



NYC Council Holds Important Hearing on Gas Safety Laws

The Plumbing Foundation commends NYC Council Members Gale Brewer and Pierina Sanchez for holding a joint Oversight & Investigations and Housing & Buildings hearing on the NYC Department of Buildings' (DOB) enforcement of gas qualifications pursuant to Local Law 150 of 2016 (LL150) on Monday, February 27th. This hearing in all likelihood was held in response to UA Plumbers Local No.1's lawsuit against DOB for failure to properly enforce LL150 gas qualifications and welder qualification requirements.

The joint Committees first heard from DOB Acting Commissioner Kazimir Vilenchik, P.E., and DOB Deputy Commissioner of External Affairs, Guillermo Patino. While DOB testified to the fact that more than 2,000 gas related violations have been issued since LL150 was enforced in January 2020, there were many unanswered questions asked by the Council that the industry was also hoping would be answered by DOB. This includes the in-the-field enforcement of gas cards and transparency on DOB NOW of the gas and welder information, specifically on the front end of the permitting process. When Council Member Charles Barron asked how many gas explosions have occurred in the City in the past decade, the answer went from unsure to three, which the industry knows is inaccurate. There were multiple in 2022 alone.

Following the DOB testimony was Patrick Walsh, attorney for Plumbers Local 1, and Arthur Klock of the Joint Apprentice Training Committee, a jointly funded labor/management trade school, at which Mr. Klock is the director. Mr. Walsh provided a background of the multiple notifications given to DOB of apparent gas and pipe welder qualification violations, which Mr. Walsh says were ignored. Mr. Klock testified on seven major gas safety issues that need to be addressed: 1) improper or nonexistent pipe welder qualifications; 2) appliance stores doing regulated gas work illegally; 3) arbitrary elimination of the Master Plumbers License Board; 4) lack of enforcement of the requirement for a "gas work qualification"; 5) disbanding of the Office of the Buildings Marshal; 6) elimination of the reporting requirements for "ordinary plumbing work"; and 7) ineffective enforcement of hundreds of improper gas safety inspections.



Next, the Plumbing Foundation, Association of Contracting Plumbers of New York City (ACP), and Master Plumbers Council (MPC) testified. April McIver, Executive Director of the Plumbing Foundation, highlighted her confusion on staffing at the DOB. She believed DOB is understaffed which is one reason for underenforcement, but the Commissioner said otherwise. She also emphasized the importance that DOB NOW shows DOB gas qualifications on the front end of the permitting process and that Local Law 152 of 2016 (periodic gas inspections) documents are readily available to the public; otherwise, someone has to submit a FOIL request to view them. She also said that there has been no response from DOB on where to send illegal plumbing tips since the Buildings Marshal office was disbanded. She urged the Council to review her written testimony which explains more comprehensive recommendations, including reinstating the License Board and proposed revisions to LL152.

Terence O'Brien, who is both the Executive Vice President of the ACP and Senior Director of the Plumbing Foundation, also submitted comprehensive written testimony. During oral testimony, he highlighted for the Council that the 2016 DOB leadership opposed the

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gas safety laws and he implored the City Council to review staffing at DOB during budget negotiations, specifically for inspectors at DOB. While he empathized with the Department, he said there are fundamental flaws that need to be addressed for better gas safety and transparency.

Lastly, the MPC emphasized the importance of enforcing gas safety laws and the pending legislation before the Council, including reinstatement of the License Board, ordinary plumbing work, and LL152 revisions.

When Council Member Brewer asked the panel what type of staffing should be improved at DOB, Ms. McIver said if there are staffers wearing multiple hats at DOB, that should be changed so there is staff specifically dedicated to gas safety. Mr. O'Brien said the DOB previously engaged in sting operations which were effective. Council Member Pierina Sanchez asked about the 311 process. Ms. McIver explained that she forwarded anonymous illegal plumbing tips directly to DOB and not through 311, but she is unsure of where to now send those tips, but her own personal experience with 311 did not result in any follow up. Mr. O'Brien said the Marshals office would provide a tracking number so one can follow up. He also explained the function of BSIU. The MPC highlighted the importance of the License Board as a forum to advise the Department on illegal plumbing tips.



