

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING AND PUBLIC MEETING BEFORE THE
4 COUNCIL COMMITTEE ON LICENSES AND INSPECTIONS

5 - - -
6 Room 400, City Hall
7 Philadelphia, Pennsylvania
8 Tuesday, 10/16/01
9 10:18 a.m.
10 - - -

11 BILL 010257 - Amending Chapter 10-100 of The
12 Philadelphia Code relating to animals by adding a
13 new Section 10-104.2 entitled "Restraining of Dogs."

14 BILL 010498 - Adding a new Chapter 9-2500 to
15 Philadelphia Code, entitled "Fire Suppression
16 System Workers" providing for examination and
17 certification of fire suppression system workers
18 and permitting of fire suppression system
19 apprentices; prohibiting performance of fire
20 suppression work without necessary certification
21 and/or permit; and providing for all penalties.

22 BILL 010555 - Amending Title 9-2500 of the
23 Philadelphia Code, entitled "Regulation of
24 Businesses, Trades and Professions," by amending
25 the provisions of Section 9-618 relating to the
sale of spray-paint containers and indelible
markers to include the sale of etching acid and to
make certain technical changes.

18 PRESENT: COUNCILMAN RICHARD T. MARIANO, Chair
19 COUNCILMAN MICHAEL A. NUTTER, Vice Chair
20 COUNCILWOMAN BLONDELL REYNOLDS BROWN
21 COUNCILMAN FRANK DICICCO
22 COUNCILMAN ANGEL ORTIZ
23 COUNCILMAN FRANK RIZZO

21 - - -
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2 COUNCILMAN MARIANO: The committee on L&I
3 would like to bring this public hearing to order.
4 Presently we have myself, the Chairman, Councilman
5 Frank Mariano; Vice Chairman Councilman Nutter;
6 Councilwoman Blondell Reynolds Brown; Councilman
7 DiCicco; and Councilman Rizzo.

8 Will the clerk read the title of Bill
9 010498.

10 THE CLERK: An ordinance adding a new
11 Chapter 9-2500 to the Philadelphia Code, entitled
12 "Fire Suppression System Workers"; providing for the
13 examination and certification of fire suppression
14 system workers and the permitting of fire
15 suppression system apprentices; prohibiting the
16 performance of fire suppression work without the
17 necessary certification and/or permit; and providing
18 for all penalties; all under certain terms and
19 conditions.

20 COUNCILMAN MARIANO: Otis Haigler is going
21 to testify first. Mr. Haigler's from L&I.

22 (Witness comes forward.)

23 COUNCILMAN MARIANO: State your name and
24 your official title.

25 MR. OTIS: Good day, Councilman Mariano

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2 and members of the committee. I am Otis Haigler,
3 Jr., Legislative Regulatory Affairs Manager for the
4 Department of Licenses and Inspections. Today I am
5 here to provide testimony on Bill 010498, which, if
6 enacted, will regulate individuals who perform work
7 on fire suppression systems.

8 As the department which is responsible for
9 enforcing laws really to public safety, we support
10 the concept of training and having performance
11 measures to ensure that qualified individuals
12 perform work on life safety systems. The goals and
13 merits of this bill commendable and, if enacted, the
14 Department will do everything in its power to
15 enforce the provisions of the bill.

16 That said, in order to effectively
17 administer and enforce the provisions of the bill,
18 we have estimated that we will need an increase in
19 our current budget.

20 Presently, the Department licenses
21 companies that employ at least one individual who is
22 certified to perform fire suppression work. We
23 currently have 480 companies licensed by the City to
24 perform this work. The proposed bill will require
25 that all employees within a company be certified or

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2 enroll in an apprenticeship program prior to doing
3 such work. This requirement applies both to new
4 companies and retroactively to assist the companies,
5 which will have to meet the requirements within 180
6 days after enactment of the ordinance -- and from my
7 understanding, it's going to be a full year.

8 Also, there is a requirement that the
9 Department will have to provide photo identification
10 to all individuals who are certified and that the
11 individual must carry the identification at all
12 times on the job site. The Department currently
13 does not have the equipment or the computer
14 technology in place to issue photo identification.
15 This will also have to be factored into the cost of
16 administering the certification program.

17 We have estimated that the start-up cost
18 for enforcing and administering the certification
19 program will be \$250,000, and the annual maintenance
20 cost will be \$200,000. The cost includes the
21 additional personnel and equipment needed to
22 administer and enforce the program.

23 Thank you for the opportunity to provide
24 this testimony on behalf of the Department. I will
25 be happy to answer questions at this time.

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2 COUNCILMAN MARIANO: Thank you,
3 Mr. Haigler.

4 Are there any questions from the committee
5 for Mr. Haigler?

6 Councilman Nutter.

7 COUNCILMAN NUTTER: Thank you,
8 Mr. Chairman.

9 Mr. Haigler, I know your testimony says
10 that if the bill is enacted, you'll do everything in
11 your power to enforce the provisions. You also tell
12 us later on that you need \$450,000 to administer
13 both the certification program and the annual
14 maintenance cost. I don't know what the maintenance
15 cost is, but tell me a little bit about some of the
16 provisions with regard to the 180 days for new
17 companies and the retroactive enforcement for the
18 existing companies. How long does it take someone
19 to become certified? who does the certification? how
20 do we know that they've become certified? And tell
21 me a little bit more about how this will all
22 function.

23 MR. OTIS: Currently, under our current
24 provisions of our fire prevention code, we have in
25 place certification requirements for fires

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2 suppression system contractors. We currently have
3 480 companies that are certified, and the City
4 contracts out the testing of those individuals to a
5 private testing agency. They actually give the
6 test, we administer --

7 COUNCILMAN NUTTER: Hold on for a second.

8 MR. OTIS: Yes, sir.

9 COUNCILMAN NUTTER: These various
10 companies, now, what do they do? They end up under
11 contract to the various buildings around?

12 MR. OTIS: That is correct.

13 COUNCILMAN NUTTER: And the buildings have
14 to show that their system has been tested?

15 MR. OTIS: That is correct.

16 COUNCILMAN NUTTER: And then they get
17 what, a certification that "X-Y-Z Company," which is
18 certified by the City based on information you get
19 from whoever tests their people --

20 MR. OTIS: That's correct.

21 COUNCILMAN NUTTER: -- and says that their
22 system is in working order?

23 MR. OTIS: The companies that are
24 certified, they actually install the systems, and
25 they're the only ones that are allowed to take out

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2 the permits to install fire suppression systems on
3 an annual basis, as you stated. The owners of the
4 buildings would have to contract with one of these
5 companies in order to test their system.

6 COUNCILMAN NUTTER: Okay. And so -- okay.
7 Okay, so tell me a little bit about the training:
8 What's involved? what does it cost? All of those
9 kinds of issues.

10 MR. OTIS: As under the proposed bill,
11 there would have to be an apprenticeship program
12 that individuals who have not met the current
13 requirements of the bill -- the bill requires that
14 individuals have at least 10,000 hours of work or
15 training experience as well as 900 classroom hours,
16 in-class hours prior to becoming certified.

17 COUNCILMAN NUTTER: What are the present
18 requirements?

19 MR. OTIS: The present requirements? The
20 present requirements is that they would have to have
21 work experience; we don't put a particular number on
22 the amount of work experience, I don't believe. And
23 they have to pass the certification testing that's
24 administered by a private testing agency and present
25 those qualifications to the Department in order to

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2 be certified.

3 Professional engineers who are licensed or
4 registered by the State of Pennsylvania as a
5 professional engineer's who's registered in fire
6 suppression and fire safety work, they're exempted
7 from taking the test as long as they can show us
8 that they do have the professional credentials by
9 the State, and we give them a certification.

10 We have three types of certification under
11 the current requirements. Type 1 deals with fire
12 sprinkler system and fire suppression systems; Type
13 2 deals with hazardous systems, suppression systems;
14 and Type 3 deals with fire extinguishers.

15 COUNCILMAN NUTTER: Now, what does 10,000
16 hours of documented practical experience and 900
17 hours of classroom and/or shop instruction amount
18 to?

19 MR. OTIS: I really can't -- I really
20 don't know. That's under the proposed requirements.
21 I really don't -- I can't answer that. Maybe the
22 individuals who will come up to testify after me,
23 they could probably answer that.

24 COUNCILMAN NUTTER: Okay, all right.
25 Well, who actually will run the apprenticeship

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2 program?

3 MR. OTIS: It says under the bill that the
4 apprenticeship and training council -- the State
5 Apprenticeship and Training Council, established
6 pursuant to the apprenticeship and Training Act, and
7 it's on the first part under the definition.

8 COUNCILMAN NUTTER: Okay.

9 COUNCILMAN MARIANO: Councilman, I think
10 when the other witnesses come up, I think they're
11 going to have all of the answers for all of your
12 questions.

13 COUNCILMAN NUTTER: Oh, okay.

14 COUNCILMAN MARIANO: They're from the
15 industry, they know all about this.

16 COUNCILMAN NUTTER: Mr. Haigler, what are
17 you going to do about the \$450,000 with regard to
18 L&I? And tell me about the 180 days and what, if
19 any, impact that would have on a company's ability
20 to be in compliance.

21 MR. OTIS: Well, under the provisions of
22 the current -- or the proposed bill, there is a
23 provision in here, and if you can just give me a
24 minute to find that.

25 COUNCILMAN NUTTER: Oh, okay.

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2 MR. OTIS: That would be on Page 5 of the
3 bill, under Section 9-2507. It talks about the
4 grace period for transition to full certification
5 and permitting requirements.

6 Under the first subsection there, it says
7 that no person shall be required to possess any
8 certificate or permit mandated by the Chapter for
9 the first 180 days from the effective date of this
10 chapter. And during the period from 181 days after
11 the effective date of this chapter through one year
12 after the effective date of this chapter, no person
13 shall be required to possess any certificate or a
14 permit mandated by this chapter provided he or she
15 has submitted the necessary certificate or permit
16 application within 180 days of the effective date of
17 this chapter.

18 I'm not exactly sure how to interpret
19 that. Again, that's the -- the gentlemen who are
20 behind me, I think, can --

21 COUNCILMAN NUTTER: That sounds like if
22 you apply -- for the first 180 days, you don't have
23 to do anything. From 181 and beyond, you don't have
24 to have a certificate or a permit as long as you
25 have applied for one.

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2 MR. OTIS: Okay

3 COUNCILMAN NUTTER: Is that correct?

4 MR. OTIS: It appears to be that way.

5 COUNCILMAN MARIANO: Councilman, how about
6 if I bring up the people from the industry that
7 helped us write this bill. I think maybe they'll
8 have all of the answers to your questions.

9 COUNCILMAN NUTTER: Okay.

10 (Witnesses come forward.)

11 COUNCILMAN MARIANO: Mr. Miller, state
12 your name for the record, both of youse, and your
13 business. And maybe you can help Mr. Haigler with
14 the questions. Although he's testifying for the
15 City and you're testifying for the industry, I think
16 you guys know -- Mr. Miller, grab a chair and sit
17 next to Mr. Haigler.

18 COUNCILMAN NUTTER: And while they're
19 coming together, I mean, I would certainly say,
20 notwithstanding whatever the questions are, and I
21 respect the gentlemen and their answers, whatever
22 they may be, I mean, obviously fire suppression and
23 the qualification of workers involved is a very
24 serious issue. We've unfortunately experienced a
25 couple very tragic situations here in past years.

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2 I'm just not questioning whether we need to have
3 people certified or not; I'm just trying to
4 understand the mechanics of what it is that we're --

5 COUNCILMAN MARIANO: Can you guys say your
6 names and your business for the record and then you
7 can jump in here.

8 MR. MILLER: My name's Wayne Miller, and
9 I'm from the Sprinkler Fitters Union.

10 COUNCILMAN MARIANO: And you're the
11 business manager for the sprinkler fitters?

12 MR. MILLER: I'm the business manager for
13 the sprinkler fitters, yes.

14 MR. WAITES: My name is Jared Waites (ph.)
15 and I'm counsel for the sprinkler fitters.

16 COUNCILMAN MARIANO: All right, thank you.

17 COUNCILMAN NUTTER: The first gentleman
18 was Wayne Miller?

19 COUNCILMAN MARIANO: The first gentleman
20 was Wayne Miller.

21 COUNCILMAN NUTTER: Right, 692, okay.

22 MR. MILLER: My name's Wayne Miller and
23 I'm the business manager of the Sprinkler Fitters
24 Local 692.

25 (Sound system difficulties.)

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2 COUNCILMAN NUTTER: Do you know anyone in
3 the acoustics industry? Maybe they can come in
4 after this hearing.

5 Go ahead, I'm sorry.

6 MR. MILLER: And I've held this post since
7 2000, but prior to that, I was a business agent
8 since 1990, and I started in the sprinkler business
9 in 1974.

