every NYCHA family with a newborn or infant has a safe home and is connected to available supportive resources*
  - NYCHA will implement a program [...] [that] will provide assessment to evaluate the conditions of the apartment for key environmental hazards such as lead, mold, pests, and asbestos.
- Partner with health care and community based health organizations to improve asthma outcomes of NYCHA residents
  - NYCHA[...] will expand targeted collaboration with health partners to ensure residents are optimally connected to education and services to advance asthma prevention and control. This includes programs that train and deploy NYCHA residents as community health workers who help bridge gaps in prevention and care.

Based on the goals and progress of NYCHA's Sustainability report, it is evident that money is being spent to address and improve indoor air quality and the health of residents. However, these investments, projects and programs do not seem to match the lived experience of NYCHA residents, as evident through: testimonies of tenants, testimonies of public advocacy groups



and coalitions, journalistic investigative reports, social media and WE ACT's NYCHA Working Group. There needs to be a deep investigation into NYCHA's Sustainability Agenda. NYCHA has to be held accountable for their commitments they are making and must address, on the record, the discrepancy on what is being reported by NYCHA officials and what is not materializing on the ground.

Public housing residents should not be an afterthought to elected officials at the city, state or federal level. There is no environmental, social or housing justice if public housing residents are not included and prioritized. The New York City Council and the Committee on Public Housing must continue to hold the New York Housing Authority accountable for improving the quality of life for their residents and pressure State and Federal elected officials to make public housing a priority and fund the capital needs and complete electrification.

Thank you again, Chair Aviles and the Committee on Public Housing for allowing me to testify on such an important matter to WE ACT.

Sincerely,

**Jaron Burke**

Environmental Health Manager  
WE ACT for Environmental Justice  
| [jaron@weact.org](mailto:jaron@weact.org)

**Annie Carforo**

Climate Justice Campaigns Coordinator  
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| [annie@weact.org](mailto:annie@weact.org)

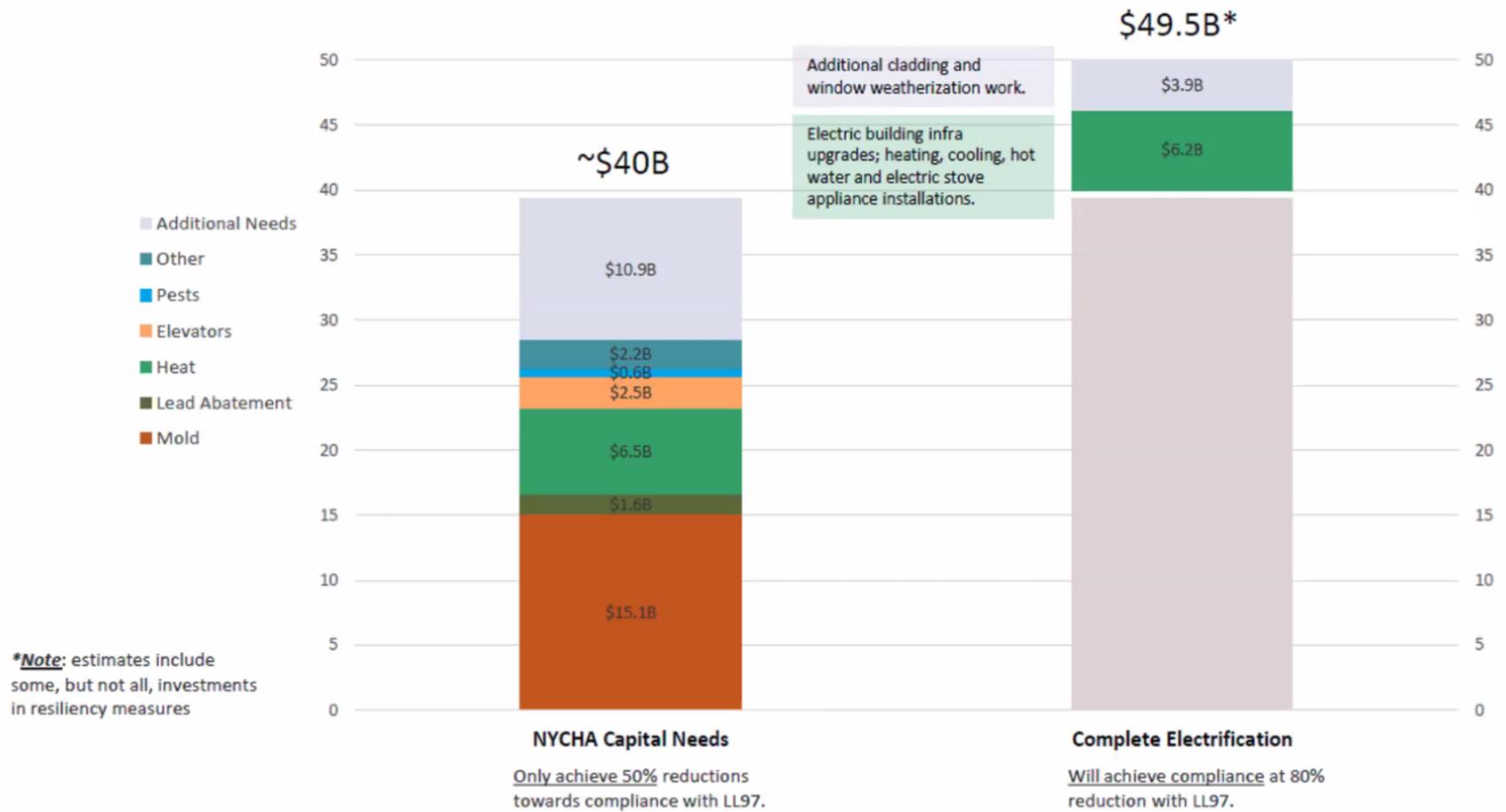
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Chart 1 – How big is NYCHA’s capital need across the city? (Image captured on January 23,2023 at Manhattan CB 10 meeting)

# How big is NYCHA’s capital need across the city?



March 3, 2023

To the New York City Council Committee on Public Housing

Regarding Air Quality in NYCHA Apartments

Amanda Fitzpatrick

*Member, WE ACT for Environmental Justice*

To Chair Alexa Avilés and the Committee on Public Housing:

My name is Amanda Fitzpatrick, and I am a resident of Johnson Houses. I have been a NYCHA resident for 34 years. I am also a member of WE ACT for Environmental Justice and together we are fighting for healthy, sustainable and climate resilient housing in NYCHA.

I am submitting comments today on my experience with the air quality in my apartment.. The more than 500,000 New Yorkers who call NYCHA home must endure living conditions that regularly include mold, poor ventilation, dirty air filters, and lead exposure. These conditions, in turn, impact residents' physical, mental, and social well-being and obstruct their right to healthy housing. Studies demonstrate a clear link between these unsatisfactory living conditions and the negative physical and mental health outcomes that many residents experience. Substandard housing has been linked to infectious disease, injuries, poor nutrition, mental disorders, and chronic illnesses.