Council Member Brewer said the conversation on gas safety will continue and the written testimony provided will be reviewed in following up with the Department. The Plumbing Foundation reiterates its commendations to the NYC Council and specifically Council Members Brewer and Sanchez for holding the hearing on one of the most important topics for the plumbing industry: gas safety. We will continue to discuss improvements to gas safety enforcement with the Department and Council.

As of the issuance of this newsletter, the Department has already contacted the industry on making improvements pursuant to this hearing. We look forward to continuing working with the Council and Department.

NYC DEP Amnesty Program Notice

Recently, the NYC Department of Environmental Protection (DEP) released its water bill Amnesty Program. Please see note from the DEP below:

“We know that many NYC residents suffered during the pandemic, and many have fallen behind on their water bills. As a result, the Water Board has approved a one-time-only effort to help New Yorkers catch up. This is the broadest amnesty program DEP has ever offered: customers in all tax classes and with any amount of water bill debt are eligible, which means that nearly 1 in 4 of our customers may be able to benefit. The Amnesty Program will offer customers up to 100% forgiveness of accrued interest if they pay all or part of their outstanding debt and enter into a payment agreement. There is still further support available for low-income water customers.

The Amnesty Program will run for 90 days from today's launch. Once it is over, DEP will begin aggressively pursuing enforcement actions against those accounts that are still delinquent and who have not taken advantage of the amnesty. So please encourage anyone you know who may be behind on their water bill to take advantage of this offer now! Save now on your water bill, get amnesty today!”

For more information, please visit:

www.nyc.gov/site/dep/pay-my-bills/amnesty-program.page

DOB Training Connect SST Card Reminder

The Plumbing Foundation seeks to remind the industry that as of February 1, 2023, anyone that holds a Site Safety Training Card MUST have the reissued DOB Training Connect Card.

For more information, please see the April 2022 Service Update:

www.nyc.gov/assets/buildings/pdf/training_connect_sn.pdf

2023 NYS Legislative Session - Albany Update

January 4th marked the first day of the 2023 NYS Legislative Session, which is also year one of a two-year session and which means bills from last year need to be reintroduced. Since January, the NYS Senate and Assembly have been introducing bills in their respective houses, including the Plumbing Foundation's modular construction legislation, and during that time Governor Kathy Hochul also released her Executive Budget Proposal for FY 2024. Below highlights the major legislative items for the Plumbing Foundation.

Modular Construction Legislation

The Senate and Assembly both passed the modular construction legislation in 2022. Sponsored by Senator Jessica Ramos and Assemblyman Erik Dilan, S.5422/A.2512 requires all phases of modular construction, whether occurring in a factory or on-site, to comply with NYC licensing standards. This means the work must be done by or under the continuing supervision of a licensed master plumber, fire suppression contractor, and electrician. The bill simply requires that modular construction is held to the same safety standard as traditional stick-built construction. After passage in both houses, the bill was not delivered to the Governor until December 2022 and, unfortunately, Governor Hochul vetoed the bill along with a package of other bills without further discussion or consideration of Chapter Amendments. The veto message cited current enforcement by the NYC Department of Buildings (DOB), which we have learned over the years is inconsistent and lacking in its "third party certification" process of modular projects. The veto message also mentioned affordable housing concerns. There has been zero data to prove an actual impact on affordable housing and, more importantly, our legislation would ensure affordable housing projects being built by modular technology are safer. Affordable housing is for our most vulnerable population and they deserve safe structures, which means those projects must also comply with the NYC Construction Code fully, including licensing requirements. The veto message also expressed concern for out of state contractors, which is a confusing sentiment that our Governor would focus on rather than in-state jobs.