10 Our main thing is promoting and improving
11 quality of safety in the sprinkler industry; it's
12 been a personal priority of mine since I've taken
13 office. Also, our internationals have asked us to
14 get involved and have our men licensed in this
15 field. The purpose --

16 COUNCILMAN NUTTER: I'm sorry, to have who
17 licensed?

18 MR. MILLER: To have a sprinkler fitters's
19 license -- certified, I should say, instead of
20 license.

21 The proposed bill establishes specific
22 training and testing requirements for all persons
23 working on sprinkler systems. This would apply to
24 the men and women in our city who install, repair,
25 service, and maintain our sprinkler systems, which

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2 basically consist of stand pipes, pumps, valves, and
3 sprinkler heads.

4 The bill builds on the existing licensing
5 and certification requirements now in place in the
6 City prevention fire code, but the current
7 requirements generally apply only to sprinkler
8 fitters contractors, not to the men. I'd like to
9 explain that.

10 Mr. Haigler said that some -- one man in
11 each company is licensed, okay? What happens is
12 that to be a fire suppression contractor, you have
13 to have one guy in your company that is licensed to
14 pull permits and so forth and so on. That does not
15 mean that that guy that has the certificate for fire
16 suppression contractor is an installer whoever
17 worked on a sprinkler system; that's just to have
18 the company be able to pull permits and so on.

19 COUNCILMAN NUTTER: Does that person have
20 any overall responsibility to either inspect that
21 job or sign off on that job in putting their, I
22 guess, credential, if you will, or their stamp of
23 approval, name, recommendation on that job as having
24 been done according to code or specification?

25 MR. MILLER: No. All that does is give

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2 the company -- you have to be a licensed suppression
3 contractor in the City of Philadelphia in order to
4 pull permits. That individual does not -- he could
5 be an estimator, he could be a salesman. It doesn't
6 necessarily mean he has any experience working with
7 the sprinkler --

8 COUNCILMAN MARIANO: I think Mr. Haigler
9 wants to add something to that.

10 MR. OTIS: I have to add too that as a
11 person who has direct responsibility for enforcing
12 that when I was a co-compliance specialist reviewing
13 plans for fire suppression work as well as the chief
14 of the commercial industrial fire unit that dealt
15 with the actual looking at the credentials and
16 sending out inspectors to inspect after the
17 contractors, the person who does take out the
18 permit, they are held responsible for the work
19 that's performed under the permit. The company
20 itself has to have a minimum of \$1 million liability
21 insurance and meet all of the other requirements.

22 Now, it does not say that all of the other
23 individuals have to be certified, but whoever works
24 for that company, they assume responsibility for
25 their employees that perform the work, and the City

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2 actively goes after the individual.

3 COUNCILMAN NUTTER: Just clear this up for
4 me, Mr. Haigler. Mr. Miller was laying out -- and I
5 could certainly see where this would be the case.
6 Just tell me whether or not the person who is
7 certified -- who is the certified person for
8 "Company X," they go and pull the permits for the
9 job. Is there any requirement presently that that
10 person who is the certified person, who is allowed
11 to pick up the permits, has actually worked on the
12 particular job that those permits are being pulled
13 for at that time?

14 MR. OTIS: No, sir, but they have to sign
15 off on the paperwork or documentation that's
16 submitted to the City to --

17 COUNCILMAN NUTTER: Is there any
18 requirement that that person ever go to that
19 particular job site during the course of the
20 installation of the fire suppression system for
21 which the person pulled permits?

22 MR. OTIS: No, sir, there's no particular
23 requirement that they have to actually be there.

24 COUNCILMAN NUTTER: So all we require is
25 that the person pull the permits, the job gets done,

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2 and whether they have to sign some paperwork or
3 something when it's completed showing that from
4 their professional judgment and their certification
5 that everything was done correctly even though
6 there's no actual requirement they actually go in
7 and inspect that job site. They may be in and
8 inspect the job site, but there's no requirement
9 that they go in and inspect the job site. Is that
10 your testimony?

11 MR. OTIS: They have to go in and certify
12 that the system is in operation at the time of
13 completion as well as on an annual basis, and the
14 plans that are submitted to install the systems,
15 they have to be approved by -- they're approved by
16 our engineers in our department and they are also --

17 COUNCILMAN MARIANO: Let me answer on that
18 one and I think Councilman DiCicco's got a question.

19 Councilman Nutter, here's my thing: For
20 those of us who don't know this industry, how do you
21 test a sprinkler system; do you fill it up with
22 water and actually let it spray? I mean,
23 Mr. Miller, can you help us with that of Otis -- I'm
24 sure Otis knows that.

25 What's the difference here? 'Cause I'm

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2 sure if someone's not qualified, that may be the
3 thing.

4 MR. MILLER: Okay, there's a number of
5 different systems, okay? Most people think that
6 sprinkler systems are just water, but that's not the
7 case. There's dry systems, there's pre-acting
8 systems, there's phone systems. There's a number of
9 systems that --

10 COUNCILMAN MARIANO: But, Mr. Miller, a
11 high-rise like Meridian, since we're all familiar
12 with that, that had to have water in it if it worked
13 properly.

14 MR. MILLER: Yes. Okay, that's a wet
15 system, okay, which means it has water in it all the
16 time, that there's no chance of freezing. So what
17 you would do is that each individual floor you would
18 test at 200 pounds per square inch, okay, and you
19 would hold it for two hours, and that constitutes
20 the test on the sprinkler system.

21 Then most of the -- years ago, you used to
22 call up L&I to come out and witness your test, but
23 as time went on, I mean, L&I didn't have a lot of
24 people to get out there, and we would call L&I and
25 say, Look, we're doing a test on such-and-such a

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2 (inaudible), and they would say to us, Are you doing
3 a test? is it done right? and so forth and so on.
4 And we would tell 'em who we were, yes, it's done
5 right, and they wouldn't come out.

6 But yeah, you have to have hydrostatically
7 tests on all different systems.

8 COUNCILMAN DICICCO: Could I follow up,
9 Mr. Chairman?

10 COUNCILMAN MARIANO: Sure.

11 COUNCILMAN DICICCO: There are a number of
12 points I want to go into, but let's take that last
13 thought.

14 A test is performed on the system, whether
15 it be the wet system or the dry system.

16 MR. MILLER: Correct.

17 COUNCILMAN DICICCO: Who performs that
18 test?

19 MR. MILLER: The installer, the sprinkler
20 fitter.

21 COUNCILMAN DICICCO: The installer. Is
22 that installer required to be certified, the person
23 who's conducting the test?

24 MR. MILLER: Right now, no.

25 COUNCILMAN DICICCO: No. Is it -- and

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2 maybe, Otis, you might be able to answer this
3 better. I know that when you do electrical work in
4 a building, as an example, someone pulls the permit,
5 but before the job is closed up, an inspection is
6 done and/or an underwriter signs off, guaranteeing
7 that the work has been performed correctly, even
8 though a licensed electrician may have pulled the
9 permit; is that correct?

10 MR. OTIS: And that's the same thing. A
11 license electrician may have pulled the permit but
12 that licensed electrician isn't necessarily the
13 person one actually does the electrical work.

14 COUNCILMAN DICICCO: I understand that.

15 MR. OTIS: You're correct, the underwriter
16 agency does come out and do the inspection and sign
17 off on it.

18 COUNCILMAN DICICCO: Do we have a similar
19 set of standards for the fire extinguishing system
20 that we do for electric, as an example?

21 COUNCILMAN MARIANO: Me too, I want to
22 hear that answer. Is there an underwriter for the
23 sprinkler fitter system? 'Cause I know as an
24 electrician, I've done that. The electrician hires
25 the underwriter.

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2 COUNCILMAN DICICCO: My concern --

3 MR. OTIS: At the time the permit is taken
4 out, they have to indicate who their inspection
5 agency is on the permit application.

6 COUNCILMAN MARIANO: Let's think about
7 that, and that's a whole 'nother bill at another
8 time, but if we're hiring the underwriter, I'm the
9 electrician and I need to get this done. I can hire
10 Councilman Nutter or Councilman DiCicco as the
11 underwriter, and I don't like what DiCicco's going
12 to do, but my friend Councilman Nutter is a little
13 nicer underwriter. You know, that's what's wrong
14 with that industry.

15 But for this one, there's no underwriter?

16 MR. MILLER: We have no underwriters. We
17 do the testing ourself and verify it, unless L&I
18 comes out --

19 COUNCILMAN MARIANO: So if anybody's
20 cheating, it's the guys on the job.

21 MR. OTIS: And also -- can I just chirp in
22 for a second here? L&I does spot-check
23 certifications, we do spot-check them as well as if
24 we receive any complaints on the ineffectiveness of
25 the system, we will go out and we will cite the

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2 building owner for having the system certified, as
3 well as we will take action against the contractor
4 if the contractor -- if we determine that the
5 contractor has failed to perform the work that was
6 required by the code. We have done that.

7 COUNCILMAN DICICCO: I'm not so -- and
8 this is just me speaking, obviously. I'm not as
9 concerned with who pulls the permit, because that's
10 kind of normally practice. I mean, you can hire an
11 expediter to go out and pull a building permit for a
12 job that you're doing, but there are different
13 standards for the work that's being performed,
14 whether it be for the carpentry work, the electrical
15 work, plumbing work, what have you, that ultimately
16 someone from L&I will come out and inspect.

17 I'm actually doing a job now with my sons
18 on a conversion, and each of those departments at
19 some point has visited the site and ultimately will
20 be there before the walls start getting closed in.

21 MR. HAIGLER: That's correct.

22 COUNCILMAN DICICCO: And with the
23 electric, there's an electrical contractor who
24 pulled the permit, and even though he's a certified
25 electrical contractor, we can't close the walls in

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2 until an underwriter comes out and signs off.

3 MR. OTIS: That's correct.

4 COUNCILMAN DICICCO: And I'm not certain
5 if all of the people who perform the electrical
6 work, aside from the contractor, the people who work
7 for him are certified.

8 So for me, I don't have that much of a
9 problem with that because I want the ultimate
10 inspection to be guaranteed that the work was done
11 according to code.

12 MR. HAIGLER: Well that's done by our
13 department for fire suppression or any work that's
14 taken out where you need a building permit and you
15 would need a building permit to install fire
16 suppression work. So any work where a building
17 permit is required, our building inspectors actually
18 go out and perform the inspection prior -- and they
19 finalize the permit prior to either occupancy of the
20 building or allowing the work -- to state that the
21 work is completed. They have to finalize that
22 permit. So that's done by our 26 building
23 inspectors.

24 COUNCILMAN DICICCO: So I'm wondering
25 if -- while safety is the obvious concern here, is

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2 it really that necessary for everyone who's on the
3 job to be certified? And why is that? Why would we
4 require every person who's working on the job to be
5 certified as opposed to maybe the contractor and
6 ultimately an underwriter or a final inspection that
7 would guarantee it?

8 MR. MILLER: If I could answer that.
9 First of all, the -- we don't have underwriters,
10 okay? This is a life safety system. We don't
11 have -- the Fire Department has nothing to do with
12 it.

13 The license suppression contractor who has
14 one person in his company that can pull the permits
15 99 percent of the time does nothing with the
16 installation of the work. And the people that do
17 the installation of the sprinkler work should be
18 trained and have the knowledge of a working
19 sprinkler system and not just have the practical
20 experience of pulling permits and maybe doing
21 design. It's a lot different than pulling the
22 permits and having design as to install the right
23 work in the field.

24 And there would be permits for apprentices
25 and you would have to have at least one -- at least

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2 one certificate holder on a job when there's an
3 apprentice, as in most jobs there is.

4 COUNCILMAN DICICCO: Mr. Miller, do you
5 know of any other counties or municipalities that
6 have this as a requirement?

7 MR. MILLER: There's a lot of different
8 states, and in the back of our book that we
9 submitted to the Councilpeople, it lists the states
10 that have requirements for licensing laws --
11 Connecticut, Boston, Wisconsin, and so forth and so
12 on.

13 And there's a lot more states looking into
14 licensing laws.

15 COUNCILMAN DICICCO: I was actually
16 speaking to Pennsylvania initially, I'm sorry.

17 Thank you, Councilman Nutter.

18 Are there counties in Pennsylvania?

19 MR. MILLER: No, there's no counties in
20 Pennsylvania and there's no -- there's just
21 basically state laws in different states.

22 COUNCILMAN DICICCO: Has there been any
23 attempt to address this at the Commonwealth level,
24 the state level?

25 MR. MILLER: Not yet. We're trying to

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2 address --

3 COUNCILMAN DICICCO: I see Mr. Haigler
4 jumping on that one.

5 Okay, Mr. Haigler?

6 MR. HAIGLER: The state recently adopted
7 Act 45 -- I'm not sure if all of the Councilmembers
8 are familiar with that, but it requires that the
9 municipalities have certified individuals who are
10 certified to do any type of work on buildings or
11 inspections of buildings or fire suppression work.
12 It also requires third-party certification for
13 companies that perform any work on buildings, fire
14 suppression systems and so forth and so on.

15 Our inspectors, all of our inspectors in
16 the department, will have to be certified by the end
17 of the year 2003 -- we're working on that right
18 now -- to certify all of our building inspectors,
19 fire -- everybody: Building inspectors, fire
20 inspectors, plans examiners, engineers who may
21 already have a PE, they still have to become
22 certified. All of this has to take place by 2003.

