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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON LICENSES AND INSPECTIONS

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, March 18, 2009
1:10 p.m.

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PRESENT:

10 COUNCILWOMAN MARIA QUINONES-SANCHEZ, CHAIR

11 COUNCILWOMAN JANNIE BLACKWELL

12 COUNCILMAN DARRELL L. CLARKE

13 COUNCILMAN BILL GREEN

14 COUNCILMAN WILLIAM GREENLEE

15 COUNCILMAN JACK KELLY

16 COUNCILWOMAN JOAN L. KRAJEWSKI

17 COUNCILWOMAN BLONDELL REYNOLDS BROWN

18

19 BILL 080650 - An ordinance amending Section

20 9-605 of The Philadelphia Code, entitled

21 "Towing," by amending the requirements

22 required for Towing from Private Lots...

23

24 BILL 080953 - An ordinance amending Subcode

25 "P" (The Philadelphia Plumbing Code) of Title

4 of The Philadelphia Code...

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23 V A R A L L O Incorporated

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COUNCILWOMAN SANCHEZ: Good

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afternoon, everyone. I'm Councilwoman

4

Maria Quinones-Sanchez, Chair of the

5

Committee on License and Inspections.

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With me, the Committee on License and

7

Inspections has established a quorum. I

8

have Councilwoman Joan Krajewski,

9

Councilman Bill Green, Councilman Bill

10

Greenlee and Councilman Jack Kelly.

11

For the purposes of time, we're

12

going to go to Bill 080650 first.

13

Will the Clerk read the title

14

of the bill.

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THE CLERK: 080650, an

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ordinance amending Section 9-605 of The

17

Philadelphia Code, entitled "Towing," by

18

amending the requirements required for

19

Towing from Private Lots, Private

20

Property and Driveways, all under certain

21

terms and conditions.

22

COUNCILWOMAN SANCHEZ: Thank

23

you.

24

I'm going to invite Otis

25

Haigler from License and Inspections to

1 3/18/09 - L&I - BILLS 080650 and 080953
2 testify first and then the panel of Eddie
3 Wright, Lew Blum Towing, George Smith
4 Towing and Chris Foulds thereafter.

5 (Witness approached witness
6 table.)

7 COUNCILWOMAN SANCHEZ: You can
8 begin.

9 MR. HAIGLER: Good afternoon,
10 Chairwoman Sanchez and members of the
11 Committee. I am Otis Haigler, Jr.,
12 Director of Legislative Affairs for the
13 Department of Licenses and Inspections.
14 Today I am here to provide testimony on
15 Bill 080650, which, if enacted, will
16 amend Section 9-605, Subsection 11 of The
17 Philadelphia Code to allow for the
18 reduction in the size of posted signs on
19 single-family properties which authorizes
20 the towing of vehicles by private towing
21 operators pursuant to certain conditions
22 being met as currently indicated in this
23 section of the Code.

24 The Department offers no
25 objections to the enactment of this bill,

1 3/18/09 - L&I - BILLS 080650 and 080953
2 and thank you for the opportunity to
3 provide the Department's testimony.

4 COUNCILWOMAN SANCHEZ: Thank
5 you.

6 Any questions from the panel?
7 (No response.)

8 COUNCILWOMAN SANCHEZ: Is
9 anyone from the second panel that I
10 talked about, Eddie Wright, Blum Towing,
11 George Smith Towing or Chris Foulds,
12 available?

13 (Witness approached witness
14 table.)

15 COUNCILWOMAN SANCHEZ: Identify
16 yourself for the record.

17 MR. FOULDS: My name is
18 Christopher Foulds, F as in Frank,
19 O-U-L-D as in dog, S as in Sam.

20 COUNCILWOMAN SANCHEZ: Do you
21 have written testimony?

22 MR. FOULDS: Written testimony,
23 no.

24 COUNCILWOMAN SANCHEZ: All
25 right. You can proceed.

1 3/18/09 - L&I - BILLS 080650 and 080953

2 MR. FOULDS: Well, just to be
3 very brief about this, I live at 2nd and
4 Morris Street, and one morning I woke up
5 and there was a black Mustang with Jersey
6 plates parked in front of my garage,
7 which meant my wife couldn't get to work.
8 So I called the PPA. The PPA said they
9 couldn't tow. I called the police. The
10 police said they couldn't tow. They said
11 I had to get a private tower. Lew Blum
12 came out and said he couldn't tow because
13 he needed to put up a sign for at least
14 24 hours.

15 He did put up the sign, and
16 it's grotesquely large. The ordinance
17 says it has to be 36 inches by 36 inches,
18 which in the abstract seems like it's
19 within the range of reasonableness, but
20 that's really quite large, three feet by
21 three feet. It ends up dominating my
22 home, and people laugh, quite frankly,
23 when they come over. So it's a rather
24 small thing, but important to us.

25 COUNCILWOMAN SANCHEZ: Any

1 3/18/09 - L&I - BILLS 080650 and 080953
2 questions from the panel?

3 (No response.)

4 COUNCILWOMAN SANCHEZ: Thank
5 you for your testimony.

6 Anyone else here to testify on
7 Bill 080650?

8 (No response.)

9 COUNCILWOMAN SANCHEZ: Then we
10 will move on to what everyone is here
11 for, which is Bill 080953. Once the
12 Clerk reads the title of the bill, I want
13 to allow opening comments from its
14 sponsor, Councilman Darrell Clarke.

15 THE CLERK: Bill No. 080953, an
16 ordinance amending Subcode "P" (The
17 Philadelphia Plumbing Code) of Title 4 of
18 The Philadelphia Code ("The Philadelphia
19 Building Construction and Occupancy
20 Code") by providing for the use of ABS
21 plastic pipe and PVC plastic pipe, all
22 under certain terms and conditions.

23 COUNCILWOMAN SANCHEZ: If we
24 can wait a moment for Councilman Clarke,
25 he wanted to have some brief remarks

1 3/18/09 - L&I - BILLS 080650 and 080953
2 before we started the testimony.

3 The Chair recognizes Councilman
4 Clarke, the sponsor of this bill, for
5 remarks prior to the testimony.

6 COUNCILMAN CLARKE: Thank you,
7 Madam Chair and members of the Committee.

8 Real briefly, I just want to
9 give you a quick history and the reason
10 why we're here.

11 Madam Chair, as you recall, you
12 were not a member of Council at the
13 point, but I do understand that you were
14 interested in being provided in this
15 particular -- what is that on?

16 COUNCILWOMAN SANCHEZ: Can we
17 put up the volume of the microphones. We
18 may want to turn that off.

19 (Air conditioner is on.)

20 COUNCILWOMAN SANCHEZ: Excuse
21 me. Excuse me. We will be orderly.

22 Do you want to try again,
23 Councilman Clarke? It's not going to
24 turn off. They just turned on the air
25 because so many people came. So they

1 3/18/09 - L&I - BILLS 080650 and 080953
2 just turned on the air. You want us to
3 turn it off?

4 COUNCILMAN CLARKE: I mean, I
5 can't hear myself speak.

6 COUNCILWOMAN SANCHEZ: They
7 turned off the one on the second floor.
8 We're waiting for the one on the first
9 floor.

10 COUNCILMAN CLARKE: Thank you.
11 Madam Chair, approximately a couple years
12 ago, we started a process that we
13 understood would be difficult, time
14 consuming, in addition to which it will
15 require significant cooperation from a
16 lot of different parties, and we
17 attempted to implement a program, which
18 is known as inclusionary housing.

19 During the course of the
20 debate -- and I want to say that we
21 brought in all parties involved, the
22 development community, the building
23 trades community, the government and the
24 advocates, and we started a process that
25 talked about a way of making housing in

1 3/18/09 - L&I - BILLS 080650 and 080953
2 the City of Philadelphia more affordable.
3 And during the course of that discussion,
4 it was understood that everybody had to
5 participate in that, the City,
6 government, be it the state, the
7 development community, the building
8 trades and the advocates, and we crafted
9 a bill that talked about the parameters,
10 meaning the eligibility and the cost
11 associated with the housing that would be
12 made.

13 During the course of those
14 hearings, one thing became clear, that
15 unless we were in a position to get that
16 cost down utilizing all available
17 methods, we weren't going to be able to
18 provide affordable housing. And I'd like
19 to call it workforce housing, because the
20 reality is that there are a lot of people
21 out here who don't -- who make more money
22 than traditional government housing
23 authorizes you to be in, but they don't
24 make enough to afford some of the very
25 expensive condominiums and some of the

1 3/18/09 - L&I - BILLS 080650 and 080953
2 new construction. So we wanted to create
3 an environment to build this housing that
4 a person that's a police officer or a
5 nurse or in the building trades can
6 afford to purchase a new home in the City
7 of Philadelphia.

8 So we started a process that
9 looked at cost offsets, and I talked to
10 the development community, advocates, as
11 I said earlier. One of the most
12 significant issues that came up as it
13 relates to cost was the cost of material.
14 And being a person that believes in
15 investigating it before I accept
16 anybody's word, we looked at this whole
17 issue about PVC pipe and the cost
18 associated with the use of PVC versus
19 copper and iron and -- copper and iron,
20 cast iron. And once I understood that
21 there was a substantial difference in
22 cost, the first thing I did, because I
23 understand the institutional nature of
24 the Plumbers Union and their ability to
25 use certain materials, I reached out,

1 3/18/09 - L&I - BILLS 080650 and 080953
2 before I talked to anybody else, to
3 representatives from the Plumbers Union,
4 and over the last four to five months, we
5 have had what I would like to
6 characterize as probably the most
7 productive, substantive, cordial and
8 refreshing meetings that I have ever had
9 with representatives from the building
10 trades. And I would like to say -- I
11 want to call his name out. I don't want
12 to get him in trouble, but Mr. Kane was a
13 true gentleman. He kept his word, and
14 throughout the process, he brought in
15 other people from the industry and,
16 frankly speaking, I thought we were on
17 the path to getting an understanding.

18 I'm assuming he felt
19 comfortable that it was not my intent to
20 cause any problems with his members,
21 because I'm a former union member. I
22 believe in unions. I understand the
23 importance of having unions, particularly
24 over the last eight years as it relates
25 to this whole push on the national level

1 3/18/09 - L&I - BILLS 080650 and 080953
2 to get rid of unions.

3 So we were working along a
4 process that will deal specifically with
5 a particular type of material, not
6 affecting the workforce associated with
7 that material.

8 We crafted what I believed to
9 be a set of amendments that reflected
10 some of the concerns, and we will
11 probably have disagreement on that today,
12 significant amount of the concerns that
13 were raised, and in some instances, I
14 actually don't -- the Administration does
15 not agree with me, because what I
16 committed to do is to taking out the
17 commercial side of this bill, which is a
18 significant portion, because my sole
19 interest was residential.

20 We talked about crafting a bill
21 that reflected a certain size of
22 residential, because the buildings trades
23 consistently and representatives from the
24 industry talked about the concerns about
25 high-rises and the installation of PVC.

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2 And I must tell you, I got a significant
3 education during this process, because I
4 didn't understand the application process
5 when you put PVC on just lower levels,
6 it's safe as can be, and the further you
7 go up, there's a different application
8 process. And I learned something. But
9 at the end of the day, I still believe
10 that a person should have a choice. An
11 individual should have a choice. A
12 developer should have a choice. So if it
13 costs more to put PVC in the upper
14 floors, then I think that that person or
15 that developer should have an option of
16 paying more money for the installation,
17 because we're in the City and I know the
18 Administration is not going to support
19 something that's unsafe. You're not
20 going to get a building permit from
21 License and Inspection if the application
22 is not applied.

23 We talked about inserting the
24 specifics of the language as it relates
25 to the application process to ensure that

1 3/18/09 - L&I - BILLS 080650 and 080953
2 nobody is going to come in our city and
3 install PVC that's unsafe, and I was
4 prepared to put that in the legislation.

5 So today, as I proceeded on
6 requesting a hearing, it was based on the
7 belief that we would get a consensus.
8 And I hope that we do, because I think
9 that at the end of the day, our ability
10 to provide housing in a less costly way
11 will increase the level of housing. I
12 just genuinely believe that, and I think
13 any sane-thinking person would believe
14 that also.

15 So today, what we're going to
16 do, from our perspective, is lay out the
17 facts, the facts as it relates to the
18 costs associated with the particular
19 material, the facts as it relates to the
20 safety of the implementation and the
21 installment of this particular material
22 and the need to ensure that we do things
23 in the most cost effective and the most
24 safe possible way of ensuring that people
25 in the City of Philadelphia have a

1 3/18/09 - L&I - BILLS 080650 and 080953
2 choice.

3 I'm not going to get --
4 personally, I don't want to get into us
5 versus them, what they do in other places
6 and what we do here and what we're
7 prohibited doing. That discussion will
8 be had at the witness table, because I
9 want to talk about the City of
10 Philadelphia and the importance of us
11 working together to craft something that
12 I think will benefit all of us.

13 So we will believe that we will
14 put on a case. And, as I said, I was
15 prepared to offer some amendments to
16 reflect a significant amount of the
17 concerns that were raised by the
18 individuals in the trades and the
19 supporting individuals that were in those
20 meetings. So today, we hope to lay out a
21 case for our ability, the citizens'
22 ability, to expand the application of PVC
23 pipe.

24 Thank you.

25 COUNCILWOMAN SANCHEZ: So you

1 3/18/09 - L&I - BILLS 080650 and 080953
2 don't have any amendments that you're
3 going to offer up today, though?

4 COUNCILMAN CLARKE: I do have
5 the amendments.

6 COUNCILWOMAN SANCHEZ: You do?
7 Do you want to circulate them with the
8 Committee now, or no?

9 COUNCILMAN CLARKE: I can.
10 There are a couple of them. I was kind
11 of getting a sense of the tone of the
12 discussion.

13 COUNCILWOMAN SANCHEZ: So
14 you'll hold them?

15 COUNCILMAN CLARKE: I genuinely
16 hope that there can be some sort of an
17 agreement reached, because during the
18 course of those five months of working
19 with these gentlemen, I understand that
20 they're genuine. It's not personal.
21 Their concerns are genuine. I enjoyed
22 working with them.

23 So I think when people work
24 together and have meaningful dialogue, I
25 think at the end of the day, people can

1 3/18/09 - L&I - BILLS 080650 and 080953
2 come to some sort of an agreement.

3 COUNCILWOMAN SANCHEZ: Thank
4 you, Councilman Clarke.

5 We are going to start. We have
6 several different panels, so let me lay
7 them out so folks know in the order that
8 we're going.

9 We're going to hear from the
10 Administration and Commissioner Fran
11 Burns, as well as Deputy Mayor Andrew
12 Altman, are here. We're going to start
13 with them. And then we're going to have
14 a panel that includes Joe Rea, Chuck
15 Breder, Patrick McDonald and Roland
16 Kassis and Scott Orens, and that will be
17 one panel. Then we're going to have a
18 panel that includes Community Legal
19 Services, Women's Revitalization, Project
20 HOME and the Homeowners Association. And
21 then we have two additional panels that
22 include the Plumbers Union, firefighters
23 membership, and then we are going to
24 have -- the fourth panel will be MCA,
25 Cast Iron and others. So just to give

1 3/18/09 - L&I - BILLS 080650 and 080953
2 folks a sense of the order in which we
3 are going to proceed with the testimony.

4 If there's someone else that I
5 don't have on this list that is here who
6 wants to testify, if you can approach
7 staff on the side so that we make sure
8 that we add you in to the panel.

9 So with that, I'd like to start
10 with Commissioner Burns and the folks
11 from L&I and Deputy Mayor Andrew Altman,
12 if they would come to the witness stand,
13 please.

14 (Witnesses approached witness
15 table.)

16 COUNCILWOMAN SANCHEZ: We'll
17 start with Deputy Mayor.

18 DEPUTY MAYOR ALTMAN: Good
19 morning, Councilmember Sanchez and
20 members of the Committee on Licenses and
21 Inspections. My name is Andrew Altman.
22 I'm the Deputy Mayor for Planning and
23 Economic Development and the Director of
24 Commerce. I am here today to testify in
25 support of Bill No. 080953 introduced on

1 3/18/09 - L&I - BILLS 080650 and 080953
2 December 11, 2008. I want to thank
3 Councilman Clarke for his focus on
4 improving our Building Code and for all
5 of his efforts.

6 Bill No. 080953 amends the
7 Philadelphia Plumbing Code to allow for
8 the use of PVC and ABS piping throughout
9 the Code for use in water supply, waste
10 removal, rainwater drainage, venting and
11 underground wastewater.

12 Commissioner Fran Burns of the
13 Department of Licenses and Inspections
14 will testify next about the technical
15 details and will also be available to
16 answer any questions concerning
17 implementation or enforcement.

18 First, I think that it is
19 important to set the framework for this
20 issue and development as a whole in the
21 City of Philadelphia. The cost of
22 construction in Philadelphia is the
23 fourth highest in the country. It's
24 growing 17 percent faster than the
25 national average. So any steps we can

1 3/18/09 - L&I - BILLS 080650 and 080953
2 take to reduce barriers to entry will
3 help strengthen Philadelphia, making it a
4 more competitive place to do business.

5 Our Building Code is generally
6 pretty cost competitive, and the
7 Philadelphia Plumbing Code actually has
8 some advantages over other jurisdictions
9 with the use of a single-stack system,
10 which requires less material and labor
11 than other codes. Unfortunately, in many
12 cases that savings is often mitigated or
13 wiped out by the required use of
14 materials such as cast iron and brass in
15 other areas that take longer to install
16 and could cost more.

17 The allowance of PVC throughout
18 the Plumbing Code will make the
19 Philadelphia Plumbing Code one of the
20 most cost efficient in the country,
21 actually cheaper than the IPC, which
22 governs the surrounding region. Our
23 estimate is that the use of PVC could
24 reduce total costs for new construction
25 by as much as six to ten percent, and

1 3/18/09 - L&I - BILLS 080650 and 080953
2 cost in savings would be even greater for
3 renovations since PVC is easier to
4 install in existing structures and 75
5 percent of all Philadelphia construction
6 is renovations.

7 Another benefit of Bill 080953
8 is not just the effect that it will have
9 on private developers, but the effect it
10 will have for not-for-profits,
11 institutions and City projects. This
12 reduction in construction costs would
13 allow the City, the School District,
14 universities and hospitals to maximize
15 their resources to provide services.

16 For all of these reasons, I am
17 here today to express our support for the
18 bill, and I want to thank you for your
19 time and happy to take any questions.

20 COUNCILWOMAN SANCHEZ: Are
21 there any questions from the members?
22 You want to hold until after the
23 Commissioner? Okay.

24 COMMISSIONER BURNS: Good
25 afternoon, Councilwoman Sanchez and

1 3/18/09 - L&I - BILLS 080650 and 080953
2 members of the Committee. I am Fran
3 Burns, Commissioner of the Department of
4 Licenses and Inspections. Today I am
5 here to testify in support of Bill
6 080953, which, if enacted, will amend the
7 Philadelphia Plumbing Code in order to
8 permit the installation of PVC or ABS
9 piping for use in all buildings in the
10 City.

11 According to Section P-809.1 of
12 the current Philadelphia Plumbing Code,
13 above-ground piping shall be of brass,
14 type "M" copper or heavier, cast iron,
15 galvanized steel, galvanized alloy,
16 galvanized malleable iron split
17 couplings, stainless steel, poly butylene
18 cold water pipe or plastic water pipe
19 with appropriate approved fittings.
20 Currently, below-ground piping shall be
21 of brass, type "L" copper or heavier,
22 cast iron or plastic cold water pipe.
23 Section P-809.2 allows CPVC piping for
24 domestic hot and cold water service in
25 buildings that house no more than three

1 3/18/09 - L&I - BILLS 080650 and 080953
2 dwelling units and alternative housing
3 designs such as single-room occupancies
4 with a maximum of ten beds. Section
5 P-902.5 regulates that ABS plastic pipe
6 shall be limited to installation in
7 buildings containing dwelling units only.
8 Such buildings shall consist of from one
9 to four families and shall not exceed
10 three stories in height. For the purpose
11 of this section, basements are not
12 considered a story in height. Bill
13 080953 will change the Philadelphia
14 Plumbing Code to allow the use of PVC and
15 ABS in all commercial and residential
16 buildings above and below ground.

17 For decades, the use of PVC has
18 been allowed by model codes, not just the
19 International Code, with no attempt to
20 prohibit or limit its use to documented
21 experience and with no limitation based
22 on occupancy. The Department fields many
23 questions from out-of-town designers and
24 rejects a majority of plans because of
25 the distinction between different types

1 3/18/09 - L&I - BILLS 080650 and 080953
2 of piping. Standardizing the type
3 allowed or providing the option to use
4 PVC or ABS will help eliminate confusion
5 by developers, designers and contractors.

6 The use of PVC or ABS is
7 authorized in the International Plumbing
8 Code that is adopted at the state or
9 local level in 37 states, plus
10 Washington, DC and Puerto Rico. It is
11 also the standard of the Pennsylvania
12 Uniform Construction Code.

13 If this bill were adopted, the
14 Department would take appropriate measure
15 to ensure that inspectors and plans
16 examiners are trained on the applicable
17 code.

