



DANIEL SQUADRON  
SENATOR, 25TH DISTRICT

THE SENATE  
STATE OF NEW YORK

**RANKING MEMBER**  
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AND GOVERNMENT  
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SOCIAL SERVICES  
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CONSUMER PROTECTION  
CORPORATIONS, AUTHORITIES  
& COMMISSIONS  
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**Testimony before the Committee on State and Federal Legislation jointly with the  
Committee on Housing and Buildings regarding Oversight: Examining the Report of the  
New York City - New York State Task Force on Building and Fire Safety**

**September 19, 2012**

My name is Daniel Squadron and I represent the 25th District in the New York State Senate. My district includes the Manhattan neighborhoods of Chinatown, the Lower East Side, Tribeca, Battery Park City, the Financial District, Little Italy, SoHo and the East Village, and the Brooklyn neighborhoods of Greenpoint, Williamsburg, Vinegar Hill, DUMBO, Fulton Ferry, Brooklyn Heights, Cobble Hill, Carroll Gardens and Gowanus. Thank you for the opportunity to testify at this important hearing.

Following the August 2007 Deutsche Bank fire and the tragic deaths of two firefighters, Joseph Graffagnino Jr. and Robert Beddia, I passed legislation with Assemblyman Richard Gottfried to create a joint New York City - New York State Task Force on Building and Fire Safety.

The task force was chaired by FDNY Commissioner Sal Cassano and State Homeland Security and Emergency Services Commissioner Jerome Hauer and issued its report in July of this year.

The issues examined by the task force are critical to all New Yorkers and particularly those first responders who put themselves in harm's way to keep our city safe. The hundreds of State-owned buildings at risk throughout the city include a number of buildings at SUNY and CUNY; the Jacob Javits Convention Center; Downstate Medical Center; various State office buildings and facilities including buildings that are leased out to commercial tenants like restaurants and salons.

The report achieves what we set out to do. It provides an analysis of building and fire safety issues related to State-owned property in New York City; it offers an updated inventory of State agency- and authority-owned buildings in New York City; and it provides significant recommendations for improvement. In total, the report highlights the significant danger posed by discrepancies in fire and building codes and points the way toward improvements to make first responders and the public at large safer.

Critical issues identified in the report have been cited as contributing to the tragedy at the Deutsche Bank building in August 2007. The building, located at 130 Liberty Street, was owned by the Lower Manhattan Development Corporation (LMDC), a State entity. When the seven alarm fire broke out, it was under deconstruction. Forty-five Engine Companies, 30 Ladder Companies, three Rescue Companies, 19 Battalion Chief Units, four Division Chiefs' Units, and numerous other special and support units responded from the FDNY to combat the fire. By the

time it was under control, the fire had cost the lives of firefighters Joseph Graffagnino, Jr. and Robert Beddia.

It is critical that the gaps in fire and building codes at so-called "non-jurisdictional" buildings in New York City -- gaps which the report shows continue today -- are filled before our first responders, and the city, suffer another tragedy.

I continue to believe that the ideal solution is simple: all buildings in New York City should be brought into compliance with the City's fire code and building code. However, I applaud the Task Force for the cooperation reflected in its report and for offering other thoughtful and meaningful solutions. These recommendations will go a long way toward closing gaps and improving safety, and must be implemented as soon as possible.

The nineteen recommendations in the report include time frames for implementation. I urge the relevant City, State and affiliated entities to commit to implementing all recommendations within a year from the date the report was issued.

Among the recommendations are four that deserve particular focus, and must be put in place immediately:

- Adhering to consistent standards for equipment such as standpipes and hosethread connections. These were areas that were likely factors in the deaths of the FDNY firefighters in 2007.
- Resolving the "significant gap" in the State Fire Code regarding the regulation of explosives on State property in New York City by making changes to the State code that bring it in line with City Fire Code's provisions governing the use, handling and storage of explosives.
- Ensuring that FDNY has access to and pertinent information about State buildings in New York City for the purposes of pre-incident planning. The State must regularly update the FDNY on relevant modifications, as would be standard for other buildings in New York City.
- Notifying and providing adequate support to the myriad private tenants and businesses who lease or operate on State property through a comprehensive outreach strategy to ensure compliance with modified fire and building safety rules.

As I said previously, these recommendations and the others contained in the report are not the whole solution. But acknowledging the multiple levels of government involved and the resulting intractability of the problem over many years, there is no doubt that they represent a new and promising opportunity.

If implemented quickly, as they must be, the recommendations will mean that there is a little less risk for every first responder every day they are on the job protecting us, and a little less risk for every New Yorker, every time we set foot in one of these hundreds of buildings.

And, for the first time, these recommendations will bring us closer to the simple goal: a consistent fire and building code for every building in New York City, to match the consistent protection every building receives from the brave members of the FDNY.

I'd like to again thank Commissioners Cassano and Hauer and the entire Task Force for their hard work and thoughtful report. Thank you as well to Chair Dilan, Chair Foster, and Speaker Quinn for the opportunity to testify on this important issue.