23 This was passed and acted upon by the
24 state. It was last year, and there's an
25 implementation date. We, being a city of the first

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2 class, we've been given till 2003 to actually become
3 in compliance with all of that.

4 COUNCILMAN DICICCO: But that's at the
5 inspection level. I mean, it's not requiring every
6 employee who works for the contractor to be
7 certified.

8 MR. HAIGLER: No, it doesn't. It just
9 does it at the --

10 COUNCILMAN DICICCO: Yeah, and my concern
11 is, while public safety should be paramount to
12 everything, is that we find ourselves possibly again
13 in a situation where we lose the competitive edge to
14 the counties surrounding Philadelphia where they can
15 perform work at less cost to development as opposed
16 to Philadelphia.

17 Now, that obviously shouldn't take
18 precedent over safety, but it's a reality that it's
19 a lot less expensive to do work in the counties than
20 it is in the City of Philadelphia, and this is
21 another situation I think that -- while we'll
22 address it here, I would think that the State, the
23 Commonwealth at the state level is where these types
24 of regulations should be imposed as opposed to just
25 at the municipal level.

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2 But that's just my personal thought
3 because. I think another reason to discourage
4 development in the City of Philadelphia is the cost
5 of doing business here.

6 COUNCILMAN MARIANO: And, Councilman, on
7 that thought, my personal thought -- and I think you
8 know how I feel about this is that after
9 September the 11th, public safety is at the top of
10 the list.

11 COUNCILMAN DICICCO: But in the real
12 world, people who invest money to develop and build
13 will always look at the bottom line, and whether we
14 agree with that or not, the bottom line is the
15 bottom line, and they're going to look to do
16 development and building office space, apartment
17 space, whatever, in a place that their bottom line
18 is going to be greater than it would be in the City
19 of Philadelphia.

20 And, again, I'm not suggesting that we
21 should throw public safety to the wind, but it's a
22 reality that we're dealing with.

23 MR. MILLER: This is a small industry, and
24 this is not going to keep companies or anything from
25 coming into the City.

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2 COUNCILMAN DICICCO: It's one of the
3 pieces to the bigger puzzle that eventually drives
4 development out of the city.

5 MR. MILLER: The thing is that when people
6 put sprinkler system in, it's a life safety system.
7 We seen it with the laws that were passed here on
8 the high-rise bill, when the problems came into
9 effect with that. Now all commercial buildings in
10 the City of Philadelphia are equipped with sprinkler
11 systems.

12 What I'm trying to say is that, you know,
13 a system can be put in and the installer can test
14 it, but six months down the road when they have to
15 go back and maintain system, you still need
16 qualified people to go back there and test that,
17 unlike an electrical system. If the sprinkler
18 system doesn't work, it's not like building a block
19 wall or something. You get one shot, and it has to
20 be right, and you need people who are professional
21 to do this, and you don't need anyone driving around
22 with a truck to throw a shingle on their truck and
23 go out there and take care of life safety systems.

24 Sprinkler systems are intricate; they're
25 not just what you see. All's you see is the end

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2 product up there, you see the head; you don't see
3 what goes into that, you don't see what the training
4 takes for a journeyman sprinkler fitter. It's a
5 five-year training program. This is not something
6 that --

7 COUNCILMAN DICICCO: I agree with what
8 you're saying and I support and defend the position
9 of L&I. Where most people this think that it's
10 intrusive and cost-prohibitive to pull a permit,
11 they don't realize what really goes into the cost of
12 that permit, that it pays the salaries and
13 administrative costs for us to make certain that
14 buildings are built safely, whether it's fire safety
15 systems, whether it's electric, and I think electric
16 could be just as important because you may not need
17 a sprinkler system if the electrical work is
18 functioning properly. If you have a malfunction in
19 the electrical system, that's the cause of the fire,
20 and then ultimately, you need the sprinkling system.

21 So, you know, where does it begin? You
22 know, I think it begins at the first stage where the
23 building permit is pulled out, the examination that
24 goes through the Department of L&I and the various
25 other departments that sign off to the plans and the

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2 follow-up inspections during the progress of that
3 building being built so. So I think they're all a
4 part of the big puzzle that provides for public
5 safety.

6 And, again, I'm not throwing this to the
7 wind that because of the cost, we shouldn't be
8 concerned with public safety. I think in the scheme
9 of things that this case should actually be made --
10 in addition to being made here, should be made at
11 the state level, and I would be supportive of that
12 and whatever I could do to --

13 MR. MILLER: We agree with that, but the
14 first step is we're coming here to the City to get
15 it done.

16 The sprinkler system a unique system. You
17 know, you get one shot. You can't take chances with
18 the sprinkler system; you get one shot and that's
19 it.

20 COUNCILMAN DICICCO: I understand that,
21 and I'm not suggesting that --

22 MR. MILLER: That's what makes it a unique
23 system.

24 COUNCILMAN DICICCO: Thank you.

25 COUNCILMAN MARIANO: Mr. Miller, let me

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2 ask you a question -- if you're done, Councilman,
3 I'm sorry.

4 The Meridian fire, that's the one for us
5 that aren't, you know, educated in this industry,
6 it seems to keep coming back and haunting us, and I
7 know I talked to Mr. Haigler about this a littler
8 before. Was there something the matter with -- why
9 didn't them sprinklers work there? If everyone was
10 licensed, do you think that that would have
11 happened, or is there something you can enlighten us
12 on with that? Like, we don't know all the
13 technology and we don't understand, you know, the
14 nomenclatures for sprinkler systems, why they work.
15 I just need 'em to work when they got to work.

16 MR. MILLER: There's a lot of contributing
17 factors to the Meridian fire. I don't profess to be
18 an expert on that. The system in the Meridian fire,
19 you have stand pipes. Stand pipes run up through
20 your building. That's an express line of water
21 going up through the building. You have hose valves
22 on these risers, which the firemen hook up to to
23 fight the fire. These hose valves on the Meridian
24 fire are called "pressure-reducing valves."

25 Because you need such a great amount of

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2 pressure at the bottom of the riser to pump up to
3 the top of the building, you have a great amount of
4 pressure. So you have to restrict that pressure on
5 the bottom floors and all of the floors as you go up
6 and have an orifice on the bottom that's open like
7 this, and at the top of the high-rise, the orifice
8 would be like that.

9 What happens in a pressure-reducing valve,
10 they must be set, okay? You're taught as a
11 sprinkler fitter to learn how to set
12 pressure-reducing valves, and that's the first rule
13 of thumb as you go up.

14 Evidently, from my understanding, the
15 pressure-reducing valves on the floors were not
16 safe. The fireman didn't get any water out of the
17 restrictive orifices there.

18 So what happens is that on the ninth
19 floor -- on the 30th floor, there was a sprinkler
20 system installed by competent people who did the
21 job. That fire couldn't be fought with the Fire
22 Department; it was 22 stories up. You have a
23 difficult time fighting a fire over seven stories.
24 You can't get the water up the hose and so forth and
25 so on. Nine sprinkler heads put that fire out,

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2 which they figure would burn out through the
3 building.

4 But the thing is that if you're a trained
5 sprinkler fitter, you know there's a few things in
6 the sprinkler industry that you do. You never leave
7 the building without having the water on that; it's
8 a sacrilege, okay, in the sprinkler system.

9 And setting pressure-reducing valves is
10 another main purpose of a sprinkler fitter. It's
11 from training. You just can't have people that are
12 taken off the street that can go in and do these
13 jobs. We have to look at that.

14 You know, we've been fortunate in
15 Philadelphia. We have inspectors -- sprinkler
16 fitters go out and do inspections, okay, and they
17 catch a lot of the things that maybe a shoddy
18 company may have put in. You never hear anything
19 about it; it's just taken care of.

20 But there's also been things in the City
21 of Philadelphia that were problems, and I can give
22 you an example. You have the Churchview Apartments
23 where falsification of records were done and the
24 system was never hooked up, and the building burned
25 down these.

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2 We need these things. These are things
3 that happen every day but they're not caught and
4 they're not publicized. But it's an accident
5 waiting to happen.

6 Our main concern is fire prevention, is
7 the prevention of fires; that's what it's all about.
8 And when you have well-trained people to do that,
9 you can do it. I can go through it -- the VA
10 Hospital --

11 COUNCILMAN MARIANO: You know, you got all
12 of your information, you know, I mean, besides being
13 the business manager of the sprinkler fitters, you
14 went to an apprenticeship and it was the
15 Apprenticeship Training Council certified by the
16 State.

17 MR. MILLER: Yes.

18 COUNCILMAN MARIANO: And that's where this
19 bill is aiming to, to make sure that everyone's
20 trained.

21 MR. MILLER: Our bill is comparable to the
22 State. We have 10,000 hours of actual work
23 experience and 900 hours of classroom. We will
24 reduce that, that's going to be an amendment. It's
25 going to be 8,000 hours and 800. That's the

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2 standard for an approved apprentice program in the
3 state of Pennsylvania. That's where we take our cue
4 from and that's on prevailing-wage jobs and
5 different things like that that you have to have
6 these hours.

7 COUNCILMAN MARIANO: Mr. Haigler, did you
8 want to add something to something Mr. Miller said?

9 MR. HAIGLER: I just would like to agree
10 with my table mate here on the importance and the
11 situation.

12 There were a lot of lessons learned by the
13 City as well as the nation after the Meridian fire.
14 There were a lot of studies done and there were a
15 lot of new laws that came out after the Meridian
16 fire. One of the laws that we've adopted here in
17 Philadelphia is that the pressure-reducing valves
18 that were indicated, we no longer permit those on
19 the system so that they can't be regulated. If the
20 system does not produce at least 175 pounds per
21 square inch, they're no longer even permitted on the
22 system. And that's primarily for Fire Department
23 use.

24 So there were a lot of things that were
25 learned after the Meridian fire, and the laws have

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2 changed considerably to address some of the problems
3 that precipitated -- that happened after the
4 Meridian fire or during the Meridian fire.

5 COUNCILMAN MARIANO: Thank you.

6 MR. MILLER: Can I say one thing. I don't
7 want to interrupt.

8 Going back to Mr. Haigler's report here,
9 as Mr. Haigler said, the pressure-reducing valves
10 are going to be eliminated. Okay, Mr. Haigler
11 didn't tell you the reason why pressure-reducing
12 valves are going to be eliminated. The reason why
13 pressure-reducing valves are going to be eliminated
14 is because of the pressure that a head can take.
15 Heads were only tested at 125 pounds per square inch
16 before. Now they're tested at 300 pounds per square
17 inch. So you don't have to restrict the water going
18 in there. This is part of training that we give
19 our -- a first (indiscernible)apprentice knows these
20 things that we deal with.

21 But one other thing is that with these
22 qualifications, we have better trained people,
23 better trained installers. Better trained people in
24 the field is what makes us and makes people more
25 qualified. And that's the important thing here, in

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2 my opinion.

3 COUNCILMAN MARIANO: Thank you.

4 Councilman Ortiz?

5 COUNCILMAN ORTIZ: Yes. Thank you.

6 Mr. Chairman. Sorry, I'm late; I was at another

7 meeting.

8 But I read your testimony and it reads

9 as -- do we currently allow people to install these
10 systems that are not qualified?

11 MR. HAIGLER: No, sir, I don't believe so.

12 We allow -- the companies themselves, they have to
13 take an examination. The individuals -- we talked
14 about this earlier. The individuals who work for
15 the company, the company assumes responsibility for
16 their employees, they assume the responsibility for
17 the workmanship of their employees, they assume the
18 responsibility to ensure that whoever they hire,
19 it's their responsibility to make sure that those
20 people are qualified who work under their licenses
21 and certifications.

22 And if they don't, well, there are certain
23 things that the company has to assume. They have to
24 assume liability because they are the ones who are
25 insured to assume that liability as well as their

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2 credentials are at stake. So if something is found
3 to be wrong, we can suspend or revoke their
4 credentials to perform that work.

5 COUNCILMAN ORTIZ: So currently, the City
6 and L&I currently has quality controls to ensure
7 that sprinkler systems meet all of the requirements
8 at the state and federal levels and city levels?

9 MR. HAIGLER: The quality controls are
10 that to install a system, you have to apply for
11 permits, you have to submit plans, those plans are
12 reviewed by our engineers. Then after that, the
13 systems are installed. And before the permits are
14 signed off on by our inspectors, our inspectors will
15 have to go out and verify that whatever was done and
16 approved on the plans actually exist in the
17 building, and the sprinkler contractor himself would
18 have to certify himself to the Department in writing
19 that the system was operable at the time of
20 occupancy of the building. And on an annual basis,
21 the system is tested and retested and recertified to
22 ensure that it still works and meets the standards
23 that it was when it was first installed.