**As a NYCHA resident, I am largely concerned about smoking in hallways and common areas. My apartment smells as if I have been smoking constantly. Sometimes I will wear a mask to cover up the smell. There is signage about smoke free housing but it is not being enforced. It got better immediately for three to four months, but since then has been really bad. I have noticed that smoking stops when cops are around. I would like some sort of authoritative presence so that people are not as comfortable smoking in the building.**

Thank you for holding a hearing on such an important issue. I hope NYCHA takes my comments seriously and that the City Council Committee on Public Housing holds NYCHA accountable.

Thank you for your time.

Sincerely,

Amanda Fitzpatrick | [afitzpatrick4363@yahoo.com](mailto:afitzpatrick4363@yahoo.com) | 862-596-4360

March 3, 2023

To the New York City Council Committee on Public Housing

Regarding Air Quality in NYCHA Apartments

Carnetta Clark

*Member, WE ACT for Environmental Justice*

To Chair Alexa Avilés and the Committee on Public Housing:

My name is Carnetta Clark, and I am a resident of Frederick Samuels. I have been a NYCHA resident for 30 years. I am also a member of WE ACT for Environmental Justice and together we are fighting for healthy, sustainable and climate resilient housing in NYCHA.

I am submitting comments today on my experience with the air quality in my apartment.. The more than 500,000 New Yorkers who call NYCHA home must endure living conditions that regularly include mold, poor ventilation, dirty air filters, and lead exposure. These conditions, in turn, impact residents' physical, mental, and social well-being and obstruct their right to healthy housing. Studies demonstrate a clear link between these unsatisfactory living conditions and the negative physical and mental health outcomes that many residents experience. Substandard housing has been linked to infectious disease, injuries, poor nutrition, mental disorders, and chronic illnesses.

**As a NYCHA resident, I am concerned about the amount of dust and dirt that is being kicked up and left by construction. There are piles of dirt making it inside and into my home and no one is doing anything about it. I would like to see a councilmember visit the houses and come see the current conditions.**

Thank you for holding a hearing on such an important issue. I hope NYCHA takes my comments seriously and that the City Council Committee on Public Housing holds NYCHA accountable.

Thank you for your time.

Sincerely,

Carnetta Clark | [carnettamurphy@yahoo.com](mailto:carnettamurphy@yahoo.com) | 917-826-1459

March 3, 2023

To the New York City Council Committee on Public Housing

Regarding Air Quality in NYCHA Apartments

Latoya Velazquez

*Member, WE ACT for Environmental Justice*

To Chair Alexa Avilés and the Committee on Public Housing:

My name is Latoya Velazquez, and I am a resident of Jefferson Houses. I have been a NYCHA resident for my entire life (resident of Jefferson Houses for 14 years). I am also a member of WE ACT for Environmental Justice and together we are fighting for healthy, sustainable and climate resilient housing in NYCHA.

I am submitting comments today on my experience with the air quality in my apartment.. The more than 500,000 New Yorkers who call NYCHA home must endure living conditions that regularly include mold, poor ventilation, dirty air filters, and lead exposure. These conditions, in turn, impact residents' physical, mental, and social well-being and obstruct their right to healthy housing. Studies demonstrate a clear link between these unsatisfactory living conditions and the negative physical and mental health outcomes that many residents experience. Substandard housing has been linked to infectious disease, injuries, poor nutrition, mental disorders, and chronic illnesses.

As a NYCHA resident, I am concerned that air ducts from the roof are not working at all and they have not been fixed. The air ducts on the roof are also not regularly cleaned. When you walk around public spaces and to your apartment you see so much dust in the air ducts and many of them have pests. When you call NYCHA and request for your windows to be cleaned from construction dust and dirt that ends up in the homes, they do not respond.

I received a call for an upgrade and was told that I had to pack all of her things and NYCHA would strip her apartment to renovate and move me into a hotel while doing the upgrades. After packing all of my things I never received any follow up calls and was later denied upgrades because I did not live with children.

NYCHA apartments should be upgraded to have central air conditioning and heating. They should change radiators because you cannot control them and you cannot shut them on and off. Other NYCHA workers like janitorial staff and others should be allowed to move up and work on the improvement with upgrades in NYCHA housing. They have a lot of experience working in NYCHA and public housing and they should have opportunities for growth. Instead of placing people in hotel rooms while remodeling their homes, they should be placed in vacant, renovated apartments. NYCHA should also reach out to Local 237 Union and inform them about what is going on and discuss ways for members living in NYCHA to become involved in the work to improve their developments. There also needs to be better enforcement on smoking in the building; they do not enforce these rules. Some tenants smoke in the hallways and common

areas. Also, I have seen pilot apartments for getting gas out of homes, however this is not available to all buildings and there should be a plan to do this.

Thank you for holding a hearing on such an important issue. I hope NYCHA takes my comments seriously and that the City Council Committee on Public Housing holds NYCHA accountable.

Thank you for your time.

Sincerely,

Latoya Velazquez | [Velazquezlatoya@yahoo.Com](mailto:Velazquezlatoya@yahoo.Com) |

## **INDOOR AIR QUALITY - CITY COUNCIL HEARING - JOEL KUPFERMAN TESTIMONY - FEBRUARY 28**

I am Joel R Kupferman , executive director and attorney at the Environmental Justice Initiative, am personally familiar with the air problems at NYCHA ...as counsel to Tenant Associations and RPPH.

Much exposure can be prevented — it's a question of WILL, not MONEY.

Much of the indoor AIR TOXICITY is coming from the OUTSIDE. Indoor air quality is highly dependent upon the immediate outdoors.

From loose disturbed soils- soils laden with dangerous levels of lead, arsenic, hexavalent chromium and such. The disturbed soils, once covered with some kind of ground cover- has been disturbed by “uncontrolled construction” in the name of good, in the name of resiliency- trenches are dug for pipes; soils are piled up in front of tenants windows. We learned from 9/11 that windows do not block the dust. Soils are distributed onto the paths and are trekked into apartments.

NYCHA residents are certainly vulnerable –old, young, disabled, asthmatic- all subject to cumulative chronic impact -it is multi-vector, and multi-source. Little chance to escape.

EJI would like to point out that NYCHA and its' contractors have continuously violated a major provision in their contract: appendix H Dust Control. This provision states that dust control must occur in order to prevent exposure to residents and workers. Failure to contain the soil violates city/state/federal Storm Water management laws and regs.

We apprized Ms. Sinderbrand, Senior Vice-President for Capital Programs, and Mr. Green, then Compliance Manager for NYCHA, of the problem ...We brought this problem to their attention very pointedly with walk-throughs accompanied by our experts. We recommended and presented a solution of geo-textile, such as inexpensive burlap, to be put in place as temporary containment.

But they refused to force the contractor, Navillus, and construction manager STV to do it. As a matter of fact, STV and Navillus were paid the full \$58 million dollars for their inadequate work. And NYCHA then rewarded STV with more contract and power.