18 The Department, therefore,
19 supports enactment of Bill 080953 as
20 introduced in Council on December 11,
21 2008.

22 Thank you for the opportunity
23 to provide testimony. I will be happy to
24 answer any questions at this time and
25 also happy to introduce Deputy

1 3/18/09 - L&I - BILLS 080650 and 080953

2 Commissioner Michael Fink.

3 COUNCILWOMAN SANCHEZ: Thank
4 you, Commissioner Burns.

5 I will start with recognizing
6 that Councilwoman Blondell Reynolds Brown
7 has joined as a member of this Committee,
8 and Councilman Bill Greenlee has some
9 questions.

10 COUNCILMAN GREENLEE: Thank
11 you, Madam Chair.

12 Good afternoon, everybody. I
13 didn't see in either of your testimony
14 any talk about any study or any
15 investigation you may have done on the
16 safety of PVC. Have you done any?
17 Because obviously there are concerns
18 about that, particularly when it comes to
19 fires. Have either of you looked into
20 that personally yourselves?

21 COMMISSIONER BURNS: Yes.
22 Anything that we've looked at, what we've
23 looked at are reports in comparing the
24 two types and also put some credibility
25 in those that adopt on the International

1 3/18/09 - L&I - BILLS 080650 and 080953
2 Code and developed the International Code
3 and also the Uniform Construction Code,
4 and in that, there is great regard to
5 safety. As such, we haven't seen any
6 scientific or otherwise proven evidence
7 that any or other type is unsafe or that
8 one type is safer than the other.

9 And in terms of the Department
10 of Licenses and Inspections, our job is
11 to enforce the Code and not to regulate
12 material. So we will continue to enforce
13 whatever the Code may be.

14 And also just one other caveat,
15 the Building Code is constructed to
16 protect and address safety issues as it
17 relates to fire and fire construction
18 materials.

19 COUNCILMAN GREENLEE: Have you
20 seen or heard the testimony or have you
21 seen the letter Mr. McBride of the
22 firefighters has put forth?

23 COMMISSIONER BURNS: I have
24 not.

25 COUNCILMAN GREENLEE: Okay. We

1 3/18/09 - L&I - BILLS 080650 and 080953
2 may want to add more questions when that
3 comes back.

4 COMMISSIONER BURNS:
5 Absolutely.

6 COUNCILMAN GREENLEE: Thank
7 you.

8 COUNCILWOMAN SANCHEZ: Thank
9 you.

10 The Chair recognizes Councilman
11 Green.

12 COUNCILMAN GREEN: Good
13 afternoon.

14 In Deputy Mayor Altman's
15 testimony it says that adding PVC will
16 reduce the cost of construction by as
17 much as six to ten percent. What is that
18 based on? Did you do some sort of
19 analysis? Do you have a report that you
20 can share with the Committee?

21 DEPUTY MAYOR ALTMAN: Yeah, we
22 could share. We've done an analysis of
23 cost of construction in the City and the
24 different elements of it. Yes.

25 COUNCILMAN GREEN: And could

1 3/18/09 - L&I - BILLS 080650 and 080953
2 you please provide that to the Chair so
3 that we might have the benefit of that as
4 we look at this issue?

5 DEPUTY MAYOR ALTMAN: Sure.

6 COUNCILMAN GREEN: The other
7 thing is, I think in other cities where
8 they allow PVC, I got the impression from
9 somebody's testimony that where there is
10 PVC used, you don't have single stack.
11 You're required to have stacks wherever
12 there's restrooms and stuff. In other
13 words, we're the only city that allows
14 single stack, and I thought that might be
15 because of the quality of the pipes we
16 used.

17 DEPUTY COMMISSIONER FINK: The
18 single-stack system --

19 COUNCILWOMAN SANCHEZ: Identify
20 yourself for the record, please.

21 DEPUTY COMMISSIONER FINK: I'm
22 sorry. I'm Michael Fink, Deputy
23 Commissioner for Licenses and Inspections
24 Development.

25 The single-stack system is

1 3/18/09 - L&I - BILLS 080650 and 080953
2 based upon the size of the pipe, allowing
3 the system to vent the sewer gases, along
4 with taking the waste material away. It
5 was actually introduced as an approved
6 system in the International Plumbing Code
7 recently and failed by a very small
8 margin. We believe it's a good system
9 and would like to maintain it here in
10 Philadelphia. But it really doesn't have
11 anything to do with the type of
12 materials. It has to do more with the
13 size of the pipe.

14 COUNCILMAN GREEN: Is there a
15 list of cities that use PVC and also
16 allow single stack?

17 DEPUTY COMMISSIONER FINK: I'm
18 not aware of any, no. I believe the
19 single-stack system is pretty much
20 related just to Philadelphia, but, again,
21 it deals with --

22 COUNCILMAN GREEN: So there's
23 no data on whether or not that's safe or
24 will last a long time or anything like
25 that? Because we would be out in the

1 3/18/09 - L&I - BILLS 080650 and 080953
2 frontier on this issue if we permitted
3 this.

4 DEPUTY COMMISSIONER FINK: The
5 single-stack system is for venting. It's
6 based on the size of the pipe, not
7 necessarily the type of material.

8 COUNCILMAN GREEN: But nobody
9 else has tried it with PVC; that's your
10 testimony?

11 DEPUTY COMMISSIONER FINK: Not
12 that I'm aware of, sir.

13 COUNCILMAN GREEN: Okay. The
14 other question I have is, what is the
15 difference between PVC and ABS?

16 DEPUTY COMMISSIONER FINK: It's
17 just different composition in the
18 plastic, what is termed "plastic." There
19 are a number of different types of
20 plastic. That's just the material that
21 goes in to making the plastic.

22 COUNCILMAN GREEN: Okay. So
23 many of the cost savings attributed to
24 the six to ten percent cost savings,
25 we're saying that using PVC compared to

1 3/18/09 - L&I - BILLS 080650 and 080953
2 our current system will save six to ten
3 percent, but it appeared to me from
4 Commissioner Burns' testimony that we
5 actually allow ABS and CPVC in certain
6 categories right now, like single-family
7 homes, dwelling units of less than three
8 stories, et cetera.

9 So my question is, what is --
10 and that seems to be the area Councilman
11 Clarke is concerned with. What is the
12 difference in the cost of installing PVC
13 versus ABS and the way it's used?

14 DEPUTY COMMISSIONER FINK: I'm
15 not familiar with the cost. I only deal
16 with the model codes. I can't speak to
17 the cost. I have not personally done any
18 studies in that.

19 COUNCILMAN GREEN: But with
20 respect to the areas currently that
21 permit CPVC and ABS, like -- let's just
22 go over them real quick. Domestic hot
23 and cold water, no more than three
24 dwelling units and alternative housing
25 design such as single-room occupancies

1 3/18/09 - L&I - BILLS 080650 and 080953
2 with a maximum of ten beds, installation
3 in buildings containing dwelling units
4 only, can only be one to four families
5 and shall not exceed three stories in
6 height.

7 Isn't that most of the areas
8 that seem to be -- aren't we addressing
9 this problem already in the small house
10 space in the homes for the kind of people
11 that were mentioned in Councilman
12 Clarke's opening statement?

13 DEPUTY COMMISSIONER FINK: It
14 is allowed in most residential
15 occupancies, again, three stories or
16 less.

17 COUNCILMAN GREEN: So there is
18 no testimony about the difference in cost
19 between -- you don't know, the
20 Administration does not currently know,
21 the difference in cost between building
22 what is currently permitted with CPVC or
23 ABS and PVC? There may be no cost
24 difference?

25 DEPUTY COMMISSIONER FINK: Not

1 3/18/09 - L&I - BILLS 080650 and 080953

2 that I'm aware of, no.

3 COUNCILMAN GREEN: Okay. Thank
4 you.

5 COUNCILWOMAN SANCHEZ: The
6 Chair recognizes Councilwoman Blondell
7 Reynolds Brown.

8 COUNCILWOMAN BROWN: Good
9 afternoon.

10 I have a follow-up to
11 Councilman Green's question. Why that
12 particular height limit as opposed to any
13 other height limit that's stipulated on
14 the first page of Commissioner Burns'
15 testimony? How do we end up at that
16 particular place?

17 DEPUTY COMMISSIONER FINK: That
18 was established before I ever came to my
19 position. I do not know what the basis
20 of that height limitation or occupancy
21 limitation is.

22 COUNCILWOMAN BROWN: The Mayor
23 has made it very, very clear beginning on
24 Inauguration Day that he wanted to make
25 Philadelphia a greener city, and a number

1 3/18/09 - L&I - BILLS 080650 and 080953
2 of measures have been introduced on City
3 Council addressing just that, how we move
4 to make Philadelphia more sustainable.
5 Which of the two is more environmentally
6 acceptable?

7 DEPUTY COMMISSIONER FINK:
8 Defining what is green is something that
9 is --

10 (Audience members yelling.)

11 COUNCILWOMAN BROWN: What did
12 you say?

13 COUNCILWOMAN SANCHEZ: Excuse
14 me, folks. Please.

15 DEPUTY COMMISSIONER FINK:
16 Defining when something is green is kind
17 of difficult to measure. I believe most
18 people would say that plastic is not as
19 natural a material as cast iron, but the
20 use of plastic pipe allows us to use
21 perforated pipe, which can give you a
22 better method of dispensing with storm
23 water and items like that.

24 COUNCILWOMAN BROWN: Repeat
25 your last statement.

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2 DEPUTY COMMISSIONER FINK:

3 Using PVC pipe, which is perforated, can
4 allow us to use better methods of
5 disposing of storm water to get it back
6 into the aquifer as opposed to getting it
7 to the City's sewers, which the City's
8 Water Department then has to treat. So
9 it's hard to quantify which is more
10 green.

11 Additionally, you could even
12 get into inane arguments about whether or
13 not the cost of transportation of the
14 material -- when someone does a LEED
15 certification, it looks so far into the
16 actual accrual of the materials, the
17 purchase and transportation of the
18 material, that that all goes into what
19 determines what's more sustainable or
20 not. So there's too much of a variable
21 there. Perhaps the developers in this
22 area can deal with that, because, again,
23 I do not do cost analysis.

24 COUNCILWOMAN BROWN: Okay.

25 Point of information, Madam Chair, to the

1 3/18/09 - L&I - BILLS 080650 and 080953
2 sponsor of the bill.

3 Currently, as the bill is
4 written, this change, if implemented,
5 would affect housing construction of any
6 type, meaning those that are supported
7 financially by the City as well as
8 private development as well?

9 COUNCILMAN CLARKE: Correct, as
10 the bill is currently written.

11 COUNCILWOMAN BROWN: So with
12 that in mind, does L&I have any
13 procedure, regulation where a different
14 set of rules apply for those residential
15 construction where there is City
16 financing? In other words, if you are
17 doing anything for the City and you're
18 coming to the City and you're asking for
19 City financial support, then with that,
20 the City has either a different set of
21 rules or another set of rules for those
22 who want to get City support and abide by
23 these additional conditions that the City
24 may be imposing, because you're asking
25 for City financial support?

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2 COMMISSIONER BURNS: No.

3 COUNCILWOMAN BROWN: Anything
4 in the Code right now?

5 COMMISSIONER BURNS: No.

6 COUNCILWOMAN BROWN:

7 Mr. Altman.

8 DEPUTY MAYOR ALTMAN: No. No,
9 not in the Code right now, and I think
10 the idea of this is that we want to
11 effect as much the private and not just
12 the City supported. So there's one set
13 of standards that -- I mean, if there are
14 additional things that -- you talked
15 about LEED or other certifications that
16 we're aspiring to, has there been
17 measures about green roofs where we've
18 put incentives in, but I think in terms
19 of looking at the Building Code and
20 what's been adopted, trying to have a
21 uniform set of regulations, whatever
22 those may be for basic construction in
23 the City.

24 COUNCILWOMAN BROWN: You say
25 we're trying to adopt.

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2 DEPUTY MAYOR ALTMAN: Well, in
3 terms of what's before us. That's why we
4 didn't differentiate between the public
5 and the private for this.

6 COUNCILWOMAN BROWN: Okay,
7 then. All right.

8 COUNCILWOMAN SANCHEZ: Excuse
9 me. Point of information. Councilman
10 Clarke, as the sponsor, do you want to
11 give a clarifying statement to what the
12 Councilwoman is asking?

13 COUNCILMAN CLARKE: Yeah.
14 Actually, both issues. One with respect
15 to Councilman Green's question about the
16 current allowance of PVC in existing
17 three-story single-family homes. One of
18 the issues as it relates to the
19 inclusionary housing, the agreement that
20 was reached, that it must be -- the
21 trigger was 20 units or more. So a
22 three-story home obviously does not have
23 20 units, so, therefore, in order to have
24 the inclusionary housing trigger, you
25 must have at least 20 units, which,

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2 therefore, calls for the need to be in a
3 position to build more than 20 units in
4 order to get the affordable housing.
5 That's with respect to the Councilman's
6 question about why are we seeking to
7 expand it beyond the three-story housing.
8 Just pure numbers. In addition to which,
9 there has been no proof that I can see
10 that using it in buildings beyond three
11 units is not safe.

12 So, as I said in my earlier
13 statements, I think that a person should
14 have the option. If they choose to apply
15 PVC in a building that has 20 units or 30
16 units, if it is safe, then I think that
17 that person should have that option. And
18 if it costs more, then that person will
19 probably opt to go to cast iron or
20 copper. Frankly speaking, the
21 information we have shows that it will be
22 less costly.

23 COUNCILWOMAN SANCHEZ: And just
24 for another point of information, so we
25 would be talking, for instance, just as

1 3/18/09 - L&I - BILLS 080650 and 080953

2 an example, PHA's housing developments

3 that have multi units, or no?

4 COUNCILMAN CLARKE: If PHA --

5 as you know, there are conventional sites

6 in there --

7 COUNCILWOMAN SANCHEZ: Right.

8 And then they have their multi --

9 COUNCILMAN CLARKE: Then

10 there's scatter sites. A conventional

11 site development such as -- and PHA is

12 probably not a good example, because all

13 of that is affordable. But the question

14 with respect to the uses of PVC, in fact,

15 is required in a senior citizens

16 development, so to speak, because it is

17 above the three threshold number. That

18 goes directly to the cost associated with

19 the City or the government subsidy. In

20 the case of the PHA, it's the government.

21 So the higher the cost associated with

22 that development, the more it's going to

23 cost us in subsidy, because PHA is a

24 subsidized development. And any

25 non-profit corporation, that essentially

1 3/18/09 - L&I - BILLS 080650 and 080953
2 is going to be an additional infusion of
3 cash, of taxpayers' money, to subsidize
4 that unit, because the cost is so high.

5 COUNCILWOMAN SANCHEZ: Did you
6 have any other points? Because then I
7 was going to recognize back to Councilman
8 Green, I think had other questions, but I
9 know your light was on prior to that.
10 Was there any other point that you wanted
11 to --

12 COUNCILMAN CLARKE: No.
13 Councilman Green was asking about the
14 three --

15 COUNCILWOMAN SANCHEZ: But did
16 you have a point? I wanted to recognize
17 you because your light went on. Because
18 I know Councilman Green has --

19 COUNCILMAN CLARKE: No. That
20 was in response to Councilman Green's.

21 COUNCILWOMAN SANCHEZ: So can
22 he continue his line of questioning?

23 COUNCILMAN CLARKE: Oh,
24 absolutely.

25 COUNCILWOMAN SANCHEZ: Thank

1 3/18/09 - L&I - BILLS 080650 and 080953

2 you.

3 COUNCILMAN GREEN: The Code
4 sections that are mentioned in
5 Commissioner Burns' testimony, do they
6 not apply to over 20 units?

7 COMMISSIONER BURNS: That's
8 correct.

9 COUNCILMAN GREEN: So this is
10 20 units and under?

11 DEPUTY COMMISSIONER FINK:
12 Those Code sections apply -- if you read
13 them again, they say four units or under,
14 three stories or under. So that's the
15 maximum.

16 COUNCILMAN GREEN: But that's
17 per building?

18 DEPUTY COMMISSIONER FINK: Yes,
19 sir.

20 COUNCILMAN GREEN: Okay. So
21 for single-family residences, twins, it
22 applies?

23 DEPUTY COMMISSIONER FINK: Yes,
24 sir.

25 COUNCILMAN GREEN: And the

1 3/18/09 - L&I - BILLS 080650 and 080953
2 majority of homes built in Philadelphia,
3 the kind of homes that we're talking
4 about here, are generally single family
5 or twins? Is there any --

6 DEPUTY MAYOR ALTMAN: I have to
7 get the numbers for you exactly.

8 COUNCILMAN GREEN: If you could
9 provide that to the Chair, that would be
10 great.

11 The other thing I wanted to ask
12 was, in Deputy Mayor Altman's testimony,
13 it says the cost savings and impact would
14 be greater for renovations since PVC is
15 easier to install in existing structures
16 and 75 percent of construction is
17 renovations.

18 Is ABS as easy to install as
19 PVC?

20 DEPUTY COMMISSIONER FINK:
21 They're both pretty much the same.

22 COUNCILMAN GREEN: Thank you.

23 COUNCILWOMAN BROWN: Madam
24 Chair.

25 COUNCILWOMAN SANCHEZ: Yes.

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2 Councilwoman Brown.

3 COUNCILWOMAN BROWN: Additional
4 follow-up. The sponsor of the bill
5 raised the issue of choice. Is there an
6 intention to deal with the issue of
7 choice at any juncture? And can you
8 respond to why that is not even a factor
9 in this bill, or is that left for further
10 discussion? Why should not builders be
11 given a choice to spend how much money
12 they want to spend if they have limited
13 budgets?

14 COMMISSIONER BURNS: Well, I
15 think that the point is that we're just
16 supporting the choice to be had so that
17 developers could choose between either
18 type.

19 DEPUTY MAYOR ALTMAN: As
20 opposed to being mandated to only use
21 one. So I think the question of choice
22 so that people have the option -- there
23 is an option, the ability to be able to
24 use an alternative system so that there
25 is a cost reduction, if they want to --

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2 COUNCILWOMAN BROWN: That was
3 not clear to me. Thank you very much.
4 That wasn't clear. Thank you.

5 COUNCILWOMAN SANCHEZ: Any
6 other questions from the panel?

7 (No response.)

8 COUNCILWOMAN SANCHEZ: Okay,
9 then. Thank you very much from the
10 Administration panel. We will move on to
11 a panel that includes Joe Rea, Chuck
12 Breder, Patrick McDonald, Roland Kassis
13 and Scott Orens. And could the next
14 panel, if folks are here, remain close
15 by, which is Community Legal Services,
16 WCRP, Jannine Miller, Darrell Zaslow and
17 Michael Cudahy.

18 (Witnesses approached witness
19 table.)

20 COUNCILWOMAN BROWN: Good
21 afternoon. Can you identify yourself for
22 the record and begin. Joe Rea?

23 MR. SHERMAN: My name is Sam
24 Sherman. I'm the President of the
25 Building Industry Association of

1 3/18/09 - L&I - BILLS 080650 and 080953
2 Philadelphia. I think I was on the list.

3 COUNCILWOMAN SANCHEZ: Oh, I'm
4 sorry. You were before that. I'm sorry.

5 MR. SHERMAN: Yes. And what I
6 wanted to do was take an opportunity to
7 introduce the other panelists very
8 quickly, but also to thank you,
9 Councilwoman, for allowing us to testify
10 on this issue and also Councilman Clarke
11 for introducing the legislation.

12 I have prepared testimony. I
13 believe the Committee members have been
14 supplied with that written testimony, and
15 there's been some supplemental
16 information brought before you as well in
17 the last hour. And with that, I will
18 provide my testimony and then I would ask
19 that Pat McDonald speak next, as he has
20 to go to an appointment and he would like
21 to offer testimony.

22 As I said, my name is Sam
23 Sherman. I'm the President of the
24 Building Industry Association of
25 Philadelphia, and the BIA is here in

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2 support of Bill No. 080953, which would
3 allow PVC piping in plumbing to be
4 installed in lieu of cast iron.

5 The BIA supports this
6 legislation because in this economy, the
7 use of PVC reflects and demonstrates that
8 it will cost less to install and use in
9 residential applications. And our own
10 internal analysis at the Building
11 Industry Association has demonstrated on
12 average it will reduce construction costs
13 on a typical three-bedroom,
14 two-and-a-half bath home by about \$2,200
15 to \$2,500 depending on square footage.

16 The use of PVC piping will also
17 save the City money in that any City
18 projects that are financed and involved
19 in the infrastructure upgrades or the
20 upgrades to existing buildings will
21 translate into direct savings to the City
22 budget, as in the savings realized by the
23 use and permission to use PVC pipe.

24 Furthermore, there are added
25 costs to the use of this cast iron that

1 3/18/09 - L&I - BILLS 080650 and 080953
2 we're currently using in that the
3 plumbing inspectors in Philadelphia have
4 to undergo additional training in the
5 installation of cast iron piping. This
6 adds cost and it also adds to
7 administrative costs that must be
8 realized by the Department of License and
9 Inspections.

10 And, lastly, the BIA has
11 provided data that will support the
12 argument that PVC is an acceptable
13 alternative to cast iron.