24 COUNCILMAN ORTIZ: Besides the cost to the
25 Department, do we have any idea -- and I don't know

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2 if my colleague Frank DiCicco has asked this. Do we
3 have any idea of how much doing this will add to
4 something like that new Rouse tower that is going up
5 in terms of cost and expenses to --

6 MR. HAIGLER: I can't answer that.

7 COUNCILMAN MARIANO: I'm not an expert,
8 but there's no extra cost 'cause they have to have
9 sprinklers in the new tower anyhow. What this does
10 is, the cost is passed -- and correct me if I'm
11 wrong. It's passed on to the industry, it's passed
12 on to the guy who wants to take the test.

13 COUNCILMAN ORTIZ: The way it works is
14 that in capitalism, it's usually passed on to the
15 taxpayers, or in some other way, it's passed on to
16 the consumers. And I don't see a developer taking a
17 whack on this, and I just would like to know if all
18 of the economic factors that entail within the bill,
19 you know, because I know that there is some
20 organizational aspects for L&I, and I'd just like to
21 find out from those in the business other than the
22 union that -- what would be the cost that may be
23 added on or tacked on to any new buildings that
24 are -- if there is any. If there isn't any, you
25 know, I would like to find that out too.

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2 COUNCILMAN MARIANO: But, Councilman, I
3 think the union and the union's lawyer here -- I
4 mean, he's a union representative but he's a
5 sprinkler fitter and he works every day. It's not
6 union against the guys that build the building; they
7 work together in a partnership.

8 COUNCILMAN ORTIZ: I understand that.

9 COUNCILMAN MARIANO: But Mr. Miller here,
10 his company -- and this is just for everybody's
11 information, and you can correct me if I'm wrong,
12 Mr. Miller, he's not going to build these
13 building -- Rouse isn't going to build these
14 buildings if it becomes cost-prohibitive.

15 And your example is perfect, that's right,
16 but it gets passed on -- I mean, that's how I
17 understand it. It gets passed on absolutely to
18 whoever is going to take the test, and L&I has to
19 hire new people, of course.

20 COUNCILMAN ORTIZ: But I don't see any
21 developer taking any cost, okay?

22 MR. MILLER: There's no developers here or
23 anybody that's against this. This, in my opinion,
24 has no effect on this. It's such a small part of
25 the construction.

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2 COUNCILMAN MARIANO: What's the percentage
3 of the construction job? You know, I mean, no
4 matter if it's a one-story or a 100-story
5 building --

6 MR. MILLER: The sprinkler system is about
7 1 percent of the cost, about the same amount as
8 carpeting in the building.

9 COUNCILMAN ORTIZ: I would like to find
10 out all of the numbers because right now, we're
11 throwing a lot of numbers around in this Council,
12 you know, every day, and I would like to see if
13 anything is going to be tacked on and make any new
14 buildings more expensive to build in Philadelphia
15 than they already are.

16 MR. MILLER: Our position is it's no
17 impact on the cost to developers or anything else.

18 COUNCILMAN MARIANO: Thank you,
19 Councilman.

20 Any other questions for these witnesses?
21 Councilman Rizzo.

22 COUNCILMAN RIZZO: Just to digress for a
23 second, Mr. Haigler. Nationally, there's been a
24 trend, especially in upper-end new construction
25 residential to fit the new construction with the

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2 fire suppression systems.

3 MR. HAIGLER: Correct.

4 COUNCILMAN RIZZO: Are we heading in that
5 direction here? Has there been any discussion or
6 conversation about new construction equipping
7 residential space with fire suppression sprinklers?

8 MR. HAIGLER: Well, under the provisions
9 of our code, we enforce a national code. Our BOCA
10 code is a national code, and under the provisions of
11 that code, any residential, newly-occupied
12 residential occupancy or newly-constructed
13 residential occupancy has to be fully fitted with
14 sprinkler, we do require that under our current
15 building code.

16 COUNCILMAN RIZZO: So if in the City of
17 Philadelphia, a person wants to build a
18 single-family -- or a builder wants to build a
19 single-family 33,000 square foot home, is it
20 required for --

21 MR. HAIGLER: Not for single-family
22 buildings, but for apartments, apartment buildings.

23 COUNCILMAN RIZZO: I'm talking about
24 residential.

25 MR. HAIGLER: Residential could be

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2 anything from a single-family to a high-rise
3 building.

4 COUNCILMAN RIZZO: But the scenario I just
5 described, a single-family 3200 square foot home,
6 it's not in the BOCA code?

7 MR. HAIGLER: It's not required now, no.

8 COUNCILMAN RIZZO: As you are aware,
9 though, there are any communities nationally that
10 are in their local code, even if it's not in BOCA,
11 requiring new construction of single-family
12 duplexes, whatever, to have fire suppression
13 systems.

14 Has L&I looked at that or is there any
15 movement in that direction like other communities
16 throughout Pennsylvania and New Jersey?

17 MR. HAIGLER: Well, Councilman, as of
18 2003, the City will not have the authority to enact
19 codes or laws that may differ from the state,
20 national building codes. We are under the state --
21 under Act 45 mandated all counties in Pennsylvania
22 to enact one code to cover all counties, all areas
23 of Pennsylvania. And the City of Philadelphia being
24 a city of the first class, we have until 2003 in
25 order to enact this code.

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2 COUNCILMAN RIZZO: So you're telling me
3 that if we want to be more stringent than the code,
4 we're prohibited from doing that?

5 MR. HAIGLER: We could be more stringent;
6 we just can't be less stringent. You're correct,
7 that's more stringent, that's correct.

8 COUNCILMAN RIZZO: So my question is: Has
9 L&I looked at requiring new construction to have --

10 MR. HAIGLER: No, we haven't, not at this
11 time, sir.

12 COUNCILMAN RIZZO: You look like you would
13 like to comment on this.

14 MR. MILLER: Again, you're talking about
15 single-family homes, and it's not required. You
16 know, we would support to have that but that's a
17 completely different bill with single-family
18 dwellings and things like that.

19 The main purpose of everything is that the
20 installers of the sprinkler systems are not -- are
21 not certified, and the people that pull the permits
22 are certified, but they don't do the installation.
23 And we need to have the people that do the
24 installation of the sprinkler systems certified.
25 And a well-trained technician is what we need, and

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2 that's our whole --

3 COUNCILMAN RIZZO: Well, I agree that
4 there's nothing better than knowing the issue,
5 knowing the product that you're installing.

6 A situation in my neighborhood where
7 you're talking about a sprinkler, I'm talking about
8 one that's least -- that's less important than the
9 systems that you install is that landscape gardeners
10 think they know how to install sprinkler systems for
11 irrigation, and they don't, they install them
12 improperly. Two of my neighbors told me they had to
13 come back and have a professional company that does
14 irrigation systems come back and straighten out the
15 terrible job that some landscape person thought that
16 they were experts.

17 And I'm sure it's a similar situation --

18 MR. MILLER: That's exactly what I'm
19 talking about. You have a guy that goes out that
20 does lawn sprinklers and then the next thing you
21 know, he want to install sprinklers in a high-rise.
22 He's not qualified. You know, just because he puts
23 in a lawn sprinkler, there's so many different
24 aspects of a sprinkler system. And that's why we
25 need certification for installers. Training and

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2 certifications are the main thing.

3 COUNCILMAN RIZZO: I agree. Thank you.

4 COUNCILMAN MARIANO: Thank you, Councilman
5 Rizzo.

6 Any other questions for our witnesses?

7 Councilman Nutter.

8 COUNCILMAN NUTTER: Mr. Miller, I just had
9 a couple other questions and I appreciate it.

10 You had said something a little while ago
11 in response to one of the questions. As best I can
12 figure out the situation, presently, you have the
13 one person who can has to go out and get the
14 permits, and they have taken a test and they have a
15 certificate; is that correct?

16 MR. MILLER: They take an open-book test
17 to become a licensed supression contractor.

18 COUNCILMAN NUTTER: I should have taken
19 more open-book tests myself.

20 MR. MILLER: Me too. I think I wouldn't
21 be here.

22 COUNCILMAN NUTTER: But not in fire
23 suppression.

24 I guess as I hear the testimony going back
25 and forth, a lot of good points have been raised in

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2 a variety places. I did also have the question as
3 to why everyone, I guess, working on the job had to
4 have the same level of certification. And I did
5 wonder, before that question was asked, why we
6 wouldn't, at a minimum, look to -- and this goes to
7 one of my earlier questions about, does the person
8 who gets the permit, who is the certified person,
9 what I was asking Mr. Haigler, do they have to ever
10 be on that particular job site? And I think the
11 answer was no.

12 MR. MILLER: No.

13 COUNCILMAN NUTTER: But then they have to
14 put their stamp or their name or sign certifying
15 that, you know -- and I don't know how you would do
16 that if you didn't go to the site, but it doesn't
17 mean that you necessarily were there every day and
18 watched the things that were going on, and if
19 someone had a question, they could get the benefit
20 of the certified person's knowledge.

21 So kind of somewhere in the middle of all
22 of this, I guess I wondered, at a minimum, why
23 wouldn't we require that someone on that job be a
24 certified person that has a certificate that is
25 right there at that moment so that if there is a

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2 question or some, how do you do this or is this the
3 best way to do that, we would at least have that
4 situation, which I think doesn't then result in
5 every person being certified but that at least
6 someone on every job site is, and you get some level
7 of protection there.

8 Does that not make sense, or is that --
9 does it provide some level of safety?

10 MR. MILLER: It's a valid question that
11 you bring up. But when you work on a sprinkler
12 project, it's a little different than everybody
13 being (inaudible). What you do is that you could be
14 in different parts of the building doing an
15 installation, and you have to be qualified to do
16 that.

17 COUNCILMAN NUTTER: Right.

18 MR. MILLER: And it's -- this -- because
19 of these life safety systems, everyone that does
20 installation has to be trained and has to be
21 certified. Because the thing is that if you look at
22 sprinkler jobs -- and years ago, sprinkler jobs had
23 a lot more people in them. Now they might have two
24 guys on it three guys, four guys. They move 'em
25 around to different locations.

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2 COUNCILMAN NUTTER: That few number of
3 people actually install the whole system?

4 MR. MILLER: It's a very small industry.
5 I mean, the thing is -- I'll give you an example.
6 You take a high-rise down here in Philadelphia, and
7 25 years ago, you might have 15 sprinkler fitters on
8 there. You do a high-rise now, you might have six
9 guys on that high-rise.

10 COUNCILMAN NUTTER: Now, why is that?
11 Technology?

12 MR. MILLER: Technology has changed. The
13 piping has gotten lighter, there's not that much
14 screw piping, there's clamps that you hook the
15 piping and things like that. The spray pattern of
16 the heads take in a greater area so you don't need
17 that much piping in the systems. There's a lot of
18 different aspects like that.

19 COUNCILMAN NUTTER: Okay. Let me ask you
20 a couple of other questions that are pertinent to
21 the particular bill.

22 I am -- I think you probably figured this
23 out. I mean, I am truly trying to better understand
24 and get a little bit of education. I'd like to
25 understand what it is that I'm doing.

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2 On the first page of the -- well, let me
3 ask this question: Is this particular bill modeled
4 after some others? Or how did it all kind of come
5 together?

6 MR. MILLER: If I can just pass that
7 technical part over to my counselor.

8 COUNCILMAN NUTTER: Okay.

9 MR. WAITES: Yes, Councilman. It's
10 essentially based on a best-practice model based on
11 the other states. There's six or seven states that
12 have passed sprinkler fitter ordinances.

13 COUNCILMAN NUTTER: This is from your --
14 it's documented. Connecticut, Idaho, Massachusetts.

15 MR. WAITES: Right. And we based it on
16 those and tried to improve it.

17 COUNCILMAN NUTTER: Okay, all right. So
18 you got a bunch of those bills, you know some best
19 practices in the industry.

20 MR. WAITES: That's right.

21 COUNCILMAN NUTTER: Okay. You also made
22 reference, I think, Mr. Miller, in a previous answer
23 to the Apprenticeship and Training Council, and it's
24 listed as one of the definitions. It seems to be an
25 entity created out of a state act; is that correct?

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2 MR. MILLER: Yes. That's the approved
3 registered apprentice program, registered apprentice
4 program with the State of Pennsylvania.

5 COUNCILMAN NUTTER: Okay. And is that
6 just for your industry, or is this a council that
7 provides training program or apprenticeship for
8 programs for a whole host of --

9 MR. MILLER: They oversee all of the
10 apprentice training programs in the State of
11 Pennsylvania if you're registered with the state.
12 It sets the standard.

13 COUNCILMAN NUTTER: I think I had
14 originally asked Mr. Haigler about the 10,000 hours
15 of practical experience, the 900 hours of classroom,
16 and I know you had mentioned that there might be an
17 amendment or something. Is that coming out of the
18 provisions that they've made?

19 MR. MILLER: Yes. When we first drafted
20 the bill, the 10,000 hours of actual work and the
21 900 hours of classroom work is what my people go
22 through. But what the standard is for the State --

23 COUNCILMAN NUTTER: I don't mean to cut
24 you off. When you say your people go through that
25 now, why do they do that?

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2 MR. MILLER: I have an apprenticeship
3 program.

