

CITY COUNCIL  
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND  
EMERGENCY MANAGEMENT

----- X

October 19, 2020  
Start: 10:16 a.m.  
Recess: 11:07 a.m.

HELD AT: Remote Hearing

B E F O R E: Joseph C. Borelli  
Chairperson

COUNCIL MEMBERS:  
Justin L. Brannan  
Fernando Cabrera  
Chaim M. Deutsch  
Alan N. Maisel  
Robert F. Cornegy

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

John Sudnik  
NYFD Chief of Department

Kevin Brennan  
NYFD Deputy Chief Bureau of Fire Prevention

Kelly Carr  
NYFD

Lori Barrett-Peterson  
MOME Counsel

Robert Eustace  
Uniformed Firefighters Association

Stephen Wieroniey  
American Chemistry Council



1  
2  
3 SERGEANT AT ARMS: Thank you. Good  
4 morning. Welcome to the remote hearing on the  
5 Committee of Fire and Emergency Management. Will  
6 Council Members and staff please turn on their videos  
7 at this time? To minimize disruption, please place  
8 all cellphones, electronics, to vibrate. You may  
9 send your testimony at [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).  
10 That's [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Chairs, we are  
11 ready to begin.

12 CHAIRPERSON BORELLI: [gavel] Thank you  
13 and good morning. Welcome to today's virtual hearing  
14 of the Committee on Fire and Emergency Management.  
15 Today, the committee will be hearing two bills  
16 related to fire safety at film production sites,  
17 Intro. 1849 sponsored by myself, and Intro. 1852  
18 sponsored by Council Member Cornegy. I'd like to  
19 acknowledge the other Council Members who have joined  
20 us today so far. I see Council Member Deutsch, and  
21 that's it for now. And Council Member Maisel. I'll  
22 get back to that as soon as more people join. I, as  
23 I mentioned, am Council Member Joe Borelli. I'm  
24 Chair of the Committee on Fire and Emergency  
25 Management. We are here today to discuss two bills,

2 Intro. 1849 and 1852, which aim to increase safety on  
3 film production sites. Before discussing the  
4 legislation, I'd like to begin by acknowledging a  
5 very painful fact that these bills were spurred by a  
6 very tragic death and loss of life by fire fighter  
7 Michael Davidson. He lost his life responding to a  
8 fire at a Manhattan film company site in March of  
9 2018. So, I would like to begin with a moment of  
10 silence for fire fighter Davidson, one of New York  
11 City's greatest. [moment of silence] Thank you, and  
12 thank you to his family who I know are watching us  
13 right now as we speak, and I hope this could bring  
14 some comfort at this point-- not likely happen.  
15 It'll be less likely to happen again. As I mentioned  
16 earlier, we're here to discuss the legislation to  
17 help prevent these sort of tragedies. The first  
18 bill, Intro. 1849, which I introduced, will require  
19 the Fire Department to establish fire safety  
20 provisions governing activities at certain film  
21 production locations. In doing so, the Department  
22 must consider the condition of the production site  
23 location and the nature of the production activities,  
24 including the proposed use of pyrotechnics and other  
25 special effects to determine circumstances requiring

2 the Department Inspection or Supervisor or the  
3 presence of a production location fire safety  
4 manager. Additionally, the bill requires a  
5 designation of a production location fire safety  
6 manager whenever a permit for scouting, rigging  
7 production activities as been obtained by the Mayor's  
8 Office of Media and Entertainment. In addition to  
9 Intro. 1849, we'll also hear Intro. 1852 introduced  
10 by Council Member Cornegy. Intro. 1852 will require  
11 that prior to conducting any film production  
12 activities authorized by a permit from the Mayor's  
13 Office of Media Entertainment, an entity must provide  
14 the Fire Commissioner and the local fire house with  
15 blueprints of the proposed location on structural  
16 alterations of such location such as and specifically  
17 false walls, the presence of potential fire hazards.  
18 Additionally, the bill would require that prior to  
19 being issued a permit for scouting, rigging or  
20 activities, an entity must clear or close any health  
21 and safety violations at the location where such  
22 production activities are to occur. The committee  
23 looks forward to hearing from the Administration and  
24 the public on introductions being heard today. In  
25 addition to testimony on the legislation, we're

2 interested in any recent policies that have been  
3 implemented that both-- to ensure that both film and  
4 television industries are working at the highest  
5 safety standards while filming here in New York City  
6 and how tragic instances responding to relative  
7 emergencies may be prevented in the future. I would  
8 like to turn the microphone over the Council Member  
9 Cornegy to make this opening statement.

10 CHAIR CORNEGY: Thank you, Chair Borelli,  
11 for giving me the opportunity to speak about this  
12 important fire safety legislation we're hearing  
13 today. But I do want to take one second to note that  
14 while this was an incredible tragedy, I want to send  
15 a resounding message to other legislative bodies,  
16 that out of tragedy and crisis sometimes we can come  
17 together and reach across the aisles and put together  
18 legislation that protects our first responders, and  
19 that was done here today. So thank you, again, Chair  
20 Borelli. There's a memorial plaque erected by the  
21 City of New York that reads in part: In memory of  
22 Lieutenant Michael R. Davidson, Engine Company 69,  
23 who mad the ultimate sacrifice while in performance  
24 of his duty. Both of these bills, Intro 1852 and  
25 1849 could have no more fitting of preference as the

2 words on that memorial plaque. These bills speak to  
3 upgrading onsite fire safety provisions so that New  
4 York's bravest are better equipped to fight fires on  
5 film sets. As we discussed the details of the  
6 provisions of these bills, I want to be sure we keep  
7 that overarching goal in mind. To that end, I look  
8 forward to hearing from the Administration and from  
9 all the stakeholders today, and a special blessing  
10 goes out to this family, and I know we can work  
11 constructively to equip fire fighters with the  
12 information they need. I want to thank the Uniformed  
13 Fire Fighter's Association for sharing your insights  
14 and expertise with us, and I also want to express the  
15 appreciation for the help of my colleagues and  
16 council staff, whose work we are building upon and  
17 holding this hearing. I want to close by expressing  
18 my profound appreciation to the tireless advocacy of  
19 Eileen Davidson and the entire Davidson family. Your  
20 work to lift up Michael's legacy has gotten us to  
21 this hearing today, and a legacy of greater safety  
22 for all our fire fighters. Thank you.

