

FDNY ANNUAL REPORT
TO THE DISTRICT ATTORNEY OF NEW YORK COUNTY
ON CDA INSPECTIONS



December 31, 2009

Fire Department, City of New York
Nicholas Scoppetta, Commissioner

FDNY ANNUAL REPORT ON CDA INSPECTIONS

This Report describes the Department's activities to improve its construction, demolition, and asbestos abatement (CDA) inspection programs and provides data on the results of those efforts. The Department believes it is in full compliance with the agreement reached with the Manhattan District Attorney's Office (the "DA Agreement") following that Office's investigation into the tragic August 2007 fire at 130 Liberty Street.

The FDNY has made very substantial progress during the last 12 months in improving its inspection programs for CDA sites. Among other accomplishments, in 2009 the Department:

- Hired or promoted 39 staff members to inspect, audit and track CDA inspections
- Trained all new hires and promotees
- Completed more than 22,000 inspections of CDA sites
- Audited 1,656 of those CDA inspections
- Consistently achieved between 93-95% compliance in timely completing CDA inspections

Throughout 2009, a high-level inter-disciplinary team has directed the implementation of the Department's new CDA inspection initiatives. That group includes three Deputy Commissioners, the Chief of Fire Operations, the Assistant Chief of Fire Prevention, and other key compliance, data analysis and computer programming staff.

Hiring & Training

In early 2009, the FDNY hired or promoted 39 members for its new CDA inspection and auditing programs. Among these were 25 persons hired or promoted to form the new Fire Prevention CDA (FPCDA) Inspection Team, with five hires forming a new Compliance inspection auditing group (CDA Compliance Unit). Additional hires and promotions staffed a two-person team within the Fire Prevention Suppression Unit (FP Suppression Unit) focusing on standpipe inspections; a two-person data management team; a disciplinary attorney position specializing in inspection monitoring; a computer programmer to assist in creating and updating the Department's CDA database; and a legal staff person to help ensure that violations issued by all the new inspectors are properly pursued through the New York City Environmental Control Board.

The Department has also successfully recruited new personnel to backfill those positions vacated by the promotions made to staff the newly created CDA positions. FDNY conducted two job fairs in the summer of 2009 resulting in 192 qualified applicants. After further screening, it is expected that this applicant pool will enable the Department to fill all vacancies in the Bureau of Fire Prevention, including but not limited to those created by the CDA promotions. All hiring required by the DA Agreement was completed by April 2009.

Prior to beginning their inspection and auditing work, all new hires and promotees received one week of training at the Department's Fort Totten campus. This comprehensive curriculum covered standpipe and sprinkler safety, special Fire Code requirements at construction sites, egress requirements, and asbestos awareness. The training also included a module on OSHA/PESH safety requirements and considerations. Equipment provided to inspectors and auditors was discussed with union representatives during the selection process.

Computer Tracking, Procedures & Forms

The Department's substantial expansion of its CDA inspectional capacities required significant re-programming of the computerized Building Inspection Safety Program (BISP), which was completed in April 2009. Through the BISP system, members of the FPCDA Team and Fire Officers can easily access prioritized lists of the CDA buildings they need to inspect each day.

Prior to the roll-out of the FPCDA Team in April 2009, new, more detailed forms were developed for use by both FPCDA and Fire Operations personnel. A new manual was developed for the CDA Inspection Team and all CDA inspectors (see Attachment 1), and auditors received training on standard operating procedures and forms as part of their pre-deployment training week.

Starting in August 2009, additional training has been provided to Fire Captains about the new Building and Fire Codes, and the new CDA inspection procedures and forms. All forms used for inspections and familiarizations of CDA sites contain the certifications required by the DA Agreement.

Results of Inspections

FDNY developed a computer-based CDA inspection program for the Bureau of Operations in 2008. In 2009, that system was expanded to include the new FPCDA unit. We currently report on compliance for the entire CDA building workload, with separate data for the FPCDA (inspecting buildings 75 feet and higher, all of which are legally required to have standpipes) and the Bureau of Operations (inspecting buildings under 75 feet, for which standpipes are not mandatory).

Between April 16, 2009 and November 30, 2009, FDNY completed:

- 22,934 CDA inspections
 - Operations completed 17,543 CDA inspections
 - FPCDA completed 5,391 CDA inspections

- 662 familiarization drills by Fire Operations of CDA buildings in the FPCDA workload.
- There were 1,792 buildings in the CDA workload as of November 30, 2009. 3,486 CDA buildings have returned to the regular cyclical inspection program after all construction, demolition and/or abatement work was completed.

As of December 18, 2009, on-time compliance for the combined FPCDA and Operations CDA inspection portfolio was 95.65% (see Attachment 2): 95.07% for the Bureau of Fire Operations, and 100% for the FPCDA team. There were 34 buildings more than 10 days overdue in the Bureau of Fire Operations (1.9% of their CDA portfolio). To maintain this high level of compliance, Fire Operations has formed a CDA Inspection Task Force staffed with light duty personnel to assist companies whenever a disproportionately high number of CDA buildings require inspection, and to address any backlogs that may develop. Two teams began work on December 22, 2009; additional teams will be deployed as needed.

FDNY has also increased the number of enforcement actions at CDA buildings. From April 16 through November 30, 2009, FDNY issued 2,151 enforcement actions at CDA buildings – 1,717 by FPCDA and 434 by Fire Operations. Of this total, 323 were issued for smoking-related violations. Additional information on the type of enforcement actions are provided in Attachment 3.

The new five-member CDA inspection auditing group (CDA Compliance Unit) performs Quality Assurance inspection audits on randomly selected buildings, traces standpipes, issues enforcement actions, follows up on violation orders (VO's) and works with Fire Operations and Fire Prevention to improve not only inspection procedures and effectiveness, but, more importantly, the final outcome of the audits--improving the safety of CDA buildings. The CDA Compliance Unit inspectors perform quality assurance audits on both types of CDA buildings (those at or over 75 feet, and those under 75 feet) usually within 48 hours of completed initial inspections. The quality assurance audits focus on ten (10) critical elements (see Attachment 3a). If the audit identifies a compliance issue, all elements, including items not on critical elements list, will be examined by the Compliance CDA Inspector.

If warranted, the Compliance CDA Inspector will issue violations or a summons and follow-up on each enforcement action. If any non-compliance or deficiencies of imminent threat to public safety are observed, Compliance management immediately notifies the Chief of Fire Prevention or Chief of Fire Operations.

The Bureau of Compliance tracks both enforcement actions (by BIN number and address) and quality assurance overviews by Fire Operations and FPCDA, providing weekly quality assurance inspection reports to responsible senior staff in Fire Operations and the FPCDA Unit. Compliance senior inspectors also meet with OPS and FPCDA

management staff weekly to discuss and review quality assurance dispositions, as well as possible re-training initiatives.

Outreach to building industry leaders, information sessions, frequent inspections and quality assurance reviews are having a positive impact, as few serious violations have been found. Such violations are generally quickly brought into compliance and do not resurface. Attachment 3 provides a detailed list of enforcement actions by the Compliance Unit and the FPCDA Unit through November 30, 2009.

As of November 30, 2009, FDNY has completed:

- 1,656 audits and inspections
 - FP Suppression Unit completed 489 audits and inspections
 - CDA Compliance Unit completed 1,167 CDA audits and inspections.
- Tracing of 3,092 standpipes
 - 339 by the FP Suppression Unit
 - 2,329 by the FPCDA Unit
 - 424 by the CDA Compliance Unit

As of November 30, 2009, the CDA Compliance Unit completed:

- 501 QA audits
 - 233 on buildings inspected by the FPCDA team
 - 268 on buildings inspected by Fire Operations

The Bureau of Compliance issued a total of 118 Violation Orders – 66 based on inspections of buildings by Operations, 52 based on inspections of buildings by the FPCDA Unit. (See Attachment 3.) Of this total, 104 VO's have been cured to date. At both Operations and CDA properties, signage, egress and flammable-gas storage have accounted for a large share of the Bureau of Compliance VO's issued.

Accountability

In addition to developing computer systems to track the completion of inspections and provide fire officers and CDA inspectors with prioritized lists of building to be inspected, FDNY initiated actions to ensure that fire companies were performing inspectional activities for a full nine hours per week as required by Department regulations. In the fall of 2009, the Department's Bureau of Investigations and Trials brought disciplinary action against four Fire Officers who failed to ensure that inspectional activities were being performed during the required periods. The four officers received penalties of 5-10 days pay and a temporary detail to assist in fire prevention efforts. The Department will continue to utilize various methods to enhance accountability for properly and timely completing CDA inspections.

Labor-Management Communication

During 2009, the Department conducted four labor-management meetings on CDA issues with union representatives from the UFA, UFOA, and DC37. These meetings focused on reviewing all aspects of implementing the new CDA teams. These labor-management meetings will continue in 2010.

Legislative Initiatives

The improvements to the FDNY's inspectional programs described above have been augmented significantly by legislative changes involving construction site safety that have been made within the last year. These legislative changes are described in detail in Attachment 4.

Conclusion

FDNY has achieved excellent results from its new CDA inspection and auditing groups. These efforts have enhanced the safety of both the public and FDNY's first responders.

ATTACHMENT 1:
CDA INSPECTION MANUAL



F.P. MANUAL, CH. 3, ADDENDUM 1 INSPECTIONAL GUIDE 7, APPENDIX B

October 6, 2009

CONSTRUCTION, DEMOLITION AND ABATEMENT RISK-BASED INSPECTIONS

1. INTRODUCTION

- 1.1 Buildings under construction, demolition or abatement (“CDA” buildings) may pose unusual safety risks and shall be inspected on a priority schedule determined by the level and immediacy of the risk to firefighter and public safety. CDA buildings requiring special inspections are found in the BISP application on the FDNY Intranet. The application classifies buildings according to construction/demolition/abatement characteristics and recommends the inspection frequency appropriate for the building status.

2. DEFINITIONS

- **Abatement:** Work that will involve disturbing asbestos contaminated materials procedures to control fiber release from asbestos-containing materials. This may include removal, encapsulation, enclosure and repair of asbestos contaminated structures.
- **Alterations:** DOB divides construction work into two main categories: New Buildings and Alterations. Alterations are further divided into Type ALT 1, ALT 2 or ALT 3 depending upon the scope of work.

ALT 1 alteration is considered a major alteration which requires the building to get a new certificate of occupancy. ALT 1 alteration may involve a change in any of the following: the use or occupancy of the building, the means of egress, the number of stories or the number of dwelling units.

ALT 2 is an alteration in which the use or occupancy does not change, but involves multiple work types, e.g., plumbing and construction.

ALT 3 is a minor alteration that involves only one work type.

- **BIN Number (Building Identification Number):** This is a 7-digit number used by the DOB and FDNY to identify over 900,000 New York City buildings.
- **DOB BIS (Department of Buildings Building Information System):** Online database that provides DOB property profile information such as Certificate of Occupancies, DOB complaint and violation history, DOB permit filings. A link is provided on the FDNY BIS homepage to the DOB BIS.
- **FDNY BIS System (FDNY Building Information System):** Online database available through the FDNY Intranet homepage. This system provides property profile information such as BIN Numbers, Certificate of Fitness holders and Inspection History.

- **Building Status:** In the CDA Program, the building status will be based on the type of work being performed ('Construction', 'Alteration', 'Abatement', 'Demolition').
- **CDA Database:** The list of buildings included under the CDA Program. Units are able to view their buildings in the database through the BISP Computer Program on the FDNY Intranet.
- **Initial Inspection:** The initial inspection conducted by the administrative field unit once a building is added to the CDA database.
- **Initial Joint Inspection:** The initial inspection conducted of a 'newly entered' building under construction that will be more than 75 feet in height. The administrative fire unit will conduct the inspection with a supervisor from the civilian CDA unit.
- **Inspection Status:** In the CDA program, the inspection status will be 'Active', 'On Hold for 60 Days', 'No Further Inspection Required', or 'Excluded'.

3. CDA DATABASE

- 3.1 **Overview:** The Bureau of Technology Development and Systems (BTDS) maintains a CDA Building Database which has been incorporated into the BISP computer application on the FDNY Intranet. CDA buildings requiring special inspections are found in the BISP application and CDA inspections and familiarization drills are recorded through it. The application classifies buildings according to construction, demolition or abatement characteristics and recommends the inspection frequency appropriate for the building status. If a field unit discovers a CDA building in its district that is not in the database, they must forward a request to the Bureau of Operations at FireOpsCDA@fdny.nyc.gov. The CDA unit will then add it to the database.
- 3.2 **Special Building Inspection Report:** CDA Buildings requiring action in a unit's district will be listed on the Special Building Inspection Report found on the BISP computer application. This report lists CDA buildings requiring inspections and those requiring familiarization drills. The Department of Buildings notifies the Fire Department of new CDA permits issued, and then these buildings are added to this database. A pop-up screen listing all overdue and imminent inspections and familiarization drills will appear when the BISP application is opened on the computer. A full version of the Special Building Inspection Report can be opened from the 'Reports' dropdown menu on the application. Company officers shall review this report on a regular basis and especially before BISP periods to monitor the status of buildings in their district.