Neglect and bad construction has turned the 2,521 acres of NYCHA land of potential “urban forest” into PM2.5 dust-generators permeating building interiors and lungs of NYCHA residents and workers alike... the workers suffer as well: staff as well as contracted labor.

Improper roof replacement and repair has allowed a toxic soup to invade top floor apartments - and onto apartment floors- Eventually to become toxic aerosols.

Pesticide applications have been improper and pose a serious enviro health threat. Riis residents faced anonymous exposure to unnamed pesticides applied to shifting soils, and received no answers as to what was used. Arsenic deposits were used to kill rats. Exposures, illness, and now a death at RIIS: uncover a dire need for mitigation of concentrated levels of pesticides where people walk, play, and live. Doctors and regulators have demanded to know this information for diagnoses and treatment.

NYCHA doesn't want to know, to meaningfully measure or to institute proper remediation. Neither to seek assistance from other agencies, such as OSHA. Whistleblowers have confirmed this. NYCHA not only does not listen but punishes the whistleblower.

They are right- it is a question of money, but not a shortage of money- The continuing payment to contractors who have lost sight of the rules, with that- endanger the lives of all and display a brazen indifference.

This so-called “resiliency construction” has decreased resiliency. It has reduced the presence of natural resources able to protect the sites and improve air quality. It has damaged trees, flora, and thus weakened the capacity of the soil to retain water- an essential element of flood control.

Indoor air quality is highly dependent upon the immediate outdoors. These piles of dirt must be contained, and replaced with a well-planned, ecologically-planned, life-generating landscape, structured to include tenant participation.

Solution --Here is a \$200 air monitor with live data, sent by WIFI with a measurement of PM-- down to '.1'

This is a \$200 Digital Infrared Thermometer — it can detect mold-fostering water leaks in the wall, measures excessive heat in apts.

HEPA vacuum is used to detect what has entered.

Contain the Dirt, give them monitors, and the digital infrared thermometer.

The recently passed Green Amendment upholds the right to clean air, water, and healthy environment.

jOEL R kUPFERMAN

Environmental Justice Initiative

[www.envirolaw.org](http://www.envirolaw.org)

917-414-1983

## ENVIRONMENTAL JUSTICE INITIATIVE/

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## CITY COUNCIL SUBMISSION

TESTIMONY FOR JOINT COMMITTEES Oversight and Public Housing September 23, 2022 **Arsenic and Jacob Riis Houses** \*Updated following February 28<sup>th</sup> NYCHA Oversight Hearing\*

[All in-text updates will be in bold blue font and in brackets, separated from the body of the text]

I am Joel R Kupferman. Executive Director and Senior Attorney at the Environmental Justice Initiative- and counsel to the Jacob RIIS and Alfred E Smith Resident Associations, respectively. This testimony is co-authored by Michael O’Hora, a second-year law student at the Elisabeth Haub School of Law at Pace University, and intern to the Environmental Justice Initiative.

**It is error to claim that there is no actionable exposure to arsenic by RIIS residents.**

It is not only in the water. **It is in the soil.** The City and NYCHA are in error to put the attention on one and ignore the other. People are being **poisoned by the dust in the air from the dirt piles -from the soil itself.** The **soil and residents must be tested.** The soil **must be contained.** Currently, it is not controlled. We know the City applied **massive amounts of arsenic to all surface and sub-surface soil, to kill the rats.** But they **have failed to remove the arsenic,** which is cancerous, and noxious, thus continue to poison the tenants- who they were supposedly trying to protect.

Testing at **NYCHA Smith Houses indicated 240 parts per million in the soil– which is 15 times the New York State Soil Cleanup Objectives of 16 parts per million—a huge elevation of allowable limit.** We do not know the exact amount at Riis Houses

**[since writing - Joel Kupferman has tested the soil and had a result of 15.9ppm, above the 13ppm level SCO unrestricted use which is 72 times higher than the cancer-causing SCO of 0.22PPM for residential cleanup objectives ( p.4 York Analytical Lab report )**

**[https://www.dec.ny.gov/docs/regions\\_pdf/dohfmc2.pdf](https://www.dec.ny.gov/docs/regions_pdf/dohfmc2.pdf)**

– but NYCHA and NYC DOH and DEP have failed to measure or to mitigate the ongoing chronic exposure and risk. The Smith Resident Association has urged Dan Greene, then NYCHA Compliance officer; DEP Commissioner Sepenzia; and STV (the same company in charge of construction and water infrastructure matters at RIIS), that all soil, thus toxic, must be covered, then controlled/removed. The pleas went on deaf ears.

Studies at Flint, Detroit, New Orleans show that resuspended soil leads to heightened Pb levels in children's blood. Harvard studies show that a slight increase in long term exposure to Particulate Matter 2.5, found in soil, leads to a major increase in Covid death.[1]

This is compounded by the indoor exposure of lead paint, asbestos, and mold as well as the close proximity to the particulate matter emitting East 14<sup>th</sup> St. Con Ed power plant.

Despite the fact that RIIS residents are vulnerable and have suffered chronic cumulative exposure, neither NYCHA, NYC DEP and DOH nor its contractor, STV, have seen fit to adopt any preventative, protective, or mitigating practices to address the environmental and health hazards confronting the residents.[2] Instead, NYCHA has merely waived aside evidence indicating the presence of serious hazards as well as the multiple vectors of exposure, and stands on the pronouncement withdrawal that the arsenic actionable levels in the water do not exist- states, *without support*, that RIIS residents face no real risks. NYCHA's pronouncement is deeply troubling not only because it articulates the shocking principle that toxic exposures should be accepted by affected populations merely because they happen all the time, but also because it completely elides the significant health effects from exposures to environmental toxicological agents. Such callousness by NYCHA is astounding, who is mandated to care for residents living in City housing;[3] as is the fact that NYCHA's deference puts at great risk the City's most vulnerable residents: young children, people with chronic respiratory illnesses, and the elderly. This evasion makes the situation even more distressing.



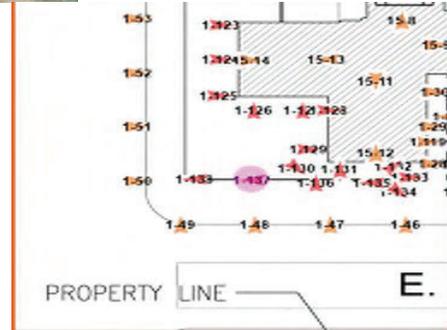
Figure 1 176 Ave D 9-9 -22 pic by J.Kupferman



[See Exhibit pictures taken by WDF pic #147

In this regard, EJI calls attention to the fact that despite NYCHA's recent admissions regarding its failure to protect housing residents from serious lead and mold exposures,<sup>[4]</sup> NYCHA has additionally *refused* to adopt even the most basic and **inexpensive measures** at the RIIS Houses site—measures such as the **placement of geo-**

**textile matting, the planting of ground cover, and the layering of fresh soil on top of *in situ* soils**—to prevent the dangerous **re-suspension** of contaminated soils and dust -all surfaces where children play, and their migration into RIIS Houses apartments, nearby local public schools, and the adjacent playgrounds. And finally, adding yet another layer of concern is the City's acceptance of NYCHA and its contractors' failure to adopt any effective protective measures. NYCHA, as the largest public housing authority in North America and as home to 1 in 14 New Yorkers,<sup>[5]</sup> presents a horrific example to state and local governments around the country- of how the nation's poorest residents and they are particularly people of color, are treated.



