

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND
INSPECTIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, June 11, 2015
9:05 a.m.

PRESENT:

COUNCILWOMAN MARIA D. QUINONES-SANCHEZ, CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH

BILL 120655 - An ordinance amending The
Philadelphia Code to impose certain
requirements on exterminators of honeybees...

BILL 150472 - An ordinance amending Section
9-1306 of The Philadelphia Code, entitled
"Special Inspection Agencies and Special
Inspectors," and Subsection A-902, entitled
"Building, Fuel Gas and Mechanical Code
Fees"...

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1
2 COUNCILWOMAN SANCHEZ: Thank
3 you, folks. The Committee on Licenses
4 and Inspection will now come to order.
5 Having established a quorum, to my far
6 left Councilman Henon, to my left
7 Councilman Greenlee, to my right Majority
8 Leader Jones, and to my far right
9 Councilwoman Jannie Blackwell.

10 Will the Clerk read the title
11 of the bills.

12 THE CLERK: Bill No. 120655, an
13 ordinance amending The Philadelphia Code
14 to impose certain requirements on
15 exterminators of honeybees, including
16 certain training requirements, all under
17 certain terms and conditions.

18 Bill No. 150472, an ordinance
19 amending Section 9-1306 of The
20 Philadelphia Code, entitled "Special
21 Inspection Agencies and Special
22 Inspectors," and Subsection A-902,
23 entitled "Building, Fuel Gas and
24 Mechanical Code Fees," to further provide
25 for the registration of special

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2 inspection agencies and special
3 inspectors, qualifications for such
4 registrations and duties of agencies and
5 inspectors; and to authorize the
6 Department of Licenses and Inspections to
7 establish fees for obtaining special
8 inspection certifications; all under
9 certain terms and conditions.

10 COUNCILWOMAN SANCHEZ: Thank
11 you.

12 As the prerogative of the
13 Chair, I'm going to ask Commissioner
14 DiPietro, and we will begin with Bill
15 150472. Commissioner.

16 (No response.)

17 COUNCILWOMAN SANCHEZ: Okay.
18 We'll deal with the honeybees. Come on,
19 Manny.

20 (Witness approached witness
21 table.)

22 COUNCILWOMAN SANCHEZ: State
23 your name for the record and proceed.

24 MR. CITRON: Good morning,
25 Madam Chairwoman, and good morning to the

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2 members of the Committee. My name is
3 Manny Citron. I am the Deputy Chief of
4 Staff in the Office of the Managing
5 Director, and I'm presenting testimony on
6 behalf of the Administration.

7 Bill No. 120655 seeks to create
8 a new section within The Philadelphia
9 Code, Title 9, "Regulation of Businesses,
10 Trades and Professions." The new
11 section, Section 9-633, entitled
12 "Honeybee Extermination Services," would
13 establish regulations pertaining to the
14 extermination and/or removal of honeybees
15 in the City of Philadelphia.
16 Specifically, Bill No. 120655 would
17 require a minimum of two hours of
18 training for an exterminator or other
19 persons performing pest removal services
20 for compensation who wish to exterminate
21 a honeybee hive or honeybee swarm.

22 As written, the City's Animal
23 Control Agency, in this case the Animal
24 Care and Control Team of Philadelphia, or
25 ACCT Philly for short, would be

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2 responsible for administering and
3 enforcing the provisions of this new Code
4 section. Unfortunately, due to a number
5 of factors, the Administration is unable
6 to support Bill No. 120655.

7 Our first concern is that
8 insect remediation is beyond the scope of
9 ACCT Philly. By contract, ACCT Philly
10 was established expressly to manage the
11 City's animal shelter facility and deals
12 primarily with dogs and cats. ACCT
13 Philly also does not have anyone on staff
14 with expertise in pesticide application
15 or with expertise in insect remediation
16 best practices, and there is no current
17 plan to budget for such a position
18 either.

19 The other major concern we have
20 is that the goals in this bill are
21 already covered by existing state law.
22 The Pennsylvania Pesticide Control Act of
23 1973, which is Chapter 128, Pesticides,
24 in the Pennsylvania Code, has established
25 a rigorous state-mandated licensing and

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2 annual certification process that any
3 pesticide applicator must complete. The
4 Penn State Agricultural Extension
5 Services is responsible for administering
6 the tests and providing the study
7 materials, and the tests themselves are
8 scored by the Pennsylvania Department of
9 Agriculture.

10 I have distributed copies of
11 the Pennsylvania Pesticide Applicator
12 brochure that the Committee members can
13 review.

14 A vendor engaged in honeybee
15 extermination services, as defined
16 currently by Bill 120655, would already
17 be required to be certified through the
18 state as a commercial and public
19 applicator, and any of their employees
20 would also be required to be certified as
21 a pesticide application technician.