14 And with that, in the interest
15 of time, I would like to ask that Pat
16 McDonald offer testimony next on the
17 list. But thank you very much for
18 allowing us to testify.

19 MR. McDONALD: Good afternoon,
20 members of the Council. My name is
21 Patrick McDonald. I'm a master plumber
22 for 20-plus years in the City of
23 Philadelphia and come from a long line of
24 plumbers. My father was a 690 plumber.

25 On the seal that I hold as a

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2 master plumber, the phrase "Plumbers
3 protect the health and welfare of the
4 nation" stands out very bold and defined.
5 I've always taken this oath very, very
6 seriously and, over the years, have
7 questioned some of the Code requirements
8 contained in the Philadelphia Plumbing
9 Code.

10 I would like to address a
11 common material used in the current
12 Philadelphia Plumbing Code. The use of
13 lead for our sanitary piping systems is a
14 Code requirement. This requirement is,
15 quote, a "forbidden use item" and against
16 the law in nearly every city across the
17 nation.

18 I'd like to look at some
19 statistics with you today.

20 According to the article
21 prepared for the FDA Consumer, Volume 32
22 in January of 1998, lead was banned from
23 house paint in 1978. U.S. canners quit
24 using lead in solder in 1991. A 25-year
25 phaseout of lead in gasoline reached its

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2 goal in 1995. As a result of such
3 efforts and more, the number of young
4 children with potentially harmful blood
5 levels has dropped 85 percent in the past
6 20 years, as shown by the National Health
7 and Nutritional Examination Survey
8 conducted by the National Center for
9 Health Statistics and funded by the FDA.
10 The FDA continues to approve new portable
11 blood lead screening kits for health
12 professionals to use to address this
13 serious health issue.

14 So is lead a health risk?
15 Let's look. According to a 179-page
16 document named "Lead and Public Health,"
17 Benjamin Franklin observed in 1786 that
18 printers who worked with molten lead, as
19 plumbers do and are required to do, and
20 cast their own type were suffering --
21 quote, "suffering as a consequence." As
22 quoted by Erik Millstone, quote,
23 "Responsibility for neglecting the
24 problem of lead poison, and especially
25 the damage which is being inflicted on

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2 young children, must be borne not by

3 scientists but by governments."

4 In 1986, a four-volume document

5 was prepared by a group of senior

6 scientists in the EPA and was the most

7 thorough and comprehensive toxicological

8 assessment ever produced to date of the

9 dangers of lead in relationship to human

10 health. In this report, it was found

11 that, quote, "Inhaled or ingested lead

12 circulates via the bloodstream,

13 mineralizing tissues such as teeth and

14 bone. Concentrations of lead in blood

15 circulating to soft tissue target organs

16 such as the brain, the kidneys and the

17 central nervous system."

18 Where is lead required in The

19 Philadelphia Code? We spoke about that

20 with L&I a little bit ago. And the

21 answer is, again, anywhere underground

22 and inside any commercial or residential

23 buildings and up to ten feet out of the

24 side of the wall of the structure. This

25 means that plumbers, plumbers' helpers,

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2 fellow contractors, City inspectors
3 absorb the fumes of the molten lead being
4 used. This is in 2009, not in 1786.

5 However, even more alarming and
6 disturbing is that because the
7 requirement is for molten lead to be used
8 inside all existing homes, if you were to
9 call a plumber today to make a repair or
10 a replacement of a sanitary line in your
11 basement under the floor or outside of
12 your home up to ten feet, your home and
13 your family would be subject to the same
14 toxic fumes that the construction workers
15 are breathing.

16 Why? Is PVC dangerous? From
17 what I understand, PVC is dangerous if
18 you burn it. Lead is being used
19 constantly underground when my family and
20 your families are living and eating
21 dinner upstairs. Why are the national
22 codes, including Plumbing and Building,
23 et cetera, in agreement that PVC is a
24 viable material and accepted and approved
25 into those codes? With the proven health

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2 risk to all, why would there be a single
3 plumber, let alone a lawmaker, that would
4 disapprove the use of a superior, much
5 healthier material, a material that they
6 let their own children, their own
7 children and themselves play with on a
8 day-to-day basis? Examples of that are
9 whiffle ball bats, toy soldiers, Rubik's
10 Cubes, all over the home in windows,
11 doors, vacuum cleaners, coffee pots.
12 This is all PVC. Not to mention the
13 content of PVC, which is 40 percent or
14 greater, in every one of the vehicles
15 that people drive on a daily basis.

16 Let's work together to do away
17 with this archaic, dangerous requirement
18 and lead the way to Philadelphia's
19 movement to be the greenest city in the
20 nation by 2015, and a healthy one at
21 that. Let's stop messing around with
22 old-age techniques which benefit few and
23 hurt many.

24 Thank you.

25 (Audience members yelling.)

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2 MR. McDONALD: By the way,
3 there's glue and primer in every one of
4 the other items that I mentioned in
5 coffee pots.

6 COUNCILWOMAN SANCHEZ: Excuse
7 me. I'll have folks have to leave if
8 we're going to shout out. We're going to
9 have plenty of time and ample testimony
10 from all sides of this. So please, let's
11 be respectful to our witnesses.

12 You have a --

13 COUNCILMAN GREENLEE: It was
14 directly for him, Mr. McDonald. So it's
15 up to you, however you want to do it.

16 COUNCILWOMAN SANCHEZ: Well,
17 there's two more people on that panel.

18 Right, Mr. Sherman?

19 MR. SHERMAN: Right. As well
20 as Michael Cudahy. I believe you have
21 his information in front of you. And I
22 would ask that he speak next. He is an
23 expert in the use of PVC.

24 COUNCILWOMAN SANCHEZ: Okay.
25 So in terms of your panel, you want

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2 Michael Cudahy first and then --

3 MR. SHERMAN: And then the
4 balance of the testimony, yes. Thank
5 you.

6 COUNCILWOMAN SANCHEZ: For the
7 purposes of time, for those of you who
8 have written testimony, if we can try not
9 to be repetitive, but at least cover
10 other points, that would be important for
11 us so that we can give ample time for
12 everyone to testify today.

13 So with that, Michael Cudahy.

14 MR. CUDAHY: Thank you. My
15 name is Michael Cudahy. I'm the Codes
16 and Training Specialist from PPFA, the
17 Plastic Pipe and Fittings Association.
18 PPFA is a trade association that
19 represents all plastic piping systems
20 used in buildings. We are encouraged
21 that the City of Philadelphia is
22 considering this action.

23 PVC and ABS piping deserves to
24 be included in the City of Philadelphia's
25 Plumbing Code, as this bill is intended

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2 to accomplish. I think you are all aware
3 of the material and labor savings
4 potential of adopting these materials
5 already specified in all of the major
6 model plumbing codes. Plastic piping
7 products are easily the dominant plumbing
8 materials today and offer tremendous
9 performance at an installed cost that can
10 be 75 percent lower for materials and 38
11 percent lower for labor costs depending
12 on your local market conditions. I have
13 submitted to the Dias (ph) a 2006 cost
14 comparison report you can review later.

15 PVC, for example, has been in
16 use since the 1930's in Germany and since
17 the 1960's in the states. It is hardly a
18 new or untested product. It is in fact a
19 dominant material for water and sewer
20 applications.

21 Plastic piping is lighter in
22 weight, more efficient in transport,
23 lower in cost and does not corrode,
24 thereby increasing safety by keeping
25 wastewater contained and drinking water

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2 pure. All you really need to corrode

3 metal pipe is air and water.

4 Plastic pipes, like PVC, are

5 vital to many green and sustainable

6 building systems that get points in

7 programs such as LEED, GreenGlobes and

8 the National Green Building Standard.

9 Systems such as gray water, reclaimed

10 water, radon venting, rainwater

11 catchment, central vacuum and geothermal

12 systems are in fact enabled by plastic

13 piping materials. If Philadelphia is in

14 fact intending to build green and

15 sustainable systems, the removal of undue

16 restrictions on plastic piping should be

17 your first endeavor. Building green

18 brings jobs and helps move our economy.

19 The State of Pennsylvania has

20 at least two major plastic pipe

21 producers. Charlotte Pipe has a plant in

22 Muncy, and Harvel Plastics has its

23 manufacturing headquarters in Easton,

24 meaning materials are available and can

25 be bought locally and put people to work

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2 in the state.

3 PPFA only asks that the City of
4 Philadelphia create a level playing field
5 for all products currently in the model
6 building codes, as the great majority of
7 the other cities and states have. This
8 will allow for more choice, better
9 economy and allow Philadelphia to
10 continue to modernize its infrastructure,
11 build green and apply stimulus money to
12 many needed projects.

13 And I would just add two
14 comments to some of the testimony I've
15 already heard. I think everybody in this
16 room knows the single-stack Philly system
17 works. If you moved it to another city,
18 would it work? The answer is yes. It's
19 all about venting and design of plumbing
20 systems. The material itself is not
21 relevant. I find it funny that other
22 cities have a difficult time in adopting
23 the local venting system, because it's a
24 perfectly good system. But the plumbing
25 codes do vary from state to state.

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2 Also, we are talking here
3 specifically not about distribution
4 piping in the house such as PEX and CPVC.
5 Those materials are used to distribute
6 hot and cold water within the building.
7 The topic for today is the DWV systems;
8 in other words, the drain, waste and vent
9 pipe. Those are two completely different
10 systems and you'd better keep them
11 separate.

12 Thank you.

13 COUNCILWOMAN SANCHEZ:

14 Mr. Sherman, you have two more
15 testimonies as part of your panel?

16 MR. SHERMAN: Excuse me?

17 COUNCILWOMAN SANCHEZ: You have
18 two more testimonies?

19 MR. SHERMAN: Yeah; Joe Rea of
20 Westrum Development.

21 MR. REA: Good afternoon. My
22 name is Joseph Rea and I'm here to
23 testify on behalf of Westrum Development
24 Company. I'd like to thank the Chair of
25 License and Inspections Committee,

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2 Councilwoman Sanchez, for allowing me to
3 testify and the rest of us and Councilman
4 Clarke for sponsoring the legislation.

5 I've got 15 years of experience
6 in construction. I have worked in
7 multi-family for the past ten. I've
8 worked in Pennsylvania, Maryland,
9 Virginia and New Jersey. Right now there
10 are multiple projects out in the suburbs
11 of Pennsylvania, ones as close as
12 Conshohocken, that are using PEX and PVC
13 within the buildings. As the gentleman
14 to the right brought up, PEX has been and
15 PVC has been in the U.S. since 1980's.
16 It does help us in green endeavors, and
17 the way it helps us is, copper actually
18 calcifies. And if anybody knows the City
19 of Philadelphia's water pressure, PEX and
20 PVC are smooth with inside the system and
21 do not allow for chemical creep and for
22 deformities to happen as quickly.

23 In addition to that, PEX is
24 almost a jointless system. Rolls come in
25 thousand feet. It allows us as

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2 developers and builders to stop our
3 warranty calls coming back and forth as
4 often. They also allow for more direct
5 dispersal of water, meaning when you turn
6 your water on, you don't have to wait for
7 ten minutes for the hot water to supply.
8 It's a direct line down to the system off
9 a manifold system.

10 PVC and PEX is more than
11 competitively priced. The installation
12 of the system is fast, and because of the
13 heat, the easy handling and the
14 lightweight systems, you're allowed to
15 transfer them throughout the buildings
16 and stock buildings much easier than you
17 are with copper. PEX systems can be
18 tested immediately as opposed to CPVC,
19 which you have to wait for glue drying
20 time, and all this just speeds up our
21 building and production processes.

22 The manifold features also
23 allow, if there is an issue within a
24 home, to shut down one fixture. Instead
25 of calling and saying, I've got a leak,

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2 you need to shut down your entire water
3 system, you can just shut down the water
4 system to that one fixture. It acts as
5 more of a breaker box, an electrical
6 breaker box, than it does the main water
7 system.

8 For the homeowner, the
9 homeowner can substantially reduce their
10 water and energy consumption in a home by
11 these systems, which I already described,
12 which was the direct systems and the less
13 recall and less regenerating of the hot
14 water heaters. The direct lines can be
15 sized to the fixture requirements.
16 Instead of just dispersing half-inch pipe
17 throughout the house, you're allowed to
18 adjust your piping sizes for the
19 dispersal of the water.

20 PEX also does not transfer
21 energy as readily as copper does, which
22 means it insulates the hot water
23 throughout the house. And the flexible
24 systems are much quieter than a rigid
25 system. If anybody has those rigid

1 3/18/09 - L&I - BILLS 080650 and 080953
2 systems and you hear that ticking as you
3 turn your hot water on, this eliminates
4 or at least reduces it.

5 And the last thing I'll say is
6 that in the ultra competitive market that
7 we're in right now, we must implement the
8 most efficient and effective construction
9 methods, while taking advantage of any
10 available cost savings that does not
11 sacrifice quality.

12 I've attached a spreadsheet to
13 my testimony in which it does give you
14 the instances of cast and copper versus
15 PEX and PVC. And I'd like to say that I
16 have 160 units within the limits of the
17 City of Philadelphia that if we are able
18 to make this change, it's going to save
19 our company over a million dollars, which
20 will allow us to continue with building
21 within the City.

22 Thank you very much.

23 MR. SHERMAN: We actually have
24 two more, Scott Orens and Chuck Breder,
25 Chuck Breder from Toll.

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2 MR. BREDER: Good afternoon.

3 My name is Chuck Breder with Toll
4 Brothers. I want to thank you for the
5 opportunity to present testimony before
6 you.

7 (Audience members yelling.)

8 MR. BREDER: I have --

9 COUNCILWOMAN SANCHEZ: Excuse
10 me. Hold on a second.

11 Folks, please. Thank you.

12 MR. BREDER: -- eighteen years
13 building experience to include
14 condominiums where PVC and CPVC are being
15 used. As a builder, I wanted to bring
16 some of the information that's available
17 to us when we evaluate products such as
18 PVC and CPVC to your attention.

19 There are a great number of
20 independent testing laboratories,
21 industrial sources and obviously the
22 applicable codes to help us evaluate
23 these products. In searching for
24 information, we've gained a great deal of
25 information from each of these sources.

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2 In my testimony you'll find a
3 fact sheet from the American Chemistry
4 Council on PVC piping, in addition to
5 cost estimates and the savings from PVC
6 piping. They also give you the
7 background of the fact that it has been
8 used for over 40 years and is even
9 approved in the State of California.

10 In looking at the water quality
11 issues with CPVC, we looked to the NSF
12 International, which is an independent
13 testing organization, and I provided
14 documentation in the package as well to
15 show that the products have been
16 thoroughly tested and do meet water
17 quality requirements.

18 There is a great deal of
19 concern about CPVC and fire, how it
20 reacts and the fumes that might be
21 emitted in a fire. I have included
22 information on PVC and its reaction in a
23 fire in your package. Generally, when
24 you review that information, you'll find
25 that PVC requires approximately a 60

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2 percent oxygen environment in order to
3 maintain ignition, and normal breathing
4 air is 20 percent. The experts are
5 telling us that it does not pose an
6 additional health risk when it's used and
7 generally poses the same risks as the
8 wood that a typical home might be built
9 with.

10 There's also been concern about
11 dioxin that I've heard, and it's been
12 raised in the past, and the documentation
13 in my package before you shows that there
14 is an amount of dioxin used in the
15 production and manufacturing of PVC.
16 There is an emission of dioxin when PVC
17 burns, but the experts say it does not
18 leach from the pipe when it's used
19 underground. But the experts also say
20 that most of the other materials a home
21 is built of also emit a similar level of
22 dioxin, to include the wood in a
23 wood-framed building that is used.

24 I think generally, I mean, if a
25 home is engulfed to the point where the

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2 plastics that are in the walls are
3 reacting with fire, then obviously at
4 that point there should be known in there
5 and the entire environment is really a
6 toxic environment at that point.

7 I also have a wide variety of
8 quotes from scientists, code officials,
9 fire departments and other government
10 bodies that have faced the same decision
11 as the City of Philadelphia is facing
12 now, and I can tell you that as a
13 builder, that the information that's
14 available, as well as the International
15 Plumbing Code, really gives us the
16 comfort to use these products, and we do
17 use them every day.

18 Thank you.

19 COUNCILWOMAN SANCHEZ: Scott
20 Orens.

21 MR. ORENS: Good afternoon.
22 Scott Orens, Orens Brothers Incorporated.
23 I'd like to thank Councilwoman Sanchez
24 for allowing me to testify today and also
25 like to thank Councilman Clarke for

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2 introducing the bill. I will be brief.

3 I'm a licensed master plumber
4 in the City of Philadelphia. I'm also a
5 developer. I've been a plumber in the
6 City since 1989 and I've been a developer
7 since 1980.

8 The question before us is
9 whether or not the City of Philadelphia
10 should approve the use of affordable,
11 efficient, viable, tested, approved
12 products that are used in other
13 townships, municipalities and cities in
14 this country. My teenage daughter would
15 say, Duh.

16 The next statement I'm going to
17 make might not be well received by the
18 multitudes here, but I believe and the
19 people with me believe that the real
20 problem is, the Philadelphia Plumbers
21 Union views these materials as a threat
22 to their jobs, because these products
23 require less labor to install. Since
24 this would be such an obvious
25 self-serving argument, they've chosen to

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2 focus on the supposed health threats and
3 inferiority of using these materials. I
4 believe it's wrong to allow a relatively
5 small group of people to dictate to the
6 rest of the City in order to protect
7 their own self-interests. Not just
8 developers, but City residents and City
9 government would realize the cost savings
10 and benefits of using these materials.

11 It should be noted that other
12 cities with strong unions have approved
13 the use of these materials.

14 Secondly, more affordable means
15 more projects could become viable and
16 more plumbing work could be available, as
17 well as more construction jobs for
18 everyone.

19 What is more affordable for the
20 developer is also more affordable for the
21 City when it does projects. As a
22 resident of the City and a taxpayer, I
23 believe that it is imperative that the
24 City seeks to approve all cost-saving
25 measures available to it.

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2 When the City does a project,
3 the use of these materials result in cost
4 savings to the City, as I mentioned.

5 City Council should not allow
6 the tail to wag the dog. This proposal
7 is good for developers, it's good for
8 residents, it's good for the City and
9 it's good for creating jobs, and
10 ultimately I believe it's good for
11 plumbers, and it's long overdue.

12 Thank you.

13 COUNCILWOMAN SANCHEZ: Thank
14 you, gentlemen.

15 Any questions from the panel?

16 I'm going to recognize
17 Councilman Bill Greenlee.

18 COUNCILMAN GREENLEE: Thank
19 you, Madam Chair. Just very quickly. My
20 original question was to Mr. McDonald,
21 because I was reading your testimony, but
22 I missed -- you said something about PVC
23 and it's only a problem when it burns or
24 something. I didn't quite follow what
25 you meant by that. You say it's only a

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2 problem when -- Mr. McDonald. Because I
3 didn't see it in your study, but I didn't
4 quite -- what do you mean by that?

5 MR. McDONALD: Yes. What I was
6 referring to is that the dangers that
7 I've heard people speak of today was PVC
8 burning, or ABS, in regards to either one
9 of the polyvinyl chloride or the ABS
10 product, and I was making the point that
11 we are burning lead and breathing lead
12 fumes in our homes now when we use the
13 current Code. The only way that we would
14 be breathing those chemicals or similar
15 dangerous chemicals is if there was a
16 fire where ABS were burning. And in this
17 case --

18 COUNCILMAN GREENLEE: And that
19 does happen, right?

20 MR. McDONALD: Well, I don't
21 know about you, Councilman, but I'm
22 normally not in a house while it's
23 burning.

24 COUNCILMAN GREENLEE: No, but
25 there are some people that are. I can

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2 get sarcastic back just like you can.

3 (Applause.)

4 MR. McDONALD: I understand
5 that.

6 COUNCILMAN GREENLEE: And, sir,
7 I'll bet I'm better at it, if that's the
8 way you want to go.

9 MR. McDONALD: Councilman, I
10 apologize. I didn't mean to be
11 sarcastic. I was speaking to your point,
12 and your point about PVC burning in the
13 house is, while people are in the house,
14 every other thing burning is dangerous
15 and will kill you.

16 COUNCILMAN GREENLEE: Okay.
17 And also there's firefighters who go into
18 those --

19 MR. McDONALD: Along with the
20 wood and the other plastic products, and
21 that what's I testified to.

22 COUNCILMAN GREENLEE: But it
23 does add, if it is a danger when burning
24 obviously, it's an additional problem for
25 anyone who might go into that building.

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2 Obviously you and I are running out, but
3 there's other people running in.

4 MR. McDONALD: And I'm more
5 speaking to the fact of the lead that's
6 being burned in the house while the
7 family is eating dinner and having the
8 toxic fumes in themselves --

9 (Audience members yelling.)

10 COUNCILWOMAN SANCHEZ: Come on,
11 folks. I'm going to have to ask the
12 folks, if we continue like this -- we
13 have to be respectful in our
14 disagreements. Calling out, as I said,
15 there is enough testimony on both sides
16 of these issues for your concerns to be
17 brought forward, but we have to be
18 respectful.