23 CHAIRPERSON BORELLI: Thank you, Chairman  
24 Cornegy. I'd like to recognize that Council Members  
25 Brannan and Cabrera have also joined this hearing and

2 should be noted. I'd like-- now like to turn it over  
3 to the moderator of today's discussion, the Committee  
4 Counsel Josh Kingsley [sp?] to go over the normal  
5 procedural items prior to the Administration's  
6 testimony.

7 COMMITTEE COUNSEL: Thank you, Chair  
8 Borelli. Good morning everyone. I'm Josh Kingsley,  
9 Counsel to the Fire and Emergency Management  
10 Committee of New York City Council. Before we begin  
11 testimony I want to remind everyone that you will be  
12 on mute until you are called on to testify.  
13 Afterwards you'll be unmuted by the host. I'll be  
14 calling on panelists to testify. Please listen for  
15 your name to be called. I'll periodically be  
16 announcing who is the next panelist to testify. The  
17 first panelist to give testimony will be Chief John  
18 Sunik from the New York City Fire Department. Chief  
19 Sudnik is the Chief of Department. Additionally, the  
20 following individuals will be available to answer  
21 questions on behalf of the Administration, Kevin  
22 Brennan who is the Deputy Chief of the Fire  
23 Department's Bureau of Fire Prevention, and Kelly  
24 Carr [sp?] who is the Deputy Co-Development Counsel  
25 also for the Bureau of Fire Prevention. We will also

2 have representative from the Mayor's Office of Media  
3 and Entertainment, the General Counsel Lori Barrett-  
4 Peterson, who will also provide testimony-- or who  
5 will be doing questions and answers. I will call on  
6 you when it's your turn to speak. During the  
7 hearing, if Council Members would like to ask a  
8 question of the Administration or a specific  
9 panelist, please use the Zoom raise hand function,  
10 and I will call on you in order. All hearing  
11 participants should submit written testimony to  
12 testimony@council.nyc.gov. I will now administer the  
13 oath for the representatives of the Administration  
14 before we begin. I will-- okay, apologies. Do you  
15 affirm to tell the truth, the whole truth, and  
16 nothing but the truth before this committee and to  
17 respond honestly to Council Member questions? We  
18 will begin with Chief Sudnik?

19 CHIEF SUDNIK: I do.

20 COMMITTEE COUNSEL: Deputy Chief Brennan?

21 DEPUTY CHIEF BRENNAN: I do.

22 COMMITTEE COUNSEL: Ms. Carr?

23 KELLY CARR: I do.

24 COMMITTEE COUNSEL: Ms. Barrett-Peterson?

25 Once we-- we got everyone I think that will be ready

2 to begin testimony when you're all ready once  
3 unmuted. I think Chief Sudnik we need you to be--  
4 unmute on your end.

5 CHIEF SUDNIK: Okay, got it. Good  
6 morning Chair Borelli, excuse me, and all the Council  
7 Members present. My name is John Sudnik, and I am  
8 the Chief of Department, the New York City Fire  
9 Department. I'm joined today by Kevin Brennan,  
10 Deputy Assistant Chief of the Bureau of Fire  
11 Prevention, and Kelly Carr, the Deputy Co-Development  
12 Counsel for the Bureau of Fire Prevention. I'm also  
13 joined by Lori Barrett-Peterson, General Counsel for  
14 the Mayor's Office of Media and Entertainment. Thank  
15 you for the opportunity to speak with you today about  
16 the Council's legislation relating to fire safety  
17 measures at film production locations. I'd like to  
18 begin by addressing the tragic incident that prompted  
19 the legislation and the discussion we're having  
20 today. On March 23<sup>rd</sup>, 2018, fire fighters responded  
21 to a five-alarm fire on St. Nicholas Avenue in  
22 Harlem. The location was a former jazz club that had  
23 been temporarily converted into a movie set. Fire  
24 fighter Michael R. Davidson was operating a hose line  
25 to suppress the fire when we became separated from

2 his fellow fire fighters inside rapidly deteriorating  
3 conditions. As a desperate search to locate fire  
4 fighters Davidson, he was transported to the Harlem  
5 hospital where he succumbed to injuries sustained in  
6 the fire. Fire fighter Davidson was a 15-year  
7 veteran of the Fire Department when he died. He was  
8 a native of Sunnyside, Queens, and the Fire  
9 Department was in his blood. His father served for  
10 26 years in the department, and his brother Eric is  
11 an active fire fighters serving in Engine Company 88  
12 in the Bronx. On four different occasions, fire  
13 fighters Davidson was cited for bravery and life-  
14 saving actions. He was posthumously promoted to the  
15 rank of Lieutenant. It is an unfortunate reality  
16 that the Fire Department is not new to tragedy. Fire  
17 fighter Davidson was the 1,150<sup>th</sup> member to make the  
18 supreme sacrifice in the line of duty. We put a  
19 priority on learning from tragic events, and we draw  
20 from these experiences to make sure that members of  
21 the Department responding to subsequent incidents are  
22 safer and better protected. As with every large  
23 incident, FDNY Fire Marshals performed an  
24 investigation of the fire. They determined that the  
25 heat from the boiler ventilation flute pipe ignited

2 nearby combustible materials causing the fire in the  
3 cellar. Due to pending litigation, we are restricted  
4 of how much detail we can discuss here today.