New Splash Screen Features:

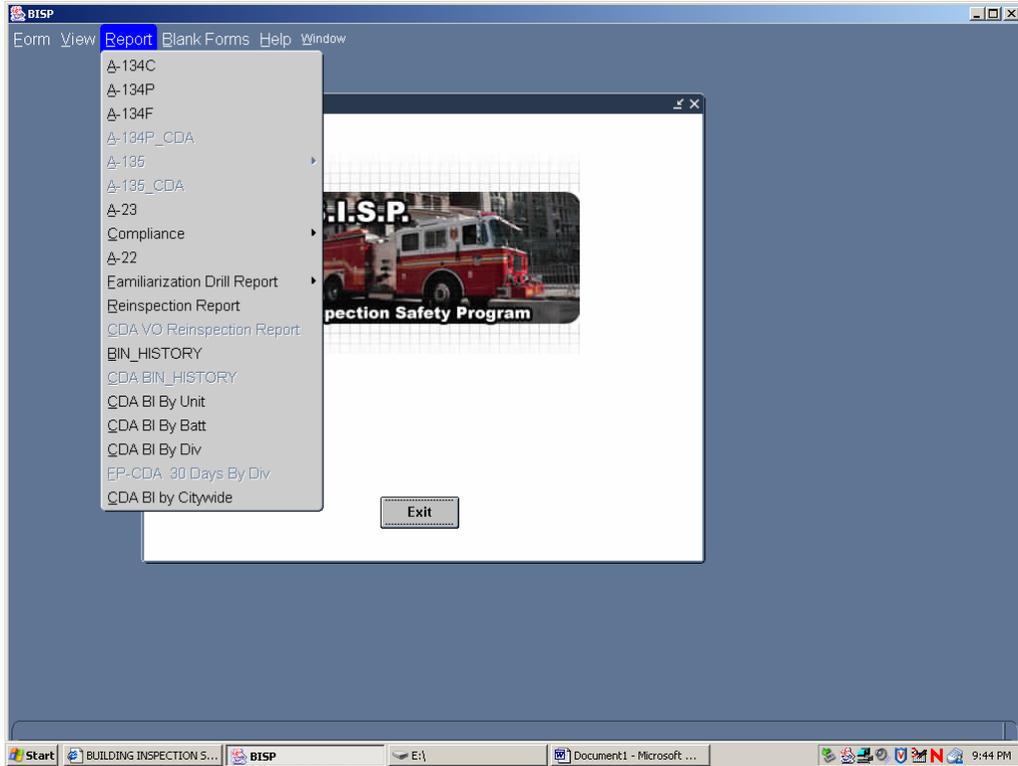
All **OVERDUE** sections are on the top half of the screen.

All **IMMINENT** sections are on the bottom half of the screen.

Unit Dashboard									
Special Building Inspection Report								Print	Reviewed
Overdue Inspections									
Unit	Bin	Height	Building Address	Last Insp Dt.	Building Status	Insp. officer Name	Freq.	Insp. Due Date	
LAD015	1000811	50	26, BROADWAY		Alter./Abatement		15	05/26/2009	▲
LAD015	1000824		25, Broad Street	07/31/2009	Construction		30	08/30/2009	▼
LAD015	1000830	0	20, EXCHANGE PLACE	01/09/2009	Alteration	CAREW, PATRICK J.	15	01/24/2009	▲
ENG010	1001049	149	123, WASHINGTON STREET	12/12/2008	Abatement	DONAHUE, JOHN M.	30	01/11/2009	▼
Overdue Holds									
ENG006	1001260	87	19, ANN STREET	10/21/2008	Construction	JACKSON, KEVIN T.	30	11/20/2008	▲
									▼
Overdue Familiarization Drills									
ENG007	1002002	122	180, WEST BROADWAY	04/29/2009	Construction		90	07/28/2009	▲
ENG010	1001044	309	99, WASHINGTON STREET	12/16/2008	Construction		90	03/16/2009	▼
									▲
									▼
Imminent Inspections									
LAD015	1000005	0	1, NEW YORK PLAZA	09/04/2009	Abatement	LINKLETTER, JOHN M.	15	09/19/2009	▲
									▼
									▲
									▼
Imminent Holds									
ENG007	1001967	86	185, WEST BROADWAY	07/22/2009	Construction	VINDIGNI, MICHAEL J.	30	08/21/2009	▲
									▼
									▲
									▼
Imminent Familiarization Drills									
ENG004	1079033	105	20, MAIDEN LANE	06/27/2009	Construction		90	09/25/2009	▲
									▼
									▲
									▼

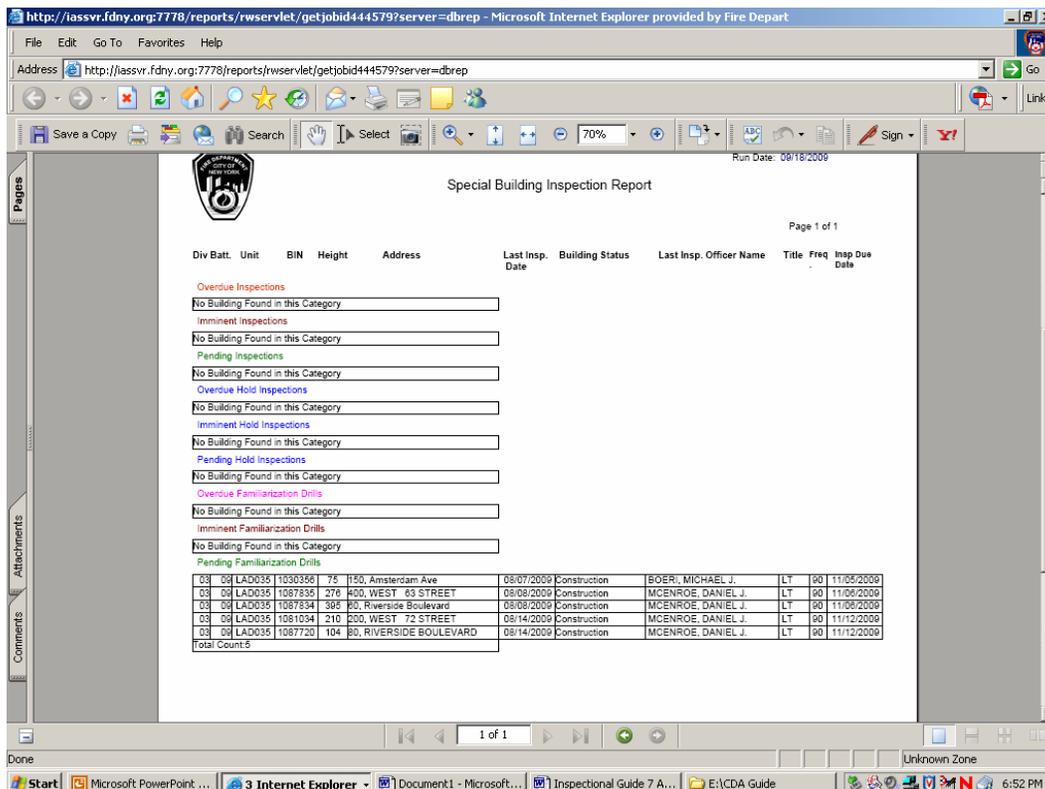
Use the scroll bar to see more records in each section

Special Building Inspection Splash Screen



Reports Drop-Down Menu

(Before each BISP period, covering officers shall select “CDA by Unit” which will display that company’s splash screen).



Special Building Inspection Report

3.3 **New CDA Buildings:** When a building is added to the CDA Database, an inspection must be conducted by the administrative fire unit within 5 calendar days. These buildings will be classified on the Special Building Inspection Report as either new construction, alterations, abatement or demolitions.

- **New Construction:** Buildings about to be erected are identified in the “Building Status” Column of the Special Building Inspection Report as “New construction”. These “New construction” buildings will initially appear in the imminent section of the pop-up screen and Special Building Inspection Report and shall be inspected no later than 5 calendar days after entering the system to analyze the risks and determine the frequency of subsequent inspections.
- **New Construction more than 75 feet in height:** Buildings being erected that will be more than 75 feet height require an Initial Joint Inspection with a supervisor from the CDA unit. Administrative fire units are required to conduct familiarization drills, as outlined in section 6, at least every 90 days in buildings that the civilian CDA unit inspects.
- **Demolitions:** Demolition of buildings more than 35 feet in height or commercial buildings having a footprint more than 7500 square feet will be added to the CDA database.
- **Alterations:** Buildings more than 35 feet in height with open ALT 1 permits from the Department of Buildings will be added to the CDA Database. Field units can use the DOB Building Information System on the FDNY homepage to check ALT 1 permits that were granted by the Department of Buildings to determine the nature of the alteration.
- **Abatements:** Asbestos abatement projects occurring in an area of more than 7500 square feet regardless of the building’s height will be added to the CDA Database.

4. INSPECTION STATUS

4.1 Based on the information gathered from inspections by the administrative fire unit, the administrative Battalion Chief shall assign the building to the proper inspection status. There are four possible “Inspection Status” categories for buildings in the CDA Database: “Active”, “60-Day Hold”, “No Further Inspection” and “Excluded”. The initial status is “Active” and the building will remain in that category on the administrative field unit’s Special Building Inspection Report until the administrative Battalion Chief changes it.

1. **Active:** Requires recurring special inspections

- a. Under Construction: Active construction work on building has begun beyond the excavation stage.

- b. Under Demolition: De-construction of the structure or preparation for de-construction is underway.
 - c. Alterations: ALT 1 permit has been filed at DOB.
 - d. Asbestos Abatements: Ongoing asbestos removal is being performed.
2. **60-Day Hold**: Inspection status has been placed on hold by the administrative Battalion Chief. The administrative Battalion Chief should provide one the following reasons for the hold:
1. No Activity: No construction activity has begun at the site or it is a vacant lot.
 2. Excavation: Digging or foundation work in progress.
 3. Construction Suspended: Prolonged work stoppage at an active site for a period greater than 2 weeks.

Buildings placed in the '60 Day Hold' category will automatically appear as an "Imminent Inspection" on the Special Building Inspection Report 60 days after the last inspection. The administrative fire unit must then inspect the site within 10 days and enter it on a 134-P. The building will become overdue on the 70th day. If there is still no construction activity, the building will remain as a "60-Day Hold". It will stay as a "60-Day Hold" until the administrative Battalion Chief changes the inspection status to "active" when construction work eventually starts at the site.

If there is construction activity, the administrative Battalion Chief must be notified to change the status of the building to "Active" with the appropriate inspection frequency. For 'New Construction' Buildings that will be more than 75 feet in height, once the administrative fire unit records the inspection on a 134-P and the inspection frequency is changed to 30-days by the administrative Battalion Chief, the building will be automatically transferred to the civilian CDA unit for inspections.

When the civilian CDA unit places a building on a '60-Day Hold', it will revert to the administrative fire unit's Special Building Inspection Report. The administrative fire unit will then be responsible to inspect as described above.

3. **No Further Inspection Required**: Company officers must notify the administrative Battalion Chief when a building is ready to be removed from the CDA database and placed into the regular inspection program. A building will be considered ready to be removed from the CDA database when:
- a. New Buildings: A temporary or permanent certificate of occupancy has been issued or all of the following aspects of major construction have been completed:
 - Required elevators complete and operational.
 - All interior stairway(s) completed.
 - Required standpipe(s) completed and operational.
 - Required sprinkler system complete and operational.

- Exterior elevators and hoists have been removed.
- Site Safety Manager no longer required under prevailing law and regulation.
- All structural welding completed.

The following items should be updated at this time: building record folder, A-119 card, A-118 occupancy card, A-42 block card, A-23 and CIDS card if required.

- b. Demolitions: If the building has a footprint of 7500 square feet or less, field units are not required to inspect it once it reaches 35 feet or less.
 - c. Alterations: Some minor alterations may require only one inspection to evaluate and determine if further FDNY inspections are necessary based on the extent and nature of the work involved. Buildings may be considered for removal from the CDA database after the initial inspection **if** no violations are issued and the safety of firefighters and the public is not compromised. More complex alterations may need to be kept active until the work is substantially completed. The administrative Battalion Chief may be consulted in determining whether an alteration needs to have continued inspections. Issues that could effect this decision are auxiliary fire protection systems, elevator readiness, egress problems and site housekeeping.
 - d. Abatements: Abatement work has been completed or it has been inspected and evaluated and determined to be minor and not requiring further FDNY inspections. Buildings under asbestos abatement may be considered for removal from the CDA database after the initial inspection only **if** no violations are issued and the safety of firefighters and the public is not compromised.
4. **Excluded**: Units are not required to inspect Buildings 35 feet or less in height as long as the footprint does not exceed 7500 square feet (width x length = footprint). Buildings that no longer meet the inspection criteria shall be removed from the database by the administrative Battalion after being briefed by the administrative field unit that performed at least one inspection at the site.

5. CDA INSPECTIONS

- 5.1 **General**: The IF-2 form shall be completed during the initial inspection and during all subsequent inspections. Only the most recent copy of the IF-2 form should be kept by the administrative fire unit for sites where no corrective action was taken. For construction sites that had VOs, NOV's or summonses issued, all copies of the IF-2 should be kept for documentation purposes.

5.2 **Initial Inspection:** Once a building is added to the CDA Database and appears on the Special Building Inspection Report, the administrative fire unit must inspect it within 5 calendar days. All buildings added to the Special Building Inspection Report will have a 15-day inspection frequency until changed by the administrative Battalion Chief. Based on the information gathered from the initial inspection by the administrative fire unit, the administrative Battalion Chief shall assign the building to the proper inspection classification (Active, Hold, No Further Inspection Required). Buildings placed into the Active inspection classification shall be assigned the appropriate frequency for future inspections. If no changes are made, the building will remain in the Active inspection classification with a 15-day frequency.

- a. Initial Joint Inspection Procedures: ‘New Construction’ buildings which will be **more than** 75 feet in height require an Initial Joint Inspection between the administrative fire unit and a supervisor from the CDA unit. Such construction sites that display any type of construction activity past the excavation stage (concrete forms, steel framework), will be transferred to the CDA unit for inspections. This can be done automatically by recording the initial inspection on the **134-P and confirming a 30-day inspection frequency**. Buildings that are transferred to the CDA Unit will then be entered into the administrative fire unit’s list of familiarization drills on the Special Building Inspection Report.

Once a new construction building appears on the Special Building Inspection Report, the administrative fire unit must select the date and time and arrange the appointment with the CDA unit supervisor by e-mailing the unit at “CDA @ fdny.nyc.gov” at least 48 hours prior to selected time. The officer making the appointment may not necessarily be the one who is conducting this initial joint inspection so the date and location must be logged in the daybook. If the administrative fire unit is unable to keep the appointment (10-51 or fire duty), it is not necessary to reschedule the inspection with the CDA unit. The administrative fire unit shall complete this inspection alone on the next scheduled BISP period. Based on the information gathered from the initial inspection by the administrative fire unit, the administrative Battalion Chief shall then assign the building to the proper inspection classification (Active, Hold, No Further Inspection Required). Buildings placed into the Active inspection classification shall be assigned the appropriate frequency for future inspections.

