

TESTIMONY FROM INTERIM CHIEF EXECUTIVE OFFICER LISA BOVA-HIATT
WATER TESTING AT JACOB RIIS HOUSES
COMMITTEE ON PUBLIC HOUSING WITH THE COMMITTEE ON OVERSIGHT AND
INVESTIGATIONS AND COMMITTEE ON ENVIRONMENTAL PROTECTION
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Chairs Alexa Avilés, Gale Brewer, and James Gennaro; members of the Committees on Public Housing, Oversight and Investigations, and Environmental Protection; other distinguished members of the City Council; NYCHA residents; and members of the public: good afternoon. I am Lisa Bova-Hiatt, NYCHA’s Interim Chief Executive Officer (CEO). I am pleased to be joined by Eva Trimble, Chief Operating Officer; Daniel Greene, Senior Vice President for Healthy Homes; and other members of NYCHA’s team. Our partners Vincent Sapienza, Chief Operating Officer of the New York City Department of Environmental Protection (DEP), and Corinne Schiff, Deputy Commissioner of Environmental Health at the New York City Department of Health and Mental Hygiene (DOHMH), are also with us today.

I was recently appointed Interim CEO of NYCHA, as part of our Transformation and Implementation Plan efforts to separate the roles of CEO and Chair of the Board of Directors and strengthen our organization. I have dedicated my entire career to public service, and I come to this role after serving as NYCHA’s General Counsel for more than two years.

We understand that the recent events at Riis Houses have been very disruptive and upsetting to residents, and I want to begin by telling them publicly that we are 100 percent committed to restoring their confidence in the drinking water, a vital necessity. We are also committed to providing a transparent and honest accounting of NYCHA’s and its contractor’s actions during this incident. As an organization, we have taken significant steps forward over the past three and a half years, and part of that progress involves admitting when mistakes were made and providing a plan for correcting them. That is what we would like to do today, in addition to answering your questions about this occurrence.

Transforming NYCHA

Before addressing Riis, I think it is important to describe some of the work that NYCHA has been doing over the past three and a half years. Since 2019, NYCHA has been working to fundamentally transform its business model as well as its compliance, operations, and management infrastructure – in tandem with the critical work to improve residents’ quality of

life through various preservation and capital programs that bring comprehensive renovations to their homes.

The foundation of this work, which we are carrying out in partnership with the federal Monitor, is our Transformation Plan and the HUD Agreement; they guide our efforts to improve customer service and responsiveness to conditions at our developments, ensure that large projects are completed in a timely manner, promote accountability, manage our properties better, and use our limited funding more effectively, all while addressing critical areas that most impact residents.

For instance, we instituted a Neighborhood Model to create smaller property management portfolios and localize decision-making. We are rolling out the Work Order Reform initiative to streamline repairs. We revised our janitorial scheduling to best address the unique maintenance needs of each site. We launched an online capital projects tracker to enhance transparency. We are reorganizing and strengthening our leadership structure.

To date, we have generated more than \$3.4 billion in capital funding for top-to-bottom building renovations for nearly 15,500 households through the PACT program. Our Comprehensive Modernization program will bring total renovations to additional sites. Through the newly established, historic NYC Public Housing Preservation Trust, we have the opportunity to fully repair and upgrade 25,000 apartments. To improve residents' quality of life, we are spending hundreds of millions of dollars on HUD Agreement pillar areas (an average of \$75 million a month on capital projects alone); more than a billion dollars of construction work is currently underway across NYCHA developments to replace elevators, boilers, roofs, facades, and more. Our efforts have reduced the time it takes to resolve elevator and heat outages and are expediting lead-based paint abatement in homes where children under 6 live or regularly visit.

We are improving our procurement practices and we established an Environmental Health & Safety Department, a Quality Assurance Unit, and a Compliance Department. A key focus of the Compliance Department is to investigate actions taken by NYCHA staff that do not comply with rules, regulations, or internal procedures and to then integrate a set of procedural recommendations and changes into NYCHA's daily work at the properties.