19 COUNCILMAN GREENLEE: That's
20 it, Madam Chair. Thank you.

21 COUNCILWOMAN SANCHEZ: The
22 Chair recognizes Councilman Green.

23 COUNCILMAN GREEN: Thank you.

24 Has any person testified, Sam
25 or anybody else, talked with the Plumbers

1 3/18/09 - L&I - BILLS 080650 and 080953
2 Union or others about this situation and
3 the potential to work out a compromise --

4 MR. SHERMAN: No.

5 COUNCILMAN GREEN: -- that
6 would allow residential development --
7 not at all?

8 MR. SHERMAN: No.

9 COUNCILMAN GREEN: Okay. I
10 apologize. As I told the Chair, I have a
11 longstanding 2:30 commitment. If there
12 is a vote required, I will come back. It
13 will take me about 15 minutes to get
14 here.

15 COUNCILWOMAN SANCHEZ: Thank
16 you, Councilman.

17 COUNCILMAN CLARKE: Can we do
18 that one amendment now?

19 COUNCILWOMAN SANCHEZ: Yes.

20 The Chair recognizes Councilman
21 Clarke.

22 COUNCILMAN CLARKE: Councilman,
23 I just need one amendment. It's one that
24 we all agree on.

25 COUNCILWOMAN SANCHEZ: Bill,

1 3/18/09 - L&I - BILLS 080650 and 080953
2 Councilman Clarke needs you to stay for
3 this amendment.

4 COUNCILMAN GREEN: I have to
5 go.

6 COUNCILMAN CLARKE: It's one
7 that we all agree on. It'll take two
8 seconds. It's taking commercial out of
9 the bill. I mean, everybody agrees on
10 that.

11 COUNCILWOMAN SANCHEZ: Can we
12 try to get Councilman Kelly?

13 COUNCILMAN CLARKE: I just want
14 to offer to take the commercial -- I
15 promised when I met with the gentlemen
16 that I would take commercial out of the
17 bill. I want to keep my promise, because
18 if I tell you I'm going to do something,
19 I'm going to do it.

20 (Applause.)

21 COUNCILWOMAN SANCHEZ: I'm
22 going to -- if Councilman Green will
23 engage us for two minutes, I want to
24 recognize Councilman Bill Greenlee to
25 move the amendment proposed by Councilman

1 3/18/09 - L&I - BILLS 080650 and 080953
2 Clarke.

3 COUNCILMAN GREENLEE: Thank
4 you, Madam Chair. I move the amendment
5 as previously stated, which would take
6 the commercial properties out of this
7 mix.

8 (Duly seconded.)

9 COUNCILWOMAN SANCHEZ: I have a
10 second.

11 COUNCILMAN CLARKE: You got to
12 go into the public meeting first.

13 COUNCILWOMAN SANCHEZ: I'm
14 sorry. We have to recess the public
15 hearing. We're going to, for the
16 purposes of this, do the public meeting.

17 And now Councilman Greenlee has
18 moved that the amendment as proposed by
19 Councilman Clarke be voted on.
20 Councilwoman Blondell Reynolds said
21 second.

22 All in favor would say aye.

23 (Aye.)

24 COUNCILWOMAN SANCHEZ: No
25 opposition. So we are accepting the

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2 amendment as proposed to Bill 080953.

3 Councilman Clarke, can we get
4 this copied so some of the folks want --

5 COUNCILMAN CLARKE: Yes.

6 COUNCILWOMAN SANCHEZ: Will and
7 Councilman, can we circulate this
8 amendment to the folks who are left to
9 testify?

10 I'm going to recess the public
11 meeting and go back to the public
12 hearing.

13 COUNCILMAN GREEN: I'm sorry.
14 While we're still in the public meeting,
15 in case a vote occurs on Bill 080953, if
16 a vote occurs, I will vote -- I'd like to
17 be recorded, with the Chair's permission,
18 as voting no on Bill 080953.

19 (Applause.)

20 COUNCILMAN GREEN: On Bill
21 080650 I'd like to be recorded as voting
22 yes.

23 Thank you.

24 COUNCILWOMAN SANCHEZ: Thank
25 you.

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2 So as previously stated, we
3 will go back to our public hearing to
4 hear the rest of the testimony.

5 I'm going to recognize
6 Councilwoman Blondell Reynolds who has
7 questions for the panel currently at the
8 witness table.

9 COUNCILWOMAN BROWN: Let me
10 thank you all for your testimony, first
11 of all, and thank you for my answer to
12 the question around what is
13 environmentally acceptable at this
14 juncture in our city and under this
15 leadership where the Mayor has made it
16 exceedingly clear that being
17 environmentally responsible is the future
18 and the future is now.

19 To the questions and statements
20 around lead, you should know that this
21 legislative body has taken a lot of
22 measures to look to see how we as a city
23 can be more responsible when it comes to
24 removing lead from homes, because there's
25 still too many incidents where children

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2 are adversely affected by lead. So the
3 enlightenment that you shared with us
4 around lead was welcomed.

5 To this question what's
6 happening across City Line Avenue, am I
7 to understand that outside of
8 Philadelphia, builders and developers do
9 have a choice? Is that what I heard?

10 MR. REA: Yes, ma'am. In
11 Conshohocken, buildings are being rezoned
12 as accepting PVC.

13 COUNCILWOMAN BROWN: Repeat
14 that.

15 MR. REA: In Conshohocken, the
16 Millennium project, the one that caught
17 on fire that had copper and cast, is now
18 being rebuilt in PVC and PEX.

19 COUNCILWOMAN BROWN: And this
20 decision was made because?

21 MR. REA: You have the ability
22 to make that decision, as well as in
23 Montgomery County, Bucks County --

24 (Audience member yelling "Not
25 in Abington.")

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2 MR. REA: I'm sorry. I did not
3 say Abington, but in those that I just
4 referred to, you have that choice.

5 COUNCILWOMAN SANCHEZ: Excuse
6 me. Excuse me.

7 COUNCILWOMAN BROWN: So then if
8 you take that down a notch further,
9 individual municipalities have that
10 choice or not; is that what I'm hearing?
11 Because isn't Abington in Montgomery
12 County?

13 MR. REA: Yes. As far as I
14 know, this is allowed in the National,
15 International Codes, as well as the
16 United States, Canada and it is approved
17 by HUD for potable waters and for waste
18 and sewer lines.

19 COUNCILWOMAN BROWN: Okay,
20 then. Thank you all for your testimony.

21 Thank you, Madam Chair.

22 COUNCILWOMAN SANCHEZ: Any
23 other questions from the panel?

24 I want to recognize Councilman
25 Clarke. Did you have a question? Your

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2 light is on.

3 COUNCILMAN CLARKE: No.

4 COUNCILWOMAN SANCHEZ: Okay.

5 Thanks, panel, for coming.

6 I'd like to call -- Fire

7 Commissioner is here, who is going to

8 testify as part of the Administration, if

9 the Commissioner could come forward and

10 give his testimony.

11 (Witness approached witness

12 table.)

13 COUNCILWOMAN SANCHEZ: Do you

14 have written testimony, Commissioner?

15 COMMISSIONER AYERS: No.

16 COUNCILWOMAN SANCHEZ: Okay.

17 Thank you. You can begin.

18 COMMISSIONER AYERS: Good

19 afternoon.

20 The Philadelphia Fire

21 Department, we were asked about the bill

22 that is in question and how it related to

23 the firefighters as relation to fire in a

24 building and PVC piping. One of the

25 things that we did was, we looked at the

1 3/18/09 - L&I - BILLS 080650 and 080953
2 codes, and, as you know, the
3 International Code Council has approved
4 these types of materials for buildings.

5 Now, one of the things that we
6 looked at was the environment that we
7 find ourselves in as firefighters around
8 plastics as related to PVC and other
9 things, and when we stop and think about
10 the fire load that something like that
11 would add, it's not much different than
12 what we face every day fighting fires in
13 buildings and homes, plastics from
14 telephones to televisions to stereo sets,
15 things like that, and when we weighed it
16 from what it would mean to firefighters
17 going into that environment, looking at
18 the enhancements that we have
19 technologically today, self-contained
20 breathing apparatus, making sure that
21 those safety issues for our firefighters
22 are adhered to, the different poisons
23 that are in the gases and the fumes that
24 are given off. We have a system where we
25 clean our running gear at least once a

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2 year. We would like to do it twice a
3 year. That's a program that we're
4 starting to implement. But we actually
5 clean those toxins out of our running
6 gear, because we know they're in the
7 environment now.

8 We're looking at this bill and
9 we don't feel like it's going to have an
10 impact on us as what we do as far as
11 going in and fighting fires at this
12 point.

13 We looked at some other cities
14 that have PVC in their building code and
15 we looked at the fire codes as far as how
16 they all handle those issues, and it's
17 pretty much the same as the way the
18 Philadelphia Fire Department looks at
19 that. It doesn't add a great load to the
20 firefighter as far as what's already
21 there.

22 Our goal in the City of
23 Philadelphia is to stop the fire in the
24 first place, and that's where most of our
25 focus is. The safety focus is that any

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2 time any of our members have to enter an
3 environment like that, that they are
4 protected with self-contained breathing
5 apparatus and all of their personal
6 safety equipment is in place, and those
7 are the things that we face.

8 COUNCILWOMAN SANCHEZ: Thank
9 you.

10 Are there any questions from
11 the panel?

12 The Chair recognizes
13 Councilwoman Blondell Reynolds Brown.

14 COUNCILWOMAN BROWN: I'm lost.
15 I was not able to determine whether or
16 not you are in support of the bill or not
17 in support of the bill.

18 COMMISSIONER AYERS: As far as
19 the allowance of the two items, ABS and
20 PVC, we are not against the bill.

21 COUNCILMAN CLARKE: Point of
22 order.

23 COUNCILWOMAN SANCHEZ: Yes.
24 The Chair recognizes Councilman Clarke.

25 COUNCILMAN CLARKE: Thank you,

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2 Madam Chair.

3 Councilwoman -- and I don't
4 want to speak for the Commissioner -- we
5 asked the Commissioner to be here to talk
6 about the fire and safety issue, not the
7 bill --

8 COUNCILWOMAN BROWN: That's
9 helpful.

10 COUNCILMAN CLARKE: -- whether
11 or not PVC saves money. I did not want
12 him -- because that's really not his
13 responsibility.

14 COUNCILWOMAN SANCHEZ: It's a
15 policy decision. The Administration --

16 COUNCILMAN CLARKE: I just
17 wanted him to be here to talk about it,
18 because it had been raised to us in our
19 discussions about the concern as it
20 relates to fires. So we had asked the
21 Commissioner to talk about the issue with
22 respect to what would be emitted as a
23 result of a fire in a building that has
24 PVC, be it three stories or ten stories.

25 My assumption is that the

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2 emissions from the building is going to
3 be the same if it's three stories or ten
4 stories as relates to PVC. That's not a
5 difference. And I just didn't understand
6 that discussion. If it's safe for a
7 three-story building, why is it not safe
8 for a ten-story building.

9 COUNCILWOMAN BROWN: Okay.

10 COUNCILMAN CLARKE: I'm not
11 asking that question, because that's just
12 a part of the discussion that we've been
13 having, because I've genuinely tried to
14 understand why we can't use this. And
15 I've been as open as possible, and I hate
16 to get on the soapbox, because the
17 more --

18 COUNCILWOMAN BROWN: Seize the
19 moment.

20 COUNCILMAN CLARKE: I'm just at
21 a loss as to why, if it's okay for three
22 stories -- and I understand -- and in our
23 debate, I want to acknowledge publicly
24 that the representatives put a
25 counteroffer to go up to four stories in

1 3/18/09 - L&I - BILLS 080650 and 080953
2 ten units, which wouldn't help with
3 respect to the affordable housing. Then
4 it's four stories. If it's not safe for
5 ten stories, then it shouldn't be safe
6 for four stories.

7 But we asked the Commissioner
8 to just come here and talk about the
9 safety issue as it relates to emissions,
10 is it any different than any other
11 emissions that would happen as a result
12 of a fire in a building. Because, I
13 mean, obviously if a rug burns, if you
14 breathe the toxins emitted from a rug
15 burning, it's not safe. So that's why we
16 asked him, not the merits of this bill.

17 COUNCILWOMAN BROWN: That's
18 very, very helpful. Because I would
19 suspect when you go into a building, it
20 doesn't matter what started it or what
21 the materials are. You have one goal and
22 one objective, and that's to clear up the
23 fire.

24 COMMISSIONER AYERS: Exactly;
25 to mitigate the damage, ensure the safety

1 3/18/09 - L&I - BILLS 080650 and 080953
2 of any occupants, ensure the safety of
3 our firefighters as well. When we go
4 into buildings today, if you took piping
5 and threw it in the building, the issue
6 that we would have in a pile of ABS
7 piping or PVC piping would be different
8 from what it would be like if it's in a
9 sprinkler system or if it's in a waste
10 system or some system that's piping water
11 in. Two different things.

12 It's very dangerous, it's very
13 flammable, all of those things, but
14 installed and in its place, it's no
15 different than the telephone being very
16 dangerous sitting on a bureau and giving
17 off -- melting down fire, giving off the
18 same toxins. These are the things that
19 we see.

20 We talk to our firefighters
21 about those things. We talk about fire
22 load. Once we went to plastics and the
23 plastics and chemical industries took
24 over in building materials, as well as
25 appliances, household goods, things like

1 3/18/09 - L&I - BILLS 080650 and 080953
2 that, the fire service had to make a
3 conscious decision to make a transition,
4 ensuring that we all had self-contained
5 breathing apparatus. We understood the
6 high temperatures that we would face
7 going into these buildings, and it
8 doesn't change with this bill one way or
9 another.

10 COUNCILWOMAN BROWN: Okay.
11 That is helpful. Thank you very, very
12 much.

13 COUNCILWOMAN SANCHEZ: Any
14 other questions from the panel to the
15 Commissioner?

16 (No response.)

17 COUNCILWOMAN SANCHEZ: Thank
18 you, Commissioner.

19 COMMISSIONER AYERS: Thank you.

20 COUNCILMAN CLARKE: Thank you.

21 COUNCILWOMAN SANCHEZ: So we
22 will move along to our next panel that
23 includes Nora Lichtash from WCRP, George
24 Gould from Community Legal Services,
25 Jannine Miller from, I believe, Project

1 3/18/09 - L&I - BILLS 080650 and 080953
2 HOME and Darrell Zaslow from the
3 Homeowners Association.

4 (Witnesses approached witness
5 table.)

6 COUNCILWOMAN BROWN: And then
7 we will move to the President of the
8 Firefighters, Mr. McBride, John Kane from
9 the Plumbers Union for the second
10 panel -- for the third panel.

11 Thank you, folks. Good
12 afternoon. Identify yourself for the
13 record and proceed with your testimony.
14 If you have written testimony -- I know
15 Nora's came in. I don't have George
16 Gould.

17 MR. GOULD: I don't have
18 testimony.

19 MS. MILLER: I do.

20 MS. LICHTASH: Can I just
21 start, identify myself and do my
22 testimony?

23 COUNCILWOMAN SANCHEZ:
24 Absolutely.

25 MS. LICHTASH: My name is Nora

1 3/18/09 - L&I - BILLS 080650 and 080953
2 Lichtash. I work with the Women's
3 Community Revitalization Project, and at
4 WCRP, we build and rehab housing and we
5 also work with others to make sure that
6 policies make sense for families in the
7 neighborhood, especially housing
8 policies.

9 I'm here to speak in support of
10 the proposed ordinance to amend the
11 Philadelphia Building Code by providing
12 for the use of plastic pipe in certain
13 circumstances, and the reason I'm here is
14 based on my experience in affordable
15 housing. I've been doing it for more
16 than 20 years, and WCRP has been building
17 affordable housing with union labor for
18 all that time.

19 I believe the passage of this
20 ordinance will make it easier for groups
21 like ours to build more affordable
22 housing, which is desperately needed.
23 But there's also an opportunity here in
24 addition for fighting for lower costs for
25 construction. There's an opportunity to

1 3/18/09 - L&I - BILLS 080650 and 080953
2 use this investment to leverage
3 additional resources for affordable
4 housing, and that's really why I'm here.

5 Councilman Clarke, along with
6 many of you -- and we really appreciate
7 it -- have paved a way for this to
8 happen. When you've passed the first
9 part of the inclusionary housing bill in
10 December '07, this bill required
11 market-rate developers to include
12 affordable housing in their developments
13 or contribute to the City's Housing Trust
14 Fund to support the creation and
15 preservation of affordable housing.

16 But what we know is that
17 inclusionary housing won't take place,
18 this bill doesn't work unless you in
19 Council pass a companion piece of
20 legislation that provides incentives for
21 developers. And all inclusionary housing
22 has to have these incentives, and we're
23 totally in support of those incentives.

24 WCRP, in coalition with some
25 other folks from the Philadelphia

1 3/18/09 - L&I - BILLS 080650 and 080953
2 Campaign for Housing Justice, believe
3 that this proposed legislation should be
4 combined with other incentives to trigger
5 the implementation of inclusionary
6 housing. We recommend additional
7 incentives, such as expedited permitting,
8 density bonuses and reduction of parking
9 requirements. Once inclusionary housing
10 is implemented, it will provide
11 much-needed housing resources.

12 There's just so many folks -- I
13 know all of you know -- in your districts
14 and throughout the City who need more and
15 better affordable housing, rental
16 homeownership and home repair, and that's
17 just one program I wanted to talk about
18 for a minute.

19 A group of advocates last week
20 unveiled a report that showed that the
21 Basic Systems Repair and preserving
22 housing is really important, that we're
23 losing more housing to abandonment than
24 we are to foreclosure, which is pretty
25 startling here in Philly. And we know

1 3/18/09 - L&I - BILLS 080650 and 080953
2 that the City program that deals with
3 this, called BSRP, the average grant is
4 7,000. So if we don't start putting
5 money into the Housing Trust Fund and
6 more resources into affordable housing,
7 then we're stuck with a bigger problem
8 down the road, because if we don't keep
9 houses fixed up with 7,000, it costs us
10 22,000, everyone in here, taxpayers,
11 22,000 to knock down a house. If a
12 family can't stay in their house because
13 it's not in good enough shape, it costs
14 us 21,000 to keep a family in shelter.
15 If our parents, senior citizens, people
16 disabled have to move out of their house
17 because they can't stay in a house
18 because it's not in decent shape, it
19 costs 40,000 to us in the City to keep
20 them in there. So that's why I'm talking
21 about this.

22 As a developer, I recognize the
23 value of lowering costs of development,
24 but we need to combine these kind of
25 incentives with sound policy, like

1 3/18/09 - L&I - BILLS 080650 and 080953
2 inclusionary housing, to create more
3 resources for affordable housing.

4 Thanks.

5 COUNCILWOMAN SANCHEZ: Thank
6 you.

7 MS. MILLER: Good afternoon,
8 Committee members. Thank you for
9 allowing me the opportunity to testify
10 today on the proposed ordinance to allow
11 PVC piping to be used in construction and
12 renovation projects. My name is Jannine
13 Miller and I'm the Coordinator of
14 Education Advocacy at Project HOME and
15 I'm also on the Steering Committee of the
16 Philadelphia Campaign for Housing
17 Justice. I'm here today to offer a
18 perspective on how this bill can be used
19 as an incentive to implement inclusionary
20 housing in Philadelphia.

21 Thanks to the leadership of
22 Councilman Clarke, we are very close to
23 having an effective inclusionary housing
24 program in the City. Back in December
25 2007, so over a year ago, City Council

1 3/18/09 - L&I - BILLS 080650 and 080953
2 passed Bill No. 071005-A, which
3 established an inclusionary housing
4 program. Unfortunately, this important
5 bill will not take effect until the City
6 passes a companion bill of incentives or
7 cost offsets for housing developers.

8 The Philadelphia Campaign for
9 Housing Justice -- and we're a coalition
10 of about 35 City-based organizations.
11 Our members, constituents, clients, we
12 total more than 100,000 people -- support
13 inclusionary housing as just one method
14 for the City to address the current
15 affordable housing crisis.

16 Councilman Clarke's legislation
17 on PVC pipe is a step towards the need of
18 incentives if it ultimately becomes part
19 of a larger incentive package. In
20 addition to the use of PVC piping, there
21 are other developer incentives that the
22 City should consider.

23 Back in May, in May 2008, the
24 Building Industry Association suggested
25 other incentives in a report that they

1 3/18/09 - L&I - BILLS 080650 and 080953
2 put out. These suggestions included
3 expedited permitting and processing,
4 reduced parking requirements, tax credits
5 for the business privilege tax, and also
6 density bonuses. So these are some other
7 things that could be considered as part
8 of that package.

9 In addition to providing the
10 comprehensive homeless services that
11 Project HOME is so well known for, we
12 also have partnered with community
13 residents and local businesses and
14 community leaders to address the root
15 causes of homelessness up in North
16 Central Philadelphia, up in Councilman
17 Clarke's district. That area is known as
18 the St. Elizabeth/Diamond Street
19 neighborhood. We have rehabbed and sold
20 a total of 43 houses to first-time
21 homeowners as part of our neighborhood
22 revitalization efforts. We are always
23 seeking ways to reduce our costs and
24 improve our efficiency.