If the administrative fire unit completes the initial joint inspection with a CDA supervisor, they must enter his/her name on the A134-P by entering it in the dropdown screen under the CDA inspector tab. If the administrative fire unit completed the initial inspection without the CDA Unit supervisor, they should enter “Joint Insp w/o FPCDA” in the dropdown menu for CDA unit inspector’s name on the 134-P.

Construction sites that show ongoing excavations or no construction activity will be kept by the administrative fire unit by being placed on a “60 day Hold”. The administrative Battalion Chief must be notified by the administrative field unit to change the inspection classification to a “60-Day Hold”.

- b. Transferring Inspections to the CDA Unit: ‘New Construction’ buildings which will be **more than** 75 feet in height that have been placed on a 60-Day Hold after the initial joint inspection can be transferred to the CDA unit for further inspections once any type of construction activity past the excavation stage (concrete forms, steel framework) is discovered. This can be done by the administrative Battalion Chief who may reclassify the building as ‘Active’ and specify a **30-day inspection frequency**. The civilian inspectors only inspect buildings that have a 30-day inspection frequency. Buildings that are transferred to the CDA unit will be placed on the administrative fire unit’s Quarterly Familiarization Drill list.
- 5.3 **Inspection Frequency**: All buildings entered into BISP application are placed into a 15-day frequency and will stay there unless changed by the administrative Battalion Chief after the initial inspection. Demolitions 75 feet or less in height will default to the 30 day frequency. These default inspection schedules are appropriate **ONLY** if no special conditions are present, as determined by the “Risk-Based Analysis” outlined in section 5.4. The appropriate inspection frequency for CDA Buildings will be determined through a risk assessment based on inspection findings. For example, buildings with no history of violations may remain at the standard inspection frequency for the building category, while buildings with violations may be moved into a more frequent inspection category. After the initial inspection, the administrative fire unit should report inspection findings and a recommended inspection frequency to the administrative Battalion Chief. The administrative Battalion Chief should consider the report and recommendation of the administrative unit when determining the inspection frequency for any CDA building. The administrative Battalion Chief may inspect the CDA building personally if necessary.
- a. Demolitions: Demolition of buildings more than 75 feet in height should be inspected at least once every 15 days. Once that building is taken down to 75 feet or less in height, it should be inspected at least once every 30 days. If the building has a footprint of 7500 square feet or less, field units are not required to inspect it once it reaches 35 feet or less and the administrative Battalion Chief should change the inspection status to “No further inspection”.
 - b. Alterations: Fire administrative units are required to inspect buildings more than 35 feet in height with open ALT 1 permits from the Department of Buildings. Some minor alterations may require only one inspection and if completed, the administrative Battalion Chief can remove the building from the BISP application. More complex alterations may need to be re-inspected more frequently. The administrative Battalion Chief should be consulted to assist in determining this frequency and making the necessary adjustments as needed. Issues that could effect this decision are fire protection system impairments, elevator readiness, egress problems and site housekeeping.

- c. Asbestos Abatements: Field units shall conduct these inspections from the clean area and should not enter any area of active abatement. Information shall be gathered by direct observation and interviewing the asbestos abatement contractor. Units should complete the inspection form and should concentrate on the following areas:
- Blocked / Substandard Egress
 - Blocked Window access
 - Encapsulated areas (size, location)
 - Knife taped to outside of plastic barrier
 - Air handling Equipment (Negative / Positive Pressure)
 - Status of Standpipe System (If Applicable)
 - Status of Sprinkler System (If Applicable)
 - Access to Standpipe Outlets (If Applicable)
 - Accumulations of combustible rubbish and general housekeeping
 - Storage of Flammable gas / liquids
 - Smoking by abatement workers in the building
 - Other unusual conditions that may impact firefighting operations

The purpose of these site visits is to determine if the standard operating procedures used by asbestos abatement contractors have a negative impact on fire safety. If any conditions are found that may negatively affect FDNY members and/or the general public in case of fire, immediate enforcement actions to remedy such conditions shall be taken. Demolition contractors are no longer allowed to perform asbestos abatement and demolition of the building at the same time. The asbestos abatement must be complete before demolition is started.

In all cases, if work is still ongoing, company officers shall submit a CIDS card for immediate entry through the chain of command. Notification of all first alarm units along with administrative Battalion and Division of the abatement project should be made.

d. Minimum Inspection Frequencies:

The following table shows the minimum inspection frequencies for the 4 types of CDA building classifications:

Building Classification	Building Height	Footprint of Building (Square Feet)	Minimum Inspection Frequency (Computer Default Setting)
Residential Construction	35 feet or Less		Not inspected
	More than 35 feet		Once every 30 days
Commercial Construction	35 feet or Less	7500 square feet or less	Not inspected
	35 feet or Less	More than 7500 square feet	Once every 30 days
	More than 35 feet		Once every 30 days
All Construction	More than 75 feet		CDA Unit Inspectors/30 days
Alteration (ALT 1)	35 feet or Less		Not inspected
	More than 35 feet		Once every 30 days
Demolition	35 feet or Less		Not inspected
	35 feet or Less	More than 7500 square feet	Once every 30 days
	More than 75 feet		Once every 15 days
	More than 35 feet up to 75 feet		Once every 30 days
Asbestos Abatement	All buildings		Once every 30 days

5.4 **Risk Based Analysis for CDA Buildings:**

Inspections shall be more frequent than the default category requires whenever violations are discovered at a site or location. The frequency of inspections shall be based on the seriousness and number of violations noted or as required in the FDNY regulations. Even where there are no violations; if in the professional judgment of a Chief Officer, building conditions would adversely affect fire operations or public safety, a more frequent inspection schedule may be selected. Chief and company officers should consider the following factors when analyzing risk and determining the appropriate inspection frequency:

Access

- Access to the construction site
- Elevators in readiness
- Condition of stairways, hallways and passageways
- Blocked / removed egress
- Siamese connections
- Hydrants or other water supply

Auxiliary Fire Protection Appliances - Serviceability

- Standpipe systems (if applicable)
- Fire extinguishers
- Sprinkler systems (if applicable)
- Fire alarm systems (if applicable)

Fire Safety Compliance / Enforcement Activity

- General housekeeping
- Compliance with permits, certificates, codes and regulations
- Enforcement activity by the FDNY or other agencies
- Site safety history
- Any evidence of smoking on-site

Fire Activity

- Number of fires
- Severity of fires

The following chart provides some examples of conditions that call for an inspection cycle more frequent than every 30 days.

Table #1 Sample Inspection Frequency Guidelines

Violation	Inspection Frequency
Standpipe OOS Sprinkler OOS	Daily
Accumulation of Rubbish	15 day
Minor Fire	15 day
Evidence of Smoking	7 day
Elevators OOS	7 day
Substandard Egress	7 day
Any Serious Fire (all hands or above)	7 day
Access to hydrants or other water supply obstructed	7 day

5.5 **Procedure for further Enhancing Safety:** To promote the safety of our members, units must ensure that significant new information obtained during any CDA inspection is added to the CIDS program. Subsequent inspections shall include verification and, when necessary, updating of the CIDS information. For instance, if it relates to an abatement, the information should be removed upon completion of abatement. Monthly compliance audits will be conducted to ensure that important safety information was appropriately and promptly added to CIDS.

Field units will continue to be notified by the Bureau of Fire Prevention when a building permit is filed for a building about to be constructed using light-weight construction materials.

6. QUARTERLY FAMILIARIZATION DRILLS:

6.1 When a building more than 75 feet in height is transferred to the civilian CDA Unit for inspection, it will come back to the administrative fire unit's Special Building Inspection Report as a familiarization drill. These drills are required to be performed every 90 days until construction is deemed completed. These drills are monitored for compliance rates in the same manner as our building inspections and therefore should be completed before they become overdue.

6.2 **Familiarization Drill Procedures:** Drills should occur during daily drill periods or MUD. This is a chance for the first due units to get into the building before completion and observe construction features and firefighting issues that could eventually be entered into the CIDS program.

Field units should attempt to meet the site safety manager if one is required to be present at site by the NYC Building Code. Field units do not need to meet the CDA unit inspectors at these drills. A minimum of one Engine and one Ladder should attend these drills. The administrative Battalion Chief can attend, if available.

Field Units may be unable to enter some construction sites during the early stages of construction when structural steel is being hoisted and floors are not yet in place. If access is unsafe due to the above circumstances, units shall familiarize themselves with FD access, any auxiliary systems in place and any other concerns that may affect FD operations at that site.

Most high-rise buildings do not vary greatly from floor to floor. Units do not need to walk through every floor of the entire building. Means of egress for construction and firefighting personnel should be noted and evaluated for adequacy. Siamese location(s) and sprinkler/standpipe locations should be noted. Elevators in readiness (which are required when a building reaches 75 feet in height) should be located and their operation should be reviewed.

The administrative fire unit **must** document this drill using the 134-F form on the BISP computer application. **The application will not allow a field unit to use the 134-P form to record this drill.** The IF-2 inspection form is **not used** for this drill and no other paperwork is required. If field units are unable to enter the site because of safety concerns, they shall still document the drill on the 134-F form and indicate exterior drill conducted in remarks section.

Administrative fire units must complete a minimum of one familiarization drill and take one 134-F mark on buildings that were deemed completed by the CDA Unit inspectors in order for the building to be removed from the database.

7. RECORDING INSPECTIONS

7.1.1 **CDA Inspections:** CDA inspections are recorded on the Special Inspection Report (A-134P) and the inspection codes will allow field units only two options.

CDA Complete inspections: This is used for completed CDA inspections to reset the inspection frequency timeline. Field units will no longer be allowed to use “reinspection, surveillance or holiday” as inspection codes because the application knows by the BIN that this is a CDA building site. Vacant lots and no access buildings should use “CDA Complete inspection” to document inspection.

CDA Incomplete inspections: This is used when the inspection was not completed during the inspection period. Incomplete CDA inspections will not reset the frequency inspection timeline. The following are some examples of actions that should be recorded as incomplete inspections: Sprinkler/Standpipe surveillance, enforcement reinspection.

Note: Anything other than a complete inspection shall be recorded as an incomplete inspection.

New Inspection Codes on 134P:

SPECIAL INSPECTION REPORT (A-134P)
Partial and Miscellaneous Inspections

Div: 01, Batt: 01, Unit: LAD015

Submitted By: LINKLETTER, JOHN M. BC BAT026
Name Rank Unit

Inspected By (if different than above):
Name Rank Unit

Inspection Date: 09/18/2009

Company
 Individual
 Team

New
Inspection
Codes for
CDA
buildings
only

[Please click here to find the BIN](#)

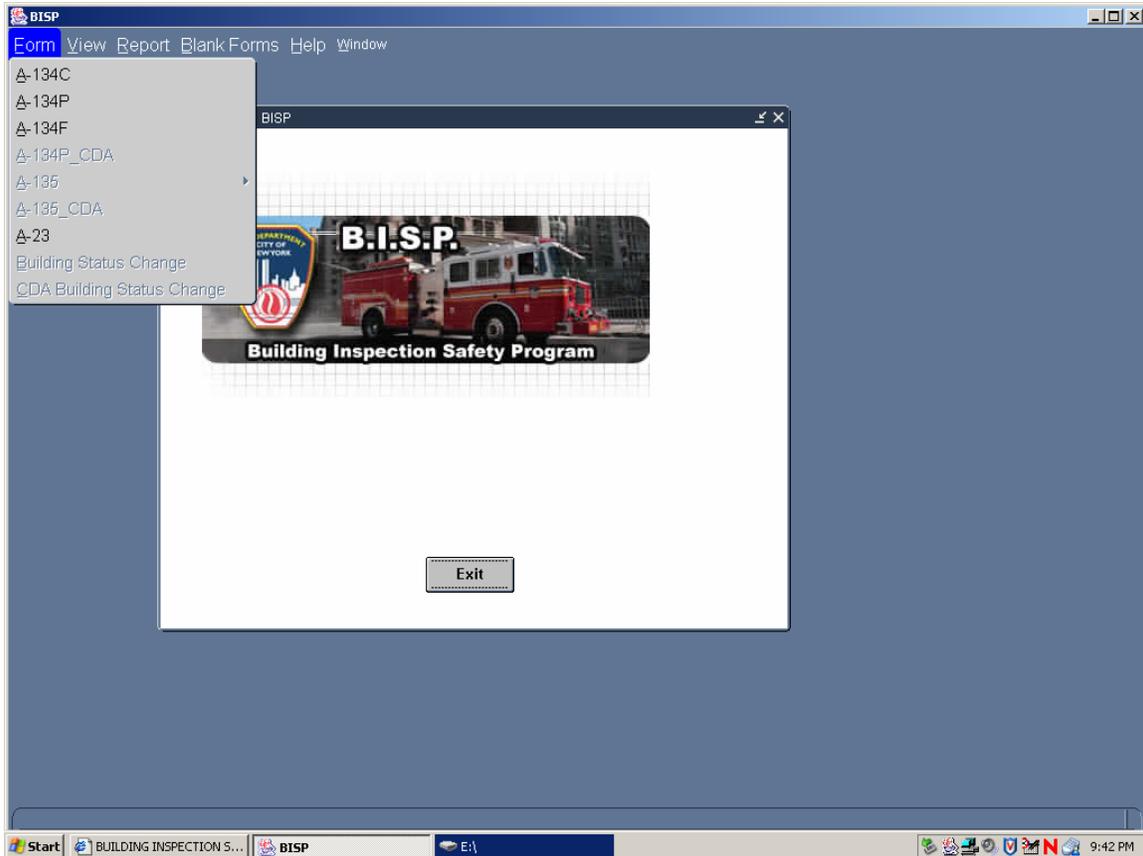
BIN	Boro	Blk	Lot	Location	Insp. Codes	Building Type	Insp. Duration	NOV	VO	VO	Iss	Aud	Iss	CW	A8	Sum	Remarks	CIDS	CDA Inspector
1000862	MN			90 WATER STREE	CDA COMPLETE INSP														
					CDA INCOMPLETE INSP														
					REINSPECTION/AUDIT														
					COMPLAINT														
					EDUCATIONAL VISIT														
					SURVEILLANCE														
					HOLIDAY														