22 In addition to the licensing
23 requirements, Chapter 128, Subchapter C
24 of the Pennsylvania Code does also
25 require for prior notification of at

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2 least seven days to adjacent properties
3 when pesticides are to be applied.

4 It is the position of the
5 Administration that ACCT Philly is just
6 not the proper agency to administer the
7 proposed regulations of this bill. And
8 also it seems that there are sufficient
9 controls on honeybee extermination
10 services at the state level at this time.

11 I would be happy to answer any
12 questions.

13 COUNCILWOMAN SANCHEZ: The
14 Chair wants to recognize that we've been
15 joined by Councilman Oh, and I will
16 recognize Councilman Jones, the sponsor
17 of the bill.

18 COUNCILMAN JONES: Thank you
19 very much.

20 Good morning, everyone. A few
21 questions. Did you read President
22 Obama's national strategy on honeybees
23 and pollinization?

24 MR. CITRON: No, sir, I did
25 not.

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2 COUNCILMAN JONES: You did not?

3 Do you realize that there is a national
4 emergency about the non-lethal removal of
5 honeybees?

6 MR. CITRON: I take your word
7 for it, sir. I was not aware that there
8 was. I am aware of the colony collapse
9 syndrome, which is referenced on the
10 first page of the bill language. Our
11 concern is that --

12 COUNCILMAN JONES: I didn't ask
13 you what your concern was. I asked you
14 did you know about the report. You said
15 no. Let me ask you another question.

16 MR. CITRON: Yes, sir.

17 COUNCILMAN JONES: How many
18 beehives have been removed by
19 exterminators in the City of Philadelphia
20 last year?

21 MR. CITRON: I do not have that
22 information. That is not something that
23 would be tracked currently.

24 COUNCILMAN JONES: Okay.
25 You're representing the Administration's

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2 position --

3 MR. CITRON: Yes, sir.

4 COUNCILMAN JONES: -- on this
5 bill.

6 Sixty percent of the parkland
7 in the City of Philadelphia is in the 4th
8 Councilmanic District, including
9 Schuylkill Nature Center, including
10 several beehives around, and guess what?
11 I wasn't born green, meaning an
12 environmentalist, but when you represent
13 that type of population and diversity,
14 you have to quickly learn what is going
15 on and what the potential impacts are in
16 Manatawna Farms and in Saul. If we do
17 not get this, our entire food production
18 is actually in jeopardy.

19 So we're trying to save the
20 spotted owl and we're trying to save, you
21 know, different species of animals. If
22 there was one animal that we really need
23 to take a look at, it is the honeybee,
24 because they provide a way for
25 pollinization to make sure that we eat.

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2 So let me just give you a few
3 facts since you did not read it.

4 Fifteen billion dollars worth
5 of crops depend on honeybees, and we're
6 talking about not just Philly, because
7 we're not really an agricultural city.
8 However, if you go right to Bucks,
9 Montgomery and other counties and even in
10 Jersey, they rely on this pollinization
11 process to supply us.

12 If we are going to be the
13 greenest city in America, which the
14 Administration says we need to be, then
15 the object a part of that is to move food
16 fewer miles to its point of sale, which
17 this is a part of.

18 To remove bees non-lethally,
19 which is usually by smoke and other
20 means, allows for those bees, that
21 colony, to live and for them to continue
22 on their worthwhile effort.

23 Now, keep in mind, I'm a poor
24 boy from West Philly and I really,
25 really -- this is not my wheelhouse of

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2 information, but when the President of
3 the United States takes the time to say
4 that there's a problem, I think the City
5 of Philadelphia should listen.

6 So here's what I'm going to do.
7 I know you're the messenger, and I'm not
8 going to shoot you. I get it. They sent
9 you because they weren't going to stand
10 up and do this. And we have a lot of
11 things that we're going to deal with
12 today. So I'm going to ask the Chair to
13 hold this so that you can read the
14 report, so that the City can come up with
15 a strategy, because don't tell me that
16 the entire \$15 billion industry should be
17 in jeopardy because we don't have
18 somebody that can administer looking at
19 exterminators to make sure they're
20 certified in non-lethal means of removing
21 the bees.

22 So for me, my committee that
23 I'm with and the bees, I want you to go
24 read that report, and we will table this
25 until you do. But you will not get away

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2 a second time with saying that we just
3 don't have anybody that can do this. If
4 it means putting a little more in the
5 appropriations, okay, then ask us to do
6 that, but don't say, well, food
7 distribution isn't that big of a problem.
8 If the President of the United States
9 says it is, I tend to agree with him.