4 COUNCILMAN NUTTER: And in order to have a
5 certified apprenticeship programs, its standards
6 have to be set by the --

7 MR. MILLER: It has to meet the
8 requirements of the state. And what that does,
9 Councilman, is that if you're aware of
10 prevailing-wage jobs, when you go on prevailing-wage
11 jobs, if you are an apprentice but you're not
12 registered with the State of Pennsylvania in an
13 approved apprentice program, they have to pay you
14 journeyman wages, even though you're not qualified
15 to receive journeyman wages on prevailing-wage jobs,
16 if your apprentice program's not registered with the
17 State, that's what happens.

18 So our apprentice program is registered
19 with the State so they can pay them the lesser rate
20 for the apprentices. That's how that works. That's
21 where they get their standards.

22 COUNCILMAN NUTTER: Okay. Now, let me
23 understand some of the other kind of connections and
24 relationships.

25 MR. MILLER: Yes.

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2 COUNCILMAN NUTTER: You're the head of --
3 is 692?

4 MR. MILLER: 692, yes.

5 COUNCILMAN NUTTER: Sprinkler fitters,
6 Local 692.

7 MR. MILLER: Yes.

8 COUNCILMAN NUTTER: Now, your members, I
9 guess, work for some or all of the 480 contractors?

10 MR. MILLER: No. I have signatory to my
11 contract, I have between 50 and 55 contractors in
12 this area.

13 COUNCILMAN NUTTER: Okay.

14 MR. MILLER: And that area takes in the
15 five counties and also a number of counties in New
16 Jersey.

17 COUNCILMAN NUTTER: All right. So the
18 people you have that -- when you call it
19 "signatory," You have a contract?

20 MR. MILLER: A collective-bargaining
21 agreement, yes.

22 COUNCILMAN NUTTER: All right. So your
23 people work for those contractors.

24 MR. MILLER: Yes.

25 COUNCILMAN NUTTER: Okay. And you have

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2 the apprenticeship program certified by the State.

3 MR. MILLER: Yes, I do.

4 COUNCILMAN NUTTER: So in terms of this --
5 on Page 3, Section 9-2054, Section 2, in the context
6 of this bill and if this were to become the law,
7 then everyone who's working in the industry would
8 have to have the 10,000 hours of the practical
9 experience, the 900 hours of the classroom in order
10 to be able to take the test to get their
11 certificate; is that correct?

12 MR. MILLER: We'll put an amendment to
13 that. It would be 8,000 hours.

14 COUNCILMAN NUTTER: I understand that.

15 MR. MILLER: Yes.

16 COUNCILMAN NUTTER: What you're saying is
17 8 and 7?

18 MR. MILLER: 8 and 8. It's 8,000 hours
19 and 800 hours.

20 COUNCILMAN NUTTER: 8 and 8, okay.

21 MR. MILLER: Yes, that's correct.

22 COUNCILMAN NUTTER: So I'm working for a
23 company right now and let's, just for this example,
24 say -- not me. Someone's working for a company that
25 is not a signatory with the union.

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2 MR. MILLER: Yes.

3 COUNCILMAN NUTTER: The bill passes. In
4 order for that person to work as a fire suppression
5 person, I guess a couple things then have to happen.
6 That they get a certificate and they have to go
7 through an apprenticeship program regardless of how
8 long they've been working in the industry or the
9 business or what their experience is, or can they
10 get credit for their past experience or how does it
11 work?

12 MR. MILLER: Can I let my counselor answer
13 that, please?

14 COUNCILMAN NUTTER: Sure.

15 MR. WAITES: Councilman, it's designed to
16 have a grandfather clause so for fitters out there
17 now or people who hold the certificates out there
18 now, they can come right in. Anyone else would have
19 to have the requisite training and the
20 apprenticeship to take the test.

21 COUNCILMAN NUTTER: How many people do you
22 think have certificate now?

23 MR. WAITES: I don't know. There's a
24 number of contractors out there that have people
25 certified and so there may be --

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2 COUNCILMAN NUTTER: Well, it's at least
3 480, right?

4 MR. WAITES: But that's a high number of
5 contractors.

6 COUNCILMAN NUTTER: Theoretically.

7 MR. WAITES: That's sort of all -- anybody
8 who does anything. The contractors that would be
9 subject to the bill, I think, would be significantly
10 less.

11 COUNCILMAN NUTTER: So whatever that
12 universe, we would have reason to believe that at
13 least one person at each of those companies has a
14 certificate.

15 MR. WAITES: That's right. And they would
16 come right in. Anybody else would have to meet
17 these apprenticeship standards.

18 Now, there are union and nonunion
19 apprenticeship programs. Nonunion companies do
20 participate in registered apprenticeship programs
21 with the State of Pennsylvania and they would have
22 to meet these standards. So the people, they would
23 either have to be in a program, or if they weren't
24 in a program, they'd have to get them into a program
25 so they get the requisite training. It's all about

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2 training and minimum qualification standards before
3 get testing.

4 COUNCILMAN NUTTER: Who covers the cost of
5 the training?

6 MR. WAITES: That's for the contractor.

7 COUNCILMAN NUTTER: And what do you think
8 it costs, ballpark?

9 MR. MILLER: The training for a contractor
10 right now, contributions is 20 cents an hour for
11 every man-hour my men work.

12 COUNCILMAN NUTTER: Tell me about the --
13 originally, it was 10,000 hours; now you want to
14 propose 8,000 and 800 hours. What does that work
15 out in -- what's the phrase? I don't want to say --
16 in personnel hours.

17 MR. MILLER: Man hours.

18 COUNCILMAN NUTTER: I don't want to say
19 "man hours."

20 MR. MILLER: Roughly, it's about four
21 years. Four years of work, you figure eight hours
22 of schooling every two weeks for an individual and
23 his regular 40 hours a week on the job.

24 COUNCILMAN NUTTER: All right, 40 hours a
25 week on the job, 50 weeks, 2,000 hours. So about

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2 four years.

3 MR. MILLER: Yeah, roughly around four
4 years.

5 COUNCILMAN NUTTER: Okay. So what do you
6 think the universe of people is who would need --
7 'cause we know that the people who already have a
8 certificate are going to be grandfathered. You get
9 all of these other people working out there, union,
10 nonunion, who are working who don't have -- what do
11 you think the universe is that we're talking about?

12 MR. MILLER: I would think about 1500
13 people.

14 COUNCILMAN NUTTER: 1500.

15 MR. MILLER: That's my opinion.

16 COUNCILMAN NUTTER: And how many do you
17 think would end up going through your shop? Is that
18 the total universe of people?

19 MR. MILLER: It's 500 for me.

20 COUNCILMAN NUTTER: Okay. Can you give me
21 some ballpark numbers on -- what's the current size
22 of 692?

23 MR. MILLER: Roughly 530 men.

24 COUNCILMAN NUTTER: No women?

25 MR. MILLER: We've had a number of women.

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2 Matter of fact, we're going through our applications
3 right now. We've had a number of women come in to
4 take the test, were accepted, ready to start, then
5 on the day of starting, they decided not to.

6 We meet every requirement. We go out of
7 our way to get women federally and in the City of
8 Philadelphia to bring women, minorities into our
9 local, yes.

10 COUNCILMAN NUTTER: Okay. Well, tell me a
11 little bit about that. Now, the 532, does that also
12 cover -- is that the entire union? I mean, you
13 talked about you cover not only Philadelphia, the
14 four counties around us and a little bit of New
15 Jersey?

16 MR. MILLER: I cover parts of the five
17 counties in this area. I cover from up above
18 Lumberton to Vineland, New Jersey, with my people.

19 COUNCILMAN NUTTER: Okay. And that's the
20 532 figure?

21 MR. MILLER: Yes.

22 COUNCILMAN NUTTER: How many of them do
23 you think are Philadelphia residents?

24 MR. MILLER: Over half, over half. Also,
25 I'm a Philadelphia resident. I lived in Juniata

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2 Park my whole life and I don't intend on moving out
3 of Philadelphia.

4 COUNCILMAN MARIANO: In the great 7th
5 Council District. He's got the nicest lawn on the
6 street.

7 COUNCILMAN NUTTER: You don't want to give
8 out too much information.

9 Tell me a little about this. As we have a
10 fairly diverse committee here, tell me a little bit
11 about the diversity of the union in terms of its
12 composition.

13 COUNCILMAN MARIANO: Tell him a little bit
14 about Congreso de Latinos Unidos. He was one of the
15 first unions to --

16 MR. MILLER: Yeah, we were the first union
17 to bring the Congreso de Latinos up to our office.
18 As a matter of fact, we have a number of applicants
19 right now from that group. We have a number of
20 applicants from DAP. We have every other agency
21 that wanted to fill out an explanation.

22 COUNCILMAN MARIANO: Would you explain to
23 the committee what you do with them. I mean, you
24 bring people up, you coach them in taking the test,
25 your apprentice instructor sits whoever Congreso or

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2 DAP sends up.

3 MR. MILLER: Well, Congreso de Latino is
4 very, very good. They actually teach their people
5 prior to coming up and they send very qualified
6 people to our school. We have a number of people in
7 our local from different organizations.

8 Our local is open to everyone. We have
9 no -- I want to talk as a sprinkler fitter. I don't
10 look at black or Latino people as minorities;
11 they're sprinkler fitters just like I am, okay, and
12 they have every opportunity in our local to work
13 there.

14 COUNCILMAN MARIANO: Mr. Miller, just let
15 me jump on that question there. When Congreso --
16 'cause I'm familiar with them. When they send
17 someone up, do they send you women?

18 MR. MILLER: Oh, yes. They send men, they
19 send women.

20 COUNCILMAN MARIANO: And they're white,
21 Latino, Asian, all the --

22 MR. MILLER: We have all different
23 nationalities.

24 COUNCILMAN MARIANO: This is my own
25 question, but when they send women, do women stick

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2 with it and take the test?

3 MR. MILLER: No

4 COUNCILMAN MARIANO: I mean, you probably
5 ask them, send me all the women you can.

6 MR. MILLER: Let me tell you something.

7 If any women -- the federal law says you have to --
8 if any women come up and take our application, we
9 have our arms open. We need women, we need women.

10 COUNCILMAN MARIANO: Well, everybody in
11 here needs women, but that's a question we're --
12 it's just not an industry -- it's a tough industry.
13 I mean, you said pipes get lighter, but I remember
14 when I was in construction, usually the sprinkler
15 fitters were the guys with the big shoulders. I
16 mean, it's a heavy, heavy business.

17 MR. MILLER: Nobody wanted to be a
18 sprinkler fitter because of the lightness of the
19 piping and stuff like that, but we have -- right
20 now, we're going through our application period.
21 Let me give you an example. The size of my local is
22 500-and-some members.

23 COUNCILWOMAN REYNOLDS BROWN: How many?

24 COUNCILMAN MARIANO: 500.

25 MR. MILLER: We put applications out to

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2 all the appropriate authorities. We had 300 people
3 apply for our apprenticeship, okay, 300 people from
4 all races and creeds and whatever. And by the time
5 everybody filled out all of the applications and
6 all, we're down to somewhere -- and returned all the
7 information -- we're down to about 130 people.

8 Now, I have a 500-man local. What we do
9 is when these guys pass the test or these women pass
10 the test, unlike a lot of other locals, what we do
11 is, if you're on that list, I don't care if that
12 list goes three years, you have a right to come into
13 this local. We take so many every six months
14 according to how you score in the program. And once
15 you pass that test, you're going to be a sprinkler
16 fitter. And that's just the way it is.

17 COUNCILMAN MARIANO: Let me see if I got
18 that right. Councilman Ortiz and I take the test,
19 he scores higher than me, he might get in the first
20 or second year, and I'm after him so I may not get
21 in till the third?

22 MR. MILLER: What we do is we keep the
23 list for as long as it goes, okay? And then what
24 we'll do is every six months, because we're not a
25 5,000 member local, we're a smaller local, we take

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2 between 10 and 12 people every 6 months, and we've
3 been doing that since -- for a number of years.

4 COUNCILMAN MARIANO: So you're telling me
5 if Councilwoman Brown comes up tomorrow and passes
6 the test, she gets in in front of Ortiz and I,
7 right? Is that because she's a woman?

8 MR. MILLER: Yes.

9 COUNCILMAN MARIANO: She still has to
10 score high, though, of course.

11 MR. MILLER: Yes.

12 COUNCILMAN MARIANO: I mean, we need women
13 so bad, it's --

14 MR. MILLER: Exactly. We had a number of
15 our own members send their daughters up, and they
16 went through the whole application process, passing
17 the test, and the day they were starting school,
18 they said no.

19 COUNCILMAN MARIANO: They wouldn't do it.
20 Councilwoman Brown?

21 COUNCILWOMAN REYNOLDS BROWN: Good
22 morning.

23 MR. MILLER: Good morning, how you doing?

24 COUNCILWOMAN REYNOLDS BROWN: I'm
25 compelled to do some follow-up questioning. You

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2 said you had 500 applications, correct?

3 MR. MILLER: No. I have 500 members; I
4 had 300 applications.

5 COUNCILWOMAN REYNOLDS BROWN: You had 300
6 applications, okay. You received them or you spoke
7 to appropriate authorities. Define what that means.