5 However, one of the conclusions of the subsequent  
6 health and safety report is that the fact that the  
7 location was being used as a film set presented  
8 challenges to fire fighters who responded to the  
9 fire. Among other factors, the set included  
10 temporary partitions that created voids causing  
11 confusion and obscuring the fire as it grew. The  
12 fire resistant materials had also been removed from  
13 the first floor. We are grateful to the sponsors of  
14 this legislation and the Council in general for  
15 working with us and for prioritizing the safety of  
16 our members. Following a review of this incident,  
17 there are a number of changes that we'd like to see  
18 take place at filming locations in New York to help  
19 the Department to avoid similarly dangerous  
20 situations in the future. We have worked with our  
21 colleague at MOME to make improvements, and we think  
22 this legislation could be helpful in improving Fire  
23 Department operations at filming locations and  
24 enhancing the safety of our members and the public  
25 that we serve. Introduction 1849 is sponsored by

2 Chairperson Borelli and would establish fire safety  
3 provisions at film production locations, and require  
4 production location fire safety managers, certain  
5 scouting, rigging, and production activities, as well  
6 as pyrotechnic usage, but we have some suggestions  
7 for small changes. We are supportive of this bill.  
8 This legislation enables the Department to establish  
9 rules around filming locations, including making sure  
10 that construction and alterations of locations used  
11 for film sets are completed in a safe manner. One  
12 aspect of this bill that we find particularly  
13 valuable is that it would require film productions to  
14 designate an individual to serve as the production  
15 location fire safety manager. Productions will now  
16 have someone who will be responsible for periodically  
17 inspecting the location, ensuring that permits and  
18 other necessary approvals have been properly  
19 obtained, completing fire safety surveys, and that  
20 individuals will provide the Fire Department with a  
21 point of contact to deal with when on-site or  
22 responding to an emergency. The legislation also  
23 enables the department to make rules designating  
24 certain production activities during which FDNY  
25 representatives will be on scene. We do want to

2 clarify that the legislation may reference some  
3 activities for which the production company may not  
4 need to designate a production location fire safety  
5 manager. We recognize the importance of the film  
6 industry in New York, and as with every industry that  
7 we regulate, we know our safety regulations have an  
8 impact on their operations. The legislation as  
9 drafted would require production location fire safety  
10 managers to be designated when a permit is issued for  
11 scouting activities, and in fact, we would not need--  
12 we would not have any need to interact with such a  
13 person during scouting activities. The rules that we  
14 promulgate in importance with this legislation will  
15 be mindful not to impose any burden unnecessarily.  
16 The Mayor's Office of Media and Entertainment would  
17 like to revise the definition of production location  
18 to specify that includes: "A premises associated with  
19 any location approved for the purpose of motion  
20 picture, television, or commercial production because  
21 their jurisdiction under the charter is limited to  
22 exterior public property and the purpose of this  
23 legislation includes application to private  
24 property." Introduction 1852 is sponsored by Council  
25 Member Cornegy and would require anyone receiving a

2 permit for filming from the Mayor's Office of Media  
3 and Entertainment is to provide to the Fire  
4 Commissioner and the local firehouse a detailed  
5 blueprint of any production location with the penalty  
6 for failing to do so resulting in a revocation of the  
7 permit and civil penalty. It would also require that  
8 such permits only be issued when all city, state, and  
9 federal health and safety violations have been closed  
10 or cleared. We believe that the first section of the  
11 bill requires more from the industry than is of use  
12 for the Fire Department. Blueprints for filming  
13 locations would not be particularly valuable for the  
14 Department, either at headquarters or at the  
15 firehouses. As in most cases, blueprints would not  
16 be necessary to evaluate fire safety. Such a  
17 requirement could be costly and time consuming for  
18 production companies to obtain. We would remove this  
19 provision. The second portion of this bill, section  
20 325.3, is a very useful objective. However, we would  
21 suggest that the language be amended to narrow the  
22 universe of violations covered by this section to  
23 strike a balance between what would be helpful to the  
24 department and what would be feasible to administer.  
25 The Fire Department has no mechanism for tracking

2 state and federal violations. As written, the scope  
3 of local violations covered by this provision would  
4 exceed those necessary to protect the safety arising  
5 out of the use of a property for filming. For  
6 example, a food related violation for a restaurant  
7 would be irrelevant to the filming location in a  
8 different part of the building. However, we do think  
9 that it would be useful to compel companies to clear  
10 outstanding life and safety violations at filming  
11 locations. We recommend amending this provision to  
12 cover violations issued by the Department of  
13 Buildings and the Fire Department that the Fire  
14 Department determines constitute a life safety  
15 hazard. With these suggested changes, we would  
16 support this legislation as well. Regarding both  
17 1849 and 1851, we thank the Council for creating  
18 legislation that will improve the safety of first  
19 responders, as well as members of the film production  
20 and the public. We sincerely appreciate the interest  
21 of the sponsors in approving the protections and  
22 safeguards for our members. We would be happy to  
23 continue working with you on suggested changes that I  
24 mentioned here today. I will now be happy to answer  
25 any questions that you have. Thank you.

2 CHAIRPERSON BORELLI: Thank you, Chief  
3 Sudnik, and I guess the first question or two is  
4 about the current state of obtaining a pyrotechnic or  
5 a special effects permit from the Fire Department?  
6 Basically, how is it done? How many are issued, and  
7 what are the requirements attached to such permits?

8 CHIEF SUDNIK: Kevin, you want to take  
9 that?

10 KEVIN BRENNAN: Councilman, can you  
11 repeat that question?

12 CHAIRPERSON BORELLI: Sure. What is the  
13 current process for obtaining a pyrotechnic or  
14 special effect permit, and how many are issued, and  
15 what is the requirement for the permit holder for  
16 those permits?