The Housing Authority cannot in good faith rely upon on a **risk assessment report (or lack of one)** that **lacks both scientific integrity and legal support** - a deficient risk assessment that stems from its failure to examine the full spectrum of harms faced by RIIS Houses residents and workers. First, **NYCHA employed a deficient methodology-** when **it failed to undertake a comprehensive soil sampling plan** including all sites that could contribute to residents' and workers' exposure to the lead, arsenic, VOCS, SVOCs, barium, and cadmium most likely contained in the soil. There has been failure to examine all following: the suspension, re-suspension, and dispersal of soil contaminants; the penetration of these contaminants into tenants' apartments, school building hallways and other residential common areas; the ingestion of contaminated soil **by young children playing on the grounds**. There are multiple avenues of exposure for individuals involved in one or more of the following activities, in addition to living with the re-suspended and transported, contaminated soil dust in their apartments: passing by the active sites; sitting outside near the apartment buildings; attending one of the public schools on the block; and playing in the area.

**Assumption of Arsenic at RIIS:**

The high levels of arsenic found at Smith Houses is a strong indicator of the probability of similar levels present at RIIS. Both these NYCHA Developments received the large arsenic doses placed by the NYC Department of Health's Rat Poison Control Program in prior years. NYCHA is recklessly discounting exceedance findings. Waldon was the environmental engineering firm employed by the contractor Navillus, which trenched and placed pipes at Smith as part of the Post-Sandy Rebuild. Waldon's tests show an arsenic concentration level in the topmost 12 inches of soil of 42.8 milligram per kilogram (mg/kg), 18.7 mg/kg, 18.6 mg/kg, 19.8 mg/kg, and 43.2 mg/kg—concentrations far exceeding—in fact, 2.7 times—the Residential and Restricted Residential SCO of 16 ppm.<sup>[7]</sup> The arsenic concentrations of 85 ppm found in a prior test by EJI/NYELJP, and 240 ppm found in tests undertaken by the Urban Soils Institute, denote an extreme health concern given that the contaminated soil is located within the area surrounding a daycare facility where very young children play outdoors for hours and near residential units without appropriate window protections. (See NYELJP's November 2018 letter, Attachment G.)

Toxic levels of arsenic exposure can occur through inhalation, absorption through the skin, and ingestion;<sup>[8]</sup> because it is tasteless and odorless, it is quite difficult for a person to know at the outset when they are exposed at levels falling below the acute poisoning range of 100 to 300 mg.<sup>[9]</sup> In fact, the onset of chronic arsenic poisoning is particularly insidious given that a person exposed to concentrations above 20 mg/kg may exhibit any of several non-specific symptoms, including abdominal pain, diarrhea, or sore throat,<sup>[10]</sup> all of which are associated with numerous and more benign illnesses. Long-term arsenic exposure from soil and water, leads to multi-system disease—including the cardiovascular, neurological, genitourinary, and respiratory systems—as exemplified by malignancy of the skin, lungs, liver, kidneys, and bladder.<sup>[11]</sup>

We should also be concerned about the assumed high levels of lead found in the soil and the lack of any lead soil testing or publication of results at RIIS. Lead was found at Smith to be 505 ppm, 592 ppm, and 802 ppm by EJI/NYELJP and 551 & 552 ppm by Waldon. The lead concentration of these sets of samples all exceed the SCO limit of 400 ppm, the level deemed by DEC to require remedial action.<sup>[12]</sup> The Housing Authority's failure to act in such circumstances defies comprehension. The US Environmental Protection Agency "has recognized that lead poisoning is the number one environmental health threat in the United States for children ages 6 and younger".<sup>[13]</sup> According to the Centers for Disease Control, in this country there are approximately half a million children, aged 1 through 5 years,<sup>[14]</sup> with blood lead levels above 5 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ), the reference level at which the CDC recommends that public health actions be initiated. However, the CDC has made clear that this action level should not be taken as a demarcation of a zone of harmless exposure because "no safe blood lead level in children has been identified".<sup>[15]</sup> Indeed, even very low levels of lead in blood have been shown to result in neurologic impairments such as behavioral and learning issues, slowed growth and, in rare cases, seizures and death. Even when lead exposure is caught before the direst consequences, its effect on children is never inconsequential because the effects of lead exposure cannot be corrected.<sup>[16]</sup> It is for all these reasons that the public health goal is to prevent children's exposure to lead before they are harmed. And pursuing this objective is the most critical for populations like the residents of RIIS Houses because children living at or below the poverty line who live in older housing are at greatest risk.

NYCHA's soil inaction appears to be based on the fundamental misconception that the risks from exposure to contaminated soil dust posed by renovation, construction, and demolition activities<sup>[17]</sup> are short-term and geographically limited. In other words, NYCHA's myopic position is that these risks may be assessed in complete isolation from people's health status, past exposures, cumulative impact and experience of current exposures to other toxic agents. However, neither the law nor environmental health science permits the use of such a stunted assessment. Beyond any concern over short-term exposures to airborne toxic particulate matter ("PM") arising from construction/maintenance activities, consideration must also be taken for long-term exposures to particulate matter from contaminated soil dust that settles across the Housing complex for inhalation, ingestion, or dermal exposure after re-suspension.<sup>[18]</sup> In addition to the plethora of studies establishing the prevalence of this risk in urban settings, New York City's own Division of Environmental Health confirmed the existence of this risk when it investigated the Smith Project site on August 14, 2018, and issued an Inspection Report and Notice of Violation to both to Navillus and NYCHA.<sup>[19]</sup> The Notice of Violation states that both entities must "contain dust areas, use dust suppression methods while working," and "isolate work from the public."<sup>[20]</sup> The City issued the Notice of Violation after undertaking a site investigation and determined that Navillus' practices are deficient to such a degree that the public is at risk of exposure to contaminated soil dust. Given this determination, it is difficult to understand why neither NYCHA nor Navillus have seen fit to alter practices at the SMITH site to comply with the City's order. The same concern is ever more present at RIIS.