8 MR. MILLER: What we do is that by law, we
9 have to send out notice of our tests to all of the
10 different agencies, DAP, Contesso [sic] and so forth
11 and so on. They're all sent out to all of the
12 agencies that by law they have to be sent out to.

13 COUNCILWOMAN REYNOLDS BROWN: Okay. And
14 then at the end of the day, you have 130
15 applications.

16 MR. MILLER: Yes. What happens is that
17 when you come, you pick up the application and fill
18 it out and you return it. Not everybody returns the
19 application when they're due, but the people that
20 return the applications, that's who we're going to
21 test. We're going to test about 130 people.

22 COUNCILWOMAN REYNOLDS BROWN: So the
23 number is really attributed to individuals not
24 returning the applications versus some of the other
25 factors that screen them out.

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2 MR. MILLER: Oh, yeah. We don't screen
3 anybody out? What they do is they pick up the
4 applications, and on their applications, they have
5 to have transcripts of the school they went to.

6 COUNCILMAN MARIANO: Would you tell us the
7 qualifications.

8 MR. MILLER: The qualifications is, they
9 have --

10 COUNCILMAN MARIANO: High school graduate
11 or GED.

12 MR. MILLER: A high school graduate or
13 GED, equivalent to it. They have to be 18.

14 COUNCILWOMAN REYNOLDS BROWN: Mm-hmm.

15 MR. MILLER: And we would prefer that they
16 have a driver's license.

17 COUNCILWOMAN REYNOLDS BROWN: Any tie-in
18 or linkage with the welfare-to-work programs where
19 most of those are women coming off welfare and
20 they're now required to work? Any linkage to any of
21 those programs?

22 MR. MILLER: Offhand, I don't know. My
23 coordinator handles that and sends it out to the
24 appropriate agencies. There's a possibility that it
25 is -- I could find out for you.

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2 COUNCILWOMAN REYNOLDS BROWN: Okay. Of

3 the 500 --

4 MR. MILLER: I have no problem with that.

5 COUNCILWOMAN REYNOLDS BROWN: Of the 500

6 membership, what percentage of that is minority?

7 MR. MILLER: I -- I don't know offhand.

8 I'd be only guessing. Maybe 15 percent, something

9 like that.

10 COUNCILWOMAN REYNOLDS BROWN: Okay,

11 Mathematician Nutter, how many is that?

12 COUNCILMAN MARIANO: About 65 on that

13 question.

14 MR. MILLER: Excuse me?

15 COUNCILMAN MARIANO: About 65.

16 MR. MILLER: Somewhere in that

17 neighborhood.

18 COUNCILMAN MARIANO: On that question, let

19 me just say this first, Mr. Miller. Your union, I

20 remember from being in the industry, you had 300

21 guys till 10 years ago?

22 MR. MILLER: No, I had 240 guys up until

23 1991.

24 COUNCILMAN MARIANO: So when you took

25 over in 19 --

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2 MR. MILLER: I took over in 2000 but I was
3 a part of the administration from '91.

4 COUNCILMAN MARIANO: You almost doubled in
5 size. Now of the new people, that doubled, I would
6 guess, most of your minority and women are from
7 that. They weren't with the old regime because that
8 was a business when the pipe was giant and men
9 didn't want that job.

10 MR. MILLER: But as lately coming in, yes,
11 we have -- since I've been taking over, we have a
12 number of minorities, higher probably than the
13 percentage that I talked to you over all the years
14 that we've been around.

15 COUNCILWOMAN BROWN: And final question.
16 DAP, is that the program associated with Sam
17 (indiscernible)'s organization?

18 MR. MILLER: Yes, it is. Sam does a very
19 good job with that.

20 COUNCILMAN MARIANO: Is that the one where
21 they take 'em right out of the housing developments?
22 Are you involved with that one with the building
23 trades?

24 MR. MILLER: We're not involved with the
25 housing developments.

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2 COUNCILMAN MARIANO: Because you're not
3 sort of a basic trade. Is that --

4 MR. MILLER: Could I talk on that? You
5 know this housing project down on Washington Avenue
6 that they did? We're sprinkler fitters.

7 COUNCILMAN MARIANO: In Councilman
8 DiCicco's district.

9 MR. MILLER: Here's what happened. What
10 they were doing is that they were taking a person
11 from the community and putting them with sprinkler
12 fitters, okay? That was the biggest load of garbage
13 I've ever seen in my life. They took an individual
14 to go do sprinkler. He's not trained to do
15 sprinkler work, so all's he did was laborer's work,
16 and when the job was over, they got rid of him.
17 That's not right.

18 What they should do is that all of the
19 minority organizations should hook up with the
20 apprentice coordinators, not with the business
21 agency out there. And no one (indiscernible) to get
22 real meat into the matter, and talk to 'em when's
23 the test coming, when's it going to be here? so they
24 don't hear it secondhand, and then they have a
25 career.

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2 Now what they do is they toss the people
3 away when they do that community stuff. To my
4 opinion, that's not good.

5 COUNCILMAN MARIANO: And that's what
6 Congreso de Latinos Unidos does, they coordinate,
7 they (indiscernible), they tutor the people, and
8 they bring you the --

9 MR. MILLER: Right. That girl from the
10 Latino, she's aggressive. She comes up, she takes
11 no for an answer [sic], she comes to your executive
12 board meeting, she wants to know when your test is
13 going to be, she wants to know everything, which is
14 great. You don't get nothing unless you're
15 aggressive, and she's aggressive, which I'm
16 impressed with.

17 COUNCILMAN MARIANO: Thank you.

18 COUNCILWOMAN REYNOLDS BROWN: And the
19 point person that serves as your linkage with
20 organizations like Congreso and others, what was
21 that title you mentioned?

22 MR. MILLER: My training coordinator is
23 Frank Curran (ph.) and his number is 215/673-9565.
24 He's there five days a week. If you have to call at
25 night, I have a class that goes from 6:00 o'clock at

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2 night to 10:00 o'clock at night. Joe Matthews,
3 okay? Same number. Joe Matthews
4 COUNCILWOMAN REYNOLDS BROWN: Joe?
5 MR. MILLER: Joe Matthews. He's the
6 instructor.
7 COUNCILWOMAN BROWN: Thank you very much,
8 sir.
9 COUNCILMAN MARIANO: Councilman, any other
10 questions?
11 COUNCILMAN NUTTER: One last question,
12 then an information request.
13 The question is, there has been a fair
14 amount of discussion earlier in the record about One
15 Meridian, and I just wanted to kind of conclude that
16 part of the conversation by asking either yourself,
17 Mr. Miller, or Mr. Haigler: Have we had anything,
18 any of that similar or comparable to the One
19 Meridian situation or failure in the past ten years?
20 My recollection is that One Meridian was in 1991?
21 MR. MILLER: That's correct.
22 COUNCILMAN NUTTER: Ten years later, can
23 you tell me how the landscape has changed or
24 improved? Or have things, from your perspective,
25 stayed the same?

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2 MR. HAIGLER: Well, since the Meridian
3 fire, laws have changed, and since that time,
4 Council -- this Council passed legislation to
5 require sprinkling of all commercial high-rise
6 buildings.

7 We aggressively conducted a program to
8 ensure that those buildings, they applied for
9 permits on a schedule basis. And by December 17th
10 of 1999, all of those buildings had to be
11 sprinklered. We've gone out and we've reinspected
12 those buildings, and those buildings that are
13 classified as high-rise buildings without affidavit
14 to limit their height, they are a sprinklered, to
15 our knowledge.

16 We have not as a department been made
17 aware of any problems similar to the Meridian issue.
18 We have not dealt with any situation similar to the
19 Meridian issue within the past ten years.

20 MR. MILLER: Can I add to that?

21 COUNCILMAN NUTTER: Sure.

22 MR. MILLER: A number of buildings in the
23 past ten years, I was a business agent and I worked
24 on the street all the time instead of being in the
25 office. And I can give you a couple of

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2 for-instances on there.

3 A number of companies that worked on jobs
4 that never hooked sprinkler systems up, I arrived on
5 the job, my contractors had to go in and take over,
6 and they found out that the spring system wasn't
7 hooked up. That was on Cottman Avenue, and that
8 was -- the name of the company was Alpha Fire
9 Protection, which debarred in New Jersey for certain
10 reasons.

11 Also, there's another building that was
12 going up on Delaware Avenue across from George L.
13 Wells Meats -- I think it was called Vegas. Well, I
14 was called down to the job after they were ready to
15 open, and they found out that the sprinkler system
16 wasn't connected, nor were the permits pulled for
17 the job. So the individual asked me to take care of
18 it. I said, Look, I'll send a contractor in -- I
19 don't do anything -- a contractor takes care of
20 that. That's in other places.

21 See, what we do, Councilman, is that
22 sprinkler systems are inspected on different times
23 of the year, and over a period of five years, we
24 have other inspections. The people that go in with
25 the contractors and the men that work there, they go

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2 in and they find problems with systems. They don't
3 go around and blab it; they go around and they fix
4 the problem and they take care of it. Some of these
5 problems that are fixed is from some shoddy
6 workmanship that, if it wasn't addressed in the
7 inspection, it could have been a problem if there
8 was a fire.

9 And the thing is that with more systems in
10 effect, according to the Meridian thing -- and I
11 foresee down the line that if there's a tragedy in
12 commercial buildings or in residential buildings,
13 they will sprinkle them. That's the reason you need
14 more people to do the inspections, and they have to
15 be trained and qualified to know what to look for in
16 the first place.

17 To give you an example, we bring in people
18 from Licenses and Inspections, and they're new
19 building people, new building code people, and we
20 bring them into our school and we teach 'em certain
21 things about sprinkler systems. We also bring in
22 the Philadelphia Fire Department and bring them into
23 our school and give them training.

24 COUNCILMAN NUTTER: Mm-hmm.

25 MR. MILLER: We're the experts in this

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2 field. We have the training that's already built
3 in. And if everybody's playing on that field --

4 COUNCILMAN NUTTER: I understand.

5 MR. MILLER: -- it would be good for
6 everyone and the safety.

7 COUNCILMAN NUTTER: Well, I'm dismayed
8 about the story that you shared with us early about
9 the -- I think you were talking about a relatively
10 new public housing development, with regard to
11 personnel who may have not have had appropriate
12 training, and I guess, Mr. Haigler, I do have to
13 ask, how is it possible that someone could be
14 brought on to a job in that capacity with virtually
15 no training and work on such a critical life-safety
16 system? I mean, how would that be possible?

17 MR. HAIGLER: Again, the person who is
18 responsible, that person is responsible to supervise
19 the work of their employees. That person we assume
20 to be well-trained, well versed, understanding the
21 full requirements of the code, complying with the
22 requirement of the code, doing their quality
23 assurance to make sure that the work is done and the
24 workmanship of the work that's being done is in
25 accordance with the requirements of the code.

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2 If that person should fail and we are made
3 aware of that, of course, we would take whatever
4 appropriate actions that we need to take against
5 that person or --

6 COUNCILMAN NUTTER: All right, two last
7 things. Mr. Miller?

8 MR. MILLER: Yes.

9 COUNCILMAN NUTTER: Let me just make sure
10 my math is correct. I asked a question earlier with
11 regard to the cost of the training, and I think you
12 indicated that it was 20 cents a person-hour; is
13 that correct?

14 MR. MILLER: Yes, that's my training,
15 that's my training. And the thing is, it used to be
16 30 cents and we cut it down to 20 cents. But, yes
17 that's my training.

18 COUNCILMAN NUTTER: With that as the
19 factor, would it be correct that for -- and I know
20 you again want to propose some amendments. So the
21 total cost to either the individual or to the
22 company that the person works for for the training
23 would be, based on that rate, \$1600?

24 MR. MILLER: Yes, but can I clarify one
25 thing?

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2 COUNCILMAN NUTTER: Sure.

3 MR. MILLER: That's no cost to the
4 company, okay? Any fringe benefits that are out
5 there are our wages. Even though that goes into the
6 apprentice training program, that's a collective
7 bargaining agreement that we collectively bargain
8 with our contractor. We believe that's strictly
9 wages for us instead of raises.

10 COUNCILMAN NUTTER: You know, you lost me
11 on that one.

12 MR. MILLER: Instead of wages, okay, the
13 money that you said the contractor puts up, okay, we
14 don't think that's the contractor, that's our wages.
15 And we take the wages and sacrifice that to
16 training. We put that 20 cents, 30 cents an hour --
17 it was 30, we cut it down to 20, and as a matter of
18 fact, I'm going to take my training up to 35 cents
19 an hour 'cause that's how important I think training
20 is.

21 COUNCILMAN NUTTER: So who actually pays
22 that 35 cents or 20 cents?

23 MR. MILLER: Who pays that?

24 COUNCILMAN NUTTER: Yes.

25 MR. MILLER: The contractor pays it, but

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2 that's through our collective-bargaining agreement.

3 And that's a sacrifice from our wages. We could put

4 it in our pocket but we do that.