17 KEVIN BRENNAN: Basically, they wouldn't  
18 require a permit from us to get the permit from MOME.  
19 Usually a pyrotechnic permit will go to our  
20 Explosives Unit, and they would go on scene and  
21 conduct a field evaluation of the site where that  
22 pyrotechnic or special effect activity were being  
23 performed and issue a permit based on the evaluation  
24 of that. I don't have numbers off-hand in front of  
25

2 me as to the amount we get per year of special effect  
3 permits, but it is quite a lot.

4 CHAIRPERSON BORELLI: When we say a lot,  
5 is it a hundred? Is it a thousand? Is it, you know--

6 KEVIN BRENNAN: I would say it's over a  
7 thousand, definitely, and increasing with the amount  
8 of activity that MOME experiences in a year, the  
9 amount of permits that are filed.

10 CHAIRPERSON BORELLI: And what is the  
11 permit for any sort of temporary alteration,  
12 including some sort of a temporary partition?

13 KEVIN BRENNAN: That would be Department  
14 of Buildings.

15 CHAIRPERSON BORELLI: But to your  
16 knowledge, is there any sort of permitting process  
17 for folks putting up temporary partitions?

18 KEVIN BRENNAN: That wouldn't involve the  
19 Fire Department. That wouldn't be under our  
20 jurisdiction, but all the fire codes in general do  
21 apply to any building location where they do filming.  
22 I mean, the codes that are currently in effect would  
23 apply. You can't disable fire protection systems or  
24 anything during a film production.

2 CHAIRPERSON BORELLI: That's sort of my  
3 point. So if there's some sort of alteration filed  
4 to a building, even if it's something very temporary,  
5 there is no really interaction between the Department  
6 of Buildings and the Fire Department, even when there  
7 might be combustible materials or something?

8 KEVIN BRENNAN: It's correct.

9 CHAIRPERSON BORELLI: Just an opinion  
10 question, if you had a landlord who subdivided an  
11 apartment into, you know, an apartment that once had  
12 three bedrooms. They subdivided it into an apartment  
13 with now six bedrooms by putting up temporary  
14 partitions, and they scored combustible material  
15 there, and there was a death from a fire in that  
16 building, do you think the City would use its full  
17 weight and force to go after that landlord for every  
18 single violation under the sun?

19 KEVIN BRENNAN: I would think so. I mean,  
20 anything that's in violation, we want to enforce  
21 those violations, correct?

22 CHAIRPERSON BORELLI: So, then if it's  
23 the film industry when someone's using combustible  
24 material and putting up temporary partitions, why is  
25

2 that something that we just as a city sort of accept  
3 happens with limited oversight?

4 CHIEF SUDNIK: I'll defer to you Kelly.

5 KELLY CARR: So, [inaudible] think that  
6 mischaracterizes where we're at, and when this  
7 incident happened, we began taking a look at what  
8 went wrong, and we took this opportunity to look at  
9 what other jurisdictions are doing. WE want to-- as  
10 you know, Chairman Borelli, we've introduced a new  
11 proposed section of the fire code that would get at  
12 the types of materials that are being brought into  
13 production locations, and it wouldn't, in fact,  
14 incorporate and mandate compliance with an FPA140  
15 around materials that are brought into production  
16 locations, and so we are supportive of your efforts  
17 and our proposed code change would go even a little  
18 further to increase safety for he pubic and for the  
19 people that work at these locations and for first  
20 responders.

21 CHAIRPERSON BORELLI: If a fire company  
22 was doing building inspection and they came upon a  
23 commercial building that had been subdivided without  
24 any alteration permits into a different layout than  
25 from what was filed with the Building Department,

2 would that fire-- and was housing combustible  
3 materials. Would that fire company be issuing  
4 violations that premise?

5 KEVIN BRENNAN: Okay, I apologize, I just  
6 got unmuted.

7 CHAIRPERSON BORELLI: No problem.

8 KEVIN BRENNAN: Yeah, well that's only if  
9 we knew about that. I mean, a lot of these film  
10 productions go on, you know, that we don't know  
11 about. I mean, MOME gets thousands of permits a  
12 year, and that's' why we just started to make this  
13 connection, sharing information with MOME as far as  
14 permits that are being filed. And you know, there  
15 are going to be locations they're going to want to  
16 look at from a Fire and Safety perspective, but a lot  
17 of this, you know, goes on throughout the City  
18 without our knowledge. We don't have that  
19 information connection where we get notified of a  
20 permanent-- for a film shoot or whatever is going to  
21 be conducted and know that there's alterations going  
22 on in that building.

23 CHAIRPERSON BORELLI: [interposing] Right.  
24 That just--

25 KEVIN BRENNAN: That doesn't exist.

2 CHAIRPERSON BORELLI: In my opinion  
3 that's what established sort of the necessity of this  
4 particular piece of legislation, that you guys should  
5 know about this, because if this was happening in any  
6 other circumstance in the City of New York, this  
7 would trigger action from the Department and the  
8 Department of Buildings, and this scenario also, the  
9 Office of Media and Entertainment. Specifically,  
10 about 1849, what consideration will inform-- never  
11 mind, I'm going to skip that one. What activities  
12 would the Department view as being particularly  
13 hazardous? In other words, that would require some  
14 action from a Fire Safety officer or inspection?

15 KEVIN BRENNAN: Well, if they're doing  
16 any kind of alterations to the building, bringing in  
17 combustible materials, you know, putting up walls or  
18 changing the structure of the building. We want to  
19 make sure there's no outstanding violations in that  
20 building, that they chose to use. You'll get a-- if  
21 there was any outstanding, whether it be Fire  
22 Department or DOB violations, we want them cleared up  
23 before MOME had approved the permit to, you know, use  
24 that location.