NYC Health Department most certainly must be aware of this egregious soil situation there, at RIIS. NYC DOH Deputy Commissioner Corinne Schiff and NYC DEP Operating Officer Sapienza were at RIIS for many hours according to administration testimony at Friday's hearing. I, myself, Joel Kupferman/EJI, contacted DOH-Environmental Division (Sarah Goldberg) about the arsenic soil endangerment- only to be told that the Health Department can only deal with one issue at a time. At the time, Chief Operating Officer-Vincent Sapienza, then DEP Commissioner Sapienza, was apprised of the similar SMITH situation in a eleven-page, well-documented, April 3, 2018 letter. Daniel Green, then NYCHA's Chief Compliance Officer, now NYCHA's Vice President for Healthy Homes, was apprised of the toxic soil exposure problem at Smith via letters, direct communication by phone, weekly-meeting discussions, and staged walkthrough. He was apparently aware of the evident soil problem by his several ongoing inspections. SMITH and RIIS are both sites of Projects - Restoration Associated with Sandy Recovery Program

In addition to the health risks created by short- and long-term exposures, STV and NYCHA fail to take into account the health status of RIIS Houses residents. Given that NYCHA Housing residents now remain in their apartments on average for 22 years,<sup>[21]</sup> there is a high probability that many, if not all, of the residents living in RIIS Houses are exposed to the extremely toxic plume of particulate matter and aerosolized compounds resulting from the operation of the particulate matter emitting East 14<sup>th</sup> St Con Ed powerplant.<sup>[22]</sup> Moreover, added to this combination of exposures, RIIS Houses residents have been subjected to environmental assaults stemming from the contaminated indoor dust (aging building and improper renovations) and particulate matter generated by adjacent highways and waterways packed with toxin-emitting sources.<sup>[23]</sup> Studies have shown that PM2.5 and PM10 concentrations are increased by local fugitive sources of particulate matter from vehicle exhaust,<sup>[24]</sup> road construction activities, construction activities

and air and sea transportation sources (which produce particles across the range from PM2.5 to PM10).[25] The RIIS Houses apartment complex falls within the atmospheric dispersal zone of a number of these cumulative, aggravating toxic sources; it is located by the FDR Drive on the East River, which serves as a main waterway for tug boats, water taxis, and garbage barges; it is bounded by both ground and raised highways; and it is within the flight jet path taking off and landing at the City's two major airports. The destruction of East River Park has been a major source of particulate matter. In addition to these permanent and incessant progenitors of toxins, there are other occasional polluting sources, such as the resurfacing of adjacent highways[26] and the salting of roadways to address icy conditions.[27] The effects of these polluting sources is revealed in the data: the Lower East Side ("LES") neighborhood in which the Smith Houses *and* RIIS complex sits has higher percentages than City averages of black carbon, particulate matter, nitric oxide, nitric dioxide, and sulfur dioxide.[28] And adding yet another burden to this toxic environment are the years of people's exposures to pesticides and rodenticides, (including arsenic),[29] black mold,[30] and dust from the unremediated lead paint inside apartments and in the hallways of buildings.[31] Given the widespread knowledge that people in NYCHA housing complexes suffer disproportionately from respiratory illnesses[32] -for example, the LES has a crude rate of verified tuberculosis of 15.1 as compared to the city-wide rate of 7.2 (representing a 210% increase) and a preventable asthma hospitalization rate of 384.6 as compared to the city-wide rate of 232.9 (representing a 165% increase)[33]—this reliance of NYCHA on a deeply flawed report is incomprehensible. *See, e.g., Baez, Maribel et al. v New York City Housing Authority*, 13-cv-08916 (SDNY).

In this regard, EJI/NYELJP notes further that schoolchildren, a particularly vulnerable segment of the population, are being subject to multiple vectors of exposure resulting from the presence of a public school PS/MS 34 located directly across the street from the RIIS immediate area, two within the complex and one adjacent to it near the school across the street. Those children living in the RIIS Smith Homes complex and attending one of the public schools are exposed to lead, arsenic, pesticides (recently including Roundup) and other toxic agents through at least four different vectors, including: (1) airborne particulate matter resulting from construction and demolition activities disturbing contaminated soil; (2) indoor apartment building dust and household dust resulting from the transport of contaminated soil and airborne particulates and the continual resuspension and deposition of these particulates; (3) indoor school building dust resulting from the same processes; and (4) airborne particulate matter resulting from activities on the playground during and after school. There is little doubt that children who live in the apartment complex but do not attend school there visit the playgrounds near them and thereby are subjected to three of the four noted vectors for exposure. With regard to the health statuses of these children, the latest data shows an asthma hospitalization rate of 40.8 per 100,000 children ages 5-14 years in the neighborhood as compared to the city-wide rate of 37.1.[34] The health of elderly residents of the RIIS Houses, many of whom are likely to suffer from respiratory disease, should be of equal concern to NYCHA given that they are subject to airborne particulate matter from Project activities, re-suspended contaminated soil dust during times they are outside, contaminated indoor dust and contaminated water. According to the City's own data, 42% of all families living in Manhattan's public housing complexes are headed by an adult over the age of 62, and according to data for New York County, 7.8% of adults have asthma and 4.9% have Chronic obstructive pulmonary disease (COPD.)[35]

Finally, the NYELJP would be remiss if it did not reiterate its deep concern over the lack of trees, **vegetation and ground cover** at RIIS, SMITH and many other developments Houses caused by reckless renovation activities, poor planning and lack of commitment to maintaining a proper landscape at RIIS . See 4 developments with deleterious tree management documented by Carsten Glaeser Certifies Arborist : (a) Sonia Sotomayor Housing (BX), (b) Taylor Wythe Housing (BK), (c) Jonathan Williams Housing (BK), (d) Walt Whitman Housing (BK). Tree and Landscape Photos during NYCHA Capital Construction operations.docx in Tree subfolder . Trees serve as resiliency hydrological anchors in a flood prone area as well as air quality contributors (absorb PM and proper root systems stabilizes soil) . And to reiterate the mismanagement and malfeasance of protecting the water supply infrastructure - an area well covered by City Council members and testifiers. **STV, as construction manager must be held accountable.** Arsenic, in the water and in the soil pose a **serious endangerment to health and the environment.** *Recommendations for actions are found in notes. Please feel free to reach out to me and THE Environmental Justice Initiative for clarification or more information.*

*Joel R Kupferman, Esq.*  
9-29-22 3-2-22

### ***FOOTNOTES on Separate page***

Pertinent cited and additional Files available at

<https://www.dropbox.com/sh/oxmax8mfj76bs8c/AADgaTdhtBdcd2UwVOrQw0B8a?dl=0>

### **WORKING NOTES**

1. INTRO
  - a. EJI [www.nyenvirolaw.org](http://www.nyenvirolaw.org)
  - b. **COUNSEL to Alfred E Smith and Jacob Riis Residents Association** , legal advisor RPPH (Residents to Preserve Public Housing)
  - c. Worked with Flint, Katrina, 9/11 lawyers
  - d. 9/11 – forced reconsideration that the “AIR was SAFE” in lower Manhattan, litigated, sampled
2. WATER CONCERNS
  - a. Myriad of problems at Riis – including Legionella
  - b. Problems with Pump
  - c. **STV – construction manager – exercised project management malfeasance at Smith Houses**
  - d. **Cumulative and long-term impact of arsenic exposure discounted or ignored**
  - e. **Water tank – possible arsenic treated wood.**
  - f. **Legionnaires– de minimis investigation Arcane risk assessment that should be examined/ revised.**

- i. Unsubstantiated denial of problem – arcane NYC DOH assessment/classification . Failure to determine source and risk assessment.