We are making communication with residents and other stakeholders a priority. In 2021 alone, we published over 460 articles on our websites, drafted dozens of resident-wide emails and letters, released 45 videos, translated over 2,700 documents, fulfilled over 400 interpretation requests, posted over 3,600 items on social media, and regularly distributed robocalls to nearly

320,000 phone numbers. That same year, our Customer Contact Center (CCC) handled nearly 2 million calls. Every time there is a relevant service outage, we post flyers at developments and disseminate robocalls to residents. Our monthly rent inserts provide information by mail to 105,000 households and to over 58,000 households online. Our direct mailings reach more than 162,000 households. Oftentimes, we conduct direct outreach to residents on important topics through door-knocking. We also engage and communicate with residents extensively through our Resident Services, Partnerships, and Initiatives department, which ensures that residents' voices are heard through a variety of programs, services, and initiatives, including our work around resident elections. We meet with and speak with resident leaders on a very regular basis, and offer opportunities for residents to get involved through platforms like the Resident Roundtable.

Our goal at NYCHA in the last few years has been to focus on the basics. First, we must put residents' health and safety front and center in our efforts. Second, we must work to better maintain our aging building systems. Third, we must secure funds from all available sources to re-invest in our buildings, which are a critical source of deeply affordable housing for hundreds of thousands of New Yorkers. And fourth, which is what I want to focus on today, we must be willing to acknowledge when we make mistakes, assess those mistakes, and then work to improve.

Resident Safety Is Our Top Priority

Thank you for this opportunity to discuss the water testing efforts at Riis Houses. First, we would like to apologize to the residents of Riis Houses for the stress caused by the investigation into the drinking water at their development. Residents' health and safety is our top priority. Throughout the process, NYCHA endeavored to ensure residents' wellbeing while we assessed the situation, as quickly and transparently as possible and with regular communication to residents that included in-person meetings, robocalls, flyers, and emails in the covered languages of English, Spanish, Traditional Chinese, Simplified Chinese, and Russian. At each point, we took the most conservative and precautionary measures possible to ensure residents' health and safety.

We would also like to thank our partners across the community and in City government, including Mayor Eric Adams, Chief Housing Officer Jessica Katz, and members of the Council, for coming together during a challenging moment, helping us distribute more than 380,000

bottles and cans of clean water while we tested approximately 140 sites of the water system at Riis Houses.

The water at Riis Houses is safe. Unsafe levels of arsenic are not, and were never, present in the water supply at Jacob Riis Houses. To be as transparent as possible, NYCHA, DEP, and DOHMH published final test results in two places on NYCHA's website: one area enables Riis Houses residents and the public at large to review all test results related to arsenic; another area provides all test results related to bacteria. Both webpages link to the test results collected by two NYCHA vendors and DEP. Summaries of NYCHA, DEP, and DOHMH findings are also on our website. Copies of the test results will also be available in the property management office at Riis Houses.

We encourage everyone to review the results on our website and see how much work was put into ensuring the water was safe to drink before the drinking water advisory was lifted. Specifically, one can see the results of samples taken by a qualified NYCHA vendor, LiRo Environmental, at 140 locations throughout Riis Houses to test for arsenic as well as additional samples to test for bacteria. The public can also see the results of DEP's testing from mid-August to early September, as well as the results that were since retracted by the laboratory retained by NYCHA's original vendor. Taken together, they show that the water is safe to drink at Riis Houses.

Timeline of Events

I would also like to take this opportunity to clarify some of the public reports related to the timeline of events surrounding when NYCHA first learned about a possible exceedance of arsenic levels in the drinking water at Riis Houses and what NYCHA did about it. Please note that this reflects the facts that we have at the current moment, and that this is an ongoing investigation.

- From May 1 through September 3, 2022, NYCHA received 93 complaints about cloudy water from Riis Houses residents. The bulk of these complaints started the week of July 3 and subsided by August 27, and most of them came from buildings serviced by the water system flowing from Building 11.
- In those months, we undertook a number of strategies to address these issues, including cleaning and having our vendor re-test the water tank, eventually repairing one of the house pumps serving the Building 11 roof tank, and asking DEP to test the water mains.

In addition, in responding to such complaints, a maintenance worker will remove the apartment faucet's aerator, cleaning it of any debris, and run the water. If this doesn't resolve the matter, a plumber will examine the building's equipment (house pumps, etc.) to determine the source of the issue. If necessary, a roof tank cleaning or re-cleaning is conducted.