2 CHAIRPERSON BORELLI: If the Department  
3 was to create a certificate of fitness for something  
4 production location, fire safety manager, for  
5 example, whatever the title of that certificate would  
6 be, what qualifications and responsibilities would be  
7 important in that? You indicated a little bit, Chief  
8 Sudnik, about what the person would be doing. So how  
9 much different is this from existing certificates,  
10 and what would any change be?

11 KELLY CARR: So, we haven't created the  
12 certificate of fitness yet. We would develop it, and  
13 it could be modeled most likely on the construction  
14 location, fire safety manager, basic fire safety  
15 requirements that an individual would be designated,  
16 and that title would be responsible for completing  
17 likely daily at a production location. Familiarity  
18 with-- basic familiarity with maintaining means of  
19 egress, making sure portable fire extinguishers are  
20 where they're supposed to be, things like that. So,  
21 the individual who was designated would come to Fire  
22 Department headquarters. They would sit for an exam,  
23 and they would be awarded the certificate of fitness  
24 after demonstrating basic proficiency in those areas.

2 CHAIRPERSON BORELLI: Any specific  
3 portions of that certificate program about  
4 combustible materials used in temporary partitions  
5 or, you know, combustible materials obviously used in  
6 pyrotechnics?

7 KELLY CARR: It hasn't been written yet,  
8 but it will.

9 CHAIRPERSON BORELLI: But it will, that's  
10 what I was hoping to hear.

11 KELLY CARR: Yes.

12 CHAIRPERSON BORELLI: On 1842, I know in  
13 your testimony the Chief said that there may not be a  
14 need to notify local companies with respect to  
15 getting them a set of blueprints, and I could  
16 understand why that's certainly costly and time  
17 consuming, but what other way could we alert a  
18 responding company that the inside of the premises A,  
19 might not be what they're traditionally and typically  
20 responding to in that type of building, and B, that  
21 it might have combustible materials resulting from  
22 something from film production? How do we let them  
23 know is my question?

24 CHIEF SUDNIK: I think that this-- these  
25 bills and our code will go a long way toward

2 notifying, making those notifications to the local  
3 units. You know, we also had another tragic fire, if  
4 you remember correctly, at the Deutsch Bank which  
5 required CDA inspections, for our companies to go and  
6 perform familiarization drills. So, I would envision  
7 that this would be something similar to that where a  
8 company, a local fire company, would get notified  
9 prior to the set being constructed and they'd have an  
10 opportunity to go there and conduct familiarization  
11 drills, walk-throughs, and those are far more  
12 efficacy for our units than would a blueprint where,  
13 you know, we don't have a lot of architects that are  
14 on our staff in the firehouses that could, you know,  
15 basically translate those blueprints. So, actually  
16 getting in and seeing the set as it is constructed is  
17 the best opportunity for us in this situation.

18 CHAIRPERSON BORELLI: And are you aware  
19 of any specific type of alterations or structural  
20 materials that would be particularly dangerous? Is  
21 there anything we should look at as far as barring,  
22 if there's some sort of temporary wall material that  
23 we should outlaw?

24 KELLY CARR: We should say that the Fire  
25 Department after the death of fire fighter Davidson,

2 we started the process of coordinating with MOME and  
3 the citywide event coordination agency that takes the  
4 permit data in, and you're in the process of  
5 acquiring a year's worth of this permit data so that  
6 we can conduct an analysis between fire safety  
7 activity and permit activity, and we're hopeful that  
8 we'll see correlation. And if we don't, you know,  
9 part of what we're looking to do too is increase our  
10 agency coordination with DOB. We'll be looking at  
11 where and when permit-- alteration activity arises to  
12 the level of requiring a DOB work permit. Certainly,  
13 that's activity that we would be interested in, and  
14 then that would help us know where to direct our  
15 units for familiarization.

16 CHAIRPERSON BORELLI: Okay, I think  
17 that's my last question for now. I'll turn it over  
18 to Chairman Cornegy for his questions.

19 SERGEANT AT ARMS: Chair Borelli, it  
20 seems we have lost Council Member Cornegy.

21 CHAIRPERSON BORELLI: Okay. Did any  
22 other Council Members raise their hand, Josh, to ask  
23 questions?

24 COMMITTEE COUNSEL: I don't believe so.  
25 But if any members would like to ask a question now,

2 please use the Zoom raise hand function, and if not  
3 we could move back to the Chair and wrap things up on  
4 this angle. Chair Borelli, maybe give a minute or  
5 two and then we could-- and then move forward if no  
6 one else has any questions.

7 CHAIRPERSON BORELLI: Hold tight one  
8 second. I'll send Cornegy a text message. Alright,  
9 let's move on to the next panel.

10 COMMITTEE COUNSEL: Okay, thanks  
11 everyone. Admin folks we appreciate you participating  
12 here, and we'll move on from here. We're now going  
13 to move on to the public testimony section of the  
14 hearing. For this section, I'd like to remind  
15 everyone that unlike at our typical council hearings,  
16 we'll be calling on individuals one by one to  
17 testify. Council Members, if you have questions for  
18 a particular panelist, use the raise hand function on  
19 Zoom. We'll call on you after the individual has  
20 completed their testimony. For panelists, once your  
21 name is called, a member of our staff will unmute you  
22 and you can begin delivering your testimony. So we  
23 will begin today with a representative from the  
24 Uniformed Firefighters Association of New York,