25 We understand that the use of

1 3/18/09 - L&I - BILLS 080650 and 080953
2 PVC pipe will reduce construction costs
3 and hopefully pave the way for additional
4 lower costs but, equally effective,
5 mechanical and conveyance systems that
6 can be used in housing development and
7 also in green construction. It's
8 critical to make sure that this cost
9 reduction measure is combined with
10 measures that will ensure the
11 implementation of inclusionary housing.

12 More than one-third of
13 Philadelphia households earn less than
14 \$20,000 a year, and the median income for
15 a family of four is just \$33,000.
16 Project HOME and the Philadelphia
17 Campaign for Housing Justice encourages
18 City Council to finish the inclusionary
19 housing bill so that our city can create
20 the needed housing that is affordable to
21 low- and moderate-income Philadelphians,
22 their families, senior citizens and
23 people with disabilities.

24 I appreciate the opportunity to
25 testify today on this matter and also for

1 3/18/09 - L&I - BILLS 080650 and 080953
2 your leadership on the issue. Please
3 don't hesitate to contact us at any time
4 if we can be helpful.

5 Thank you.

6 MR. GOULD: Good afternoon.

7 Thank you, Madam Chairwoman, for giving
8 us the opportunity to testify today. I
9 don't want to repeat what has been said,
10 but I am -- my name, by the way, is
11 George Gould. I'm with Community Legal
12 Services and I'm counsel for the Campaign
13 for Housing Justice.

14 What I wanted to do was simply
15 reiterate the importance of City Council
16 passing incentives, which trigger the
17 inclusionary housing bill, which was
18 passed in the end of 2007. As everyone
19 is aware, that bill -- that program is in
20 place, but because the incentives are not
21 in place, affordable housing is not being
22 built under it and money is not being
23 contributed to the Housing Trust Fund.

24 What we would like is that this
25 kind of a program, which creates a clear

1 3/18/09 - L&I - BILLS 080650 and 080953
2 incentive to developers and reduces their
3 cost, with several of the other
4 incentives, be made clear in an ordinance
5 that this is the trigger and because of
6 that trigger, the inclusionary housing
7 program is passed and is actually
8 implemented.

9 The problems of lack of
10 affordable housing in this city, we
11 certainly don't have to repeat. Everyone
12 is aware that it's virtually impossible
13 to get into public housing. It's
14 virtually impossible to get Section 8.
15 It's extraordinarily difficult to get
16 into any subsidized housing developments.
17 It's very difficult for people who are
18 even above those income guidelines to
19 find decent housing, and what we need and
20 what we need very quickly is those
21 incentives to be passed and the City
22 Council to make it clear that the
23 incentives are in place and the
24 inclusionary housing program starts.

25 Thank you.

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2 COUNCILWOMAN SANCHEZ: We have
3 Mr. Zaslow.

4 MR. ZASLOW: Thank you, Madam
5 Chairman. Madam Chairman, Darrell
6 Zaslow, legal counsel for HAPCO, the
7 Homeowners Association of Philadelphia.

8 As you may be aware, HAPCO
9 represents approximately 3,000 owners and
10 managers of rental real estate in the
11 City, representing tens of thousands of
12 housing units throughout the City of
13 Philadelphia.

14 We are here today in support of
15 Councilman Clarke's bill, and our support
16 arises out of the same reasons that PVC
17 piping has been permitted in cities
18 across the country. The cost savings is
19 obviously significant. Now, our members
20 are not generally involved in
21 construction of new homes, but we are
22 frequently -- in fact, constantly --
23 called upon to replace plumbing in
24 existing properties, which we offer for
25 rent. These significant savings in

1 3/18/09 - L&I - BILLS 080650 and 080953
2 allowing PVC will make it easier for
3 property owners to keep rents at a
4 reasonable level, and both landlords and
5 tenants will realize a significant
6 benefit.

7 Madam Chairwoman, it is highly
8 unusual for my very good friend and arch
9 nemesis in the law, George Gould, with
10 whom I have battled incessantly for over
11 30 years --

12 COUNCILWOMAN SANCHEZ: That's
13 why I sat you guys together.

14 MR. ZASLOW: Yes. I see that.
15 For us to sit at the same table joining
16 in recommending this bill to you, I would
17 submit, is significant.

18 The Committee may be aware and
19 should be aware of the very extensive
20 criminal activity which surrounds copper
21 piping in housing. As soon as a house
22 becomes vacant, Madam Chairwoman, as soon
23 as a house becomes vacant, waiting for a
24 new tenant of my owners to move in, the
25 houses are targeted by the copper piping

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2 thieves. We are constantly subjected to
3 theft of all the copper and all of the
4 fittings from a house. I will share with
5 you personally that I have experienced
6 theft of all the piping and fittings from
7 one house two times in the last 12 months
8 in the 19146 zip code. The same house,
9 twice in 12 months. Refitted the entire
10 house. It had to be completely refitted
11 because of the thievery.

12 Now, the police are busy, and
13 they take a report. They don't really
14 take any further action. We understand.
15 There's significant issues --

16 COUNCILWOMAN SANCHEZ: Excuse
17 me, folks, please.

18 MR. ZASLOW: Thank you.

19 The police are busy and for
20 them to come to an apartment house and
21 worry about copper piping which has been
22 stolen, there's a great deal more going
23 on from their perspective that we need
24 their services on. But the result is a
25 house which is killed by vandalism.

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2 The thieves, for a very modest
3 amount, wherever they get the money for
4 their copper that they sell, despite the
5 efforts of this Council to forbid that
6 kind of activity, for a few dollars, they
7 absolutely destroy a house. And the
8 negative impact is just not compensable.
9 You don't go to your insurance company
10 for a thousand-dollar bill. You have a
11 deductible and then you have claims,
12 which your premiums are going to go up.

13 Now, a Google search, Madam
14 Chairwoman, revealed that almost every
15 city in the country has faced this same
16 problem. And the news articles, which I
17 perused this morning before coming here,
18 is always the same. And Chicago is the
19 first one that comes up. It's typical.
20 And here's what the news reports read:
21 "After years of yielding to political
22 pressure from the Plumbers Union, the
23 Chicago City Council finally approved the
24 use of PVC pipe." That was back in 1990.

25 Now, in my organization, we

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2 need plumbers desperately. We are a
3 consumer of the services provided by our
4 plumbers. We need competent plumbers,
5 and we will always need plumbers. But
6 enactment of this bill is not going to
7 prohibit anyone from using cast iron or
8 copper. Certain owners may still prefer
9 those materials, and certain plumbers may
10 well be able to convince a developer or a
11 builder or a property owner who needs to
12 renovate a property that they should not
13 use PVC. And nothing in the bill is
14 forbidding the use of copper, but the
15 choice should be with the property
16 owners.

17 Madam Chairwoman, given the
18 enormity of the fiscal problems facing
19 our city and the newest proposals which
20 we're just hearing about to raise the
21 taxes on our property owners, and this
22 honorable Council, I understand, tomorrow
23 is going to be faced -- I wish you good
24 luck dealing with what you need to deal
25 with with proposals to start raising our

1 3/18/09 - L&I - BILLS 080650 and 080953
2 property taxes. Anything that can be
3 done to minimize the cost to property
4 owners providing decent housing to low-
5 and moderate-income individuals should be
6 supported by this Committee and the
7 Council.

8 We thank Councilman Clarke for
9 introducing the bill, having the
10 fortitude to stand as the sole
11 Councilmember introducing such a bill and
12 to stand the onslaught which obviously
13 comes into this Chamber.

14 We thank you very much for your
15 consideration.

16 COUNCILWOMAN SANCHEZ: Thank
17 you.

18 Any questions from the members
19 of the Committee to the panel?

20 The Chair recognizes Councilman
21 Kelly.

22 COUNCILMAN KELLY: Thank you,
23 Madam Chair.

24 I just want to know -- I heard
25 a lot about affordable housing. I just

1 3/18/09 - L&I - BILLS 080650 and 080953
2 want to know, how much is affordable
3 housing? What kind of perimeters do we
4 have here? What is affordable housing?
5 Can anyone answer that?

6 MS. LICHTASH: Well, I think
7 the word "affordable housing" is used to
8 describe a lot of things, but really
9 "affordable" is based on your income. So
10 if my income were \$20,000, I could afford
11 \$500 in rent or mortgage a month. I
12 should be paying roughly no more than 30
13 percent of my income.

14 COUNCILMAN KELLY: Well, I'm
15 looking at a developer's point of view
16 building these homes. What's it going to
17 cost him to build it?

18 MS. LICHTASH: Well, I think
19 this is one reason why we're here. The
20 cost of housing is very -- to build a
21 house is high.

22 COUNCILMAN KELLY: I understand
23 that, but I'm wondering, are there any
24 current construction of affordable
25 housing going on now, and, if so, what

1 3/18/09 - L&I - BILLS 080650 and 080953
2 are they charging for that housing?

3 MS. LICHTASH: Well, I do
4 rental housing. I don't know if there's
5 anyone who wants to answer for
6 homeownership, but I think roughly a
7 house that goes under a homeownership
8 program that is subsidized in this city
9 can cost anywhere from like 80,000 to
10 105,000. The rents for the units that my
11 organization builds start at \$90 a month
12 and go up to \$550 a month.

13 COUNCILWOMAN SANCHEZ: Point of
14 information.

15 I think, Nora, if you have this
16 experience, I think the Councilman is
17 asking, how much does it cost to build a
18 new unit in the City, not what you
19 actually sell it for.

20 MS. LICHTASH: Sure. It costs
21 more than \$200,000 often, depending on
22 subsurface conditions.

23 COUNCILMAN KELLY: And how much
24 would a person have to put out in a
25 monthly mortgage payment for that?

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2 MS. LICHTASH: Well, that's
3 what I'm saying. I don't do much
4 homeownership, but roughly if you sold
5 your house for 85,000, I don't know, is
6 the mortgage about 500? I don't know.
7 Depending on the interest rate.

8 COUNCILMAN CLARKE: Councilman,
9 if I can.

10 COUNCILWOMAN SANCHEZ: Yes.
11 Councilman Clarke.

12 COUNCILMAN CLARKE: Thank you.
13 Councilman, I want to give you
14 an example, and this is probably on the
15 high side. The Philadelphia Housing
16 Authority has built a number of
17 developments, both homeownership and
18 rental, in the last couple of years, and
19 they probably -- their construction cost
20 is probably the highest among most
21 non-profits, because they build things --
22 they maximize it in terms of what they
23 build. It's good stuff.

24 Right now they are selling
25 units for \$160,000 in West Philadelphia

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2 and in East Falls. In actually Ludlow
3 140, the units cost 300,000 to build, and
4 that's where the problem is, is that --

5 COUNCILMAN KELLY: Well, what
6 kind of pipes are they using in that
7 construction?

8 COUNCILMAN CLARKE: They are
9 using the same as the Code. Because it's
10 affordable, it doesn't --

11 (Audience members yelling.)

12 COUNCILMAN KELLY: So, in other
13 words, it is affordable?

14 COUNCILMAN CLARKE: Hold it,
15 gentlemen. I said the Code. Gentlemen,
16 please. I said they're building what the
17 Code allows. The Code allows PVC, right?

18 (Applause.)

19 COUNCILMAN CLARKE: But if --
20 and I wasn't going to say this, but if
21 they build a house that is more than
22 three stories or more than four units,
23 they cannot use PVC. In the Housing
24 Authority right now on Warnock Street in
25 my district, they're building a building

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2 that's higher than --

3 COUNCILMAN KELLY: So, in other
4 words, what you're saying is that
5 affordable housing could not use PVC. Is
6 that what you're saying?

7 COUNCILMAN CLARKE: No. This
8 is the problem: More often than not,
9 when it's affordable housing, the rental
10 side of it is where the problem is,
11 because the rental developments always
12 have more than four units. So once you
13 have a rental development, which most of
14 the non-profits build, because that's
15 where most of the funding is, they're
16 always required to use copper and iron,
17 because it's above the four-house unit.
18 So the sale of those units only come into
19 play when there's condominiums.

20 Say, for instance, if a
21 developer builds a 20-story
22 condominium -- I see Mr. Orens. He built
23 the one down at 22nd and Arch. Because
24 that was above three stories and was more
25 than four units, they had to build with

1 3/18/09 - L&I - BILLS 080650 and 080953

2 copper --

3 COUNCILMAN KELLY: And most of
4 those condominiums go well above 160,000.

5 COUNCILMAN CLARKE: Absolutely.

6 COUNCILMAN KELLY: I'm sure of
7 that.

8 COUNCILMAN CLARKE: Absolutely.

9 (Applause.)

10 COUNCILMAN CLARKE: Councilman,
11 you made my point. That's why we're
12 trying to get the development community
13 as a part of an agreement that require to
14 build -- one of those for every 20, one
15 of those units should be affordable,
16 because the average person can't afford
17 some of the units associated with those
18 condominiums. That's the issue. That's
19 the underlying issue.

20 COUNCILMAN KELLY: Thank you,
21 Councilman.

22 COUNCILMAN CLARKE: You're
23 welcome.

24 COUNCILMAN KELLY: Thank you,
25 Madam Chair.

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2 COUNCILWOMAN SANCHEZ: Thank
3 you.

4 Any other questions to the
5 panel?

6 (No response.)

7 COUNCILWOMAN SANCHEZ: Thank
8 you very much for coming.

9 If we can now go to Brian
10 McBride, John Kane, Walt Krzyzanowski, if
11 it's okay with you, and up to Michael
12 Ingram. And then we'll do Greg Simmons,
13 Tim Brink, Bice LeVan and Sean Cleary.

14 (Witnesses approached witness
15 table.)

16 COUNCILWOMAN SANCHEZ: You can
17 start.

18 MR. McBRIDE: Councilwoman
19 Sanchez, Councilwoman Krajewski,
20 Councilwoman Reynolds Brown, Councilman
21 Greenlee and Councilman Kelly, I'm Brian
22 McBride, President of IAFF, Local 22,
23 representing 2,000 active firefighters.

24 The Fire Commissioner was here
25 earlier, and no surprise to me, he took

1 3/18/09 - L&I - BILLS 080650 and 080953
2 the Administration's stance on this bill.
3 But earlier today we shared a moment
4 together up in Logan laying a plaque for
5 a firefighter, Lieutenant Derrick Harvey,
6 who lost his life in the line of duty
7 January 15, 2004. That plaque cost
8 \$1,500. And we actually did them back in
9 October. As Councilwoman Krajewski
10 remembers, we did plaques back then for
11 her uncle and ten other firefighters who
12 lost their lives in an explosion.

13 The cost of a firefighter
14 funeral for an active-duty death is about
15 \$15,000. Then you have the cost involved
16 with the benefits for his children and
17 his widow, and a lot of that is funds
18 raised by like the Hero Thrill Show and
19 things like that. And the reason I'm
20 going down this road about cost is
21 because there's another cost involved,
22 too: The cost of the widow and the
23 children. It's a tough thing. It's a
24 tough thing.

25 I heard a lot about cost today.

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2 What cost do you put on a life of a
3 firefighter? I don't want to send my
4 members home to say, I got a little brain
5 cancer or a little liver cancer because a
6 little PVC put out the toxic gas that's a
7 known human carcinogen. It's there.
8 It's there.

9 The citizens of Philadelphia
10 rely on this Council to protect them.
11 You work for their safety, just like I
12 do. The firefighters of the City of
13 Philadelphia are all citizens.

14 This Council's past laws on
15 trans fats to protect the citizens, on
16 smoking bans to protect the citizens, and
17 a year or so ago Councilman Kelly
18 introduced a bill for hearing protection
19 for firefighters, which passed this
20 Council, to protect our hearing, our
21 health and safety.

22 So when significantly heated,
23 PVC-containing material releases vinyl
24 chloride, exposing firefighters. Burning
25 PVC is toxic to firefighters. You don't

1 3/18/09 - L&I - BILLS 080650 and 080953
2 get a little bit of cancer this way or a
3 little bit of cancer that way. It's
4 toxic. It's going to kill us.

5 I can't tell you how much it
6 bothered me that people were talking
7 about cost before they were talking about
8 safety. This is about safety, the safety
9 of the firefighters and the citizens we
10 serve.

11 Choice? You have a choice.
12 You have a choice. Protect the citizens.

13 And then people coming up here
14 and sitting and testifying justifying
15 stuff like a smoke screen, burning lead
16 and burning wood. I've been a
17 firefighter for 34 years. I've never
18 seen burning lead. Melting lead? Yes.
19 Never seen burning lead.

20 But you can't put -- you can't
21 get a little cancer and you can't put a
22 price on a life of a firefighter. You
23 just can't do it. So I'm asking you -- I
24 sent you all a letter with a mortality
25 study. It clearly associates the toxic

1 3/18/09 - L&I - BILLS 080650 and 080953
2 fumes that burning PVC puts off to
3 firefighter deaths very clearly, many
4 studies, cited many cases. This is
5 clearly bad stuff, and if I have my way,
6 there would be none of it.

7 (Applause.)

8 MR. McBRIDE: So I'll ask the
9 Council, Local 22 respectfully requests
10 you reject this bill and protect the
11 firefighters.

12 Thank you.

13 (Applause.)

14 MR. KANE: Madam Chair, good
15 afternoon. Members of City Council, good
16 afternoon. My name is John Kane,
17 registered master plumber, City of
18 Philadelphia, No. 4190, Business Manager
19 of Plumbers Local 690, City of
20 Philadelphia.

21 It gives me great pleasure to
22 speak on behalf of my entire membership
23 of over 2,000. Plumbers Union Local 690
24 strongly opposes Councilman Clarke's Bill
25 080953, which would amend the

1 3/18/09 - L&I - BILLS 080650 and 080953
2 Philadelphia Plumbing Code by expanding
3 the use of ABS plastic pipe and PVC
4 plastic pipe, under certain terms and
5 conditions.

6 Members of City Council, as it
7 reads now under the Philadelphia Plumbing
8 Code, Section 902.2, Underground Sanitary
9 Drains, and Section 902.5 allows ABS
10 plastic pipe and PVC plastic pipe to be
11 limited to installations in buildings
12 containing dwelling units only. Such
13 buildings shall consist from one to four
14 families and shall not exceed three
15 stories in height. For this purpose,
16 basements are not considered a story
17 height.

18 On several occasions,
19 Councilman Clarke and I have spoke about
20 affordable housing. I got to agree with
21 the Councilman, I felt our conversations
22 to be very informative, and I appreciate
23 that. For instance, the understanding
24 that certain projects we're dedicating a
25 portion for affordable housing. Taking

1 3/18/09 - L&I - BILLS 080650 and 080953
2 this into consideration, we believe that
3 a compromise could be reached.

4 Under Section 902.2,
5 Underground Sanitary Drainage Pipe, we
6 expanded to allow for thermal expansion
7 in the underground system and also the
8 manufacturer's specification of
9 underground installation of plastic pipe.

10 Under Section 902.5, we
11 expanded the use from three stories to
12 four stories and expanded it from one to
13 four families to one to ten families. I
14 believe this was a compromise that not
15 only could I live with but also my
16 membership.

17 I must compliment the committee
18 of plumbers that L&I formed, who worked
19 tirelessly over this issue. It's not
20 every day that union contractors and
21 non-signatory contractors come to an
22 agreement. I'm sorry to say the
23 Councilman did not agree with our
24 proposal.

25 I have also spoken to

1 3/18/09 - L&I - BILLS 080650 and 080953
2 Councilman Clarke about the dangers of
3 PVC. I believe that the Councilman has
4 taken the lives of our firefighters, my
5 members and the people that reside in
6 this great city too lightly.

7 I have brought with me a CD on
8 the fire of the MGM Grand in Las Vegas,
9 Nevada, which I find to be very
10 frightening. I believe this video speaks
11 volumes about PVC fueling a fire and the
12 toxic fumes that killed most.

13 We have major concerns with
14 plastic pipe. These range from the glues
15 and primers associated with the joining
16 method that is required. The label on
17 these containers of glues and primers
18 state that long-term repeated
19 overexposures to solvents may cause
20 damage to the brain, nervous system,
21 reproductive system, respiratory system,
22 mucus membranes, liver and kidneys.

23 Every day we hear that
24 Philadelphia wants to be the largest
25 green city. David Masur, Director of

1 3/18/09 - L&I - BILLS 080650 and 080953
2 PennEnvironment, is an advocate for a
3 greener environment. He gave me
4 information to pass on, which I have also
5 in my pamphlet that I would like to give
6 to you.

7 PVC is known as the poison
8 plastic. PVC plastic is one of the most
9 hazardous consumer products ever created.
10 PVC is dangerous to human health and the
11 environment through its entire cycle.

12 Think about the ten percent of
13 wasted pipe figured on any plumbing
14 project. Most ends up in a dumpster that
15 goes into a landfill forever. PVC cannot
16 be recycled due to many different toxic
17 additives used to soften or stabilize
18 PVC. Cast iron and copper, on the other
19 hand, can be recycled. Most of our
20 members are encouraged to scrap precious
21 metals because of their scrap value.
22 Cast iron and copper are sorted out and
23 recycled at all scrap yards. If we are
24 talking green, cast iron and copper are,
25 hands down, greener for the environment.