TOTALS: 0 0 0 0 0 0 0 0 0 0 0 0 Refresh Calculation

PUBCOM MD PD

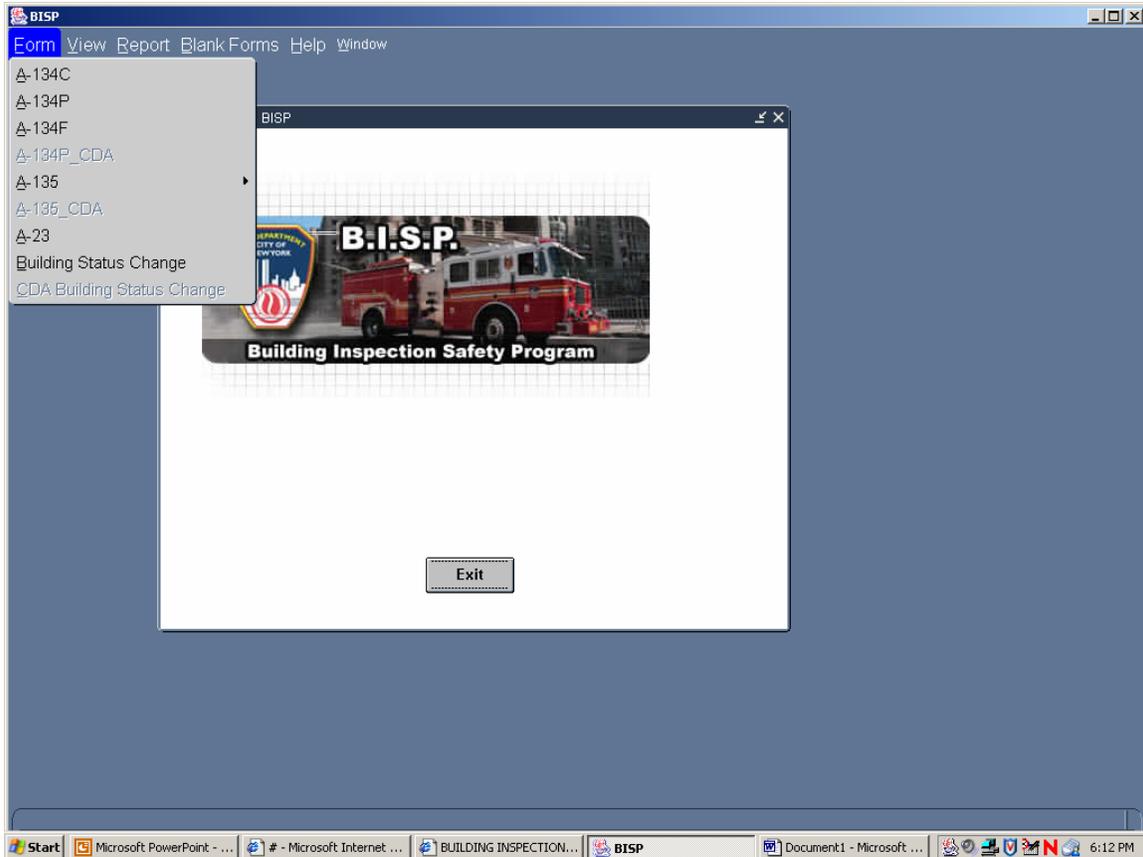
Insert Record

7.2 **CDA Familiarization Drills:** CDA inspections are recorded on the Familiarization Drill Report (A-134F). The A-134F is accessible from the “Forms” menu on the BISP application.



Forms Menu Drop-Down (Unit Computer)

- 7.3 **Building Status Change Application:** The administrative Battalion Chief may make changes to a building's inspection status and/or the frequency of inspections using the "Building Status Change Application" available from the "Forms" drop-down menu on the battalion computer.



Forms Menu Drop-Down Menu (Battalion Computer)

Clicking on the 'Building Status Change' on the 'Forms' drop down menu will provide the administrative Battalion Chief access to the 'Building Status Change Form Opening Screen'.

Field Inspection Status Change Form

Search Existing Building:

Enter BIN

Bin Block

House No Lot

Street Height (Ft.)

Borough Unit

Permit Issued Inspection Status

Building Status FDNY Last Insp. Date

Building Status Change Form Opening Screen (Battalion Computer)

Once a BIN is entered for a CDA building, building information will ‘autofill’ the remaining fields on the screen with current ‘Inspection Status’ (‘Active’, ‘On Hold for 60 Days’, ‘No Further Inspection Required’, ‘Excluded’) and current ‘Building Status’ (‘Construction’, ‘Alteration’, ‘Abatement’, ‘Demolition’). By clicking on the “Change Status” button on the screen, the administrative Battalion Chief will access the Status Change Form which will allow changes to the ‘Inspection Status’ and/or ‘Inspection Frequency’.

Field Inspection Status Change Form

Search Existing Building:

Enter BIN

Complete the following:

Frequency

Inspection Status

Reason

Status Change Form (Battalion Computer)

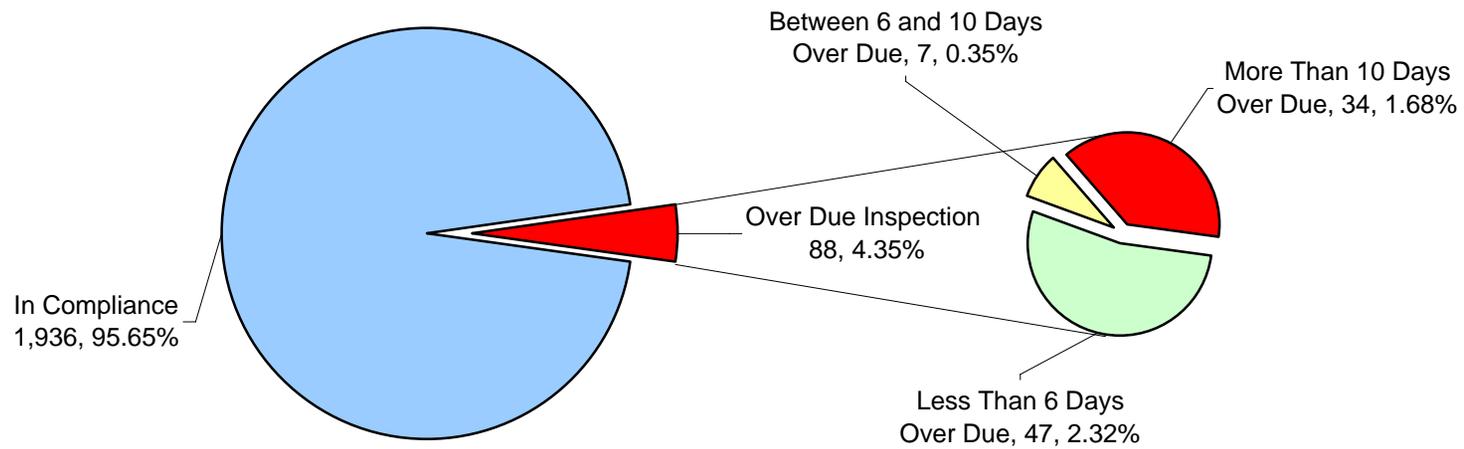
On this screen the administrative Battalion Chief can use the 'Frequency', 'Inspection Status' and 'Reason' drop-down menus to make changes. The 'Reason' menu can be used to document changes in inspection status or frequency.

BY ORDER OF THE FIRE COMMISSIONER AND CHIEF OF DEPARTMENT

ATTACHMENT 2:

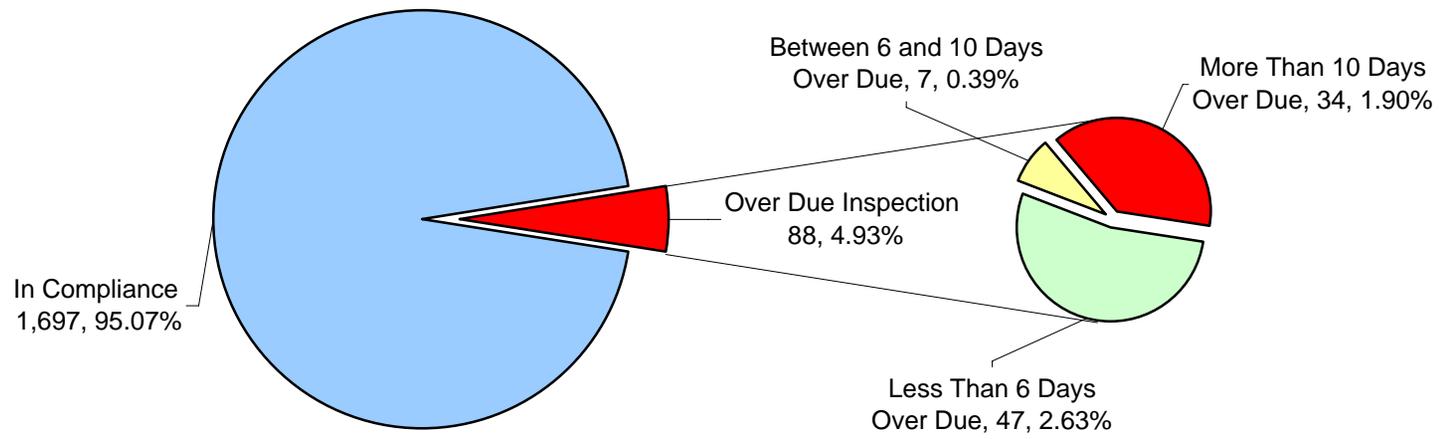
COMPLIANCE REPORT ON INSPECTIONS OF CDA BUILDINGS

CITYWIDE
Combined CDA Special Inspection Tracking Report
December 18, 2009 6:00 AM
95.65% or 1,936 of the 2,024 Buildings Currently In the Program Are In Compliance



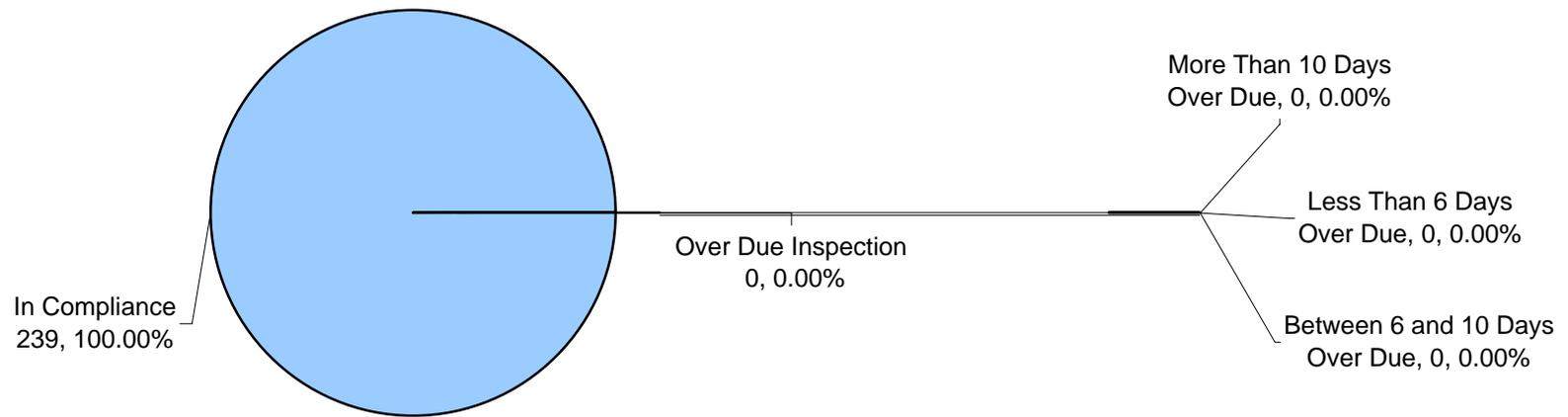
FIRE OPERATIONS FIELD UNITS
CDA Special Inspection Tracking Report
December 18, 2009 6:00 AM

95.07% or 1,697 of the 1,785 Buildings Currently In the Operations Program Are In Compliance

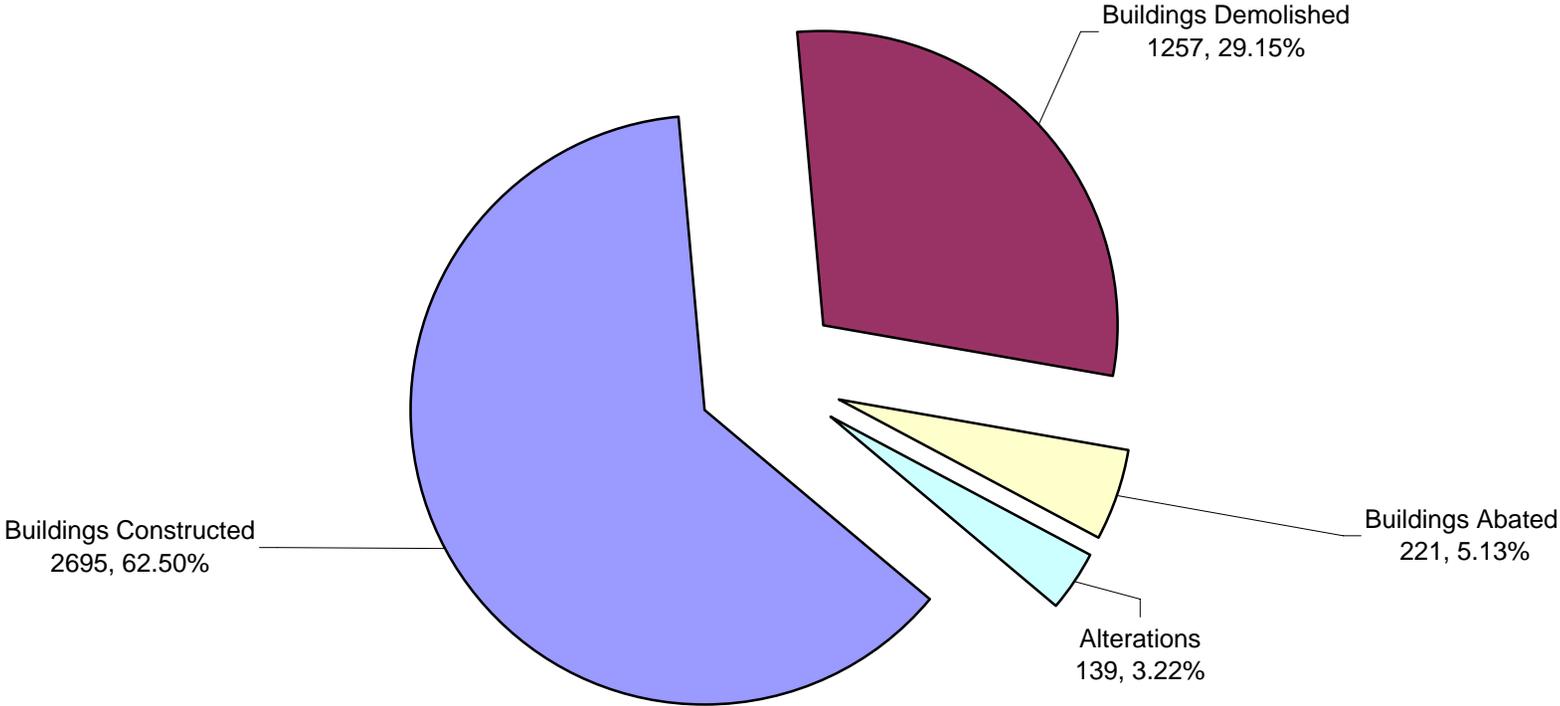


FIRE PREVENTION CDA UNIT
CDA Special Inspection Tracking Report
December 18, 2009 6:00 AM