The Plumbing Foundation is optimistic the bill will be passed by both houses again this year and that direct conversations with the Governor's office will clarify the confusion and misinformation that seemed to misconstrue the purpose and practical implications of the bill.



Executive Budget / Gas Ban / Climate Action Council

The Governor's proposed budget language in the Transportation, Economic Development and Environmental Conservation bill (known as an "Article VII" bill as opposed to an appropriations bill) includes a provision banning fossil fuel systems in new buildings by the end of 2028 as well as a ban on replacements to existing systems by January 1, 2035. While NYC already has a law in place banning gas systems on new construction come 2024, the ban to replace existing systems would place another very expensive and ill-conceived mandate on New Yorkers.

The Governor's gas ban language comes following the NYS Climate Action Council's (CAC) final scoping plan that was issued in December 2022. The plan, officially submitted to the Governor and Legislature on January 1, 2023, includes recommendations on how the state can achieve its goals set by the Climate Leadership and Community Protection Act (CLCPA), which requires a 40% reduction in greenhouse gas emissions by 2030 and an 85% reduction by 2050, as compared to 1990 levels. The CAC received 35,000 written comments in response to its draft plan, including by the Plumbing Foundation which expressed concerns with costs and a lack of thorough consideration of other types of renewable energy sources such as renewable natural gas and hydrogen. The final plan seemed to ignore a lot of similar feedback; it proposed a cap-and-invest program and did not recommend what many pushed for as an "all the above" approach. Implementation of the CAC plan requires action by municipalities and the New York State Department of Environmental Conservation (DEC). DEC regulation will require an impact statement and consideration of costs.

The Plumbing Foundation is actively engaging the Legislature on the proposed budget provision and is monitoring actions following the CAC plan, including DEC regulatory action. We will provide further updates on legislative and regulatory action.

Congestion Pricing

As a brief reminder, congestion pricing was passed in the NYS budget in 2019. After much delay in completing a federally required environmental impact analysis, in August 2022 the long-awaited analysis on the proposed congestion pricing plan for NYC was released. The lengthy analysis included seven scenarios evaluated by the MTA which propose prices from \$9 to \$23 per vehicle entering the zone. As a reminder, the 2019 law defines the zone as Manhattan at and below 60th Street with exemptions for the FDR Drive and West Side Highway. The only exceptions proposed in the analysis include certain vehicles carrying people with disabilities and authorized emergency vehicles. In addition, people whose primary residence is inside the district and whose income is less than \$60,000 would be eligible for a state tax credit equal to the amount of their tolls. But 24/7 service vehicles (e.g., plumbers answering emergency calls) are not a proposed exemption. In September 2022, the Plumbing Foundation submitted written comments stating a request for a service vehicle exemption or discount. Most recently, the MTA announced that, while awaiting further federal approval of the environmental assessment, congestion pricing is again delayed at least through the first quarter of 2023. The Plumbing Foundation continues to advocate on this issue and will keep the industry apprised of its efforts.

Other Bills

Other important topics that the Plumbing Foundation will be working on at the state level this year include thermal energy and hydrogen (in terms of ensuring this type of work is regulated and the state and city require qualified persons to conduct installations of these types of systems, as well as homeowner incentives for use of these systems). We are also in support of the Emergency Responder Act, recently reintroduced by Senator James Skoufis as S.3312, which would provide licensed design professionals and construction service providers the rights and benefits limiting liability for providing advice, services, labor, and materials during times of emergency, crisis, or catastrophe. Protection like this is vital to ensure those professionals and service providers can react and assist in such emergency situations without being held to a liability standard that other first responders are otherwise not.