5 COUNCILMAN NUTTER: Okay. My last

6 question is, there was a fair apartment of

7 back-and-forth. I asked some questions,

8 Councilwoman Brown asked some questioned, others

9 Councilmembers may have asked questions about the

10 number of people in the union, the Philadelphia

11 population, surrounding population, some diversity

12 and gender issues. Could you get us a statistical

13 report instead of us just having our little notes

14 scribbled down on a piece of paper? Could you get a

15 statistical report to the chair responding to those

16 particular questions?

17 MR. MILLER: Sure, I certainly can. Yeah,

18 I have no problem with that.

19 COUNCILMAN NUTTER: Okay.

20 MR. MILLER: One other point I want to

21 make.

22 COUNCILMAN NUTTER: I'm sorry?

23 MR. MILLER: There's one other point I

24 want to make. I don't want to seem like I'm

25 knocking L&I. Believe me, I'm not. These guys do a

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2 great job for what they have.

3 COUNCILMAN NUTTER: We appreciate that we.
4 Fight with them ourselves. Mr. Haigler understands.

5 MR. MILLER: They do a good job, and the
6 thing is they have resources that they have to have
7 and so forth or whatever. But I'm not knocking
8 them.

9 COUNCILMAN NUTTER: I understand.

10 MR. MILLER: One other thing I want to
11 explain is there's a case in Ohio, just one case, if
12 I may. In Ohio, there was a case involving a
13 schoolhouse, okay, last year that what happened was,
14 people that weren't trained installed the sprinkler
15 system and the schoolhouse caught on fire. Thank
16 God, there was no one hurt in that schoolhouse, but
17 if there was children in that schoolhouse, someone
18 would have been hurt. The sprinkler never came on.
19 That's what happened in that schoolhouse.

20 And the thing is, Pennsylvania is not any
21 different than Ohio or anyplace else. And we have
22 to have fire prevention, we have to protect our
23 people in these places, and that's what I wanted to
24 explain.

25 COUNCILMAN NUTTER: If a person has their

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2 certificate, I assume that -- I mean, as in any
3 other job when you have a certain credential or a
4 qualification, does that put them in a slightly
5 better bargaining position in terms of their wage?

6 MR. MILLER: If I was a contractor, I
7 would say yes. But I'm not a contractor, okay?

8 COUNCILMAN NUTTER: I understand.

9 MR. MILLER: Here's how I look. That
10 doesn't put in us a better bargaining position,
11 economics don't put our local in a better bargaining
12 position; our men put ourself in a better bargaining
13 position.

14 COUNCILMAN NUTTER: I understand. I have
15 to assume that, I mean, between a person with a
16 certificate and a person who doesn't have a
17 certificate, obviously, the person with the
18 certificate, just based on the limited knowledge
19 that I have right here, 8,000 of work, 800 hours of
20 classroom, I mean, unless you were asleep during the
21 whole time, you have to have more knowledge, more
22 information, more background, and I mean, logic
23 tells me you're a better person, you should be able
24 to make more money.

25 MR. MILLER: Yes, you've earned it.

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2 COUNCILMAN NUTTER: Okay, great. Thank
3 you.

4 COUNCILMAN MARIANO: Thank you, Councilman
5 Nutter.

6 Any other questions?

7 (No further questions.)

8 COUNCILMAN MARIANO: Is there anyone else
9 to testify on this bill?

10 (No response.)

11 COUNCILMAN MARIANO: Okay, you witnesses
12 are excused.

13 The clerk will read the title of the next
14 bill.

15 THE CLERK: Bill 010555, an ordinance
16 amending Title 9-2500 of the Philadelphia Code,
17 entitled "Regulation of Businesses, Trades and
18 Professions," by amending the provisions of Section
19 9-618 relating to the sale of spray-paint containers
20 and indelible markers to include the sale of etching
21 acid and to make certain technical changes.

22 COUNCILMAN MARIANO: Mr. Haigler had to be
23 excused.

24 (Witness comes forward.)

25 COUNCILMAN MARIANO: Spell your name and

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2 come up.

3 MR. TUZMAN: My name is Marty Tuzman and
4 I'm the owner of Jenkintown Building Services, and
5 I've also provided some information and some of the
6 notes I'll touch on now as well as information
7 material and some shots of what acid actually looks
8 like on glass.

9 Very briefly, Jenkintown Building Services
10 has been in business over 65 years and its largest
11 market these days is the downtown market high-rise
12 residential and retail while we also serve the
13 surrounding counties and the general region.
14 Jenkintown began to be called on to remove this acid
15 graffiti from windows over a year ago, prior to the
16 Republican National Convention.

17 A brief history of use of this acid is as
18 a tactic against furrier companies, PETA would apply
19 acid onto the glass of furriers. Later on, it was
20 found very prevalent at the riots in Seattle,
21 Washington, for the World Trade Organization. We
22 began to see it in Philadelphia prior to the
23 Republican National Convention and much more after
24 the Republican National Convention.

25 We saw the ground floors of major

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2 buildings begin to be hit by the acid as well as
3 retail stores and vacant properties attacked very
4 similar to graffiti with the same kind of very
5 personal tags that graffiti vandals use. And we're
6 at this point already identifying those tags very
7 regularly and frequently in the City.

8 We were originally helpless in removing
9 the graffiti and launched an international search on
10 the Web for chemicals and processes. We found a
11 product in Belgium, which we translated to figure
12 out how to use it here and make it
13 operator-friendly.

14 We used it on Commerce Square, where all
15 the ground floor glass had been attacked. The
16 potential of replacing that glass was in excess of
17 \$10,000. We wound up charging the customer a little
18 bit over \$2500 and were able to remove the acid with
19 the process from the chemical from Belgium.

20 We found it still labor-intensive, in some
21 cases not even cost-effective against the cost of
22 replacing the glass. So we worked more at
23 {indiscernible) the problem. Meanwhile, after the
24 RNC, the problem exploded further in the City, and
25 we found it spreading well beyond the Center City

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2 region into Old City, South Street, Kensington,
3 Castor Avenue, Franklin Mills, etc., etc.

4 Eventually we found equipment from the
5 automotive industry with some old-time chemicals for
6 glass repair, and now we're able to remove all acid,
7 leaving behind no blemish at a fraction of the cost
8 of replacement of glass.

9 We've never seen a problem hit the City
10 like this. Acid graffiti is now showing up all over
11 on the major high-rises right on Market Street and
12 on vacant properties, you know, in any block in the
13 City, from ground floor to high-rise to retailers to
14 vacant properties. It recently has attacked
15 Northeast Philly so aggressively that their blocks
16 were literally on virtually every storefront is hit.
17 Of course, nearly all of the bus shelters in the
18 City have been attacked and many SEPTA buses and
19 train lines themselves.

20 We have developed a database where -- you
21 see some of the pictures there. We have digital
22 pictures where we try to track every acid head. We
23 know at this point the tags. "Dean" is one of the
24 big offenders where we actually see names showing up
25 all over in certain areas of the City.

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2 COUNCILMAN MARIANO: Did you say a name?

3 MR. TUZMAN: Well, the name is Dean. You
4 know, we can't identify the individual.

5 COUNCILMAN MARIANO: Dean?

6 MR. TUZMAN: Dean, D-E-A-N. That name is
7 somehow very prevalent in the City.

8 We have, as I said, a database pretty much
9 tracking where we see this, when we see it, and when
10 it attacks our -- in Northeast Philadelphia, we were
11 as recent as one day behind everywhere they were
12 being hit.

13 We are partnering with the Center City
14 District and the Special Service Districts, the
15 Anti-graffiti network, the Managing Director's
16 Office, the police departments, to try to help get
17 a handle of this and identify, and we were one step
18 behind catching somebody recently, and the business
19 owner scolded the kid and said, "You better stop
20 that," you know, and they felt sorry for him and let
21 him go.

22 Our process is very successful to remove
23 the acid but is time-consuming and costly. Some
24 building owners choose to pessimistically leave it
25 on the glass with the futilistic attitude that

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2 they'll hit us again. We are now seeing
3 distinguished retailers and restaurants come to town
4 like Capital Grill McCormick and Schmidt, ING
5 Direct, who quickly get attacked with graffiti and
6 are often discouraged and feel they need to adjust
7 to what business in Philadelphia is like.

8 While our old esteemed retailers like
9 Bailey, Banks & Biddle and J.E. Caldwell Jewelers
10 just accept the blemish and accept the blight and
11 have left tags on buildings on their windows far too
12 long.

13 This offense to our city must be stopped,
14 and we at Jenkintown Building Services strongly
15 support the restricted access to the highly
16 destructive chemical.

17 Respectfully, I'd like to go one step
18 further and suggest that Council consider additional
19 legislation to be considered in the future that also
20 really gets at the root of the problem. We're able
21 to apply a film coating, and you all have samples of
22 that film coating there, a film protection to
23 windows that completely deter any attack of the acid
24 on the glass. When acid is applied to this film, it
25 has no effect at all. Additionally, this film

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2 protects against scratches on the glass. Scratches
3 are not addressed in this bill -- that's often
4 called "scratchiti". And scratching glass is a form
5 of graffiti that's been around much longer, and it's
6 all over the City. The film protects the glass from
7 being scratched As well. When attacked, this film
8 can just be removed and replaced at a fraction of
9 the total cost of glass replacement.

10 We ask City Council and other legislation
11 to consider matching costs with business owners on
12 this film as a deterrent and preventive measure
13 deterring vandals and eliminating -- reducing the
14 economic impact of this graffiti damage. It is
15 effective against acid attacks on glass as well as
16 scratched glass.

17 We think the first step is restricting
18 access to the chemicals by the measure being
19 considered by Council at this point, but the larger
20 picture and requirement is to protect against the
21 glass by the application of this film. It's a
22 blight that has been accepted in our city far too
23 long, and the application of film would eliminate
24 the problem of both the acid attacking the glass as
25 well as the scratching on buildings throughout the

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2 City.

3 Thank you very much

4 COUNCILMAN MARIANO: Thank you.

5 Councilman Rizzo has a question and then
6 Councilman DiCicco.

7 COUNCILMAN RIZZO: Sir, not being familiar
8 with the actual process, when this vandalism this
9 crime is committed, could you describe -- you know,
10 I know how graffiti is installed with magic markers,
11 but how is this applied? Is it with a spray can, is
12 it brushed on? What are we talking about here?

13 MR. TUZMAN: I'm sorry that we didn't
14 bring it to Council today, but we have bottles of
15 this acid that we can just go into any store and
16 buy. The acid is the same process that an artist
17 uses to see make beautiful designs on glassware. So
18 hydrofluoric acid is the operative element in the
19 glass, in the chemical, mixed with some other agents
20 so that it's very user-friendly for anybody to be
21 able to apply this acid onto glass.

22 Normally, it's in a bottle and there's a
23 swab, we think, very similar to the swab that's used
24 to apply a shoe polish. You apply it onto glass.
25 The way it's normally done for an artist is they

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2 protect certain areas, make the design they want to
3 apply, apply the acid over the entire film and the
4 glass, and it etches the glass, and you take the
5 film off and the film leaves the glass clear in
6 those areas.

7 So this product is available and
8 accessible in art stores throughout the City.
9 Anybody -- I imagine a 14-year-old, a 12-year-olds,
10 anybody can go up to an art store -- Pearl Art
11 Supply on South Street is one of the stores that
12 carries it. Anyone can go in and buy the product.
13 And very similar, like I say, to a shoe polish,
14 you're able to swab your tag onto glass.

15 COUNCILMAN RIZZO: Without a protected
16 surface, a plain piece of plate, how long do you
17 have to wash it off? If you had a garden hose,
18 could you wash it off within 15, 20 minutes and not
19 have damage?

20 MR. TUZMAN: Well, we know that the
21 product that they're using is cut with something
22 because the product that we buy from the store is a
23 much thicker paste, like a shoe polish, so there
24 must be a liquid that --

25 COUNCILMAN NUTTER: Excuse me, thank you.

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2 Councilman Rizzo, I'm sorry to cut across your
3 question.

4 Sir, you said you know that the product
5 whoever uses is cut with something.

6 MR. TUZMAN: Yes.

7 COUNCILMAN NUTTER: What do you mean by
8 that?

9 MR. TUZMAN: I would imagine that it's
10 either -- we have not found anybody with it. What
11 we know -- we have not found a graffiti vandal
12 certainly with possession of it in his hands so that
13 I could do a chemical analysis of it.

14 COUNCILMAN MARIANO: Do you think they cut
15 it with something that enhances it?

16 MR. TUZMAN: It certainly liquefies it.
17 If you look at some of those photographs -- the
18 colors, of course, are better than the black and
19 white -- there is a rundown effect on them. And so
20 we know that it's liquefied somehow. Either it's
21 cut with a little bit of water to make it easier to
22 apply or it's cut with another agent.

23 COUNCILMAN DICICCO: To give it more
24 volume.

25 MR. TUZMAN: We know that for the most

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2 part, the easy access to this chemical is -- and I
3 believe that the Police Department has found bottles
4 of this particular brand chemical made by a company
5 in New Jersey called Armor Etching. And --

6 COUNCILMAN MARIANO: Would you repeat that
7 for Councilman Nutter, the name of the brand and
8 company.

9 MR. TUZMAN: I believe it's Armor Etching
10 from Jersey. We could bring Council a sample of
11 what we have and what the Police Department has also
12 identified as being the active agent.