100% or 239 of the 239 Buildings Currently In the CDA Unit Program Are In Compliance



CDA BUILDINGS COMPLETED
No Further Special Inspections Needed
As of December 18, 2009 6:00 AM



Data Source: BISP Discoverer CDA Inspection Report November 1, 2007 through January 16, 2009



CDA
All Buildings
 as of Report Date: 18-dec-2009

Stat: ACTIVE

Div	HT															Total	
	15					30											
	Abatem:	Alteratio	Constru	Demoliti	Abatem:	Alteratio	Alte	Constru	Der	Abatem:	Alteratio	Alte	Constru	Der			
	<75	>=7	<75	>=7	<75	>=7	<75	>=7	<75	>=7	<75	>=7	<75	>=7	<75		
	feet	feet	feet	feet	feet	feet	feet	feet	feet	feet	feet	feet	feet	feet	feet		
01	3	1	2	1	7	8		4	3	1	37	8	1	16	63	6	161
03	1	1	2		8	1	2		1	1	38	10		18	47	10	140
06	3	1			7	1					13	4		24	27	3	83
07					18	5			2		7			36	12	1	81
08			4		18	5	1		2		38			118	7	10	203
11	7		4		1	5					69			172	39	3	300
13					10				2		16	2		38	7	3	78
14	1				34	2			1		30			102	29	15	214
15	4		2		17	2			1		25			64	6	4	125
SO					1						5			7	2		15
Total	19	3	14	1	121	29	3	4	12	2	278	24	1	595	239	55	1400



CDA
All Buildings
 as of Report Date: 18-dec-2009

Stat: HOLD

Div	HT															Total
	15					30										
	Abatem:	Alteratic	Constru	Demoliti	Alteratic	Constru	Demoliti	Der								
	<75 feet	>=7 feet	<75 feet													
01			9	3	9	41	13	4		1	1	8	5		2	96
03	1	1	2		15	36	12	1				2		1		71
06					10	7	2						4			23
07			1		28	12	1			2	1					45
08			8		37	9			2	3						59
11			7		115	29	7			8	4	1				171
13			2		14	2	4			5	1				1	29
14			3		48	13	6		1	6	4	3				84
15			1		20	11	1			1	2					36
SO					2	3	2		1	2						10
Total	1	1	33	3	298	163	48	5	4	1	28	22	13	1	3	624



CDA
Completed Buildings
 as of Report Date: 18-dec-2009

Div	HT																								Sum		
	Freq. 1				7				15				30														
	Demo	Abate	Abatement		Alteration		Construction		Demolition		Abatement		Alteration		Construction		Demolition		Abate	Alteration		Construction		Demolition			
<75 feet	<75 feet	<75 feet	>=75 feet	<75 feet	>=75 feet	<75 feet	>=75 feet	<75 feet	>=75 feet	<75 feet	>=75 feet	<75 feet	>=75 feet	<75 feet	>=75 feet	<75 feet	>=75 feet	<75 feet	<75 feet	>=75 feet	<75 feet	>=75 feet	<75 feet	>=75 feet			
01			16	9	4			12	32	2		27	1	8	5	25	86	32	2		1	1	1	3	5	1	273
03			11	8	1	1		24	26	10	3	36	1	14	5	25	87	50	1		2	3	4		6	318	
06			2					14	15	1		5		3	1	58	16	33				2			7	157	
07			3	2				44	5			20		2		121	21	78								296	
08		1	5		1			107	5	2		5		24		322	9	199		1	1		6		4	692	
11			7	1	2			162	16	1		12		22		57	35	105		1	2	1	8	3	32	467	
13			3					34	2	2		5		8		197	4	166			4		14		6	445	
14		1	3					190	20	4		12		8	1	311	30	333			1		7	4	8	1	934
15	1		6	1	1			205	5	4	1	13		9	1	248	7	130				2		1		635	
SO			1	1				6	2			1		2		51	4	25				1		1		95	
Sum	1	2	57	22	9	1		798	128	26	4	136	2	100	13	1415	299	1151	3	2	11	5	45	10	70	2	4312



OPERATION'S FIELD UNIT FAMILIARIZATION DRILLS FY-2010

Run Date: 12/18/2009

	Drill Count
Borou	
BK	132
BX	73
MN	385
QN	107
SI	2
Sum	699

ATTACHMENT 3:

**COMPLIANCE AND FIRE PREVENTION CDA ENFORCEMENT
ACTIONS BY TYPE**

Compliance CDA / OPS Summary of Critical Elements

8/12/09 - 11/30/09

FIRE OPS #VOs Entered **66**

As of 11/30/09

Critical Elements	Description	# Violations	Percentage (%)
1	Examine Signage (Construction Permits)	46	30%
2	Open fire and smoking	1	1%
3	Storage of flammable / compressed gases	35	23%
4	Heating devices for curing and drying products	1	1%
5	Unobstructed egress	24	15%
6	Site Safety Manager obligations	5	3%
7	Required Fire Guards	5	3%
8	Portable fire extinguishers	38	25%
9	Elevator in readiness	0	0%
Total		155	100%

FPCDA #VOs Entered **52**

As of 11/30/09

Critical Elements	Description	# Violations	Percentage (%)
1	Examine Signage (Construction Permits)	13	13%
2	Open fire and smoking	0	0%
3	Storage of flammable / compressed gases	23	23%
4	Heating devices for curing and drying products	0	0%
5	Unobstructed egress	19	19%
6	Site Safety Manager obligations	2	2%
7	Required Fire Guards	2	2%
8	Portable fire extinguishers	10	10%
9	Elevator in readiness	1	1%
10	Tracing stand-pipe system	31	31%
Total		101	100%

TOTAL #VOs Issued By Compliance CDA Inspectors as of 11/30/09 = 118

SUMMARY OF CDA INSPECTIONS - ISSUED VIOLATION ORDERS (VO) [PERIOD: 4/17/09 through 11/30/09]

CATEGORIES/TYPES:	LEGEND	2009: TOTAL	2009: %
Total VO issued:		1335	
FDNY PERMITS/STORAGE		504	19%
FDNY permit for Storage/Use of Oxygen & Acetylene for Torch Operations/Excess	FDNY-O&A	109	4.1%
FDNY permit for Storage/Use of Flammable/Combustible Liquids (Gasoline/Diesel/Hydraulic Oil/Lube Oil/etc.)	FDNY-FL	92	3.5%
FDNY Permit for Storage/Use of Tar Kettle (LPG with Tar Kettle)	FDNY-TAR	5	0.2%
FDNY Permit for Storage/Use of LPG/Propane/Excess/Compressed Gases	FDNY-LPG	27	1.0%
FDNY Permit for the Storage/Use of Generator (Diesel)	FDNY-GEN	12	0.5%
FDNY Permit for the Storage/Use of Air Compressor	AIR-COMPR	1	0.0%
Remove/discontinue Storage/Use of Oxygen & Acetylene/Unapproved Cage/Unapproved area	REMOVE-O&A	93	3.5%
Remove/discontinue Storage/Use of Flammable/Combustible Liquids (Gasoline/Diesel/Hydraulic Oil/Lube Oil/etc.)	REMOVE-CL	100	3.8%
Remove/discontinue Storage/Use of LPG (Liquified Petroleum Gas)/Propane/Compressed Gases/Flammable Gases/Unapproved Cage/Excess	REMOVE-LPG	65	2.5%
DEPARTMENT OF BUILDINGS (DOB) PERMITS		5	0.2%
Missing DOB Permits	DOB	5	0.2%
KEROSENE SPACE HEATERS & SALAMANDERS		51	1.9%
Remove/discontinue Storage/Use of Kerosene/Space Heater(s)	KEROSENE	36	1.4%
FDNY Permit for Storage/Use of Kerosene	FDNY-KEROSENE	10	0.4%
Remove/discontinue Storage/Use of Salamanders	SALAMANDER	5	0.2%
FDNY CERTIFICATE OF FITNESS (C OF F)		78	3.0%
Certificate of Fitness - Torch (Use of Oxygen & Acetylene for Torch Operations)	COF-TORCH	17	0.6%
Certificate of Fitness - Gasoline/Flammable Liquids Storage/usage	COF-GAS	3	0.1%
Certificate of Fitness - Storage/Use of Tar Kettle (LPG with Tar Kettle) or LPG	COF-TAR	6	0.2%
Certificate of Fitness - Air Compressors	COF-AC	1	0.0%
Certificate of Fitness - Powder/Ammo Activated/Actuated Tools/Small Arms Ammunition	COF-POWER	32	1.2%
Certificate of Fitness - Fire Guard/Site Safety	COF-FG	15	0.6%
Certificate of Fitness - Standpipe System	COF-STP	2	0.1%
Certificate of Fitness - Sprinkler System	COF-SPK	2	0.1%
RECORDKEEPING/LOGBOOKS/ON DUTY/SITE SAFETY MANAGER		108	4.1%
Fire Guard/Watch Person inspection Logbook/Recordbook/On Duty No Operation Hours	FIREG-LOG	80	3.0%
Site Safety Manager/Coordinator not present during working hours	SITE-SAFETY	4	0.2%
Standpipe/Sprinkler System Required Log/Recordkeeping/Inspection Testing/Tracing	STD-SPK-REC	24	0.9%
SIGNS/LIGHTING/MARKINGS		266	10.1%
Metal Sign with Contact Info. (Name, Address & Telephone Number of Owner & Contractor)	METAL-S	18	0.7%
Standpipe/Sprinkler - Signs/Schematics/markings	STD-SPK-S	64	2.4%
Missing "No Smoking" signs	SMOKING	104	3.9%
Evacuation Plans with Notification Emergency Procedures Posted	EVACUATION	14	0.5%
Signs/Lighting - Missing/Unlegible in Floor/Stairway/Halls/Egress-Exit/Electrical Devices/Cover Electrical Circuit Boxes/Electrical Equipment Rooms	SIGNS-LIGHT	66	2.5%
FIRE PROTECTION SYSTEMS		588	22.3%
Portable Fire Extinguishers (Recharge/Replace/Missing on Site/Not Tested/Not Inspected/Missing Tags/Empty)	FIRE-EXT	249	9.4%
Standpipe/Sprinkler Siamese Connection needs Repair/Fire Pump/STD Control Valves -Siamese Obstructed/Missing/Obstructed Sprinkler Heads/Missing Proper Sprinkler Head	OBS-STD-SPK	21	0.8%
Red light over Standpipe/Sprinkler Siamese Connection/Sidewalk shed	RED-LIGHT	50	1.9%
OS & Y/Control valves to the Standpipe/Sprinkler System closed/Valves not Sealed/Riser Valves/Caps/Handles/Properly Install Control Valves/PRV/Ball Drip/Loose Pipes/Check Valves	OS&Y	143	5.4%
Standpipe/Sprinkler System Siamese/Caps (Missing/Not Painted/Red/Yellow)	STD-CAPS	45	1.7%
Standpipe Fire Hose Outlets - Caps Missing/Not Clear of Obstruction/Incomplete/Repair Outlets/Roof manifold	FIRE-HOSE	80	3.0%
ELEVATORS/HOISTS		71	2.7%
Provide Elevator/Hoist Readiness/Shaftway Toe boards/Inside Elevator/Gate/Water in Pit/Fall Protection	ELEVATOR	71	2.7%
CONSTRUCTION SAFETY ITEMS		567	21.3%
Provide/maintain Guardrails/Toerails/Handrails/Midrail/Sidewalk Shed - Short	GUARDRAIL	259	9.8%
Provide Floor Boards/Planks/Toe Boards/Roof Landing/Penetrations/Holes Covered	BOARDS	136	5.2%
Missing/Loose Vertical Netting/Cables (Zero)/Safety Barriers/Barricades/Window Safety	VERTICAL-NET	166	6.3%
Missing Enclosure to Stairways/Shafts and secure entry doors	ENCLOSED	3	0.1%
Construction work creating smoke - use of saw by stairwell/enclosed areas.	SAW	1	0.0%
Air Conditioning Units - Provide covers or grills	AC	2	0.1%
COMBUSTIBLE MATERIAL/RUBBISH		253	9.6%
Remove Accumulations of Combustible Material/Building Material/Rubbish/Old lumber/Old Plywood/etc./Obstructions/Housekeeping on ammunition round clips/General Maintenance	ACCUM	253	9.6%
MEANS OF EGRESS		75	2.8%
Obstructed Means of Egress/Roof/Missing Roof Ladder/Fire Escape/No Adequate Aisle Space of 36 inches (3 Ft) for Emergency Exit/Hallways Blocked/Defective Exit Fire Door	EGRESS	75	2.8%
FIRE SAFETY SYSTEMS OUT-OF-SERVICE		70	2.7%
Restore Non-operational Dry Valve Standpipe/Sprinkler System	DRY-SPK	5	0.2%
Provide/Replace defective Smoke Detectors/Batteries	DETECTORS	1	0.0%
Standpipe/Sprinkler System not Working Properly/Extensions to Outside/Supports-Riser	STD-SPK-WORK	64	2.4%
TOTAL OF VIOLATION ORDER (VO) ITEMS FOUND:		2,636	100%