### 3. SOIL EXPOSURE

- a. Major route of exposure
  - i. Cite David Carpenter’s letter
- b. ATSDR: The primary routes of arsenic entry into the body are via ingestion and inhalation. Dermal exposure can occur, but is not considered a primary route of exposure. Exposure dose is the cumulative exposure by all routes.
- c. Arsenic from Water and Soil ...Elevated levels of arsenic in soil (due to either natural or man-made contamination) may be an ingestion risk, especially for children with pica and mouthing behaviors during play [Rossman 2007]. However, the bioavailability of arsenic in soil is variable, and dependent on the chemical form of arsenic. [https://www.atsdr.cdc.gov/csem/arsenic/what\\_routes.html](https://www.atsdr.cdc.gov/csem/arsenic/what_routes.html)
- d. High levels of arsenic in soil – NYC Rat poison Control Program
  - i. Findings at Smith: 85 parts per million 240 parts per million ii. NYC Health Dept violation cite (non-cover
- e. Loose uncovered soil at Riis – including six foot mounds

[MISSING IMAGE: , ]

i.

[MISSING IMAGE: , ]

[MISSING IMAGE: , ]

[MISSING IMAGE: , ]

- a. Lead in soil
- b. Resuspension of soil – vector for lead blood levels
  - i. Flint report
  - ii. Mielke report – arsenic in soil – flooding iii. Children playing in soil – dermal and ingestion iv. Trekking into apartments
  - v. Penetration through windows
- c. Pesticide application – warning markers – but no listing of pesticide used
- d. Failure to cover – lack of ground cover
- e. Storm Water Management violations –
  - i. Run-off into sewer system
  - ii. CONSTRUCTION – PLACEMENT OF NEW PIPES causes further soil disturbance



- a. PM 2.5 (picture - Wu q)
- b. Respiratory problems exacerbated – NEJM article  
<https://www.nejm.org/doi/full/10.1056/NEJMoa1702747> Conclusions: In the entire Medicare population, there was significant evidence of adverse effects related to exposure to PM2.5 and ozone at concentrations below current national standards. This effect was most pronounced among self-identified racial minorities and people with low income. (Supported by the Health Effects Institute and others.)
- c. Cumulative impact – chronic exposure
- d. LACK OF BIOMARKER TESTING – Urine and Hair at RIIS
- e. Failure of gov't agencies to act
  - i. DEP Deputy Commissioner at site ii. Deputy NYC DOH Commissioner at site
  - iii. I was told by Assistant Commissioner that NYC DOH can only work on one problem at time
- f. False reassurance THAT THERE IS NO PROBLEM to residents
- g. Dan Green – knowledge about Smith arsenic problem – and failure to contain resuspension
- h. STV – apprised of situation at Smith Houses
- i. IN CHARGE of water infrastructure construction management – ii. Should be fully audited and investigated - lack of accountability & oversight of faulty contractors
- i. High probability of flooding - no resiliency plan , misspending of FEMA rebuild funds
- j. Federal Court Case
- k. NYS Green Amendment

#### 4. DEMANDS – SOLUTION

- a. Immediate removal of large piles
- b. Geo textile cover
- c. Fast growing ground cover
- d. Soil Testing - Full RCRA 8
- e. Planting of flora - ground cover, shrubs, and trees
  - i. Multitude of benefits including hydrological retention
  - ii. Shade, mitigate strong rain fall, Air quality
  - iii. Removal of toxic soils – Follow NYS DEC # Soil Cleanup
  - iv. Much resiliency money available Fed and State CLIMATE funds

- f. Provide HEPA vacuums for residents on lower levels
    - i. Share program – based on Syracuse EPA HEPA Vacuum Project
  - g. Request for risk -health assessment BY NYS DOH ASTDR
  - h. Provide resources for Tenant Association to hire independent environmental assessors and investigators
  - i. Difficult for Tenant Association to procure funds & experts
5. Increase Whistleblower protection
  6. Create an Ombudsperson position at DEP,DOH and NYCHA
    - i.
    - ii.
5. Vulnerable population --- disabled ,elderly, people of color, children – utilize full EJ regs and con
  6. CITY Health Clinic – state Network Bellevue Clinic provide evaluation at site , request
  7. Problem area - 14<sup>th</sup> Street Con Ed plant

## STATE REGS

### FOOTNOTES

1. 6 NYCRR Part 375 NYS Environmental Remediation Programs  
[https://www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/part375.pdf](https://www.dec.ny.gov/docs/remediation_hudson_pdf/part375.pdf)
  2. DER-10 provides an overview of the site investigation and remediation process for DEC's remedial programs administered by the Division of Environmental Remediation (DER). These include the Inactive Hazardous Waste Disposal Site Remedial Program, known as the State Superfund Program (SSF); Brownfield Cleanup Program (BCP); Environmental Restoration Program (ERP); and Voluntary Cleanup Program (VCP); and certain petroleum releases. <https://www.dec.ny.gov/regulations/67386.html>
  3. --- **Generic Remedial Action Objectives (RAOs)**  
<https://www.dec.ny.gov/regulations/67560.html>
    - a. **Soil i. RAOs for Public Health Protection**
      - 1.Prevent ingestion/direct contact with contaminated soil.
      - 2.Prevent inhalation exposure to contaminants volatilizing from soil
    - ii. **RAOs for Environmental Protection**
      1. Prevent migration of contaminants that would result in (include all appropriate media: groundwater, surface water, or sediment) contamination.
      2. Prevent impacts to biota from ingestion/direct contact with soil causing toxicity or impacts from bioaccumulation through the terrestrial food chain
  - b. **Soil Vapor**
    - i. RAOs for Public Health Protection
      1. Mitigate impacts to public health resulting from existing, or the potential for, soil vapor intrusion into buildings at a sit
4. ENVIRONMENTAL JUSTICE – heightened analysis and protection

a. NYC NYS and federal

RESOURCES <https://medicine.tulane.edu/departments/pharmacology/faculty/howard-w-mielke-phd> [HOWARD R. MIELKE](#)

Illegally subjects people who breathe or ingest PM2.5, lead and arsenic to serious harm. Similar health risks for workers... presumed safe levels