1 3/18/09 - L&I - BILLS 080650 and 080953

2 If this city wants to talk the talk about
3 going green, eliminate all PVC.

4 Every member I represent made
5 plumbing their career. Overexposure to
6 these toxins will become common practice,
7 and future ailments will follow.

8 I want to thank the
9 PennEnvironment Director, David Masur,
10 for the support and all the other
11 individuals that are going to be
12 testifying today for their support also.
13 And I plead with the members of City
14 Council to stand with the members of the
15 plumbing community by opposing this bill
16 unanimously. Remember, plumbers protect
17 the health of the nation.

18 (Applause.)

19 MR. KRZYZANOWSKI: Good
20 afternoon, Chairperson Quinones-Sanchez,
21 Vice-Chairman Krajewski and members of
22 City Council. Thank you for the
23 opportunity to allow me to offer my
24 opinions, my organization's opinions and
25 the plumbing community regarding Bill No.

1 3/18/09 - L&I - BILLS 080650 and 080953
2 080953. My name is Walt Krzyzanowski.
3 I'm a registered master plumber in the
4 City of Philadelphia. My registration
5 number is 2749. I am President of the
6 Plumbing Contractors Association and the
7 Union Affiliated Contractors of Local 690
8 and Vicinity. I am a member and a
9 trustee of Plumbers Local 690. I'm an
10 executive Board member and a past
11 President of the Pennsylvania State
12 Organization of Plumbing, Heating and
13 Cooling Contractors.

14 I am sure you will hear a great
15 deal of testimony touching on many
16 aspects of this bill, raising from the
17 most important issue, which is consumer
18 safety, to the negative economic impact
19 to the building industry passing this
20 legislation would cause.

21 I am a second-generation City
22 of Philadelphia master plumber. I have
23 made the trade of plumbing my life and my
24 career for well over 30 years. I'm proud
25 to say that my son is a third-generation

1 3/18/09 - L&I - BILLS 080650 and 080953
2 master plumber and is carrying out the
3 proud tradition of our family business
4 that begun in 1956.

5 In my years of the plumbing
6 field, I have lived through and have been
7 a part of many changes to the industry,
8 some good, some not so good. I have
9 studied the history of plumbing and have
10 tracked the advancements made through the
11 years to the industry through research
12 development, trial and error, and the
13 evaluation of cause and effect to each
14 and every change to materials,
15 installation procedures and Code changes.
16 One thing has not changed in well over
17 100 years in the plumbing industry, and,
18 that is, the universal belief that the
19 plumber protects the health of the
20 nation.

21 In my discussions with
22 Councilman Clarke, his main focus was on
23 residential affordable housing and how it
24 relates to the Plumbing Code in the City
25 of Philadelphia. I have pointed out many

1 3/18/09 - L&I - BILLS 080650 and 080953
2 times to the Councilman that the use of
3 PVC piping in residential housing is
4 already permissible under our current
5 Philadelphia Plumbing Code. The use of
6 PVC piping is permitted in multi-dwelling
7 units consisting of four family units or
8 less and residential structures that do
9 not exceed 30 feet in height.

10 The members of my organization,
11 the plumbing community, respectfully
12 requests this City Council Committee to
13 reject the aforementioned irresponsible
14 and thoughtless legislation. We are
15 against this legislation, first and
16 foremost, based on the obvious and most
17 important issue, which is the issue of
18 safety.

19 I am sure you will hear
20 testimony today pointing out tremendous
21 safety and health concerns with PVC being
22 present in emergent situations such as a
23 fire. When PVC is present in a fire
24 situation, it drastically reduces the
25 evacuation time of the occupants before

1 3/18/09 - L&I - BILLS 080650 and 080953
2 being overcome by very toxic chlorine gas
3 and many other toxins which are emitted
4 by PVC which is exposed to extreme heat
5 and flame.

6 The main focus of my testimony
7 is to point out the negative economic
8 impact adopting this legislation would
9 have with expanding the use of PVC piping
10 in commercial and high-rise applications.
11 Many engineering and technical methods
12 have to be followed when installing PVC
13 pipe greater than 35 stories vertically.
14 All of these methods involved increased
15 costs.

16 When installing PVC vertically,
17 a device know as an expansion control
18 fitting has to be installed in every
19 35-foot interval. Although the initial
20 purchase price of PVC piping is
21 considerably less than cast iron, the
22 expansion control devices are very
23 costly. The fire-stopping of PVC passing
24 through floors and wall penetrations is
25 also very costly. The fire-stopping

1 3/18/09 - L&I - BILLS 080650 and 080953
2 materials and procedures last only a
3 maximum of 10 to 15 years before they
4 have to be renewed.

5 PVC piping is not permitted in
6 many applications where it would be
7 exposed to a ventilation system. This
8 means increased costs would be incurred
9 by having to incapsulate the PVC piping
10 in a flame-proof barrier.

11 My company was recently
12 requested by an engineering firm to
13 evaluate the cost difference between PVC
14 versus cast iron installation at a job
15 site in Montgomery County. In Montgomery
16 County where PVC piping is widespread,
17 the use of PVC piping is widespread, a
18 problem was noticed by a building
19 inspector that PVC piping was present and
20 would cause an adverse effect to the
21 ventilation system in the building.
22 Through research and evaluation, it was
23 determined the installation of PVC piping
24 would have increased the cost of over 30
25 percent over the use of cast iron piping

1 3/18/09 - L&I - BILLS 080650 and 080953
2 in the same installation.

3 In conclusion, the use of PVC
4 piping in commercial and high-rise
5 applications would greatly increase the
6 cost of the plumbing installation, reduce
7 the longevity of the installation and
8 compromise the health and safety of the
9 occupants and the structure.

10 My organization and the
11 plumbing community are opposed to this
12 legislation. We are not opposed to the
13 responsible use of PVC piping, as
14 currently described in the Philadelphia
15 Plumbing Code. We also are not opposed
16 to correctly exploring the possible
17 expanded use of PVC piping.

18 Councilman Clarke has made it
19 clear to the plumbing community he is not
20 concerned with the health and safety
21 aspect of PVC piping. As professionals,
22 we are very concerned.

23 The ultimate goal of City
24 Council, City L&I administration and the
25 professional plumbing community should be

1 3/18/09 - L&I - BILLS 080650 and 080953
2 to protect the health, safety, as well as
3 the rights of every citizen of this great
4 city.

5 That was my written testimony
6 and thanks for hearing it. I do have --

7 (Applause.)

8 MR. KRZYZANOWSKI: Thank you.

9 I do have a couple points I
10 would like to point out as to the
11 testimony of some of the other panel
12 people.

13 First, the gentleman from
14 Westrum stated that there was a potential
15 million-dollar savings to a development
16 that they were considered to build. If
17 PVC piping was able to be used in that
18 particular situation, would Westrum then
19 give that million-dollar savings back to
20 the buyers?

21 (Applause.)

22 MR. KRZYZANOWSKI: The Fire
23 Commissioner stated that his people have
24 advanced gear and breathing apparatus
25 going into a fire situation. That's no

1 3/18/09 - L&I - BILLS 080650 and 080953
2 doubt. And as a result of many years of
3 effort, the firefighters are protected.
4 The concern that we have is, what about
5 the people in the building? They don't
6 have breathing apparatus.

7 And if you want to put PVC in a
8 30-story high-rise condominium, how is
9 the people on the 30th floor going to
10 make it to the basement or to outside to
11 escape the flames without that breathing
12 apparatus?

13 That's all I have. Thank you
14 very much.

15 (Applause.)

16 MR. INGRAM: Good afternoon,
17 Councilwoman Sanchez and Committee. My
18 name is Michael Ingram, registered master
19 plumber, President of Master Plumbers
20 Association, Second Vice of Pennsylvania
21 Plumbing, Heating, Cooling Contractors
22 Association. I would like to thank you
23 for this opportunity to speak on behalf
24 of the Educational Development Committee.

25 The Educational Development

1 3/18/09 - L&I - BILLS 080650 and 080953
2 Committee was put in place by the
3 Department of License and Inspection
4 Plumbing Unit in order to take the
5 existing plumbers examination and have it
6 computerized. The Committee is a
7 cross-section of industry-specific
8 representative such as union, non-union,
9 administrative, field personnel,
10 instructors, code enforcers, plan
11 examiners and business owners, all under
12 the auspice of the International Code
13 Council.

14 We have met on numerous
15 occasions, given up valuable time,
16 revenue and energy on behalf of the
17 Committee. Those who teach the Plumbing
18 Code has signed non-disclosure statements
19 which caused them to pass up additional
20 income for the work that they perform on
21 behalf of this Committee. This product
22 has been developed and delivered to allow
23 future journey persons and master
24 plumbers the ability to be tested at
25 designated computer centers.

1 3/18/09 - L&I - BILLS 080650 and 080953

2 Members of the Committee have
3 met with Councilman Clarke to support his
4 efforts on broadening the use of PVC. We
5 reviewed his concerns and agree that the
6 responsible use of PVC in residential and
7 possibly some mixed properties are not
8 only acceptable but desired. However,
9 avoid PVC in the use in the commercial
10 environment.

11 Again, this Committee carries
12 this assignment on behalf of the
13 Department, which we have received no
14 compensation from the City, which was
15 mutual, to perform these services.

16 As you're aware, we're lacking
17 in the number of field inspectors due to
18 internal policy procedures and mandates.
19 Also, we no longer have a Plumbing
20 Advisory Board to address issues such as
21 these.

22 We have high regards for our
23 profession, protecting the health and
24 safety of the nation, particularly the
25 City of Philadelphia. We are asking for

1 3/18/09 - L&I - BILLS 080650 and 080953
2 your support for recreating the Plumbing
3 Advisory Board or a recognized body to
4 deal with the issues such as this and
5 other problems, changes or concerns
6 dealing with the Plumbing Code.

7 We have expressed --

8 (Applause.)

9 MR. INGRAM: We have expressed
10 with License and Inspection Commissioner
11 Fran Burns and Deputy Commissioner Mike
12 Fink that the members of the Advisory
13 Committee are willing to carry out the
14 functions and duties of the previous
15 Board in a progressive, financially sound
16 and ecological fashion without being
17 compensated, such as we have with the
18 Waterfront Commission and the meeting we
19 had yesterday with the Mayor's Advisory
20 Commission on Construction Industry
21 Diversity. We're willing to carry this
22 out at no compensation. We wish, in a
23 harmonious environment, to be the
24 committee that would be the liaison
25 between the government, industry and

1 3/18/09 - L&I - BILLS 080650 and 080953
2 business.

3 Thank you for your time and
4 attention on this matter.

5 Thank you.

6 (Applause.)

7 COUNCILWOMAN SANCHEZ: Thank
8 you.

9 I want to recognize
10 Councilwoman Blondell Reynolds Brown.

11 COUNCILWOMAN BROWN: Thank you,
12 gentlemen, for your testimony, and thank
13 you for the additional enlightenment.

14 What I hear on this notion or
15 expectation of being green is that both
16 sides believe that the use of their
17 particular material at the end of the day
18 based on documented research, Mr. Kane,
19 is green. Would that be fair to say?

20 MR. KANE: It's far greener
21 than PVC pipe and ABS pipe. Cast iron
22 and copper, yes.

23 COUNCILWOMAN BROWN: Are you
24 going to submit copies of your testimony
25 so that we can have --

1 3/18/09 - L&I - BILLS 080650 and 080953

2 MR. KANE: I'll be glad to.

3 COUNCILWOMAN BROWN: -- the
4 background from the University of
5 Pennsylvania?

6 The committee that you spoke
7 of, are you suggesting in your testimony
8 that had this committee been in place, we
9 may be at a different place with regards
10 to finding some common ground on this
11 particular issue?

12 MR. INGRAM: Exactly.

13 COUNCILWOMAN BROWN: When was
14 the committee disbanded?

15 MR. INGRAM: It has not been
16 disbanded. We are in concert with the
17 Commissioner to formulate and to come up
18 with its title, and that's where we are
19 currently.

20 COUNCILWOMAN BROWN: Okay.

21 Help me out with that. So it's a
22 function of your profession, correct?

23 MR. INGRAM: Correct.

24 COUNCILWOMAN BROWN: It's not a
25 function of City government?

1 3/18/09 - L&I - BILLS 080650 and 080953

2 MR. INGRAM: Right. That's
3 correct.

4 COUNCILWOMAN BROWN: Have you
5 advised government on -- you then advise
6 government or work with professionals in
7 L&I around matters of this type to find
8 some common ground?

9 MR. INGRAM: Right. It
10 initially started out as a testing
11 committee, and because the harmony that
12 the group has accomplished over the
13 months, that we felt that this could
14 carry on into another area, replacing
15 what was taken from us, and that's the
16 Plumbing Advisory Board. That we feel
17 that with the cross-section of industry
18 and the vast knowledge and experience,
19 that we could continue and deal with some
20 of the issues to help the Department out,
21 because our profession is being
22 challenged with the lack of inspections
23 and the lack of a process such as this.
24 We can get this done, not in a cost
25 fashion of this nature.

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2 COUNCILWOMAN BROWN: What was
3 the name of the committee prior to --

4 MR. INGRAM: The Educational
5 Development Committee. Prior to the --
6 no; subsequent to the Plumbing Advisory
7 Board.

8 COUNCILWOMAN BROWN: Which
9 exists now?

10 MR. INGRAM: The Educational
11 Development Committee.

12 COUNCILWOMAN BROWN: And that
13 is the committee you believe, if still in
14 place, would help find some common
15 ground; is that what I'm hearing?

16 MR. INGRAM: Exactly. Exactly.

17 COUNCILWOMAN BROWN: Some
18 additional questions here.

19 Mr. Walter -- I don't want to
20 mess up your last name -- on Page 3 of
21 your testimony, you say, "Although the
22 initial purchase" -- that's not it. The
23 one where you talk about -- last page of
24 your testimony. "We're not opposed to
25 the responsible use of PVC piping." What

1 3/18/09 - L&I - BILLS 080650 and 080953

2 would you consider responsible?

3 MR. KRZYZANOWSKI: What we
4 would consider the responsible use of PVC
5 piping is already spelled out in the
6 Philadelphia Plumbing Code, and that is
7 what has been adhered to over the last 30
8 years when PVC was introduced into our
9 marketplace.

10 COUNCILWOMAN BROWN: And I'm
11 not a plumber, let the record show, but I
12 am interested in knowing what the Code
13 reads. So what does it read? Somewhere
14 in the testimony it was mentioned.

15 MR. KRZYZANOWSKI: The Code
16 specifically reads now is the use of PVC
17 is allowed in residential dwellings that
18 are from single-family dwelling to a
19 maximum of four-dwelling units. So four
20 families per one building. And a maximum
21 of 30 stories in height -- I apologize.
22 A maximum of three stories in height.

23 COUNCILWOMAN BROWN: Wow. Not
24 30. Okay.

25 Then you say, "We are not

1 3/18/09 - L&I - BILLS 080650 and 080953
2 opposed to correctly exploring the
3 possible expanded use of PVC piping."
4 What would that be, "possible expanded
5 use of PVC piping"?

6 MR. KRZYZANOWSKI:
7 Councilwoman, what that would include
8 would be possibly expanding the use of
9 PVC piping in the light commercial
10 applications --

11 COUNCILWOMAN BROWN: In the
12 who, what?

13 MR. KRZYZANOWSKI: Expanding
14 the use of PVC piping into certain light
15 commercial applications. But the
16 Committee would have to evaluate the
17 cause and effect of a potential change, a
18 potential change like being introduced by
19 Councilman Clarke. He doesn't exactly do
20 the research to evaluate the cause and
21 effect. And what I mean by that is, what
22 the cause of this change, the effect it
23 would actually have on the consumers of
24 Philadelphia. In our opinion and the
25 research that we've developed, it would

1 3/18/09 - L&I - BILLS 080650 and 080953
2 actually have an adverse effect.

3 COUNCILWOMAN BROWN: On the
4 health, which is the --

5 MR. KRZYZANOWSKI: And also the
6 economic effect. Because done correctly,
7 no one before us on the panel talked
8 about PVC piping, talked about the
9 installation procedures, that PVC piping,
10 if it's installed as per manufacturer's
11 specifications, the preparation work to
12 put it in the ground increases the cost
13 threefold as opposed to using cast iron
14 pipe in the ground.

15 COUNCILWOMAN BROWN: So is that
16 to suggest that the cost could be close
17 to equal once you factor in installation?

18 MR. KRZYZANOWSKI: The cost
19 could either be equal or in some
20 instances more, cost more to use PVC
21 piping.

22 See, the dissimilarities end
23 when you go -- when any of us in the
24 professional community here go into a
25 plumbing supply house and we buy ten foot

1 3/18/09 - L&I - BILLS 080650 and 080953
2 of four-inch PVC that costs \$25 versus a
3 ten-foot length of four-inch cast iron
4 that costs \$60 or \$70. That is where the
5 dissimilarities end. None of the people
6 that have testified before us had
7 testified to the installation procedures
8 for PVC and PEX tubing, that it actually
9 costs more and it's more labor intensive
10 to install this particular type of
11 material in most instances between
12 support, over-excavating a trench, having
13 to dispose of the spoils that goes into a
14 landfill, the fireproofing aspect of it.

15 So in the opinion of the
16 professional community and the research
17 that we've done, we have demonstrated
18 that in most instances it does cost more
19 to install the PVC piping. It certainly
20 costs less to buy it, but it certainly
21 costs more to install it.

22 COUNCILWOMAN BROWN: Thank you
23 very much for your testimony.

24 COUNCILWOMAN SANCHEZ: The
25 Chair recognizes Councilman Clarke.

1 3/18/09 - L&I - BILLS 080650 and 080953

2 COUNCILMAN CLARKE: Thank you,
3 Madam Chair.

4 Good afternoon, gentlemen.

5 Again, I just want to reiterate, it's
6 been a pleasure working with you all on
7 those many, many weeks and months, and it
8 was refreshing. Unfortunately, we are --
9 and I wouldn't even call it adversarial,
10 because I believe we agree on more than
11 we disagree. It's a case with respect to
12 the numbers in terms of how far we should
13 go. So we all agree that we should do
14 something.

15 I do want to say that I do take
16 exception with a couple of statements
17 that were made about me not caring about
18 the health and safety of the citizens. I
19 take exception with that, because at no
20 time obviously did I say that and --

21 MR. KRZYZANOWSKI: I'm quoting
22 you, Councilman.

23 COUNCILMAN CLARKE: See, now
24 we're not going to have -- I never said
25 that, and I never had a meeting with you

1 3/18/09 - L&I - BILLS 080650 and 080953
2 alone, so if anybody else can sit here
3 and say I did that --

4 MR. KRZYZANOWSKI: I've had
5 Mr. Ingram, Mr. McStravick, Mr. Kane were
6 present at the same meeting.

7 COUNCILMAN CLARKE: Sir, I
8 never said that. I am a Councilmember.
9 I would consider myself a responsible
10 member of government, and I would never
11 say that I don't care about the health
12 and safety of the citizens. That is like
13 utterly ridiculous.

14 The other issue with respect to
15 the million dollars, if somehow it was a
16 million dollars realized as a result of
17 the savings, you need to understand that
18 the only way -- and this is what the
19 advocates were getting at -- that I'd be
20 supportive of this initiative being in
21 place is if it gets us to affordable
22 housing. So if there's a cost savings of
23 a million dollars, it's not going,
24 frankly speaking, to somebody's pocket or
25 to -- it's going to go to affordable

1 3/18/09 - L&I - BILLS 080650 and 080953

2 housing. That's my game plan.

3 (Audience members yelling.)

4 COUNCILWOMAN SANCHEZ: Excuse
5 me, folks.

6 COUNCILMAN CLARKE: So the
7 savings associated with the development
8 reduction in cost, be it whatever, PVC or
9 whatever, that's the purpose of doing
10 that, so you can build affordable
11 housing. Because all affordable housing
12 is going to have to be subsidized. So we
13 wouldn't do this just so people could
14 benefit financially. That's just not our
15 game plan.

16 With respect to the
17 installation -- and we had lengthy
18 discussions with you about that, and
19 that's again where you guys gave me some
20 insight and knowledge about the
21 installation -- the higher you go, the
22 more expensive that it costs, and I
23 confirmed that with other people, because
24 I believe in checking all sources. What
25 we're simply saying is that people should

1 3/18/09 - L&I - BILLS 080650 and 080953
2 have that option. If somehow the
3 developer figures, If I go eight stories,
4 this is not cost effective, I'm assuming
5 that if this is the developer that has
6 any sense of business, he'd opt to go a
7 different direction and install cast
8 iron.

9 So what we're saying, we're not
10 requiring that they do PVC or any other
11 material. We're just simply trying to
12 give people an option.

13 You referenced the fact in the
14 suburban area where they installed it and
15 they found out that, You know what, this
16 is not working for us the way it was
17 installed. Then that person made that
18 choice, right, so, therefore, that's on
19 that person.