- On August 13, LiquiTech, a vendor previously retained by NYCHA, collected samples at the point of entry to Building 11 at Riis Houses in response to concerns raised by residents and elected officials about water quality at the development. This was not required by any law or regulation. This was something NYCHA decided to do voluntarily to gather information for our residents about water quality. We worked with LiquiTech to develop a plan to sample for a wide range of analytes, including arsenic, and to conduct bacteriological testing. LiquiTech took additional samples in other locations at Riis Houses on August 16 and August 17.
- LiquiTech then sent the samples from the Building 11 point of entry to the Environmental Monitoring and Technologies, Inc. (EMT) laboratory for broad-spectrum testing (i.e., testing for a range of contaminants). EMT is not a New York State Environmental Laboratory Accreditation Program (ELAP)-certified laboratory. I understand that EMT does have certifications and credentials from Illinois NELAP; DOD ELAP; Wisconsin DNR; Alaska ADEC; State of Texas; State of Washington; Field Services NEFAP; and ISO/IEC 17025:2017.
- LiquiTech sent other samples to Special Pathogens Laboratory/PACE (SPL), which conducted the bacterial testing. SPL is an ELAP-certified laboratory.
- On August 25, NYCHA followed up with LiquiTech for the test results, suggesting that partial results could be sent ahead of full results. LiquiTech had informed NYCHA that they hoped to begin providing results within two weeks. As you can see on our website, other tests by DEP were ongoing at a hydrant adjacent to the property during this time and results had been received by NYCHA.
- On Friday, August 26, EMT finalized its report (which is why the report is dated August 26). However, NYCHA did not receive the report from LiquiTech until the morning of Monday, August 29, after NYCHA had again followed up via email with LiquiTech that morning.

- The analysis, by EMT, reported an estimated value of arsenic at 12.2 parts per billion (PPB), which is above the U.S. Environmental Protection Agency's (EPA) standard, established in 2001, of 10 PPB. However, the report also showed that the laboratory had a reporting limit of 12.5 PPB, which means the smallest concentration the laboratory would need to find to report with precision was 12.5 PPB. To put a finer point on it, this reporting limit was slightly above the actual reported result and the lab could not confirm the result with full confidence.
- As you can see online, this value of 12.2 parts per billion was also defined by EMT as a qualified "J" (or estimated) value.
- Because this was an estimated value and there were uncertainties regarding the accuracy of the result, NYCHA's staff made the prudent decision based on this report to try to get a confirmed result with additional tests. NYCHA staff instructed LiquiTech to collect additional samples at Riis Houses the following morning, on August 30. NYCHA staff also reported this plan to NYCHA's executive leadership on the afternoon of August 29.
- On August 30, LiquiTech collected two samples at the point of entry for Building 11, one sample at the point of entry at Building 8, two apartment samples in Building 11, and one apartment in Building 8. EMT received these samples on August 31.
- On September 1 in the afternoon, LiquiTech informed NYCHA that five of the six samples were above the contaminant limit for arsenic, and LiquiTech produced a report from EMT showing levels of arsenic among these samples between 13.6 and 14.1 PPB.
- Within a few hours, NYCHA leadership notified DEP as well as DOHMH. DEP immediately coordinated with NYCHA to take samples for arsenic the next morning at the point of entry.
- On September 2, DEP sampled water at the hydrant it previously tested twice for other parameters in mid-August, and DEP also took samples from the Building 11 point of entry, testing for arsenic in addition to other standard parameters.
- Also on September 2, DOHMH advised NYCHA that, out of an abundance of caution, it should issue a drinking water advisory and tell residents to not drink or cook with the water. DOHMH also advised that NYCHA should flush the buildings before retesting the water. NYCHA convened its executive leadership team to discuss next steps and an

action plan for immediately implementing DOHMH's recommendations. City Hall was notified of the results, and NYCHA and City Hall began notifying elected officials and community partners.