13 COUNCILMAN MARIANO: I'm sorry we stepped
14 all over Councilman Rizzo.

15 COUNCILMAN RIZZO: That's okay. That was
16 important to hear that.

17 So I follow you now, this vandalism
18 occurs, and how quickly can it be removed without
19 damaging a raw window?

20 MR. TUZMAN: Well, it's an etching process
21 that's an acting process, and the quicker that it's
22 rinsed, the less damage to the glass and the less
23 effect. It's pasty enough such that it bonds to the
24 glass and doesn't completely wash down other than,
25 obviously, as you've seen in the photos, a little

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2 bit of washdown on the product. So that the longer
3 it's left on, the more of a effect on glass. We can
4 literally run our fingers over the glass and in some
5 cases feel a significant ridge where it has attacked
6 the glass.

7 COUNCILMAN RIZZO: So until this problem's
8 resolved, if you own a business and you arrive in
9 the morning, an ideal situation would be to wash it
10 off or make an effort to wash it off as quickly as
11 possible? Or would the damage already have
12 occurred?

13 MR. TUZMAN: My guess is that the damage
14 has probably -- physically if you were to wash it in
15 15 to 20 minutes, you might see a very light line,
16 and if you got to it in an hour, you might see most
17 of the damage done, and if you got to it in two,
18 three hours, my guess is that most of it would have
19 evaporated, and you would just come and find what
20 looks like, you know, a milky whitewash paint, and
21 many people feel that it's just some kind of paint
22 on the glass, and they can just take it off. It
23 looks like a swab so it could look like a painted
24 brush mark, but it's attacked the glass. So we find
25 people scraping it off using sanders, using all

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2 kinds of chemicals to try to remove it. You
3 literally have to buff off the top layers of glass.
4 And I would guess the active work is an hour or
5 less.

6 COUNCILMAN RIZZO: Has this moved to motor
7 vehicles? Have you heard of any of this occurring
8 to vehicles, windshields or rear windows?

9 MR. TUZMAN: No. We know that it's hit
10 the buses, we know that it's hit the bus shelters,
11 and we know that, you know, it's hit all kinds of
12 stores throughout the City, but there's been nothing
13 that we've heard of hitting cars.

14 COUNCILMAN MARIANO: Councilman DiCicco.

15 COUNCILMAN DICICCO: Councilman?

16 Sir, what is the average cost to remove
17 the etching material once it's on, if you don't have
18 to replace the window or the bus shelter panel
19 completely? I'm sure there's a certain amount of
20 damage that could be done that it's actually more
21 cost-efficient to take panel out and put a new piece
22 of glass in, but if you have to remove it, could you
23 give me a generally idea of what the costs involved
24 are?

25 MR. TUZMAN: Sure. The variables are just

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2 few. One is how thickly applied it may have been,
3 and literally you can run finger over it and feel
4 how deeply it's in the glass. You have to go down
5 much further into the glass to remove it. The next
6 is, of course, how much area is covered, of course,
7 but also whether it's gone right up to the edges of
8 the glass.

9 The machine that you see us use is, you
10 know, a radius of (indiscernible). You know, it can
11 only come so close to the end of the glass so that
12 we go to a very fine piece like this, which takes
13 much longer.

14 Having said that, the average hit, you
15 know, which may be a couple square feet, might be
16 250, 300, 350, 400, depending on how much it's
17 dripped down, how far it's gone. And we are always
18 facing the cost-effectiveness of replacing the panel
19 versus --

20 COUNCILMAN DICICCO: Is the cost involved
21 in removing this based on an hourly figure? Again,
22 I understand it may vary, depending on the amount of
23 the etching that has been placed on the window and
24 how deep it is, but is there a general number like
25 what you would charge per hour?

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2 MR. TUZMAN: Generally, our normal billing
3 rate is 48.50 an hour

4 COUNCILMAN DICICCO: Okay.

5 MR. TUZMAN: We generally -- there's a
6 fair amount of chemicals, there's very expensive
7 machinery involved.

8 COUNCILMAN DICICCO: Your charge to the
9 client is roughly 48, 50 bucks an hour/

10 MR. TUZMAN: 48.50.

11 COUNCILMAN DICICCO: That's all I really
12 needed to know.

13 MR. TUZMAN: And we're averaging 4, 5, 6, 7
14 hours on the spot, depending on what's involved in
15 it.

16 COUNCILMAN DICICCO: Thank you.

17 COUNCILMAN MARIANO: Councilman Nutter?

18 COUNCILMAN NUTTER: Mr. Tuzman, I just
19 have two questions, I think. First, we have a
20 definition here of the etching acid. You've made
21 reference on a couple of occasions, I believe, one,
22 to hydrofluoric acid, you've made reference to
23 unknown chemicals, and you've made reference to the
24 cutting of or -- I mean, which is, as best I can
25 tell, is generally a drug paraphernalia term of art,

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2 where a combination of substances are being used to
3 either enhance or dilute the effect of the main
4 chemical or substance.

5 What I'm trying to figure out is for the
6 store owner, I'm virtually certain that I was around
7 for the spray-paint containers and indelible
8 markers, and in that case, at least, I mean, I think
9 everyone pretty much knows what a spray-paint
10 container is or an indelible marker. They were very
11 easily identified, you knew what they were, people
12 put them behind the glass, and that ended that
13 story. It doesn't mean we've eradicated graffiti,
14 but we've certainly made it more difficult.

15 What I'm not absolutely certain on is for
16 the people who are going to have to make whatever
17 adjustment they have to make and put whatever they
18 need to put behind the counter that this definition
19 provides enough information or whether the
20 definition could possibly be enhanced either with
21 some examples, technical terms, or something else
22 that lends the person who legitimately want to be in
23 compliance but is, you know, either your a
24 mom-and-pop hardware store or, you know, some
25 big-box retailer that's got a million products.

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2 How do you know which ones do this kind of
3 damage if you don't either use some brand names or
4 some of the chemical names that essentially says any
5 of these things that have such-and-such as a base or
6 has certain chemicals that are its components or
7 elements or something like that.

8 I'm concerned that we provide as much
9 information and disclosure for the people who are
10 going to be subject to this as well as, quite
11 frankly, alerting the public that you're not going
12 to be able to just walk into a store and buy these
13 particular products. You gave a name of one, and
14 I'm sure there are others out there.

15 So can you give me some sense of -- you
16 know, are there some set of components or series of
17 chemicals that really qualify as the damaging
18 components that make this liquid a cream or paste or
19 a similar substance the danger that we're trying to
20 prevent?

21 MR. TUZMAN: To my understanding, and I
22 have certainly not searched the market for every
23 place this product surfaces, generically, it's a
24 glass-etching product. Generically, hydrofluoric
25 acid component is usually the active ingredient in

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2 it. There are at least a couple of popular brands
3 out there. We know that -- I believe it's Armor
4 Etch that is the most prevalent one. We could
5 certainly get Council more information on that.

6 I believe that certainly hydrofluoric acid
7 exists in its purest state and there are many
8 restrictions for one's access to that acid, nitric
9 acid, you know, all kinds of acids, hydrochloric
10 acid, etc.

11 My sense is that the restriction that
12 applies to them that doesn't allow you and me to
13 just walk off the street to a major chemical
14 distributor already provides restrictions. The
15 problem is that the product we're looking at
16 normally is found in the arts supply store normally
17 under glass etchant generically as a product.

18 Finding and providing more information to
19 you, I'd be glad to work with the Police Department
20 and with the Center City District and with Tom
21 Conway and Russ (indiscernible) from the Managing
22 Director's Office and the anti-graffiti network, all
23 of whom, you know, we've all been working together
24 to try to identify the problem and to identify the
25 source.

1 10/16/01 L&I BILL 010555

2 COUNCILMAN MARIANO: Thank you. More
3 questions?

4 COUNCILMAN NUTTER: I think my other
5 questions is probably more for Mr. Haigler with
6 regard to enforcement and what, if any, penalty
7 exists. I know that in Section 3, there's a
8 prohibited conduct for people, and all of them seem
9 to revolve around either selling or transferring or
10 offering.

11 I was intrigued as to what is the penalty
12 for actually doing this stuff, the act or the
13 destruction. That could be in another part of the
14 code under this general section, and I just wonder
15 whether we're amending that particular section in
16 terms of penalties for people who actually engage in
17 the conduct.

18 COUNCILMAN MARIANO: Mr. Haigler, you want
19 to try to help Councilman Nutter with that.

20 MR. HAIGLER: Our penalties that we have
21 in place are code enforcement type penalties, but
22 for the actual use, that would be a police matter,
23 that would be something that would be subject to
24 crimes code or police issue. That's not something
25 that --

1 10/16/01 L&I BILL 010555

2 COUNCILMAN NUTTER: Is it presently?

3 MR. HAIGLER: What's that again?

4 COUNCILMAN NUTTER: Is glass-etching or
5 glass destruction or --

6 MR. HAIGLER: Well, the destruction of
7 property in general

8 COUNCILMAN MARIANO: Any more questions
9 for either of these witnesses?

10 Mr. Haigler, do you want to read your
11 testimony. Mr. Haigler, every time you come in
12 here, I'm, like, amazed. You're a fountain of
13 knowledge. Now you know about scratchiti and you
14 walk around with all of this knowledge. It's a
15 scary thought.

16 MR. HAIGLER: We try.

17 COUNCILMAN MARIANO: Go ahead and read
18 your testimony.

19 MR. HAIGLER: Good day. I'm Otis Haigler
20 Jr., Regulatory Affairs Manager for the Department
21 of Licenses and Inspections. Today I'm here to
22 provide testimony on Bill 010555, which, if enacted,
23 will regulate the purchase and use of etching acid.
24 The proposed amendment to Title 9, Section 9-6-18,
25 as etching acid to the list of materials which

1 10/16/01 L&I BILL 010555
2 require greater monitoring due to improper use by
3 minors and others, causing damage to property and
4 contributing to blight, the Department has been
5 successful in the past with its enforcement of the
6 current requirements of Section 9-6-18, regulating
7 the sale of spray-paint containers and indelible
8 markers. The Department, therefore, fully supports
9 the enactment of Bill 010555 and is prepared to
10 enforce the provision once it becomes law.

11 COUNCILMAN MARIANO: Thank you,
12 Mr. Haigler. There are no questions for Mr. Haigler
13 from the committee. Seeing none, that's it for this
14 bill.

15 Now, Bill No. 010257 is being held at the
16 request of the sponsor.

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1 10/16/01 L&I COMMITTEE - PUBLIC MEETING

2 COUNCILMAN MARIANO: We're going to move
3 from the public hearing and into the public meeting

4 The Chair recognizes Councilman Clarke for
5 a motion on Bill No. 010555

6 COUNCILMAN CLARKE: Thank you,
7 Mr. Chairman. I make a motion that Bill No. 010555
8 be reported out of committee with a favorable
9 recommendation and a suspension of the rules as to
10 be reported at our next session of Council.

11 (Duly seconded.)

12 COUNCILMAN MARIANO: All in favor, aye?

13 No opposed, so 010555 gets voted out with
14 a favorable recommendation.

15 The Chair recognizes Councilman Clarke for
16 a motion on Bill 010498.

17 COUNCILMAN CLARKE: Thank you,
18 Mr. Chairman. I move that Bill No. 010498 be
19 reported out of committee with a favorable
20 recommendation and with request for a suspension of
21 the rules so as to be reported at our next session
22 of Council.

23 COUNCILMAN NUTTER: Question.

24 Mr. Chairman, I thought we heard testimony in the
25 hearing on this bill that there was an interest in

1 10/16/01 L&I COMMITTEE - PUBLIC MEETING

2 possible amendments?

3 COUNCILMAN MARIANO: We're going to hold
4 that bill after we get it out of here and we're
5 going to meet with the Administration and amend it
6 before we bring it in front of you again, so I
7 guarantee you there will be an amendment.

8 COUNCILMAN NUTTER: So we don't want to do
9 the amendment now.

10 COUNCILMAN MARIANO: No. We weren't
11 prepared for that.

12 Councilman Clarke.

13 COUNCILMAN CLARKE: The motion was made.

14 (Duly seconded.)

15 COUNCILMAN MARIANO: The motion has been
16 made and seconded.

17 All those in favor of Bill No. 0100498,
18 say aye.

19 Opposed?

20 No opposed, so that passes.

21 This concludes public hearing on Licenses
22 and Inspections.

23 (Proceedings end as 12:12

24 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia's meeting of the Council Committee on
Licenses and Inspections of Tuesday, October 16,
2001, are contained fully and accurately in the
stenographic notes taken by me upon, and that this
is a true and correct transcript of same.

RE: Bill No.'s 010498, 010555

_____,
Josephine Cardillo
Registered Professional Reporter
and Notary Public

(The foregoing certification of this
transcript does not apply to any reproduction of the
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