20 So all we're talking about is
21 giving people options. And I want to
22 again say that based on the installation
23 issue that we talked about at length, I
24 understand the further you go up, the
25 more skill sets you should have, and I

1 3/18/09 - L&I - BILLS 080650 and 080953
2 agree with that. And I talked about the
3 fact that -- and I didn't know how we
4 were going to do it, but ensuring that
5 there was language that made sure that
6 the installation reflected all of the
7 issues, both safety and longevity, and
8 ensuring that the skill set associated
9 with that installer is inserted in the
10 bill.

11 So I say all that to say that
12 there is a lot of things that we agree
13 on. It just happens that the thing that
14 we don't agree on seems to be relatively
15 large.

16 But, again, I just want to
17 thank you all for your testimony. Thanks
18 for meeting. I look forward to
19 continuing to work with you. And I
20 haven't forgotten the plumbers issue with
21 respect to the Advisory Council, because
22 I do agree, it would have been a lot
23 easier to have this dialogue, because
24 maybe the layperson, which is me,
25 wouldn't have been in the particular

1 3/18/09 - L&I - BILLS 080650 and 080953
2 equation, because I could have been
3 depending on that Advisory Council. So
4 I'm prepared to continue to work with you
5 on that.

6 COUNCILWOMAN SANCHEZ: Thank
7 you.

8 MR. KRZYZANOWSKI: Madam
9 Chairperson, may I ask Councilman Clarke
10 a question?

11 COUNCILWOMAN SANCHEZ: That's
12 not usually the way we do it here. I
13 don't know. That's up to Councilman
14 Clarke.

15 COUNCILMAN CLARKE: That's
16 okay.

17 MR. KRZYZANOWSKI: Well, I have
18 an observation. May I make an
19 observation?

20 COUNCILMAN CLARKE: That's
21 okay.

22 MR. KRZYZANOWSKI:
23 Councilman -- I'm sorry. May I be
24 recognized?

25 COUNCILWOMAN SANCHEZ: Yes,

1 3/18/09 - L&I - BILLS 080650 and 080953

2 please.

3 MR. KRZYZANOWSKI: Thank you.

4 Councilman, you say you want

5 the people to have the right and the

6 ability to make that choice. My question

7 to you is, without the proper education

8 and the proper knowledge of the product,

9 how would the average person be able to

10 make an informed choice or decision?

11 Don't you think it's the responsibility

12 of City Council, the Administration and

13 this professional community to protect

14 them people that don't have the training

15 and education that we do?

16 (Applause.)

17 COUNCILMAN CLARKE: See, this

18 is why we don't normally allow you all to

19 ask questions.

20 No, I don't have a problem with

21 responding and I don't have a problem --

22 COUNCILWOMAN SANCHEZ: I have

23 to acknowledge that Councilman Clarke was

24 being gracious in allowing --

25 COUNCILMAN CLARKE: That will

1 3/18/09 - L&I - BILLS 080650 and 080953

2 be the last question, sir.

3 You know, I think -- well,
4 first of all, the development community
5 is keenly aware -- I mean, they
6 understand this business obviously more
7 than me and as much as you guys, and if
8 you're talking about the everyday average
9 citizen, then I have no problem with
10 ensuring that there's an educational
11 process.

12 My understanding as it relates
13 to -- because I asked about laterals and
14 this whole underground issue, is that the
15 Code currently is silent on that issue.
16 So it doesn't necessarily say you can't
17 use it or you can use it. And having
18 been a person that just had to have a
19 lateral installed, because I had somebody
20 sold me a house that had a lead lateral
21 in there and the thing broke and I had to
22 it get replaced, now the plumber comes
23 out, did a good job, but he told me he
24 had to put cast iron in there, but my
25 understanding based on the silent

1 3/18/09 - L&I - BILLS 080650 and 080953
2 language, that person could have put PVC
3 in there if they opted.

4 MR. KRZYZANOWSKI: Councilman,
5 it's clearly defined in the Plumbing
6 Code.

7 COUNCILMAN CLARKE: I asked
8 that question as recent as yesterday from
9 the Water Department, and that's what I
10 got. That's what I'm saying, in the
11 educational thing, I'm like, could I or
12 can't I? People are saying, We're not
13 sure. It doesn't say.

14 MR. KRZYZANOWSKI: It's very
15 clearly defined in the Code.

16 COUNCILMAN CLARKE: Let me say,
17 what they did, they say traditionally
18 when it's silent in the Philadelphia
19 Code, the plumbers or any other trade --
20 I don't want to talk about just the
21 plumbers -- will opt to adopt their own
22 code. So the Plumbing Code says you put
23 cast iron, but the Philadelphia Code says
24 nothing about that issue. And that's
25 what I'm saying, there's some uncertainty

1 3/18/09 - L&I - BILLS 080650 and 080953
2 in all of this. I'm just telling you
3 what I was told by the City, because I
4 asked that question.

5 MR. KRZYZANOWSKI: I apologize,
6 but I'm still unclear as to what you're
7 asking us.

8 COUNCILMAN CLARKE: I wasn't
9 asking you anything. I was just
10 making -- you asked the question.

11 MR. KRZYZANOWSKI: Can I ask
12 one more question?

13 COUNCILWOMAN SANCHEZ: No.

14 COUNCILMAN CLARKE: No.

15 MR. KRZYZANOWSKI: I got a
16 million of them.

17 COUNCILMAN CLARKE: After the
18 hearing.

19 COUNCILWOMAN SANCHEZ: We have
20 another panel. With all due respect to
21 the author of the bill, the Public Safety
22 Committee has a session scheduled at 3
23 o'clock.

24 So for those of you who have
25 come in, the Committee on Public Safety

1 3/18/09 - L&I - BILLS 080650 and 080953
2 will be meeting soon after we recess.

3 I want to recognize Councilman
4 Kelly, who had a point.

5 COUNCILMAN KELLY: Right.
6 Thank you, Madam Chair.

7 I'll make this very, very
8 quick. I know we're in constraints with
9 time.

10 I just have a question about --
11 you mentioned, Mr. Krzyzanowski -- is
12 that correct?

13 MR. KRZYZANOWSKI: Yes, sir.

14 COUNCILMAN KELLY: In your
15 testimony you mentioned something about
16 durability. Could you give me a
17 comparison of the durability between PVC
18 and cast iron, for instance? How durable
19 is it?

20 MR. KRZYZANOWSKI: Well, the
21 durability versus PVC versus cast iron as
22 a specific example, when it is to be
23 buried in an underground excavation, PVC
24 installed as per manufacturer
25 specification, the excavation has to be

1 3/18/09 - L&I - BILLS 080650 and 080953
2 over-dug by one foot and it has to be --
3 there has to be an encapsulation process
4 of special specific fill one foot below
5 the PVC piping and one foot above the PVC
6 piping before the original ditch spoils
7 can be placed back into the hole. Now,
8 that increases the cost by threefold by
9 the carting cost to remove the spoils for
10 the excavation, by purchasing the clean
11 fill spoil -- or the clean fill to put
12 back around it, and that's simply --

13 COUNCILMAN KELLY: Well, my
14 question is, how long before you have to
15 replace this PVC?

16 MR. KANE: Excuse me,
17 Councilman. The service life on a cast
18 iron pipe most of the time will outdo a
19 building that it's actually in. From my
20 understanding, that the crush factor on
21 cast iron pipe is three times to 1,000
22 times -- I'm sorry; 300 to 1,000 times
23 stronger than PVC pipe.

24 COUNCILMAN KELLY: Okay.

25 MR. KANE: That was the main

1 3/18/09 - L&I - BILLS 080650 and 080953
2 reason when we were talking about the
3 underground piping in a trench, we wanted
4 to make sure that it was on a bed of
5 modified and it also had at least one
6 foot of sand surrounding it to give it
7 that compaction.

8 COUNCILMAN KELLY: Okay. You
9 answered my question.

10 Thank you, Madam Chair.

11 Thank you, Mr. Kane.

12 COUNCILWOMAN SANCHEZ: Thank
13 you.

14 Mr. Kane, the amendment that
15 was recently circulated by Councilman
16 Clarke, does that address some of the
17 concerns that you specified in your
18 testimony?

19 MR. KANE: The concerns that I
20 have is height restriction. When I've
21 sat down and we've talked about height,
22 the Committee and myself, fortunately or
23 unfortunately, were unable to come up
24 with a height. We decided four stories
25 was reasonable. Most of the houses in

1 3/18/09 - L&I - BILLS 080650 and 080953
2 the City of Philadelphia that has four
3 stories is a loft or an attic, and we
4 felt as though that a person that's in a
5 fire could get out running down steps.
6 When you go up to expanding it to
7 possibility five stories, six stories or
8 above, now we're talking -- we're taking
9 into consideration elevators. That's a
10 concern for us at that point, because an
11 individual may end up dying by the time
12 they get down there because of the fire
13 hazard.

14 COUNCILWOMAN SANCHEZ: Okay.
15 Thank you.

16 I want to recognize Councilman
17 Green.

18 COUNCILMAN GREEN: I just want
19 to make sure I understand where you are,
20 and, that is, up to four stories in
21 height with up to ten dwelling units?

22 MR. KANE: That was the
23 compromise that we brought back to
24 Councilman Clarke, yes.

25 COUNCILMAN GREEN: What's the

1 3/18/09 - L&I - BILLS 080650 and 080953
2 difference between where you currently
3 are and --

4 MR. KANE: We expanded it one
5 story, from three stories to four
6 stories, from one to four-family
7 dwellings to one to ten-family dwellings.
8 We also allowed the underground PVC to be
9 installed as long as you use, I think
10 it's, the ASTM 2321 installation and
11 thermal expansion also.

12 COUNCILMAN GREEN: Do you have
13 any evidence on the cost to homeowners of
14 how often plumbing breaks, if it costs
15 more over the life of the home because
16 you're using an inferior product versus
17 the going cost, which makes it for --
18 slightly less to buy a property but costs
19 more to maintain, sort of like putting in
20 a cheap air conditioning unit or an
21 expensive air conditioning unit? Is
22 there any evidence or criteria that it
23 pays for itself over time?

24 MR. KRZYZANOWSKI: Councilman,
25 that basically works in concert with the

1 3/18/09 - L&I - BILLS 080650 and 080953
2 method of installation. If the method of
3 installation is done correctly, the
4 longevity will be greater with either
5 material that you use.

6 COUNCILMAN GREEN: Okay. Thank
7 you.

8 COUNCILWOMAN SANCHEZ:
9 Councilwoman Reynolds.

10 COUNCILWOMAN BROWN: Please
11 tell me the name of this committee again.
12 I can't resist this opportunity here.

13 MR. KRZYZANOWSKI: The
14 Philadelphia Plumbing Test Development
15 Committee.

16 COUNCILWOMAN BROWN: I cannot
17 resist this opportunity. I will ask you
18 and Pat Gillespie, if you could, to
19 please find a way to put the recruitment,
20 orientation and training of women on that
21 committee so that we could see some
22 gender mix in these hearings going
23 forward with your union.

24 It's a joke. Thank you very
25 much.

1 3/18/09 - L&I - BILLS 080650 and 080953

2 COUNCILWOMAN SANCHEZ: Thank
3 you.

4 We have another panel that
5 includes Jim McStravick, Greg Simmons,
6 Tim Brink --

7 MR. McSTRAVICK: Excuse me.
8 There's still two people on this panel
9 who haven't testified.

10 COUNCILMAN GREENLEE: They're
11 on the next panel.

12 COUNCILWOMAN SANCHEZ: All
13 right. Jim McStravick, Greg Simmons, Tim
14 Brink, Bice LeVan and Sean Cleary.

15 So thank you to the panel. If
16 we can move on to the other panel again.
17 If you have written testimony, we can
18 submit it into for the record. If you
19 can summarize it, we'll greatly
20 appreciate it. The Committee on Public
21 Safety is waiting for their session.

22 MR. McSTRAVICK: Good
23 afternoon. Thank you for allowing me to
24 present this testimony to you. My name
25 is James McStravick, plumbing contractor

1 3/18/09 - L&I - BILLS 080650 and 080953
2 for the last 25 years.

3 I'm only going to be focusing
4 on --

5 COUNCILWOMAN SANCHEZ: Excuse
6 me.

7 If folks could quiet down.
8 Thank you.

9 MR. McSTRAVICK: Just so you
10 understand, I'm only going to be focusing
11 on PEX water lines, and what PEX water
12 lines are are your water distribution
13 systems that are being installed. In
14 this green book, please follow along with
15 me, and I'm going to try -- I did
16 extensive research and I'm going to drop
17 a bomb on the PEX industry today that
18 they know is coming.

19 Table 1 -- and every plumber in
20 this room will know that every material
21 leaches, and I have documentation on
22 that.

23 Tab 1 -- and I'm not going to
24 go through this. It's PEX information
25 and what PEX is. You can read that at

1 3/18/09 - L&I - BILLS 080650 and 080953

2 your leisure.

3 Tab 2, materials used for water
4 distribution systems contributing to
5 taste and odor. This report was done by
6 Oakland University in Rochester. If you
7 go to Page 2, Methods and Results, last
8 sentence, "The extensive list of
9 chemicals found by NSF" -- and NSF is a
10 national organization that tests all
11 materials that we use -- "to leach from
12 systems compounds is provided below." If
13 you flip the page and you go to
14 polyethylene HTPE, PEX, there is a list
15 of 30 components that leach. I
16 underlined Bisphenol A, and from here on,
17 it will be called BPA.

18 If you flip the page,
19 "Unfortunately, organic properties and
20 other health effects data for many of
21 these compounds used in complex
22 materials, formations are not known or
23 not generally available."

24 If you can flip to the next
25 green tab, "Linked polyethylene, PEX, to

1 3/18/09 - L&I - BILLS 080650 and 080953
2 contribute to the growth of bacterial
3 biofilms; for example, the concentration
4 of methyl tert-butyl ether, MTBE,
5 exceeded 40," whatever it is, "per liter
6 recommended of the US EPA and for
7 concentration in drinking water." That
8 is another leaching effect of PEX.

9 If you go to the next green tab
10 from Plumbing Contractor, the second
11 page, "In contrast, HTPE consumes low
12 amounts of residual disinfectant and
13 released only one point milliliter of
14 organic compound. BPA again is a
15 compound that was found to leach from
16 PEX."

17 As for copper, the results
18 indicated that they "consumed nearly all
19 residual disinfectant, but released few
20 organic compounds."

21 The next green tab. And I'm
22 going to page through here. It should be
23 page -- the last page of the report.
24 "When looking into the house
25 installation, the picture will be quite

1 3/18/09 - L&I - BILLS 080650 and 080953
2 different from the main pipes in regard
3 to the leakage of VOCs from pipe material
4 given water, taste and odor and also with
5 regard to the growth due to the VOCs.

6 The most important effect of change in
7 the plumbing material from copper to PVC
8 or PEX with regard to growth, however, is
9 that copper is a toxic to the
10 microorganisms and, therefore, the growth
11 on this material is inhibited."

12 All this information I'm giving
13 you is current as of '08 and into '09.

14 The next tab, January 31, 2008.
15 "In contrast, HTPE consumed a low amount
16 of residual disinfectant and released
17 only 0.1 milligrams per liter of organic
18 compound to the water, including
19 Bisphenol A."

20 As for copper, the results
21 indicated "consumed nearly all the
22 disinfectant."

23 I'm not going to try to repeat
24 myself. I want to keep going. I did
25 extensive research on this.

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2 The next report, Chemical
3 Accident Reconstruction Service, I
4 actually spoke to this gentleman
5 yesterday. "My company was hired to
6 investigate the organic impurities that
7 were appearing in newly constructed
8 custom homes valued at one-half million
9 dollars and up. My own background" --
10 he's a Ph.D. in physical chemistry. He
11 again found MTBE.

12 This letter is addressed to NSF
13 and he's asking NSF for answers.

14 "This corresponds to about 100
15 parts per billion of chemical per a
16 24-hour period. I reviewed NSF 61 and
17 understand that MTBE is not even
18 considered in NSF 61. A complete
19 toxicity data review should be
20 conducted."

21 The next page, "I also believe
22 that new homes plumbed with PEX should
23 automatically be equipped with a drinking
24 water purification system as part of the
25 PEX plumbing in the house. There should

1 3/18/09 - L&I - BILLS 080650 and 080953
2 be no PEX after the purification system,
3 as that would defeat the purpose."
4 Again, he is repeating that MTBE leaches.

5 Finally, I would recommend --
6 "it is my recommendation that NSF
7 consider whether homeowners who have
8 unknowingly been exposed to the MTBE via
9 PEX piping should receive some type of
10 notification."

11 COUNCILWOMAN SANCHEZ: Can we
12 quickly summarize? I hate to be rude. I
13 know you did a lot of work. We have the
14 materials, but please --

15 MR. McSTRAVICK: I'm almost
16 there.

17 COUNCILMAN GREEN: Point of
18 information.

19 Is PEX piping part of the
20 proposal by Councilman Clarke?

21 MR. McSTRAVICK: Yes.

22 COUNCILMAN GREEN: Is that the
23 same -- PVC and PEX are interchangeable?

24 MR. McSTRAVICK: PVC is for
25 domestic water lines. The PVC and ABS

1 3/18/09 - L&I - BILLS 080650 and 080953
2 are drainage components.

3 I'm getting to my point very
4 quickly and then I'll summarize.

5 COUNCILWOMAN SANCHEZ: Thank
6 you.

7 MR. McSTRAVICK: Tab 3 is a
8 question that I asked myself, and that's
9 what made me make this book. A homeowner
10 asked a question, Is cross-linked
11 polyethylene but have yet to determine if
12 BPA is used in the manufacturing of this
13 material. Dr. Frederick Von Saal
14 answers, "Additives to plastic are not
15 reported, and, in fact, in the U.S., this
16 information is protected by
17 confidentiality legislation." We need
18 laws to prevent people from this -- "we
19 need laws to provide people with this
20 information."

21 BPA is a leaching effect in
22 PEX. NSF, who tests the material, on
23 their website -- and it's in the front
24 page of your book on Section 2 and
25 Plumbing Engineering, they are no longer

1 3/18/09 - L&I - BILLS 080650 and 080953
2 looking for BPA.

3 COUNCILMAN GREEN: I have
4 another point of information. I'm
5 reading the bill. It says ABS and PVC
6 plastic may be used for the following, to
7 the full extent permitted by the
8 International Plumbing Code. It doesn't
9 talk about PEX.

10 MR. McSTRAVICK: It talks about
11 water lines, water distribution systems.

12 COUNCILMAN GREEN: Yeah, but
13 you could only use ABS or PVC.

14 MR. McSTRAVICK: You don't use
15 ABS or PVC for domestic water. You
16 use --

17 COUNCILMAN GREEN: This bill
18 appears only to speak to the use of ABS
19 or PVC, though. That's what's confusing
20 me. In other words, I am not sure your
21 testimony is relevant.

22 MR. McSTRAVICK: The bill that
23 I have says "and domestic water lines."

24 COUNCILWOMAN SANCHEZ: Can we
25 ask the bill sponsor for clarification,

1 3/18/09 - L&I - BILLS 080650 and 080953
2 or someone from L&I?

3 COUNCILMAN CLARKE: I don't see
4 it there. If it's there, even though I
5 don't see it, I will take it out. I
6 mean, that's not the intent of the bill,
7 to deal with PEX. I don't see it in the
8 bill, but if you say it's there, show me
9 where it is. I don't have a problem.

10 As you know, I've been -- I
11 mean, we've had this cooperative dialogue
12 throughout this process. So I think I've
13 shown the willingness to be flexible. So
14 if you show me where there's an issue,
15 beyond the numbers, because the numbers
16 are where we are, which is the issue,
17 because with respect to health and
18 safety, I think the facts are what they
19 are, but the numbers issues, that's
20 something that we have to talk about.

21 You don't have to go through
22 the entire document. Just afterwards you
23 could just show me where that's at.

24 COUNCILWOMAN SANCHEZ: Can you
25 give us some closing statements to wrap

1 3/18/09 - L&I - BILLS 080650 and 080953
2 up, because you did do a lot of work and
3 we do appreciate it.

4 MR. McSTRAVICK: I don't need
5 the closing arguments if he's going to
6 not have domestic water lines in the
7 system. If that's going to be removed
8 from the bill, I have no problem with
9 this.

10 COUNCILWOMAN SANCHEZ:
11 Councilman.

12 (Applause.)

13 COUNCILWOMAN SANCHEZ: Thank
14 you.

15 Our next witness, please.

16 MR. CLEARY: My name is Sean
17 Cleary. I'm a licensed master plumber
18 and I'm a field representative for the
19 International Association of Plumbing and
20 Mechanical Officials. I'm also a past
21 international President of the American
22 Society of Sanitary Engineers.

23 I would like to thank you for
24 the opportunity to speak with you today
25 concerning this important subject.

1 3/18/09 - L&I - BILLS 080650 and 080953

2 Decisions made by this Council
3 will have a far-reaching impact on the
4 health, safety and quality of life of not
5 only the residents of this city, but also
6 of visitors to Philadelphia and the
7 individuals involved in the construction
8 and maintenance of residential and
9 commercial buildings throughout this
10 great city.

11 With the current economic
12 situation in the City of Philadelphia
13 and, in truth, across the State of
14 Pennsylvania and the nation, it makes
15 sense to look for ways to cut costs and
16 find savings anywhere possible.