- NYCHA notified residents (via flyers, emails, and robocalls) and the public about the elevated levels. The robocall to residents was in all the covered languages; the email and flyer were distributed in English while the translations were being completed. We notified Riis Houses' resident association president, as well as other members of the Riis resident association and the Chair of the Citywide Council of Presidents, before the robocalls went out. A script was provided to CCC call takers with information for residents.
- NYCHA also began distributing potable water: water was distributed 24 hours a day, every day from September 2 through September 11. In total, 46,000 gallons of water were distributed, thanks to the assistance of NYC Emergency Management, New York State, the New York State Division of Homeland Security and Emergency Services, the NYC Department of Citywide Administrative Services, and community partners. In addition, DEP set up two water stations that provided access to water 24 hours a day. Approximately 1,200 households picked up water each day from the distribution site, while NYCHA delivered water to approximately 150 households each day.
- LiquiTech later also shared with NYCHA the preliminary results from LiquiTech's bacterial testing conducted in mid-August. NYCHA shared this information with DEP, DOHMH, and City Hall. LiquiTech advised that the results were preliminary and should not be relied upon to determine whether water quality standards were exceeded. DEP reviewed the results and informed NYCHA that the species preliminarily identified are common to the NYC water system and that bacterial growth can be common in certain taps (especially if they have not been disinfected) and as a result of flushing. DOHMH also reviewed and stated that prior cleaning or removal of the aerators, flushing the tap, and disinfection are recommended to get representative results, which LiquiTech confirmed had not happened.
- Some of the samples also showed the presence of *Legionella* bacteria, and so NYCHA immediately consulted with DOHMH to determine next steps with respect to this finding. According to DOHMH, Riis Houses did not meet the criteria to initiate remediation protocols for *Legionella*, which follows CDC guidance.

- NYCHA also then had LiRo collect 22 additional samples to analyze for the standard bacteria tests for drinking water – including total coliform and E. coli – and 35 additional samples that included total coliform, E. coli, and heterotrophic plate count (a method used to measure the variety of bacteria that are common in water). The results did not indicate any area of concern within the Riis campus and also met EPA safety standards for drinking water.

This timeline from August 29 to September 2 demonstrates that NYCHA informed its expert agency partners and the public promptly upon receiving confirmed reports that there were elevated levels of arsenic at Riis (reports that turned out to be false positives). NYCHA acted quickly to try to confirm a result that was based on an estimated value below the laboratory's reporting limit by collecting additional samples. In addition, as soon as a confirmed result was received by NYCHA on September 1, the Authority informed experts at DEP and DOHMH. NYCHA then began to work with our agency partners to implement next steps that would help protect the health and safety of residents at Riis Houses.

From that point forward, NYCHA worked to implement a plan that would help ensure the water was safe to drink before the advisory could be lifted. This included following DOHMH's guidance regarding flushing the water systems, procuring a new vendor to take samples from approximately 140 locations throughout Riis Houses, coordinating access so that DEP could take their own samples, and working to provide potable water on a regular basis while communicating with residents. Of course, as we all know now, EMT would subsequently retract their results on September 9, 2022.

Assistance to Residents

In addition to ongoing water testing to demonstrate its safety, we've committed to holding additional periodic meetings with Riis Houses residents, in collaboration with the Riis resident association, and we're issuing a reimbursement to Riis residents. This had been discussed at a post-action plan meeting that we held recently with resident association members and elected officials.

I'd like to give a special acknowledgement to our Resident Services, Partnerships, and Initiatives staff, as well as our Operations and Emergency Management and Services teams, for delivering water to about 150 seniors and homebound residents daily, knocking on every door at Riis Houses to flush the water system and provide information, and providing other assistance when

needed. In collaboration with the resident association, we worked with our non-profit partners to provide meals to residents – for instance, ICNA Relief provided initially over 500, then about 4,000, meals each day as well as fresh fruit; Vision Urbana provided pantry items. Also, our Office of Public/Private Partnerships worked with a non-profit organization, Good Neighbor Collective, to provide backpacks and school supplies to Riis residents.

Operations staff were on-site around the clock to assist with water distribution and other matters, and Emergency Management and Services staff were on-site on a nearly 24/7 basis.