Last Date Updated:

11/30/2009

SUMMARY OF CDA INSPECTIONS - ISSUED NOTICE OF VIOLATIONS (NOV) [PERIOD: 4/17/09 though 11/30/09]

RULES	CATEGORIES/TYPES:	2009: TOTAL	2009: %
Total NOV issued:		285	
VC 1	Portable Fire Extinguishers and Fire Hoses	13	3%
VC 2	Combustible Waste Containers	0	0%
VC 3	Permits	1	0%
VC 4	Unlawful Quantity or Location of Regulated Material	0	0%
VC 5	Posting of Permits and Recordkeeping	21	4%
VC 6	Signs, Postings, Notices and Instructions	52	11%
VC 7	Labels and Markings	10	2%
VC 8	Accumulation and Removal of Combustible Waste	1	0%
VC 9	Means of Egress	0	0%
VC 10	Overcrowding	0	0%
VC 11	General Maintenance	120	25%
VC 12	Fire Protection Systems	16	3%
VC 13	Flame-Resistant Materials	1	0%
VC 14	Fire-Rated Doors and Windows	0	0%
VC 15	Fire-Rated Construction	0	0%
VC 16	Ventilation	0	0%
VC 17	Certificates of Fitness and Certificates of Qualification	93	19%
VC 18	Certificates of Approval, Certificates of License and Company Certificates	0	0%
VC 19	Affidavits, Design and Installation Documents and Other Documentation	0	0%
VC 20	Inspection and Testing	0	0%
VC 21	Portable Containers	0	0%
VC 22	Stationary Tanks	0	0%
VC 23	Storage Facilities	0	0%
VC 24	Racks and Shelf Storage	0	0%
VC 25	Electrical Hazards	0	0%
VC 26	Heating and Refrigerating Equipment and Systems	0	0%
VC 27	Electrical Lighting Hazards	0	0%
VC 28	Open Fires, Open Flames and Sparks	0	0%
VC 29	Designated Handling and Use Rooms or Areas	0	0%
VC 30	Fire Safety in Office Buildings/Hotels/Motels	0	0%
Other 1	Evidence of Smoking Observed in Construction Site	153	32%
Other 2	Exit access/Exit Discharge locked/obstructed Means of Egress	1	0%
TOTAL OF NOTICE OF VIOLATION (NOV) ITEMS FOUND:		482	100%

Last Date Updated:

11/30/2009

SUMMARY OF CDA INSPECTIONS - ISSUED SUMMONSES [PERIOD: 4/17/09 though 11/30/09]

CATEGORIES/TYPES:	Legend	2009: TOTAL	2009: %
Total Summonses issued:		103	
No Fire Guard at Construction Site	FIRE-GUARD	5	4%
Illegal smoking at construction site	ILL-SMOKING	29	23%
Failure to comply with Fire Commissioner's Order VO [Missing "No Smoking" Signs]	SMOKING	1	1%
Operation of a LPG Fired Asphalt Melter without Certificate of Fitness on duty.	COF-LPG	0	0%
"Out of Service" standpipe system/Defective/Restore/Missing Standpipe System/Siamese Conn.	STD-NO-WORK	6	5%
Failure to comply with Fire Commissioner's Order VO [Missing portable fire extinguishers/Tags]	FIRE-EXTIN	10	8%
Failure to comply with Fire Commissioner's Order VO [LPG on site]	REMOVE-LPG	1	1%
Failure to comply with Fire Commissioner's Order VO [OS & Y Closed & LPG on site]	OS&Y	1	1%
Failed to comply with Fire Commissioner's Order VO [Obstruction/Metal Standpipe Sign]	OBSTR-STD	1	1%
Failed to comply with Fire Commissioner's Order VO [Guardrails/Toerails/Handrails/toeboards/Obstruction of Egress]	GUARDRAILS	15	12%
Failed to comply with Fire Commissioner's Order VO [Obstruction of Egress (Hallways, Stairs, passageways, elevator,etc.)]	EGRESS	1	1%
Failed to Comply with Fire Commissioner's Order VO [Standpipe/Sprinkler Siamese Connection Control Valves/Lower Check Valve]	STD-SPK-VALVES	2	2%
Failed to Comply with Fire Commissioner's Order VO [Standpipe/Sprinkler Log Record]	STP-SPK-LOG	0	0%
Failed to Comply with Fire Commissioner's Order VO [Elevator Readiness]	ELEVATOR	17	14%
Failed to comply with Fire Commissioner's Order VO [Storage/use of Oxygen & Acetylene FDNY Permit/Remove Tanks]	FDNY-O&A	5	4%
Failed to comply with Fire Commissioner's Order VO [Certificate of Fitness for Fire Guard/No Fire Guards on Duty/No Watch Persons/Missing Safety Logbook]	COF-FG	6	5%
Failed to comply with Fire Commissioner's Order VO [Standpipe Hose Outlet/Caps with Chains/Missing Cables/Missing Hose Valve Caps/Siamese Caps/Ball Drip]	STP-HOSE-CABLE	7	6%
Failure to comply with Fire Commissioner's Order for VO [Rubbish/Combustibles Waste Accumulations in floors]	ACCUM	4	3%
Failed to comply with Fire Commissioner's Order VO [Vertical Safety Netting]	VERTICAL-NET	5	4%
Failed to comply with Fire Commissioner's Order VO [Heating Devices (Salamanders/Heaters)]	HEATING-DEVICE	2	2%
Failure to comply with Fire Commissioner's Order for VO [Remove/stop use of Flammable Liquids (Gasoline/Diesel/Oil/Lube Oil/etc.)]	GASOLINE	2	2%
Failed to comply with Fire Commissioner's Order VO [Remove/Stop use of Ammo Activated Tools/Missing Certificate of Fitness for Ammo Activated Tools]	AMMO	4	3%
TOTAL OF SUMMONSES ITEMS FOUND:		124	94%

Last Date Updated:

11/30/2009

ATTACHMENT 4:

**CONSTRUCTION, DEMOLITION, AND ABATEMENT WORKING
GROUP—IMPLEMENTATION UPDATE AND SUMMARY OF
LEGISLATIVE CHANGES**

Construction, Demolition, and Abatement Working Group
Summary of Legislation
(December 29, 2009)

In July 2008, Mayor Bloomberg ordered the implementation of 33 recommendations designed to strengthen the safety, oversight, and coordination of construction, demolition, and abatement jobs in New York City (collectively, the “CDA recommendations”). As part of that effort, the administration worked with the City Council to develop 12 bills in the areas of abatement operations, general construction site safety, standpipe and sprinkler safety, and information sharing. These measures create, or direct City agencies to create the mechanisms and processes needed to implement the CDA recommendations. The Administration and the Council announced the package in early June, and all 12 bills have since passed the Council and been signed into law.

A. OVERSIGHT AND SAFETY OF THE ASBESTOS ABATEMENT PROCESS

1. Law establishing (i) abatement permit requirement for certain sites; (ii) use of fire-retardant materials; (iii) enforcement of Fire Code provisions by DEP inspectors.

This legislation has 3 elements:

Permit Requirement. Local Law 37 of 2009 (Intro No. 1003-A) establishes a phased-in permit requirement for abatement jobs that meet certain criteria, including the project’s impact on egress and fire protection systems, and whether the scope of work would otherwise require a DOB permit. Following issuance of a permit, all abatement work must conform to the approved construction documents. The law also authorizes DEP to revoke any permit for failure to comply with the law, and to issue a stop work order when work violates DEP requirements and poses a threat to human safety. This measure implements CDA recommendation 2.

Use of Fire-retardant Materials. The law mandates that DEP rules require that all materials used in the construction of temporary enclosures for abatement projects, including partitions, decontamination areas, and plastic enclosures, be non-combustible or flame-resistant in accordance with National Fire Prevention Association (NFPA) standards NFPA 255-06 or NFPA 701-99. Rules implementing this requirement took effect November 13. This measure implements CDA recommendation 6.

DEP Enforcement of Fire Code Provisions at Abatement Sites. The law authorizes DEP inspectors to enforce provisions of the Fire Code at abatement sites, including issuing Notices of Violation and other sanctions.¹ FDNY has signed a letter delegating to DEP authority to enforce certain provisions of the Fire Code, and subsequently provided a three-hour training for DEP employees at DEP headquarters on December 21, 2009. The training covered relevant sections of the Fire Code that have been delegated to DEP,

¹ DOB already has the power under the current Construction Codes to delegate its enforcement power to DEP.

use of FDNY's Notice of Violation and the protocols for enforcement of Fire Code infractions cited by DEP inspectors at abatement worksites. This measure implements CDA recommendation 10.

2. Bill prohibiting simultaneous abatement and demolition work without a variance reviewed and approved by DOB and FDNY.

Local Law 77 of 2009 (Intro No. 998A) regulates concurrent demolition work and asbestos abatement activities within the same building. The law requires that prior to receiving a permit for full demolition or alteration to remove one or more stories, the owner of a building to be demolished submit a certification from DEP to DOB that the building contains no asbestos-containing material or documentation from DEP that a variance has been granted from this requirement. Prior to granting any variance under the law, DEP must notify and consult with DOB and FDNY regarding appropriate safeguards for such work. This measure implements CDA recommendations 12 and 13.

3. Law requiring DEP to promulgate guidance on egress

Local Law 38 of 2009 (Intro. No. 1005) requires the DEP commissioner, in consultation with FDNY and DOB, to promulgate rules giving further guidance to environmental contractors on how to maintain egress at abatement projects. Published in October, this guidance ensures that contractors have the resources necessary to satisfy the maintenance-of-egress requirements already in the DEP rules. This measure implements CDA recommendation 4.

B. ENHANCING SAFETY AT CONSTRUCTION AND DEMOLITION SITES

4. Law increasing permitting requirements for demolitions using hand-held mechanical devices and requiring that a registered design professional make submissions for demolition permits

Local Law 57 of 2009 (Intro No. 993) requires registered design professionals to submit plans and details to the Buildings Department regarding the building or section of a building to be demolished using handheld mechanical devices such as chainsaws and jackhammers. It also enhances Construction Code requirements for mechanical demolitions using non-handheld devices such as bobcats or backhoes. Finally, the law requires the applicant of record for a full demolition permit to be a registered design professional, except in a few limited circumstances.

This measure implements CDA recommendation 14.

5. Law strengthening Building Code prohibition on smoking

Local Law 36 of 2009 (Intro No. 1002) incorporates into the Construction Codes a ban on smoking at construction and demolition sites that generally mirrors existing language the Fire Code. This measure implements CDA recommendation 22.

6. Law enhancing smoking prohibitions at abatement sites

Local Law 35 of 2009 (Intro No. 1001-A) prohibits smoking on any floor of a building where abatement activities are taking place,² and bans tobacco, lighters, and matches at asbestos abatement work sites. This measure implements CDA recommendation 22.

C. STRENGTHENING STANDPIPE AND SPRINKLER SAFETY

7. Law requiring uniform color-coding of standpipe and sprinkler system lines

Local Law 58 of 2009 (Intro No. 994-A) requires the uniform color-coding of standpipe and sprinkler systems and professional certification that these systems have been properly color-coded. Specifically, the law requires:

- Red painting of cross-connectors and risers of sprinkler and standpipe systems;
- Green painting of handles on the dedicated sprinkler valves;
- Red painting of handles on the dedicated standpipe valves;
- Yellow painting of handles on the combination standpipe and sprinkler valves

The law requires that a licensed master fire suppression contractor, licensed master plumber, building operating engineer, registered design professional or a Certificate of Fitness holder certify that all required painting has been completed in accordance with the law. This measure implements CDA recommendation 18.

8. Law requiring a plumbing or fire-suppression license and permit to cut and cap standpipes or sprinklers during demolition, and establishing procedure for removal of a damaged or inoperable sprinkler system

Local Law 60 of 2009 (Intro No. 1000-A) requires that the cutting and capping of standpipes or sprinklers during demolition work be performed only by a licensed master plumber or licensed fire-suppression piping contractor who has obtained a permit for such work. The law also establishes a procedure to seek a variance allowing the removal of a damaged or inoperable sprinkler system in connection with demolitions or gut

² DEP's rules currently prohibit smoking at abatement work places, and new DEP rules taking effect on November 13 to strengthening that prohibition.

rehabilitations. This provision codified a DOB-FDNY procedure that has been in place since 2007. This law implements CDA recommendation 19.

9. Law requiring the installation of a pressurized standpipe alarm system on new buildings and vacant buildings that are being demolished

Local Law 64 of 2009 (Intro No. 1004-A) requires the installation of an air-pressurized alarm system for dry standpipe systems in vacant buildings undergoing demolition, and new buildings reaching 75 feet in height. These alarm systems detect breaches in a standpipe system and sound an alarm to notify firefighters or designated safety personnel that the standpipe's integrity has been compromised. Under the new law, a registered design professional must apply to install the alarm system, and the law sets-out detailed specifications for the system. The law also details the procedures in the event of an alarm activation, or if the standpipe system is to be placed out of service for the addition of a new section to the system. This measure implements CDA recommendation 20.