2 Robert Eustace. I believe that you should be  
3 unmuted, and you could go when you are ready.

4 ROBERT EUSTACE: Thank you. For those  
5 that don't know me, my name is Bobby Eustace. I'm the  
6 Vice President of the Uniformed Firefighter's  
7 Association. I was also a fire fighters on Ladder 27  
8 in the Bronx, the same division as Michael Davidson.  
9 I worked with him many years. I was a friend of Mike,  
10 and I also worked with the Teamsters 817 for 12  
11 years, so I have experience in both firefighting and  
12 actually loading up the scenery in both of these.  
13 Having worked with Mike's brother Eric for many years  
14 right next to me in the Bronx, and I lean on both of  
15 these bills. We both as a union and as a friend, and  
16 as a fellow firefighter have very, very strong  
17 opinions about both these bills, and I want to thank  
18 Chairman Borelli, Chairman-- Councilman Cornegy for  
19 all the assistance with both these bills. A lot was  
20 covered already on these bills. We've all kind of  
21 touched on a lot of them. Basically, the big issue  
22 for us, too, is notifying the local firehouse. We as  
23 fire fighters are trained to go into pretty much and  
24 mitigate any type of situation we get no matter what  
25 the danger is, but we spend an awful amount of time

2 studying building construction and studying from the  
3 outside, studying from the inside. If we see certain  
4 type of structures, we don't go inside. If we see  
5 those old type of bowling alley roofs and there's a  
6 large amount of fire, it's called bowstring truss, we  
7 don't go on it, because it could collapse. This is  
8 what we study. So when you go onto a movie set and  
9 you see some of the amazing work they do with scenery  
10 and everything else, that changes how our operations  
11 are, because we assume it's one thing, we assume it's  
12 another. In this set alone, if you look at the  
13 pictures in a movie set, there looks like there's  
14 large wood beams on top of the ceiling. Those were  
15 in fact foam and hollow, and those are very dangerous  
16 things that we don't understand, or we can't predict  
17 when we walk into a fire. One of the things that  
18 happens in the permit world, and we understand that  
19 there's money involved, and obviously it's a revenue  
20 stream to the city, and especially in these times  
21 right now, the last thing we're going to try to do is  
22 get in the way of stopping any revenue streams. But  
23 what's really important is that you got to give us a  
24 fighting chance, and the chief's right, we're not  
25 going to be able to read blueprints. We're not going

2 to argue to take the word blueprints out, but there  
3 still needs to be a notification to the local  
4 firehouse. There has to be. Having a bunch of  
5 permits passed around by a bunch of administration's  
6 and chief's is not going to get down at the local  
7 companies. The only way we're going to know the rank  
8 and file is ever going to do any type of safety check  
9 is if we're given that permit or some sort of  
10 notification that something's changed, that we're  
11 going to walk into a building and all of a sudden  
12 it's going to look like Disney Land. We're not going  
13 to know that unless someone tells us, and there's  
14 thousands of permits given out every year, all  
15 different types of material, and we need a fighting  
16 chance. Those are the [inaudible] these bills.  
17 That's what Eileen Davidson's for, that's what Eric  
18 Davidson's fighting for, that's what the Davidson  
19 family is fighting for, and that's what I'm doing  
20 here today on behalf of, you know, the 8,000 plus  
21 uniformed fire fighters in New York City, and just  
22 trying to give us a fighting chance, and it's great  
23 that the permit is known and everything else like  
24 that, but if we don't know in the firehouse, there's

2 just no chance to help us. So, thank you for your  
3 time.

4 CHAIRPERSON BORELLI: Thank you, Vice  
5 President Eustace. I have a couple of questions.  
6 You started by describing a similar scenario where  
7 you're alerted to the presence of a specific type of  
8 roof. Can you just go through how a notification  
9 similar to the one we're hoping to include for film  
10 sets would be given to a company, to let's say the  
11 office or the company and it would trickle down to  
12 the rest of the members of the company in a similar  
13 circumstance?

14 ROBERT EUSTACE: Certain situations, the  
15 Chief mentioned it before. There's a-- after Deutsch  
16 Bank and different things, we have a building  
17 inspection operation that we do and there'll be  
18 information given down through the chain of command.  
19 So if there's an alteration or a building that needs  
20 to be inspected or something that's been alerted to  
21 us, it'll be sent down to the chain of command. The  
22 local company will be alerted that they need to  
23 notify, they need to take a look at it and inspect  
24 it, maybe go out. There's also buildings that are  
25 vacant in New York City, and they're designated with

2 a box outside. So, if you see a building that's got  
3 a square box spray painted on it in orange paint,  
4 that means it's vacant. If it has an x in it, it  
5 means there's levels of how derelict the building is  
6 and what type of condition it is. If there's a box  
7 with an x in it, we don't go into that building or we  
8 try not to. Obviously, if there's a chance of life,  
9 we go in there to search for life, but we try not to  
10 go into those buildings, because obviously there's a  
11 great danger to us and our members to move into that.  
12 If we're alerted to those things, we'll check those  
13 out on our buildings inspections, but again, a lot of  
14 these movie studios, they spend a lot of money and  
15 time and effort to disguise these things. If you're  
16 spending 20 million dollars to have J. Lo be your  
17 actress, you're obviously not going to advertise that  
18 in the neighborhood. It's going to slow down  
19 production. So, you're going to do everything you  
20 can to disguise that, and in turn, we're not going to  
21 know that. So, this is something that we need to be  
22 alerted to. Like I said, there's different things we  
23 study in buildings when you look at them, even when  
24 we're going around, it's just kind of like us-- the  
25 fire fighter talking shop. When you look at

2 different buildings, you look at fire escapes and how  
3 windows line up, you know, how we would access those.  
4 You know, New York City has a lot of security over  
5 100 years, and it's our job to gain access to that  
6 and how to get around that. So we're constantly  
7 brainstorming and thinking about how the buildings  
8 are built, how the buildings are designed, and how to  
9 overcome that and get around that. So, when  
10 something like the movie studio is set into that,  
11 that completely throws us way off, because certain  
12 things--

13 CHAIRPERSON BORELLI: [interposing] Let's  
14 go on with that, because you worked with Fire Fighter  
15 Davidson for many years, as you said. How confident  
16 do you think he was going into that building, that he  
17 knew the layout, or roughly the layout of that  
18 building on that night, and how disorienting could it  
19 be if there are different partitions and walls set up  
20 that are number one, not legal, number two, you know,  
21 just in and of themselves causing a blockage of  
22 different normally situated hallways and passages.