The advertisement features a black and white photograph of a plumber wearing safety glasses and gloves, working on a sink. The plumber is using a tool to install a garbage disposal unit. The InSinkErator logo is visible in the top left corner. On the right side, there is a text block describing the 'LIFT AND LATCH' technology. Below the text, there is a close-up image of the garbage disposal unit with a callout box highlighting the 'LIFT AND LATCH' feature. The phone number 1-800-558-5700 is displayed in the bottom right corner. At the bottom of the advertisement, there is a copyright notice.

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Natural Gas Detectors

Be on the lookout for natural gas detectors when you perform routine gas work in buildings. An alarm sounds and automatically alerts Con Edison and the fire department if these units detect natural gas or methane.

Place the gas detector in a sealable plastic bag to protect it and prevent it from activating. Here's how:

- 1 Inspect the bag for damage.
- 2 Without detaching the gas detector, place it completely inside the bag and secure zip-lock seal.
- 3 Once work is complete, properly vent area and ensure the area is clear of any trace of natural gas.
- 4 Remove the bag.

If the natural gas detector is activated, contact Con Edison at 800-75-CONED immediately and remain on location until a first responder arrives.

Routine gas work includes any changes to gas piping, tubing, fittings, and equipment inside or outside. For all other work, submit a request at conEd.com/ProjectCenter.

Look for These Natural Gas Detectors



Scan for more information.



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Protect these gas detectors and prevent false alarms during routine work.

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NYC DOHMH Adopts Important Water Tank Rules

Effective March 11, 2023, the NYC Department of Health and Mental Hygiene (DOHMH) adopted proposed rules increasing the penalty for violations related to water tank inspections. The proposed amendments would create new penalties for failure to comply with requirements and update current penalties. In addition, these proposed rules add specific penalties for violations relating to chemical treatment of building drinking water.

The Plumbing Foundation is supportive of the proposed rules as they properly incentivize responsible parties to comply with pertinent water quality and safety measures under the NYC Health Code, including but not limited to chemical and product standards, recordkeeping requirements, and water tank inspector qualifications.

The Plumbing Foundation commends DOHMH for establishing these penalties. Strong enforcement by DOHMH will no doubt increase compliance and therefore increase the safety of the city's drinking water tanks.



For more information, please visit:

rules.cityofnewyork.us/rule/water-tank-inspection-penalties-2/

THE PLUMBING FOUNDATION'S ENVIRONMENTAL STATEMENT

Since its establishment in 1986, the Plumbing Foundation has worked diligently to ensure the plumbing industry has as little a "carbon footprint" on New York City as possible. The plumbing industry has historically utilized environmentally friendly materials such as recycled cast-iron and copper piping/fittings. The Foundation will continue in its role of protecting New York City as well as being an advocate for the environment by strengthening its water/sanitary regulations and thereby reducing wasteful water consumption in the City.

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Fix a Leak Week At Home Activity

Fix a Leak Week, sponsored by the U.S. Environmental Protection Agency's WaterSense® program, takes place in March. It's a time when families are encouraged to check for water leaks and drips in bathrooms, kitchens, and yards at home.

What Is WaterSense?

The U.S. Environmental Protection Agency, or EPA for short, is the part of our nation's government that helps to protect the air we breathe, the water we drink, and the land where we live. EPA's WaterSense program encourages Americans to use only the water they need and avoid wasting this precious resource. This concept, known as "water efficiency," is important because the more people there are on the planet, the more strain it puts on limited water supplies. In fact, from 1950 to 2005, the number of people living in the United States doubled, while the demand for water more than tripled. Using only what we need helps keep this growing thirst for water in check.

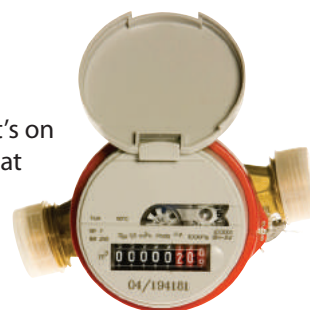


The Facts on Leaks:

- Did you know that, in a year, water leaks in your home can waste enough water to fill a backyard swimming pool? And if we added up all the water leaking in people's homes right now it could fill nearly a trillion gallon milk jugs? That's enough water for all the people living in the cities Los Angeles, Chicago, and Miami combined.
- Water-wasting leaks include running toilets, dripping faucets, and other leaking pipes around your home. Most of these leaks can be fixed easily.
- Fixing these leaks can save your family more than 10 percent on water bills. That's like saving \$1 for every \$10 spent on water.