10. Law requiring pressure testing of new or altered sprinkler systems, and of new or altered standpipe systems every 75 feet

Local Law 63 of 2009 (Intro No. 986-A) strengthens the requirements for hydrostatic pressure testing of standpipes and sprinkler systems. Testing of standpipe systems is currently required at the end of construction of a new building, but not while the building is going up. Local Law 63 requires hydrostatic pressure testing for 1) new buildings above 75 feet, with regular tests thereafter; 2) enlargements or additions to an existing standpipe system; and 3) building demolitions and removal of stories, before the commencement of work. When the standpipe system is exposed to freezing conditions, the law allows postponing the required hydrostatic pressure, provided that the system undergoes an interim test with dry nitrogen or air test. This measure implements CDA recommendation 21.

11. Law requiring site safety managers to conduct daily checks of standpipe connections and a weekly tracing of standpipes at construction and demolition sites

Local Law 59 of 2009 (Intro No. 999) codifies in the administrative code a DOB rule that requires site safety managers to conduct a weekly "tracing" examination of a standpipe on every floor to verify that no breach exists throughout the building. The law also requires daily, multi-faceted checks to ensure that a standpipe system is available and in readiness at all times for use by the fire department. This measure implements CDA recommendation 17.

D. IMPROVING INFORMATION-SHARING

12. Law requiring DOB, FDNY, and DEP to implement a system to share relevant results of inspections of buildings that meet agreed-upon criteria

Local Law 39 of 2009 (Intro No. 1007) requires DEP, FDNY and DOB to establish a procedure to share information regarding violations issued as a result of inspections of buildings that meet agreed-upon criteria. A year after enactment, a copy of the procedure must be provided to the Council.

CDA Bill Package Status (Updated November 4, 2009)			
Local Law (Bill No.)	Requirement	Status	Effective Date
<i>Standpipe/Sprinkler Safety</i>			
1	L.L. 63 of 2009 (Int. No. 986-A) Standpipe — Pressure Testing	Signed into law October 7, 2009	February 7, 2010 (four-month effective date)
2	L.L. 64 (Int. No. 1004-A) Standpipe — Alarm	Signed into law October 7, 2009	February 7, 2010 (four-month effective date)
3	L.L. 60 (Int. No. 1000-A) Standpipe — Cut and Cap	Signed into law September 3, 2009	March 2, 2010 (180 days from September 3rd)
4	L.L. 59 (Int. No. 999) Standpipe — Site Safety Manager check	Signed into law September 3, 2009	Immediately
5	L.L. 58 (Int. No. 994-A) Standpipe — Color Coding	Signed into law September 3, 2009	March 2, 2010 (180 days from September 3rd) Retro-active requirement extends three additional months.
<i>Abatement Safety</i>			
6	L.L. 37 (Int. No. 1003-A) Abatement Permit Requirement	Signed into law June 29, 2009	Effective as of August 28, 2009 (60-day effective date, abatement permit requirement subject to phase-in)
7	L.L. 77 (Int. No. 998-A) Simultaneous/De-Coupling	Signed into law December 7, 2009	Six-month effective date
8	L.L. 38 (Int. No. 1005) DEP Egress	Signed into law June 29, 2009	October 29, 2009 (per text of law)
<i>Zero Tolerance on Smoking</i>			
9	L.L. 35 (Int. No. 1001) DEP No-Smoking	Signed into law June 29, 2009	Immediately
10	L.L. 36 (Int. No. 1002) DOB No-Smoking	Signed into law June 29, 2009	Effective as of August 28, 2009 (60 days after June 29)
<i>Other CDA</i>			
11	L.L. 57 (Int. No. 993) Handheld Demolition Submittal	Signed into law September 3, 2009	December 3, 2009 (180 months from September 3rd)
12	L.L. 39 (Int. No. 1007) CDA Information Sharing	Signed into law June 29, 2009	December 29, 2009 (Six months after June 29, with City required to submit procedure to Council by June 29, 2010)

CDA Implementation Update (December 29, 2009)

Highlights

- **A-TRU Launch.** DEP's new Asbestos Technical Review Unit (A-TRU) launched in Phase 1 on October 13, 2009, with Phase 2 commencing on January 13, 2010. Development of this new unit included the build-out of new space at DEP headquarters in LeFrak City, technology enhancements, and publication of a guidance document explaining the A-TRU filing and review process and maintaining egress at abatement sites. Additionally, DEP has developed a new on-line filing system, the Asbestos Reporting & Tracking System (ARTS), to streamline the filing of asbestos abatement jobs, determine which jobs could impact fire- and life-safety and require technical review, and improve DEP's ability to share and track information about abatement jobs.
- **Safety at Abatement Sites.** New DEP rules taking effect on November 13 include a variety of provisions to enhance fire- and life-safety at abatement sites. Along with the permit process, the new rules include requirements applicable to all asbestos projects for fire-retardant material in temporary enclosures, maintenance of the means of egress, and overall fire-safety. Additionally, the new rules require installation of a negative-air cutoff switch at jobs above a certain threshold.
- **Legislation.** The Administration has worked with the City Council to pass 12 local laws to improve standpipe and sprinkler safety, enhance oversight of abatement jobs, and implement a zero-tolerance policy on smoking, and other wise improve safety and coordination at CDA sites.
- **Outreach.** In conjunction with A-TRU's launch, the Mayor's Office, DEP, DOB and FDNY have conducted extensive outreach to both the filing communities served by both DOB and DEP. The City has held informational meetings in all five boroughs, extensively updated agency websites; briefed industry organizations and city agencies; and published a guidance document Frequently Asked Questions document and other communications to highlight and explain the new changes.
- **Inter-agency Information Sharing.** DEP, DOB, FDNY are regularly sharing information about significant abatement jobs, the issuance of construction and demolition permits, and potentially dangerous conditions found during inspections. These processes have continued to improve through ongoing agency collaboration and innovation. In late September, DOB implemented a single daily exchange via file transfer protocol (FTP) to FDNY, streamlining delivery of 28 priority transactions. Additionally, DOB, FDNY, and DEP continue to identify and prioritize data sharing opportunities, with implementation of the next phase of data exchange commencing in 2010 (in addition to the FTP exchange).
- **FDNY Data Management.** FDNY is using \$23 million in capital funding to completely overhaul its data-keeping practices so that inspection and other resources can be more-effectively allocated on the basis of risk. FDNY this month is launching its new risk-based inspection system (CBIDAS) in 6 companies around the city. Assuming the pilot is successful, FDNY plans to roll out the new system in 2010.
- **Inspection Protocols, Cross-Training.** DEP has overhauled its inspection protocols and trained its enforcement personnel so that inspections incorporate fire- and life-safety concerns like standpipe safety, removal of combustible materials, and maintenance of egress. Additionally, DEP, FDNY and DOB have developed a baseline of common safety requirements and have conducted cross-training. Finally, inspectors from all three agencies are using checklists in the field to facilitate consistency across inspections, and inter-agency collaboration on these issues is becoming institutionalized.
- **Zero Tolerance on Smoking.** In furtherance of its zero-tolerance policy on smoking, DOB and FDNY have issued hundreds of violations for smoking at construction sites, the City has passed two

recent laws banning smoking at construction and abatement sites, and new DEP rules strengthening existing smoking prohibitions are set to take effect.

- **Non-jurisdictional reform.** The City drafted and worked with the State Legislature to pursue legislation (A8407/S5597) that would subject State buildings operating in New York City to City Building and Fire Codes. The Assembly version of the bill was passed by the Cities and Codes committees, and the City continues to pursue its passage.

Asbestos Abatement

- **Establish inter-agency notification process for abatement jobs that meet thresholds (Recommendation 1).**
 - The new Asbestos Reporting & Tracking System (ARTS), developed by Operations and DEP, automatically notifies FDNY about threshold abatement projects. These notifications began with the launch of A-TRU Phase 1 on October 13.
 - Criteria: FDNY receives automatic notification of asbestos abatement jobs over 7,500 square feet of containment floor area, as well as jobs triggering the A-TRU review requirements (exception for abatements of 1- or 2-family houses).
 - DEP has also been notifying FDNY by email on a weekly basis of jobs over 7,500 square feet or 7,500 linear feet of ACM per floor, a process that is phasing out as the notifications becomes automated.
 - A summary of jobs with start dates was sent in the body of the email with electronic copies of the ACP-7's attached.
 - Estimated Completion Date: January 2010.
- **Establish permit requirement/unit for abatement jobs that meet thresholds (Recommendation 2).**
 - The new Asbestos Technical Review Unit (A-TRU) launched in Phase 1 on October 13, 2009, pursuant to Local Law 37 of 2009 and final DEP rules published September 11. Located at DEP headquarters in LeFrak City, A-TRU is jointly staffed by DEP and DOB technical reviewers. The 14-employee unit will require technical review and a permit for abatement projects that affect the means of egress, impact fire protection systems, or include work that would otherwise require a permit from DOB prior to issuing permits for such jobs.
 - Phase-In
 - The three-month Phase 1 covers abatement jobs that will disturb 1,000 or more square or linear feet of asbestos containing material (ACM) on any floor.
 - Phase 2 will commence January 13, 2010, and cover all jobs.
 - Estimated Completion Date: January 13, 2010.
- **Require building owners and/or air monitors to notify DEP when abatement is complete (Recommendation 3).**
 - Pursuant to new requirements taking effect November 13, DEP will require a project monitor's report to close-out for asbestos project. This requirement will apply whether or not A-TRU review is required.
 - Operations and DEP have drafted a project completion form that will indicate that asbestos abatement has been completed, as well as a conditional project completion form for instances in which the work site has not returned to code compliance. DOB will require the "close-out" form before issuing any building permits.
 - A-TRU v. non-ATRU

- For jobs not requiring an A-TRU permit, the owner or other authorized applicant will have to supply a project monitor report (indicating that the asbestos project has been completed and the air is sufficiently clean).
 - Jobs requiring an A-TRU permit are subject to the additional requirement of a final inspection report (A-TR1) indicating that 1) that asbestos abatement has been completed, or 2) that the work site has not returned to Code compliance, but that the applicant has received preliminary DOB approval for a permit.
 - The former certification will result in a completion form; the latter in a conditional completion form.
 - DOB will require a close-out form before issuing any building permits for an area that required the filing of an ACP7. This requirement applies for abatement projects of more than 1,000 square or linear feet of ACM per floor beginning November 13. This requirement will be expanded to all ACP7 jobs beginning January 13, 2010.
 - ARTS is facilitating the implementation of this requirement, directing applicants to provide the correct information, generating the necessary forms, and tracking asbestos projects as they proceed to completion
 - Estimated Completion Date: January 13, 2010.
- **Issue clear guidance on how to maintain egress (Recommendation 4).**
 - On June 29, 2009, Mayor Bloomberg signed Local Law 38, requiring DEP to publish clear guidance on how to maintain egress at abatement sites. Operations and DEP, along with DOB and FDNY, has published a new guidance document that includes a detailed, illustrated discussion on new DEP egress requirements and how to avoid blocking egress at abatement sites. This document has been mailed to about 1,400 persons, including contractors, investigators, monitors and New York State training schools. The Guidance document is also available on-line.
 - The new DEP rules, which take effect November 13, 2009, incorporate various requirements related to maintaining egress at abatement sites, many drawing from recommendations in the CDA Report.
 - Completed: November 13, 2009 (effective date of final DEP rules not related to A-TRU).
- **Require that egress conditions be recorded daily in the abatement contractor's logbook and kept on site, as well as floor plans (Recommendation 5).**
 - New DEP Rules § 1-94 requires daily inspection of exits be documented in the logbook, and that all abatement work must stop if exits are found blocked.
 - New DEP Rules § 1-81(b) requires prominent posting of a floor plan showing the areas under abatement and the fire exits in those areas, along with a notice stating the location of the negative cut-off switch (if required).
 - Estimated Completion Date: November 13, 2009 (effective date of final DEP rules not related to A-TRU).
- **Require that all materials used in construction of temporary enclosures for abatement be non-combustible or flame-resistant (Recommendation 6).**
 - On June 29, 2009, Mayor Bloomberg signed Local Law 37, requiring the use of fire-retardant materials for temporary enclosures. The new DEP rules implement this mandate at §§ 1-61(k), 1-81(o)(4), 1-61(c) and elsewhere.
 - Completed: November 13, 2009 (effective date of final DEP rules not related to A-TRU).

- **Require installation of a central negative air “cut-off switch” or similar mechanism at abatement jobs that meet thresholds (Recommendation 7).**
 - New DEP Rules § 1-91(f) requires a cut-off switch if the containment area project covers an entire floor or an area greater than 15,000 square feet on any given floor.
 - Must be installed by a licensed electrician pursuant to a DOB permit.
 - Operations and DEP have been working with DOB and FDNY to operationally implement this requirement, including addressing it in the revised the ACP-7 form.
 - Completed: November 13, 2009 (effective date of final DEP rules not related to A-TRU).

- **Develop written DEP Protocols (Recommendation 8).**
 - Operations and DEP have developed and implemented a new written inspection checklist based on key fire and life-safety and abatement-safety items identified by DEP, DOB, and FDNY. The checklist, which was approved by the three agencies, includes required postings (e.g., exit and fire signage), certified personnel, containment sheeting, negative air pressure machines, decontamination units/areas, means of egress, sprinkler/standpipe/fire alarm systems, fire guards, and permits and floor plans. DEP inspectors began using the new checklist in the spring. *See also Recommendations 9 and 24.*
 - Completed: March 2, 2009.

- **Enhance DEP Protocols with other fire/life safety requirements and train inspectors accordingly (Recommendation 9).**
 - DEP has developed new standard operating procedures for DEP inspectors based on significant safety requirements identified by DEP, DOB, and FDNY. DEP enforcement and technical review personnel have also received initial training from FDNY and DOB. *See also Recommendation 8 and 24.*
 - At present, DEP inspectors have been referring concerning conditions to FDNY or bringing them to the immediate attention of building personnel for remediation, based on these enhanced inspections. With new DEP rules pertaining to fire-safety and egress and life-safety taking effect, DEP will have power to issue DEP violations for these issues.
 - Completed: November 13, 2009 (effective date of final DEP rules not related to A-TRU).