23 ROBERT EUSTACE: Probably extremely.  
24 Judging by the fact that he passed the Lieutenant's  
25 exam. I mean, a strong, strong portion of passing

2 any exams in the New York City Fire Department is  
3 studying our books and studying the rules. Different  
4 buildings have rules. Brownstone buildings have  
5 rules, you know, how the floors are laid out, how the  
6 buildings are, what rooms are, and where they're laid  
7 out, old law tenements, new law tenements, what we  
8 call taxpayers and commercial occupations, high rise  
9 buildings. They all have, you know, basically a  
10 standard that we know that-- firefighting isn't like  
11 the movies where you can see what's going on. It's  
12 pitch black, so you need to have an understanding of  
13 where, you know, what the structural standards and  
14 what the basics are of where you're going. So,  
15 automatically, you're going in and you're  
16 understanding that, you know, this has a basement or  
17 this has a sub-cellar, which is two floors below  
18 that, and how would you ventilate that. Where would  
19 the access be to that window? How would we-- would  
20 we have to cut a hole? We have to cut a hole in  
21 concrete sometimes. We have to cut a hole right in  
22 the floor to get, you know, the superheated gas and  
23 smoke to exit out there. So, if you're going in and  
24 you're looking at a building, even something as  
25 simple as the staircase-- someone we take example, if

2 it looks like a stoop. Is it a brownstone? Is it a  
3 four-story, or is it a tenement? Has the staircase  
4 been removed, because it looks different? These are  
5 all things that come into play when we size up a  
6 building. How are the win-- like I said, where are  
7 the windows lined up? These are all different  
8 aspects that we look at different things that  
9 automatically where we're going. Even our  
10 operations, where you send the first hose line goes  
11 in different operations in a building. It will go to  
12 fire floor. It might go to the floor below or the  
13 floor above. At this particular fire, the second  
14 line always goes to the floor above. It actually  
15 went two floors above, because they were confused  
16 about the type of structure on this building. Their  
17 fire went-- their line went first all the way down.  
18 It went into the basement. The level floor where the  
19 second line should have went actually went one floor  
20 above, so they actually skipped a line. That was all  
21 based on the front look of the building, and the  
22 confusion of what it looked like. That was a prime  
23 example of what happened at this very fire. You also  
24 talk about-- just to go on a little bit. You also  
25 kind of-- I didn't know where you were going before

2 about the building dividing with the bedrooms, you  
3 touched on--

4 CHAIRPERSON BORELLI: [interposing] That's  
5 what I wanted to ask you about next.

6 ROBERT EUSTACE: You touched on the  
7 tragedy that was called "Black Sunday" which was also  
8 two gentleman that died that was from my company from  
9 Ladder 27 in the Bronx, where that was an illegal  
10 compartmented apartment up in the Bronx that caused  
11 this gentleman to jump out of a fifth story window  
12 because that was illegally compartmented. There was  
13 no notification of that either. The fire was able to  
14 travel, you know, through that building as well.

15 CHAIRPERSON BORELLI: Does it seem like  
16 there's a different response when it's a, you know, a  
17 landlord trying to pack in as many, you know, poor  
18 immigrants, anyone in the community, right, into a  
19 subdivided apartment. It seems to me there's a  
20 different response that when it's the film industry,  
21 it's a little sexier and a little less-- there's a  
22 little less force behind our enforcement of these  
23 rules. And from your standpoint as a fire fighter,  
24 if you're responding to a building that has been  
25 illegally converted to just house a bunch more

2 people, it is any different between that and a film  
3 set?

4 ROBERT EUSTACE: It can be tremendously.  
5 It can be tremendously, and maybe I know that because  
6 working as a Teamster and loading in scenery, loading  
7 in large, large pieces of scenery that are made of  
8 foam. We train with basically particle board, which  
9 is wood chips and glue which burns at a much, much  
10 higher temperature, and it's called a flashover  
11 simulator that we do to train with. That's some of  
12 the materials that these guys use, some of the, you  
13 know, high, high burning temperatures and things  
14 that'll-- that just burn at a much higher temp.  
15 That's what these are loaded with, plastics and  
16 everting else like that. That's going to completely  
17 change what type of environment you're walking into.  
18 It's not just a-- you're not just recreating another  
19 kitchen. You're recreating, you know, Disney-- like  
20 I said, it could be a cartoon scene. It could be  
21 something tremendous beyond that. You know, in this  
22 scene it's seemed to believe that Mike Davidson went  
23 behind the bar and got stuck, you know, when exiting  
24 out there. Your exits and entries, you know, ebbs  
25 and flows of where you're going in the building,

2 you're completely thrown off on a set that's a movie  
3 set like that. You just don't-- you normally know  
4 going in how to go, how far you go, something we  
5 train on where we have our masks, our air tanks that  
6 you have-- you know, there's a time limit. There's  
7 an alert to get in and out, and you know how far  
8 you've gone in and how far you've gone out. After  
9 the Black Sunday tragedy we've all had personal ropes  
10 given to us in case we have to jump out the window.  
11 When you're trained and you're searching going on,  
12 you mark, alright here's a window, here's something--  
13 you're always conscious of what your exits and exits  
14 are-- entries and exits are. In this particular  
15 building things were padded up. Gentleman on the  
16 outside that were trying to vent it were hitting  
17 walls, because it was covered up by the movie set, in  
18 this case a stage. So, everything is thrown off  
19 right there. So, if you see that, you're assuming  
20 there's got to be a window somewhere. You saw a  
21 window on the outside, and you're going along a wall  
22 and it's covered up, you may think, I just-- I'm  
23 confused. I need to go farther. You may be going  
24 deeper into a building thinking you're going to find  
25 that window eventually. It's completely throws us

2 way off because things-- these just aren't the  
3 characteristics that should be in these traditional  
4 structures.