17 That being said, the answers to
18 these fiscal problems will not be
19 corrected by weakening the Philadelphia
20 Plumbing Code and construction standards
21 or by reducing the number of City
22 plumbing inspectors far below the number
23 required to perform these vital city
24 services.

25 The current City of

1 3/18/09 - L&I - BILLS 080650 and 080953

2 Philadelphia Plumbing Code is a unique
3 document, written to serve the needs of a
4 unique city. It has stood the test of
5 time and, with updates, will continue to
6 protect the health and safety of the
7 people within its jurisdiction.

8 As the largest city in
9 Philadelphia, Philadelphia has many
10 challenges not faced by smaller
11 municipalities throughout the state.
12 Buildings are taller, population centers
13 more dense, systems more complex and
14 public services, including fire
15 protection, mass transit, along with
16 maintaining the municipal water and sewer
17 systems, more critical.

18 The idea has been floated that
19 perhaps it is time to do away with the
20 Philadelphia Plumbing Code. People have
21 said that the City should adopt a model
22 code that is referenced in Act 45, the
23 State Uniform Construction Code. When
24 the State Assembly passed Act 45, they
25 widely recognized that it was not a

1 3/18/09 - L&I - BILLS 080650 and 080953
2 one-size-fit-all situation. That is why
3 they excluded both Philadelphia and
4 Allegheny County from the mandate.

5 In truth, the Assembly wrote
6 into the legislation wording which allows
7 municipalities that had amendments
8 already enacted in their jurisdictions to
9 maintain them to address special
10 circumstances and concerns. Many areas
11 throughout the state, including Scranton,
12 Erie, Harrisburg and Wilkes-Barre, have
13 in place specific requirements and
14 amendments to the model codes. The
15 argument that Philadelphia is the only
16 area in the State of Pennsylvania not
17 enforcing the same requirements is false
18 and is being spread by people who are
19 either uninformed or trying to mislead
20 the public.

21 A number of news articles have
22 been written, leaving readers with the
23 impression that if the City allowed the
24 Code to be changed to permit the
25 installation of PVC pipe on a larger

1 3/18/09 - L&I - BILLS 080650 and 080953
2 scale, it would vastly reduce the cost of
3 both housing and commercial building in
4 the City and spur development almost
5 overnight. The savings in both labor and
6 materials would allow construction costs
7 to be greatly reduced. Anyone with a
8 working knowledge of construction
9 materials and proper installation
10 practices knows the truth is a little
11 more complicated than the per-foot price
12 of the material.

13 As a person with over 30 years
14 experience in the plumbing industry
15 working on projects from single-family
16 housing to prisons and power plants, I
17 can tell you that material cost is only a
18 small part of the overall construction
19 budget.

20 When looking at piping
21 materials, a number of factors need to be
22 considered. Also, another important
23 consideration is the health and safety of
24 both the installers and the end users.
25 Material price should never be the

1 3/18/09 - L&I - BILLS 080650 and 080953
2 primary consideration when deciding on
3 the suitability of a project or system
4 within a building project.

5 When you look at piping
6 materials, there are many factors to be
7 considered, and each project has -- each
8 product has special requirements and
9 limitations that must be evaluated.
10 Considerations include things like noise,
11 installation value, hanger requirements,
12 proper fire-stopping and material
13 expansion. When these factors are
14 considered in many cases, it becomes less
15 expensive to install cast iron pipe when
16 compared to the installation cost of PVC
17 pipe.

18 Another concern is for the
19 trade people doing the installation.
20 When you add the safety concerns that
21 arise when PVC pipe is not correctly
22 installed or workers are not given the
23 proper training or the required personal
24 protection equipment, including special
25 gloves to protect their skin from the

1 3/18/09 - L&I - BILLS 080650 and 080953
2 chemicals required to join the material,
3 it is easy to see that this is not a
4 black and white issue.

5 Another concern with regards to
6 worker safety is the proper ventilation
7 of the work spaces due to the toxic
8 nature of the solvents used to join this
9 material. If you look at the MSDS sheets
10 for these products, you will see that
11 they are listed as possible causes for a
12 number of health problems if inhaled or
13 absorbed through the skin. These are
14 important factors to consider when
15 looking at the overall installation cost
16 of these piping systems.

17 Another popular myth is that
18 PVC can be installed much faster than
19 cast iron pipe. I know from firsthand
20 experience that a skilled worker using
21 the proper installation methods for both
22 of these materials will find almost no
23 difference in the labor required to
24 complete -- and this is the key word -- a
25 quality installation. Each of these

1 3/18/09 - L&I - BILLS 080650 and 080953
2 materials has a place within the
3 industry. Each has advantages and
4 disadvantages which must be considered in
5 a realistic manner on its own merit, with
6 the most important factor being the
7 health, safety and quality of life of the
8 people living and working within the
9 City.

10 Making large changes to the
11 Philadelphia Plumbing Code without
12 careful consideration by industry people
13 familiar with the City of Philadelphia
14 and its special needs and concerns is a
15 mistake. As someone who has met with the
16 City's Plumbing Advisory Board in the
17 past to talk about Code issues, I would
18 urge you to ask the Mayor to reconsider
19 his decision to dissolve the Advisory
20 Board and refrain from any Code changes
21 until a process is in place to review any
22 updates.

23 I'd like to thank you for
24 listening to me. And the only other
25 thing I'd like to touch on is the

1 3/18/09 - L&I - BILLS 080650 and 080953
2 economic factor of this should take a
3 back seat to the quality of life, and I
4 think for knowledgeable people, such as
5 the plumbers of 690 or professional
6 plumbers, they may be looked at as a
7 special interest here, but they're the
8 people who spend the most time working
9 with the material and I think they have
10 the most knowledge. And I think it's an
11 enormous mistake to make massive Code
12 changes based on what developers say
13 or -- I mean, I heard talk about parking
14 spaces here, that we eliminate parking
15 spaces, we'll drive down the cost of
16 housing and things like that. It gets
17 crazy. Code changes are incredibly
18 important and they're long-reaching.

19 Once you allow a material in,
20 it's in, and those homes last for 30, 40,
21 50, 60 years and it's something to really
22 think about. So I would ask the Council
23 to refrain from making any changes to the
24 Philadelphia Plumbing Code in this
25 manner, because I think it's an enormous

1 3/18/09 - L&I - BILLS 080650 and 080953
2 mistake.

3 (Applause.)

4 COUNCILWOMAN SANCHEZ: Thank
5 you.

6 Of the witnesses left, does
7 anybody have written testimony? We'll
8 read it in. If people could please
9 summarize. If not, I'm just going to
10 have to take it, because we do have a
11 Public Safety meeting. If you have
12 written testimony, can you just please
13 quickly summarize.

14 MR. BRINK: Madam Chairman,
15 thank you for having us here today. My
16 name is Tim Brink. I'm the Executive
17 Vice-President of the Mechanical
18 Contractors and Servicing Contractors
19 Associations of Eastern Pennsylvania and
20 Greater Delaware Valley. Prior to this
21 position, I was a licensed contractor in
22 three states, in California, Nevada and
23 Texas, in the plumbing and mechanical
24 field.

25 The 85 contractors that I

1 3/18/09 - L&I - BILLS 080650 and 080953
2 represent advocate a responsible method
3 of adopting and modifying the
4 Philadelphia Plumbing Code, "responsible"
5 meaning a combination of educated
6 consumers, plumbing officials, government
7 officials, a whole mixture of the
8 community that used to be present in the
9 Plumbing Advisory Board to review these
10 issues and come up with an educated
11 decision.

12 Adopting the widespread use of
13 PVC in unlimited height applications
14 needs to have a concerted, close look
15 taken at it. You need educated people
16 from all sides of the industry to deal
17 with flame and smoke ratings, to deal
18 with the evacuation processes of the
19 buildings where although a high-rise
20 apartment or condo, you have individually
21 owned units or individual occupancies,
22 but the evacuation routes and the common
23 area are public spaces; therefore, it's a
24 commercial building.

25 Most of my testimony was

1 3/18/09 - L&I - BILLS 080650 and 080953
2 contained in John Kane's, Sean Cleary,
3 Walt Krzyzanowski's testimony. You have
4 it. I'll end it there. We are in favor
5 of a responsible way of adopting the
6 codes.

7 Thank you.

8 COUNCILWOMAN SANCHEZ: Thank
9 you for testifying.

10 (Applause.)

11 MR. LeVAN: My name is Bill
12 LeVan. I'm Executive Vice-President of
13 the Cast Iron Soil Pipe Institute. Our
14 association members are made up of the
15 three U.S. manufacturers of cast iron
16 soil piping fittings used in this
17 marketplace. The association has been
18 around for 60 years. I've been in the
19 industry for 40.

20 The piping that this building I
21 looked at while I was waiting to come
22 into the Council Chambers was produced
23 prior to our becoming an association, so
24 the pipe is over 60 years old. It
25 testifies to the durability of the

1 3/18/09 - L&I - BILLS 080650 and 080953
2 product.

3 Cast iron is made from today
4 100 percent recycled ferrous materials.
5 We use in excess of 250,000 to 300,000
6 automobiles per year, scrap automobiles,
7 as an equivalent to what we melt to
8 produce the products used here. Our
9 members manufacture and sell the
10 Philadelphia single-stack system. It's
11 readily available. It's stocked in
12 Macungie, Pennsylvania, the site of one
13 of our founders that unfortunately
14 burned, but it still is the largest
15 inventory in the eastern United States in
16 this market, except for Charlotte, North
17 Carolina, where we have a manufacturing
18 plant.

19 The product expands and
20 contracts at the same rate as concrete
21 and steel. It does not require expansion
22 joints. It does not burn. It is a
23 non-combustible material. It has a
24 variety of things that make it a valued
25 product. Although it is probably more

1 3/18/09 - L&I - BILLS 080650 and 080953
2 expensive as far as initial cost of the
3 product, I'm confident that the install
4 cost of the product is comparable to PVC,
5 if not less.

6 Thank you very much for your
7 time.

8 (Applause.)

9 COUNCILWOMAN SANCHEZ:
10 Mr. Simmons.

11 MR. SIMMONS: Well, unless I'm
12 badly mistaken, I'm the last guy
13 standing, so I'll be very brief and skip
14 to Page 6.

15 My name is Greg Simmons. I'm
16 the Vice-President and Technical Director
17 of Charlotte Piping Foundry in Charlotte,
18 North Carolina. I'm here to testify to
19 you today just for one main reason. We
20 have a very unique perspective on this
21 issue. We happen to be a very large
22 manufacturer of cast iron soil pipe and
23 also a very large manufacturer of PVC
24 drain waste and vent piping. Our foundry
25 was initially built 107 years ago and it

1 3/18/09 - L&I - BILLS 080650 and 080953
2 still stands in essentially downtown
3 Charlotte. In 1967, we began making PVC
4 drain waste and vent piping also. To
5 this day, the majority of our income
6 comes from PVC drain waste and vent
7 piping.

8 We have 1,400 associates
9 working for us. We like PVC. It's a
10 very valid plumbing system when used
11 correctly.

12 I'm here to tell you today that
13 your existing Plumbing Code strikes a
14 good compromise between good use of PVC
15 and cast iron soil pipe. There's room
16 for some minor adjustments. We would
17 think that you could reach some
18 compromises. But both systems are good,
19 so I'm not here to beat up on either
20 system today.

21 I don't think it's an either/or
22 question that's facing you. I feel like
23 you have very good appropriate measures
24 that you can take to satisfy all parties.

25 By the way, both Bill and

1 3/18/09 - L&I - BILLS 080650 and 080953
2 myself are talking regarding drain waste
3 and vent systems. There's been a lot of
4 crossover today and an awful lot of
5 situations I haven't understood as far as
6 different products and different uses.
7 We're talking drain waste and vent, not
8 potable water. So the comparison that
9 we're talking about or that I'm talking
10 about is cast iron soil pipe essentially
11 versus PVC drain waste and vent products.

12 So with that said, the one
13 issue I would like to hit a little bit is
14 the environmental aspects of cast iron
15 soil pipe. We feel very strongly that
16 cast iron soil pipe is the environmental
17 choice. We produce in our plant. We
18 recycle in excess of 300 million pounds
19 of ferrous scrap material in a year.
20 Every pound of every piece of cast iron
21 soil pipe comes from recycled material.
22 I can tell you not one pound of PVC
23 material is from post-consumer PVC.
24 Every bit of it, by code and by standard,
25 is virgin material, and so if for no

1 3/18/09 - L&I - BILLS 080650 and 080953
2 other reason than the recyclability of
3 cast iron, we feel like that's a very
4 strong environmental emphasis for the
5 cast iron soil pipe.

6 When this building is hopefully
7 never torn down, but when a building is
8 built using cast iron soil pipe and at
9 the end of its 50 to 100-year life cycle,
10 every pound of that cast iron has value.
11 Every pound of it can go back to a
12 foundry and be used to make I beams or
13 soil pipe or plate for and sheet for
14 appliances. Every single pound of it
15 will have value. None of it will go into
16 waste disposal facilities.

17 Thank you so much for taking
18 time to listen to us today. We
19 appreciate it.

20 (Applause.)

21 COUNCILWOMAN SANCHEZ: Any
22 questions from the panel?

23 (No response.)

24 COUNCILWOMAN SANCHEZ: With
25 that, this concludes our public hearing.

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2 COUNCILMAN GREEN: Maria?

3 COUNCILWOMAN SANCHEZ: Go

4 ahead, Councilman Green.

5 COUNCILMAN GREEN: Thank you.

6 COUNCILWOMAN SANCHEZ: I was
7 just going to recess the hearing and go
8 to the meeting. Is this part of the
9 hearing?

10 COUNCILMAN CLARKE: No. Don't
11 recess the hearing yet, please.

12 COUNCILWOMAN SANCHEZ: Okay.

13 Go ahead, Councilman Green.

14 COUNCILMAN GREEN: I just
15 wanted to say for the record that we have
16 to get building again. We have to get
17 people back to work, and we all need to
18 consider that anything that lowers the
19 cost of building will put people to work.
20 We have to approach this rationally and
21 thoughtfully, and it is my sincere hope
22 that in the coming weeks, Councilman
23 Clarke and the Chairwoman and the people
24 here testifying today can work out a
25 compromise that satisfies everybody.

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2 It's my understanding that no bill will
3 be moving today; is that correct, Madam
4 Chair?

5 COUNCILWOMAN SANCHEZ: I
6 haven't said that yet.

7 COUNCILMAN GREEN: Okay.

8 COUNCILWOMAN SANCHEZ:
9 Councilman Clarke.

10 COUNCILMAN CLARKE: I didn't
11 say that yet, but I guess the Councilman
12 has information that I don't have.

13 No. With respect to -- first,
14 Councilwoman, I just want to thank you
15 and the Committee for hosting this
16 hearing. I know it's been a long and
17 difficult hearing, and I appreciate the
18 fact that you all have given your time
19 and effort to talk about this very much
20 controversial issue. There's a reason
21 why this issue has been out there as long
22 as it has, because it's difficult, and I
23 understand that.

24 The purpose of me calling the
25 hearing is based on the conversations

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2 that I thought we were moving towards the
3 path of some sort of an agreement. At
4 the eleventh hour -- and I understood
5 there wouldn't be an agreement -- I felt
6 it was still appropriate to have the
7 hearing, because all of the information
8 needed to be out on the table. Beyond
9 just myself as the sponsor of the bill,
10 all members should hear the information
11 on both sides of the equation, and I
12 think it's been beneficial to everyone.
13 I know it has been to me.

14 With that, what I would like to
15 do -- and I want to thank you all for
16 giving me the amendment, because I did
17 need -- I did commit to taking commercial
18 out, and I appreciate you giving me the
19 amendment to take the commercial out,
20 because I do believe that I'm a person of
21 my word. If I say I'm going to do
22 something, I'm going to do it. And so,
23 therefore, I would like to ask at this
24 time that we hold the bill in committee,
25 with the understanding that we will

1 3/18/09 - L&I - BILLS 080650 and 080953
2 continue the discussion. Because as far
3 as I'm concerned, we have come a long way
4 on this issue, an issue that, frankly
5 speaking, nobody wanted to touch for a
6 lot of different reasons. And from my
7 perspective -- and hopefully the
8 Committee members now, since you all are
9 in the mix, will be a part of that
10 further discussion as it relates to
11 getting to the appropriate number,
12 because it is a numbers issue, making
13 sure that all of these safety issues on
14 both sides of the equation at some point
15 get consolidated to the truth, because
16 there's always this side and there's that
17 side, then there's always a side in the
18 middle that's the facts, because we do
19 need to make sure that we're right on
20 that particular issue. In addition to
21 which the issue with respect to the
22 Plumbing Advisory Council, I know
23 something was brought up during the
24 course of discussions and I've indicated
25 a willingness to work on that.

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2 I understand, Councilwoman
3 Brown, you have also and hopefully other
4 members, if that's a part of the
5 equation -- and I understand there are
6 actually some other issues with respect
7 to the Code that can be beneficial to the
8 plumbing building trade. I'm prepared to
9 work on that to make sure that it ensures
10 that they have -- it creates a better
11 environment for them, the Plumbing Union
12 itself or plumbers, not saying union.

13 So I want to ask that we hold
14 it, but with the understanding that there
15 has to be more dialogue, because this is
16 an important issue. The fact that the
17 people that I've been working with have
18 indicated a willingness to talk about
19 some expansion of the use of PVC shows
20 that we need to do something, we need to
21 modernize this Code. I'm prepared to ask
22 you all to hold this today so we can
23 further the discussion.

24 COUNCILWOMAN SANCHEZ: Thank
25 you, Councilman Clarke. I want to take

1 3/18/09 - L&I - BILLS 080650 and 080953
2 this opportunity to really thank you for
3 bringing the issue to us and, more
4 importantly, for your willingness and
5 continued willingness to work with the
6 stakeholders who make up the industry and
7 the folks impacted by the policy
8 decisions that we make.

9 And I want to thank the
10 stakeholders for coming out today and
11 expressing their concerns and, at the
12 same time, their continued willingness to
13 work with us as we try to juggle what is
14 a cost issue but also a public safety
15 issue.

16 As Chair of L&I, L&I is a
17 public safety entity, and we rely on its
18 expertise and its relationships with our
19 stakeholders to come forth with policies
20 that never, never put in jeopardy or in
21 harm people, the people that we are
22 elected to represent.

23 So with that, I am going to be
24 aggressive in ensuring that those
25 follow-up meetings happen and that we

1 3/18/09 - L&I - BILLS 080650 and 080953
2 move this in a timely fashion.

3 I think that despite the
4 opposition, I think we're much, much
5 closer than has been viewed here today.
6 I think we're very close. And so I want
7 thank you for the leadership in that and
8 thank the union and Mr. Kane. I look
9 forward to being able to come back to
10 this Committee with something that takes
11 into account those two matters.

12 Did you have something else?

13 COUNCILMAN CLARKE: I just want
14 to say one other thing I just didn't want
15 to omit. I just want to also thank the
16 housing advocates for coming down and
17 continuing to press for affordability as
18 relates to housing. I want to thank the
19 development community for coming and
20 bringing their level of expertise to the
21 table. This can never get resolved
22 unless everybody is working together, and
23 I clearly understand that. So, again,
24 thank you.

25 COUNCILWOMAN SANCHEZ: And

1 3/18/09 - L&I - BILLS 080650 and 080953
2 clearly this has been a demonstration of,
3 folks, democracy, as I say, democracy at
4 work, people talking about it in a public
5 forum, us being informed, appropriately
6 informed, by all the sectors to try to
7 make solid policy decisions.

8 So with that, we're going to
9 conclude the public hearing and enter
10 into the public meeting.

11 COUNCILMAN CLARKE: No, no, no.

12 COUNCILWOMAN SANCHEZ: We're
13 going to recess --

14 COUNCILMAN CLARKE: You're
15 going to hold --

16 COUNCILWOMAN SANCHEZ: I'm
17 holding the bill, but we're going to
18 recess -- I do have to go into a public
19 meeting because I have one bill that does
20 need to get voted out.

21 COUNCILMAN CLARKE: I just want
22 to make sure we hold the bill in
23 committee.

24 COUNCILWOMAN SANCHEZ: So
25 officially we are going to be holding

1 3/18/09 - L&I - BILLS 080650 and 080953
2 Bill 080953 to the call of the Chair, and
3 then I'm going to move into the public
4 meeting and I am going to ask my
5 Vice-Chairwoman for a motion.

6 COUNCILWOMAN KRAJEWSKI: Thank
7 you, Madam Chairman. I move that Bill
8 080650 be reported out of this Committee
9 with a suspension of rules as to permit
10 first reading at the next session of
11 Council.

12 (Duly seconded.)

13 COUNCILWOMAN SANCHEZ: All in
14 favor?

15 (Aye.)

16 COUNCILWOMAN SANCHEZ: So Bill
17 080650 will be voted out of Committee
18 with a favorable recommendation, with a
19 suspension of rules to allow first
20 reading at our first public meeting.

21 Thank you all for coming and
22 your patience.

23 (Committee on Licenses and
24 Inspections concluded at 4:10 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on March 18, 2009, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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