- **Empower DEP to enforce provisions of Fire and Building Codes at abatement sites (Recommendation 10).**
 - Local Law 37 authorizes FDNY to delegate to DEP the authority to issue FDNY notices of violation and violation orders at premises in which asbestos abatement activity is taking place. FDNY has signed a letter delegating to DEP authority to enforce certain provisions of the Fire Code, and subsequently provided a three-hour training for DEP employees at DEP headquarters on December 21, 2009. The training covered relevant sections of the Fire Code that have been delegated to DEP, use of FDNY’s Notice of Violation and the protocols for enforcement of Fire Code infractions cited by DEP inspectors at abatement worksites.
 - Estimated Completion Date: Ongoing.

- **Create permanent capacity for DOB to respond to abatement sites (Recommendation 11).**
 - DOB’s new Asbestos Emergency Response Team (AERT) is comprised of 13 inspectors from internal specialized units who are equipped and ready to conduct construction inspections in controlled asbestos abatement environments in the event of an emergency. As part of its recently completed implementation, DOB identified the relevant inspectors, conducted trainings, and procured the necessary personal protective equipment. DOB has also developed a protocol to mobilize AERT inspectors in the event of an emergency. In the next

phase of this initiative, DOB will secure a contract for vendor to perform audits of AERT, perform a mock emergency drill, and receive and distribute additional equipment to AERT to bring its total to 30 inspectors.

- Completion Date: November 2, 2009 (Phase 1).
- **Strictly limit simultaneous abatement and demolition work and require a variance to conduct such work (Recommendation 12).**
 - Local Law 77 of 2009, signed into law on December 7, 2009, requires a DEP variance to conduct abatement concurrently with full demolition or removal of a story.
 - The law requires a DEP variance, with consultation to and notification with DOB and FDNY. Under this legislation, the DEP variance process will be integrated into A-TRU. Any variance allowing for simultaneous abatement and full demolition or removal of stories will undergo joint DOB-DEP review at A-TRU, with notification to and consultation with FDNY. This legislation allows DEP to leverage A-TRU expertise in reviewing fire and life-safety issues in all variance situations.
 - Estimated Completion Date: June 7, 2010 (six-month effective date).

Demolition

- **Issue full demolition permit only after proper certification by applicant to DOB (Recommendation 13).**
 - DOB issues full demolition permits only if the applicant provides an ACP-5, or an ASB4 asbestos investigation exemption form (for demolition of buildings constructed after 1987).
 - Completed: June 30, 2008.
- **Increase permitting requirements for all building demolitions using hand-held mechanical devices (Recommendation 14).**
 - Local Law 57 of 2009, signed by the Mayor on September 3, requires the submittal by a design professional of plans, sections and details of buildings to be demolished using handheld mechanical devices, such as jackhammers and chainsaws.
 - The law also requires applicant of record for a full demolition permit to be a registered design professional, except in a few limited circumstances.
 - Estimated Completion Date: December 3, 2009.
- **Notify FDNY whenever DOB issues a construction or demolition permit (Recommendation 15).**
 - DOB now notifies FDNY about the issuance of New Building, Demolition and Alt 1 permits.
 - DOB also notifies FDNY on a daily basis regarding full demolition commencement notifications received, which FDNY uses to help prioritize inspections. In late September, a daily file transfer protocol (FTP) was implemented for 28 data exchanges, allowing for a streamlined daily transfer of large amounts of information.
 - Completed: September 30, 2009
- **Require additional site safety coordinators at certain stages of demolition process for buildings of 25 stories or more, and at demolition jobs over 500,000 square feet, regardless of height (Recommendation 16).**
 - The City has drafted requirements for a site-safety coordinator to be present: (1) at construction of new buildings more than 25 stories, once construction reaches higher than the 20th story; (2) at demolition of buildings 25 stories or more until the building is lowered to 20

stories; (3) at construction of new buildings with coverage of 500,000 feet; and (4) when necessary to protect public safety. The City continues to pursue this recommendation.

- Estimated Completion Date: TBD.
- **Require that Site Safety Managers conduct daily checks of standpipe connections and valves, and a weekly tracing of the standpipe to verify that it has not been breached (Recommendation 17).**
 - This DOB rule took effect on January 2, 2009. Local Law 59 of 2009, signed by the Mayor on September 3, incorporates the requirement into the Construction Codes.
 - Completed: September 3, 2009.
- **Require uniform color-coding of standpipe and sprinkler system lines (Recommendation 18).**
 - Local Law 58 of 2009, signed by the Mayor on September 3, requires the uniform color-coding of standpipe and sprinkler system lines. The law has a six-month effective date, with a retro-active requirement extending three additional months.
 - Estimated Completion Date: June 1, 2010.
- **Require a plumbing or fire-suppression license and a permit to cut and cap standpipes or sprinklers during full demolition (Recommendation 19).**
 - Local Law 60, signed by the Mayor on September 3, requires cutting and capping of standpipes during demolition work to be performed only by a licensed master plumber or licensed master fire suppression piping contractor who has obtained a permit for such work. Six month effective date.
 - Estimated Completion Date: March 1, 2010.
- **Study the feasibility of and require installation of a pressurized standpipe alarm system (or other security measures) on new building and full demolition jobs (Recommendation 20).**
 - Local Law 64, signed into law in on October 7, requires a pressurized alarm for buildings undergoing demolition and on new buildings and lays out detailed specifications for the alarm, as well as procedures in the event that the alarm is triggered.
 - Estimated Completion Date: February 7, 2010.
- **Require pressure testing by a licensed plumber or fire suppression contractor of every 75 feet of standpipe in buildings under construction (Recommendation 21).**
 - Local Law 63, signed into law in on October 7, requires hydrostatic pressure testing for new buildings under construction (at 75 feet, and every 100 feet thereafter); enlargements to an existing system (for every 75 feet of additional height); and removal of stories/full demolition (prior to commencement of work).
 - Estimated Completion Date: February 7, 2010.
- **Strengthen and enforce Citywide smoking ban at sites (Recommendation 22).**
 - On June 29, 2009, Mayor Bloomberg signed Local Law 35 and Local Law 36, codifying the smoking ban into the Construction Codes and the DEP Administrative Code provisions. New DEP rules, which took effect November 13, strengthen prohibitions against smoking.
 - Along with new legislation and rules, DOB and FDNY have begun strictly enforcing the smoking ban at construction and demolition sites.
 - FDNY has directed personnel to pay particular attention to signs of smoking at sites, and its CDA Unit has issued a large amount of NOVs, violation orders and criminal summonses for smoking violations.
 - A newly effective ECB rule allows FDNY to enforce the Fire Code's smoking prohibition with penalties of \$1,000 for a first violation and \$2,400 for subsequent

violations. FDNY has worked with ECB to better track violations of the smoking ban, and incorporated new enforcement procedures into the FDNY Fire Prevention Manual.

- The Field Units (Engine and Ladder Companies) assigned to the Bureau of Operations have issued the following citations through November 30, 2009 as follows
 - 15 Violation Orders (VO) issued for Missing No Smoking signs.
 - 16 ECB Notice of Violation (NOVs) issued for Evidence of Smoking at Construction Sites.
 - 5 Class "C" Criminal Summonses issued for Smoking Witnessed at Construction Sites.
- The newly formed CDA Unit Assigned to Fire Prevention has taken the following actions since April 2009:
 - 104 FDNY VOs issued for Missing No Smoking Signs at construction sites.
 - 153 ECB NOVs issued for Evidence of Smoking at construction sites.
 - 30 Class "C" Criminal Summonses issued for witnessed Smoking at Construction Sites.
- As of mid-December 2009, DOB has issued over 1,100 violations for illegal smoking at construction sites throughout the City, pursuant to an enforcement initiative that began in September, 2008.
 - The City has collected more than \$520,000 as a result of DOB's no smoking enforcement.
 - To enhance compliance, DOB has publicized the enforcement initiative through its website and conducted outreach to industry groups.

Data Sharing

- **Review inspection criteria and prioritize inspections based on risk (Recommendation 23).**
 - FDNY has continued to make progress on its \$23 million effort with IBM to develop the Coordinated Building Information and Data Analysis System (CBIDAS) over the next four years, which will consolidate all building and inspection information in accessible data warehouse. Now in its user acceptance test phase, the project will improve FDNY's ability to prioritize inspections based on risk, and allow the agency to send and receive real-time data to and from DOB, DEP, and other agencies.
 - This month, FDNY is piloting this new risk-based inspection system in 6 companies around the city. Assuming the pilot is successful, FDNY plans to roll out the new system in 2010.
 - While development on CBIDAS continues, FDNY has enhanced its Building Inspection Safety Program tracking system (BISP) to better track, categorize and prioritize inspections.
 - In addition, FDNY will roll out handhelds to fire prevention inspectors in early 2010.
 - DOB risk identification and inspector deployment initiatives
 - DOB launched the High Risk Construction Oversight initiative, a \$4 million study of the highest risk construction operations – cranes and hoists, excavations, and concrete. Engineers and other experts observed construction practices at more than 400 sites, 600 times. The study culminated in a report and the recommendations will be implemented over the next four years.

- DOB has deployed its B-SMART system, a business intelligence tool capable of leveraging large amounts of risk factors into one system providing a means to help prioritize inspection targets according to risk.
 - DOB, as part of its B-FIRST initiative, deployed mobile wireless devices to the following units: Lower Manhattan Construction Command Center (LMCCC), Cranes and Derricks, Excavations, BEST, Interior Demolition, and Forensic Engineering Unit.
 - DEP Inspections: Every asbestos abatement job receiving an A-TRU permit will be inspected for fire and building safety items.
 - Estimated Completion Date: October 31, 2012.
- **Share inspection results (Recommendation 25).**
 - DOB's BIS system now includes FDNY and DEP ECB violation data along with DOB violation data, consolidating construction, demolition, and abatement ECB violations into one system while the CBIDAS system is built. A consultant hired in May 2009 assessed all inter-agency data exchanges and identified additional opportunities for information sharing. Implementation of the next phase of data exchange will commence in 2010 (in addition to the FTP exchange).
 - The recent upgrade, noted above, to create a daily FTP transfer of 28 data exchanges, has improved FDNY and DOB's ability to share inspection results. Among the data sets shared through this streamlined mechanism are FDNY A-8 Inspection Results and DOB-issued ECB & DOB Violations served.
 - The Mayor on June 29 signed Local Law 39 of 2009, requiring the establishment of a procedure to share information regarding violations issued as a result of inspections of buildings meeting agreed-upon criteria.
 - Estimated Completion Date: October 31, 2012.
- **Identify high-risk alteration sites and develop appropriate inspection programs (Recommendation 27).**
 - DOB is developing criteria for high-risk alteration site inspections, including the new full and partial demolition submission document requirements and partial demolition notification requirements.
 - DOB also has hired and trained two new inspectors for its Interior Demolition Unit.
 - DOB has developed SafeStat, an interactive dashboard that bring together all factors of DOB data. The dashboard slices and correlates data many ways and is used to dispatch inspectors and engineers based upon risk radar,
 - The concerns arising from high-risk alteration sites will be further addressed through provisions in simultaneous bill addressing alteration permits for the removal of stories.
 - Estimated Completion Date: Ongoing
- **Strengthen oversight of FDNY inspections (Recommendation 29).**
 - FDNY has entered all construction, demolition, and abatement properties into its BISP system, allowing senior staff to have real-time access to and oversight of inspection information.
 - Completed: February 16, 2009
- **Automate and share FDNY inspection data (Recommendation 30).**

- *See Recommendations 23 and 30.*
- **Enhance and streamline FDNY A-8 Referral Process (Recommendation 31).**
 - FDNY has implemented an automated A-8 referral process for DOB in each borough.
 - Completed: March 31, 2009.

Inspections

- **Create common safety protocols (Recommendation 24).**
 - DEP, DOB, FDNY, and Operations have identified a series of key fire, life, and other safety items for inspections. DEP has integrated fire and life-safety items into its new protocols and training for inspectors, and has provided training asbestos awareness training to FDNY and assistance to DOB in its implementation of the initiative to develop permanent capacity to respond to abatement sites. *See also Recommendations 8, 9, and 13.*
 - Completed: March 2009.
- **Ensure robust quality assurance controls (Recommendation 26).**
 - DOB began implementing an inspection quality assurance program for its Buildings Enforcement Safety Team (BEST) unit in January 2008.
 - DEP re-launched its QA program in August 2008.
 - Estimated Completion Date January 4, 2010.
- **Amend FDNY Rule 11-01 other inspection requirements and establish inspection frequency/scope (Recommendation 28).**
 - FDNY has promulgated a revised Rule 11-01 so that inspection frequency is determined by the Department based on an assessment of the risks associated with the construction, alteration, and/or demolition work being conducted. FDNY also has developed procedures for its inspectional guide on determining the appropriate inspection frequency for buildings under construction or demolition.
 - Completed: December 1, 2008

Miscellaneous

- **Enhance public information (Recommendation 32).**
 - FDNY, DOB, and DEP have updated their websites on nyc.gov, including creating special webpages with CDA-specific content, and continue to update them.
 - The three agencies, along with Operations, also have developed guidance, notices, new forms, and other informational materials related to A-TRU.
 - The Working Group also has conducted a series of outreach sessions with affected industry members (e.g., ECA, BTEA) since the issuance of its report, as well as testifying before the City Council in support of CDA-related legislation.
 - In preparation for the A-TRU launch, DEP and Operations issued a press release, DOB and DEP each released service notices conducted a series of trainings on ARTS at both DEP and DOB.
 - Other outreach efforts continue, including DOB electronic newsletter updates to subscribers.
 - Estimated Completion Date: January 13, 2010
- **Pursue state and federal legislation to address non-jurisdictional buildings and properties and enter into MOUs with such entities (Recommendation 33).**
 - Legislation drafted by the City has been introduced in both the State Assembly and State Senate to require state buildings to comply with the City's Fire and Building codes

(A8407/S5597). Assembly Member Gottfried introduced the bill in the Assembly, and Senator Squadron sponsored the Senate version, with Senator Golden as a key co-sponsor. In the Assembly, A8407 has been passed by the Codes and Cities committees, and is now before the Ways and Means Committee.

- The City also has drafted a model MOU to enter into with these entities before any legislation is enacted and has begun outreach to do so, with a version of the MOU shared with the General Services Administration.
- Estimated Completion Date: Ongoing.