### Particulate Matter and Soils Articles

#### **Resuspension of urban soils as a persistent source of lead poisoning in children: A review and new**

**directions** Mark A.S.Laidlaw Gabriel M.Filippelli [Mark A.S.LaidlawGabriel M.Filippelli](#)

<https://www.sciencedirect.com/science/article/abs/pii/S0883292708001832>

#### Abstract

Urban soils act as the repository for a number of environmental burdens, including Pb. Significant attention has been devoted to reducing Pb burdens to children with outstanding success, but the fact that blood Pb levels above 10 µg/dL are disproportionately found in children living in many USA cities (15–20% in some cities compared to a national average of less than 2%) indicates that not all of the sources have been eliminated. Although the health risk of fine particulates has begun to raise concerns in cities, little attention has been paid to Pb associated with these particulates and the potential role of this pathway for continued Pb burdens of urban youth. This review summarizes recent work on particulate resuspension and the role of resuspension of Pb-enriched urban soils as a continued source of bio-available Pb both outside and inside homes, then presents recent efforts to model Pb burdens to children based on the atmospheric parameters that drive particulate resuspension. A strong seasonal relationship is found between atmospheric particulate loading and blood Pb levels in children, and new particulate loading models are presented for a range of US cities involved in the Interagency Monitoring of Protected Visual Environments (IMPROVE) program. These seasonal particulate loading models have implications for a number of respiratory health impacts, but can also be used to calculate seasonal patterns in bio-available Pb redistribution onto contact surfaces (the primary pathway for ingestion-related uptake in toddlers) and assist clinicians in interpreting time-specific blood Pb tests

Arsenic from Water and Soil ...Elevated levels of arsenic in soil (due to either natural or man-made contamination) may be an ingestion risk, especially for children with pica and mouthing behaviors during play [Rossman 2007]. However, the bioavailability of arsenic in soil is variable, and dependent on the chemical form of arsenic. [https://www.atsdr.cdc.gov/csem/arsenic/what\\_routes.html](https://www.atsdr.cdc.gov/csem/arsenic/what_routes.html) **ATSDR**

Dermal contact when handling preserved wood products containing arsenic could result in arsenic exposure. However, very little is known regarding the chemical form, conditions for absorption, kinetics, or other information needed to make a statement regarding skin absorption in specific populations [NAS 1977]. Toxic effects have been reported in the occupational literature from splashes of arsenic trichloride or arsenic acid on worker's skin [Garb and Hine 1977].

a.

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## Footnotes

- [1] Xiao Wu, Rachel C. Nethery, Benjamin M. Sabath, Danielle Braun, Francesca Dominici (2020) “Exposure to air pollution and COVID-19 mortality in the United States.” medRxiv 2020.04.05.20054502; doi: [10.1101/2020.04.05.20054502](https://doi.org/10.1101/2020.04.05.20054502)
- [2] In this regard, NYELJP draws attention to the contract between NYCHA and Navillus which states that the re-use of site soils is permitted only if “they meet the project environmental requirements and specifications,” and that “excavated materials unsuitable for filling or backfilling” must be “legally disposed of off-site.” See Division 31 – Earthwork, Contract between NYCHA and Navillus included in prior submissions. These provisions make clear that soil testing should have been done prior to any other Project activities in order to determine contamination levels and appropriate procedures for handling contaminated soils.
- [3] See, e.g., 24 CFR §1.4(b)(2)(i) (“A recipient, in determining the types of housing, accommodations, facilities, services, financial aid, or other benefits which will be provided under any such program or activity, or the class of persons to whom, or the situations in which, such housing, accommodations, facilities, services, financial aid, or other benefits will be provided under any such program or activity, or the class of persons to be afforded an opportunity to participate in any such program or activity, *may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity as respect to persons of a particular race, color, or national origin*”) (emphasis supplied).
- [4] See NYCHA Admissions, Consent Decree in *USA v. NYCHA*, 18 Civ. 5213, at 1-3 (June 11, 2018), available at <https://www.epa.gov/sites/production/files/2018-06/documents/nycha-cd.pdf> (last visited on March 1, 2019).
- [5] New York City Housing Authority, “NYCHA 2018 Fact Sheet,” (2018), available at [https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet 2018 Final.pdf](https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet%202018%20Final.pdf) (last visited on March 1, 2019).
- [6] Of course, NYELJP does not agree that the levels noted by Waldon represent a correct analysis of soil contaminants. Accordingly, this statement should not be taken as any such confirmation of either Waldon’s methodology or its findings.
- [7] 6 NYCRR § 375-6.8, Table 375-6.8(b) (2006).
- [8] R.N. Ratnaik, “Acute and Chronic Arsenic Toxicity,” *Postgrad Med J.*, 2003, v. 79, at 391-96.

- [9] *Id.*; W.L. Schoolmeester, D.R. White, “Arsenic Poisoning,” *South Med J.*, 1980, v. 73, at 198208. The acute lethal dose of ingested arsenic “has been estimated to be about 0.6 mg/kg/day.” R.N. Ratnaïke, “Acute and Chronic Arsenic Toxicity,” *Postgrad Med J.*, 2003, v. 79, at 392.
- [10] *See, e.g.*, Affidavit of Stephen Lester, *Matter of Daisy Wright, et al. v. New York State Department of Health*, dated April 2015; R.N. Ratnaïke, “Acute and Chronic Arsenic Toxicity,” *Postgrad Med J.*, 2003, v. 79, at 393-94 (internal citations omitted).
- [11] R.N. Ratnaïke, “Acute and Chronic Arsenic Toxicity,” *Postgrad Med J.*, 2003, v. 79, at 393-94 (internal citations omitted).
- [12] 6 NYCRR § 375-6.8, Table 375-6.8(b) (2006).
- [13] Department of Justice Press Release, “The United States and Indiana Reach Agreement With SunCoke Energy and Cokenergy to Resolve Clean Air Act Violations at Indiana Harbor Coke Plant,” January 25, 2018, available at <https://www.justice.gov/opa/pr/united-states-and-indiana-reachagreement-suncoke-energy-and-cokenergy-resolve-clean-air-act> (last visited on April 2, 2019). [14] Children under the age of 6 years old are at risk because they are growing rapidly and because they tend to put their hands or other objects, which may be contaminated with lead dust, into their mouths.
- [15] *See* CDC website information, available at <https://www.cdc.gov/nceh/lead/><https://www.cdc.gov/nceh/lead/> (last visited on April 2, 2019).
- [16] *Id.*
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- [20] *See* August 14, 2018 Inspection Report and Notice of Violations issued to NYCHA and Navillus by the New York City Department of Health and Mental Hygiene, Division of Environmental Health.
- [21] The Times reports that the average period a NYCHA tenant stays put these days is 22 years, up from 19 years in 2005 and 17 years in 1995. Mireya Navarro, “As New York Rents Soar, Public Housing Becomes Lifelong Refuge,” *NY Times*, Aug. 3, 2015, available at <https://www.nytimes.com/2015/08/04/nyregion/as-new-york-rents-soar-public-housingbecomes-lifelong-refuge.html?partner=rss&emc=rss&r=0>.
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- [26] This includes, among other highway projects, the re-surfacing of the F.D. Roosevelt Drive, which entailed the application of 35,000 tons of asphalt over a six-month period ending on November 30, 2015. See CBS News, “\$8.5 million FDR Drive Resurfacing Project Finished Ahead of Schedule,” (November 30, 2015), available at <https://newyork.cbslocal.com/2015/11/30/fdrdrive-resurfacing-project-complete/> (last visited March 10, 2019).
- [27] Recent studies have shown that fine dry road salts migrate in excess of 300 meters after the snowpack melts, and more immediately if the salts are applied in the absence of precipitation. See J. Lazarcik, J.E. Dibb, “Evidence of Road Salt in New Hampshire’s Snowpack Hundreds of Meters from Roadways,” *Geosciences*, 2017, v. 7(3), 54. Rock salt causes burns when it comes into contact with the skin, and respiratory tract irritation when inhaled. Repeated exposures corrode major components of the respiratory tract.
- [28] Public Tableau, Bizlitics, NYC Health Dashboard, Lower East Health Outcomes and Neighborhood Conditions, available at [https://public.tableau.com/profile/bizlitics#!/vizhome/NYCHHealthDashboards\\_v4demo\\_0/AllMaps](https://public.tableau.com/profile/bizlitics#!/vizhome/NYCHHealthDashboards_v4demo_0/AllMaps), (last visited February 20, 2019).
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[34] Public Tableau, Bizlitics, NYC Health Dashboard, Lower East Health Outcomes and Neighborhood Conditions, available at [https://public.tableau.com/profile/bizlitics#!/vizhome/NYCHHealthDashboards\\_v4demo\\_0/AllMaps](https://public.tableau.com/profile/bizlitics#!/vizhome/NYCHHealthDashboards_v4demo_0/AllMaps), (last visited February 20, 2019).