Finding Leaks:

- Ask your parents to help you find the water meter on your house. Usually, it's on the outside of the house in a box or under a metal cover on the sidewalk that says "Water." The numbers in the box represent either gallons or cubic feet of water used in your home. Check your meter, then don't flush the toilet, run the faucet, or use any water for two hours. At the end of the two hours, check the water meter again. If the meter does not read exactly the same, you probably have a leak.
- Walk through your house listening for running toilets and looking for drips. Drips usually mean leaks.
- Find out if your toilet is leaking silently by placing a drop of food coloring in the toilet tank (that's the area behind the toilet seat—ask for mom or dad's help to remove the lid). If color shows up in the toilet bowl after a few minutes without flushing, you have a leak. Once you finish the experiment, flush a few times so you don't stain the toilet.



Faucets:

- Take a watch or clock with a second hand and time how often your faucet drips. A leaky faucet that drips at the rate of one drip per second can waste more than 3,000 gallons in a year!
- There are parts that hold your faucet together called washers and gaskets—they can wear down and cause drips. If someone in your house is handy, these parts usually can be replaced easily.
- There's also a little screen device called an "aerator" that can be screwed onto the tip of your faucet—it adds air into the water stream so you can use less water to wash your hands or brush your teeth without noticing a difference in water flow. Ask your parents to look for the WaterSense label when buying an aerator or replacing a faucet—that means the product will work well and save water.

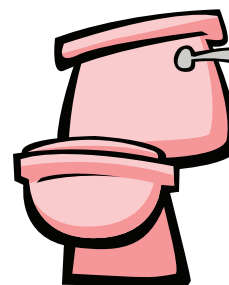


Showers:

- Showerheads—the place where water comes out in streams at the top of your shower—can also get old and leak, even when the water is not on. A showerhead that drops just 10 drips in a minute wastes more than 500 gallons per year. That's enough water, if you saved it all up, to wash 60 loads of dishes in your dishwasher!
- Most leaky showerheads can be fixed by making sure they're screwed in tight. Having someone handy wrap the showerhead in "pipe tape," a special tape available at hardware stores, and using a wrench to tighten it will help.

Toilets:

- It's one of the oldest prank phone calls—"Is your toilet running? Then you'd better catch it!" But a running toilet is no joke. If you can hear the water in your toilet making noise, even when no one flushed recently, you have a running toilet that could be wasting 200 gallons of water or more every day! Sometimes you just need to jiggle the handle to fix it, but sometimes a part needs to be replaced.
- Many toilets leaks are caused because the "flapper" is decayed or broken. The flapper is a rubber piece that opens up to let the water flow from the tank into the bowl when you pull down on the toilet handle. If someone in your house is handy, they can easily replace this inexpensive part of your toilet.
- If the problem is not just an old flapper and your family has to replace a leaky toilet, tell your parents to look for one with the WaterSense label to save both water and money on your family's water and sewer bill.



Outdoors:

- Check your garden hose for leaks where it connects to the side of the house. If it leaks when the hose is turned on, make sure the hose is screwed in tight. If that doesn't work, someone handy may need to replace the nylon or rubber hose washer or wrap the "spigot," which is the metal faucet where the end of the hose attaches to the wall, in pipe tape.
- If your family has a sprinkler system that waters your lawn, remind your parents to check the system each spring before turning it on to make sure the sprinklers were not broken during the winter or have sprung any leaks.

For more information, visit www.epa.gov/watersense