5 CHAIRPERSON BORELLI: Thank you. Thank  
6 you very much. I have no more questions for you,  
7 Bobby. Give it a second to see if any members raised  
8 their hand, and if not, we will go to the next  
9 panelist. Thank you very much, Mr. Eustace.

10 COMMITTEE COUNSEL: Thanks everyone.  
11 Steven Wieroniey from the American Chemistry Council  
12 will now testify. Go ahead sir.

13 STEPHEN WIERONIEY: Thank you. New York  
14 City Council Members and members of the Committee,  
15 thank you for the opportunity to provide input on  
16 Intro 1852. My name is Stephen Wieroniey, and I  
17 represent the American Chemistry Council Center for  
18 the Polyurethane Industry. ACC supports efforts to  
19 increase the fire safety materials made with the  
20 products of chemistry that are used in the built  
21 environment. We want to be part of the solution to  
22 support and protect our first responders. We rely on  
23 fire fighters as a key component of our overall fire  
24 safety initiative at our manufacturing facilities and  
25 offices. We're engaged in ongoing partnerships with

2 to provide training, equipment, and support for fire  
3 fighters. Last year, our TransCare program trained  
4 more than 40,000 first responders throughout North  
5 America. Our 24/7 emergency response call center,  
6 ChemTrack [sic] establishes links between shippers,  
7 carriers, and emergency responders and medical  
8 professionals. We support providing first responders  
9 with the necessary information to protect themselves,  
10 the public and property in New York City. ACC  
11 believes proactive communication between fire  
12 departments and productions companies is the most  
13 complete way to ensure first responders understand  
14 what challenges may be present due to the unique  
15 nature of production studios. Polyurethane products  
16 have been used safely in homes, office buildings,  
17 cars, and movie sets since the 1950s. Polyurethane  
18 products like many products present in our daily  
19 lives are combustible. Polyurethane products can be  
20 used safely because they comply with robust fire  
21 safety standards developed at the local, state, and  
22 federal levels. For example, the fire safety  
23 mattresses which contain polyurethane foam are  
24 regulated by the Consumer Products Safety Commission.  
25 Fire safety requirements for polyurethane foam

2 insulation are included in the New York City Building  
3 Code. Polyurethane foam products such as upholstered  
4 furniture and mattresses, automobiles, and insulation  
5 are well understood and used safely in everyday life.  
6 These products are no different than the polyurethane  
7 products used in movie and film sets. We are  
8 concerned that this legislation unfairly stigmatizes  
9 a product that complies with robust fire safety  
10 standards in narrowly drawing the reporting  
11 requirement may not fully achieve the intent of  
12 increasing fire safety. We encourage the Council to  
13 consider revising the approach to better provide  
14 first responders critical fire safety information and  
15 are willing to work with the Council to refine the  
16 proposal. Thank you, and I'm happy to answer any  
17 questions.

18 CHAIRPERSON BORELLI: Thank you. If you  
19 could just summarize what change you think would be  
20 beneficial but would not substantially change the  
21 purpose, please do so. Be as specific as you want.  
22 I'm just wondering if you would rather talk publicly  
23 than privately.

24 STEPHEN WIERONIEY: Sure. I don't know  
25 that there's value in reporting the use of couches,

2 mattresses, and other standard, you know, building--  
3 you know, polyurethane products that are used in  
4 everyday life as part of the information passed to  
5 the fire fighters, but at the same point I don't want  
6 to presume to understand exactly what information  
7 fire fighters need. So, I think some dialogue  
8 between, you know, the first responders, the Council,  
9 and we could help refine that proposal.

10 CHAIRPERSON BORELLI: Have you guys as an  
11 organization ever had these rules promulgated in any  
12 other large city?

13 STEPHEN WIERONIEY: To my knowledge, no.  
14 Specific to reporting polyurethane to the local-- use  
15 of polyurethane products to the Fire Department, I do  
16 not believe there's any other restrictions.

17 CHAIRPERSON BORELLI: Okay, thank you  
18 very much, Stephen. I appreciate it. Seeing no  
19 questions here, or you-- thank you, Josh. Next  
20 panelist?

21 COMMITTEE COUNSEL: That is it, who's  
22 registered. If anyone else would like to register,  
23 please speak up or forever hold your piece, and if  
24 not, Council Member Borelli, we're ready to wrap it  
25 up when you are.

2 CHAIRPERSON BORELLI: You know, thank you  
3 very much for everyone participating, and thank you,  
4 specifically to Fire Fighter Davidson's wife, his  
5 brother who I know, this probably was more painful  
6 and more personal for them than it was for us who,  
7 you know, approach these things sometimes from a  
8 mechanical point of view on how we can do things  
9 better, and we lose some of the raw emotion. So, I  
10 want to thank you both for being a part of this  
11 hearing, and I want to thank the UFA for bringing  
12 this to my attention two years ago in the-- I guess  
13 the winter of 2018. Bobby, you were there and some  
14 of your predecessors were there, and I just want to  
15 really give you guys a shout out for making this  
16 become the priority for this committee, you know, in  
17 this term. So thank you very much to the Uniformed  
18 Firefighter's Association. To your new President who  
19 hopefully we get him at the next hearing, at some  
20 point soon, and his predecessor who was instrumental  
21 in this, and Leroy McGinnis who was also very  
22 instrumental in pushing this very early on. So, it's  
23 one of those things where people should be very happy  
24 with the work that the team at the UFA did, so thank

2 you very much. And if no one else has any testimony,  
3 we will gavel out, and thank you very much.

4 [gavel]

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON FIRE AND EMERGENCY SERVICES

C E R T I F I C A T E

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



Date November 9, 2020