We assigned a strong contingent of staff on the ground so that we could visit every single apartment at least three times over the course of 11 days, addressing repairs or services requested by residents. In addition, staff were available at the tent we set up to follow up on concerns or issues raised by residents and answer questions. NYCHA leadership was also on the ground every day, from about 7:30 a.m. to as late as midnight, connecting with resident association members throughout the day in person or by phone to keep them abreast of every new development in real time. We also communicated regularly with elected officials via in-person meetings, Zoom and phone calls, and texts. NYC Emergency Management, DOHMH, DEP, and the NYPD were also on-site daily for several days – the latter two agencies on a 24/7 basis for a portion of the time period.

Spanish, Mandarin, and Cantonese interpreters were also on-site to assist during the flush of the water system on September 3 and during a public meeting held with residents on September 9. In addition, Spanish and Mandarin interpreters were on-site daily to assist from September 8 through 11.

Throughout the investigation, we sent an initial email to residents, disseminated nine robocalls, and posted six different flyers (all in the covered languages of English, Spanish, Traditional Chinese, Simplified Chinese, and Russian). We also updated the script for CCC call takers periodically.

Resident outreach as part of our Sandy recovery work has been particularly robust at Riis Houses. Residents have access to a dedicated construction liaison, email and phone hotline, and interpreters; receive bi-weekly construction progress emails; and can participate in community meetings. There are also weekly check-ins with resident leaders, depending on their availability. Since the Sandy recovery work started, there have been nearly 250 meetings, 42,000 phone calls (including robocalls), and 12,000 flyers posted about the construction work.

How We Improve From Here

I don't want to leave the Council with the impression that I think NYCHA did everything right. We did not. Since NYCHA signed our Agreement with HUD in January 2019, we have not been shy about calling out our mistakes and being transparent about what needs to change. To that end, we are committed to evaluating each step NYCHA took, or did not take, at Riis Houses related to water quality. This evaluation is critical to ensure we improve our performance as a property manager.

Our Compliance Department and Environmental Health & Safety Department are actively working with the federal Monitor, the NYC Department of Investigation's Inspector General for NYCHA, and others to evaluate what went wrong at Riis Houses and what we need to do to improve. Although the investigation is ongoing, we have already identified four key matters we need to improve here at NYCHA.

First, we need to do a better job sourcing and managing vendors. Clearly, the performance of the vendor chosen to collect the first round of samples, and the laboratory chosen by that vendor, did not perform up to the standard we expect. But we also know that it is the responsibility of NYCHA staff to properly manage any vendor, including by establishing a clear scope of work and by insisting that all the samples be sent to a laboratory certified for the evaluation and analysis we are seeking.

Second, we need to do a better job communicating with our residents. We should be informing resident leadership every step of the way when we are dealing with something as essential as drinking water.

Third, we need to do a better job assessing the performance and function of critical mechanical systems. In this case, early indications suggest that the failure of one of the two house pumps in Building 11 that pumps water up to one of the Riis Houses roof tanks may have been the root cause of the cloudy water complaints. Complaints were generally concentrated in a specific timeframe where we believe the system was not functioning fully, and virtually all of the complaints came from the buildings that are serviced by the Building 11 roof tank. It is true that many of NYCHA's mechanical systems are old, beyond their useful life, and difficult to maintain. However, it is also true that NYCHA must do better when it comes to identifying mechanical system failures – and then NYCHA must act quickly to remedy the problem. In this case, we already know that efforts to solve the problem took too long.

And finally, NYCHA needs to set up a standard protocol for what to do when there are complaints of cloudy water. This means we must define what constitutes an emergency situation, and work to set up clear benchmarks for when our agency partners and the public must be notified about a situation at a NYCHA development, among other items.

This work is critical, and we look forward to hearing the Council's recommendations on how NYCHA can continue improve.

Conclusion

We know this was a very disturbing and upsetting experience for our residents, and we are truly sorry that this happened. We are glad that the water is safe – the lab issued a full retraction and acknowledged its error – and that we were able to get to the truth of the matter quickly.

Everything we do, and every decision that we make, is driven by our concern for our residents' health and safety. Thank you for your partnership as we strive to foster safe and healthy communities for NYCHA residents while transforming our organization. We will continue to keep you updated, and we are happy to answer any questions you may have.