10 Thank you, Madam Chair.

11 COUNCILWOMAN SANCHEZ: Thank
12 you. And save the honeybees.

13 Thank you, Manny.

14 MR. CITRON: Thank you, ma'am.

15 COUNCILWOMAN SANCHEZ: Is the
16 Deputy Commissioner back? There you go,
17 Ralph. I was trying to get you in and
18 out, Ralph.

19 (Witnesses approached witness
20 table.)

21 COUNCILMAN JONES: Madam Chair,
22 I'm going to start a campaign, Save the
23 bees.

24 COUNCILWOMAN SANCHEZ: He came.
25 It was his tie and all.

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2 COUNCILMAN JONES: You didn't
3 even see that.

4 COUNCILWOMAN SANCHEZ:
5 Commissioner.

6 DEPUTY COMMISSIONER DiPIETRO:
7 Good morning, Chairwoman Sanchez and
8 members of the Committee on Licenses and
9 Inspection. I'm Ralph DiPietro, Deputy
10 Commissioner of the Department of License
11 and Inspection. With me this morning is
12 Ms. Elizabeth Baldwin. She's our
13 Executive Director of Development
14 Services and the City's chief building
15 code official. I'm here to testify today
16 on Bill 150472, which was introduced into
17 City Council by Councilmember Reynolds
18 Brown on May 14th, 2015.

19 Currently, the Pennsylvania
20 Uniform Construction Code and its adopted
21 International Building Code requires that
22 special inspections of certain materials,
23 installation, fabrication, erection or
24 components and connections in complex
25 construction projects be performed by

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2 individuals with specific qualifications
3 in those aspects of construction. These
4 third-party special inspectors must be
5 hired directly by the owner to oversee
6 the critical aspects of construction and
7 report to the Department any deficiencies
8 observed during the work.

9 In 2014, City Council had the
10 foresight to extend the special
11 inspection provisions of the
12 International Building Code to include
13 demolitions of large buildings. Bill No.
14 130691 introduced by Councilmember
15 Quinones-Sanchez and Bill No. 130685
16 introduced by Councilmember Blackwell
17 modified the Pennsylvania Uniform
18 Construction Code for Philadelphia and
19 established a special inspection
20 requirement to serve as a site safety
21 monitor for complex demolition projects
22 to further improve public safety related
23 to demolition activities.

24 In implementing this important
25 legislation, the Department uncovered

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2 some minor deficiencies in the Code
3 language and some inconsistencies in the
4 application of these new Code provisions
5 with existing Code provisions in the
6 International Building Code.

7 We believe the technical
8 revisions proposed in Bill No. 150472
9 being considered today will allow the
10 Department to properly implement the
11 changes originally envisioned by previous
12 legislation and apply these Code
13 provisions to other types of special
14 inspections already required by the
15 International Building Code.

16 The technical changes include
17 the following:

18 A change to more clearly
19 establish the difference between a
20 special inspection agency and an
21 individual who performs a special
22 inspection and a change to allow the
23 Department to establish regulations
24 detailing the qualification of
25 individuals performing special

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2 inspections of other aspects of
3 construction currently required by the
4 International Building Code.

5 Thank you for the opportunity
6 to testify here today on Bill No. 150472,
7 and of course I'm happy to answer any
8 questions you may have.

9 COUNCILWOMAN SANCHEZ: Did you
10 want to add anything?

11 MS. BALDWIN: No.

12 COUNCILWOMAN SANCHEZ: Any
13 questions from the Committee?

14 (No response.)

15 COUNCILWOMAN SANCHEZ: Seeing
16 none, that concludes the public hearing
17 of the Committee on License and
18 Inspection. We will now go into our
19 public meeting.

20 As stated earlier, Bill No.
21 120655 will be held to the call of the
22 Chair. Save the bees.

23 And I'm going to ask Councilman
24 Greenlee for a motion on Bill 150472.

25 COUNCILMAN GREENLEE: Thank

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2 you, Madam Chair. I move that Bill No.
3 150472 be reported out of this Committee
4 with a favorable recommendation and that
5 the rules of Council be suspended to
6 allow for first reading at our next
7 session of Council.

8 (Duly seconded.)

9 COUNCILWOMAN SANCHEZ: All in
10 favor?

11 (Aye.)

12 COUNCILWOMAN SANCHEZ: Any
13 opposed?

14 (No response.)

15 COUNCILWOMAN SANCHEZ: Seeing
16 none, Bill No. 150472 will be moved out
17 of this Committee with a favorable
18 recommendation and, further, a rules
19 suspension to allow first reading at our
20 next public session.

21 Thank you. This concludes our
22 meeting. Thank you.

23 (Committee on Licenses and
24 Inspections concluded at 9:20 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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