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## Hearing Questions & Testimony

### Public Housing Committee Air Quality Hearing 12-28-23

Environmental Justice Initiative //NY Environmental Law and Justice Project

#### Questions to Ask

- Why isn't the soil covered?
- Why aren't Jacob Riis residents being tested for Arsenic?
  - Follow up: PM 2.5 exacerbates covid, shouldn't the city be covering the windows using HEPA vacuums to ensure the Riis and other NYCHA residents have reduced resuspended PM2.5 /dust

#### Michael B O'Hora Testimony (3 minutes)

"My name is Michael O'Hora, I am a second-year law student at the Elisabeth Haub School of Law at Pace University in White Plains, New York. I am interning for the New York Environmental Law & Justice Project led by Mr. Joel Kupferman, who I have accompanied to today's hearing. Regarding Air Quality at NYCHA properties, I wish to specifically address The Jacob Riis Houses that are located between Avenue D and Franklin D. Roosevelt Drive, spanning two superblocks from 6th Street to 13th Street. Located on the Riis property is a State Brownfield Site (site code 231110). Thus, NYCHA is aware of the alarmingly high levels of arsenic (and other heavy metals) within the development. AMOUNT . The FEMA-funded so-called resiliency project has caused the soil to be greatly disturbed and piled up in front of residences . Pending at the brownfield site, as this is on the Riis property.

NYCHA's failure to ensure the soil is covered means that children are playing in it, the soil is running off into the sewers, and people can walk through it and bring it into their homes.

We are exceptionally concerned about the death of Josefa Monet, a Riis projects resident, who died with four times the acceptable limit of arsenic in her body. Her doctor has called for more testing — a call that has fallen on deaf ears.

Is the City Council aware that:

- Inorganic arsenic, commonly found in rodenticides, does not degrade and can remain in soil indefinitely.

- A 2007 report prepared for ConEdison took soil samples from the very Superfund site at the Riis Houses property and levels were found to be 2 or 3 times higher than the threshold level for the DEC Soil Cleanup Objectives.
- No New York City or New York State agencies have not taken any initiative to test Riis House residents for arsenic, lead, or any other RCRA-8 metals.
- According to the World Health Organization: Long-term health effects can include cancer, developmental effects, diabetes, pulmonary disease, cardiovascular disease, adverse pregnancy outcomes, and infant mortality
- These air quality concerns do not only impact the residents of the Jacob Riis houses, they also impact both the construction workers for the Resiliency project, and Riis houses staff.
  - OSHA reached out to NYCHA as part of the OSHA Strategic Partnership Program and offered to perform an inspection at no cost to NYCHA. NYCHA originally agreed to this, and then backed out of the agreement. Had OSHA found any violations, this program allows for a deferral of fines so NYCHA could have the opportunity to remedy any concerns.

### **Systematic Underassessment**

### **Worker Concerns (contractors & NYCHA staff) : OSHA partnership program (FREE)**

**THE COUNCIL  
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Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

Name: Marquis Jenkins (PLEASE PRINT)

Address: E 7th St

I represent: RPPH

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

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 in favor  in opposition

Date: \_\_\_\_\_

Name: Vladan Kenniff (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: NYCHA, SVP for sustainability

Address: \_\_\_\_\_

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Appearance Card

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 in favor  in opposition

Date: 2/28/23

Name: Lonnie J. Poffis (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: WE ACT for Environmental Justice

Address: 1854 Amsterdam Ave NYC 10031



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Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Abdulkhep Freeman

Address: 301 W 107th St 4W NY 10025

I represent: ENVIRONMENTAL JUSTICE INITIATIVE NYAWLTP

Address: 11

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Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28/23

(PLEASE PRINT)

Name: Laura Lucio

Address: FDR BR

I represent: SAJ

Address: \_\_\_\_\_

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in favor  in opposition

Date: 2/28/23

(PLEASE PRINT)

Name: Jaron Burke

Address: Frederick Douglass Blvd

I represent: WE ACT for Environmental Justice

Address: 1054 Amsterdam Avenue

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Christina Chaise

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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Appearance Card

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in favor  in opposition

Date: Feb 28, 2023

(PLEASE PRINT)

Name: Christopher Morris-Perry

Address: W 147th Street

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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Appearance Card

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in favor  in opposition

Date: 2/28/23

(PLEASE PRINT)

Name: Lovelle Shaw

Address: E Gun Hill Rd.

I represent: Christopher Morris-Perry

Address: E Gun Hill Rd.

Please complete this card and return to the Sergeant-at-Arms

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Appearance Card

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 in favor  in opposition

Date: 2/28/2023

(PLEASE PRINT)

Name: Michael O'Hara  
Address: N Broadway, White Plains NY 10603  
I represent: Trka - E3 Initiative  
Address: \_\_\_\_\_

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Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Joel Kupferman  
Address: 301 W 107th St 4W NY 10025  
I represent: ENV JUSTICE INITIATIVE NYC NLTP  
Address: 11

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 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Josephine Bartlett  
Address: \_\_\_\_\_  
I represent: NYCHA, Senior Director of Pest Mgmt  
Address: \_\_\_\_\_

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Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Joy Sinderbrand

Address: \_\_\_\_\_

I represent: NYCHA, SVP For Capital Programs

Address: \_\_\_\_\_

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Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Daniel Greene

Address: \_\_\_\_\_

I represent: NYCHA SVP For Healthy Homes

Address: \_\_\_\_\_

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Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Brad Greenburg

Address: \_\_\_\_\_

I represent: NYCHA Chief Compliance Officer

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms