

Committee on Licenses and Inspections
November 28, 2017

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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND INSPECTIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, November 28, 2017
10:15 a.m.

PRESENT:

COUNCILWOMAN MARIA D. QUINONES-SANCHEZ, CHAIR
COUNCILMAN ALLAN DOMB
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN MARK SQUILLA
COUNCILMAN AL TAUBENBERGER

BILLS 160768, 170898, 170903, and 170955

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2 COUNCILWOMAN SANCHEZ: The
3 Committee on Licenses and Inspections has
4 been called to order, having established
5 quorum. To my right, Councilman Jones.
6 To my left, Councilman Greenlee, and to
7 my farther left, Councilman Henon.

8 Will the Clerk read the title
9 of Bill No. 170955.

10 THE CLERK: An ordinance
11 amending Chapter 9-3300 of The
12 Philadelphia Code, entitled "Erection,
13 Use and Inspection of Tower Cranes," by
14 revising requirements related to tower
15 cranes and adding requirements regarding
16 the use and inspection of mobile cranes,
17 all under certain terms and conditions.

18 COUNCILWOMAN SANCHEZ: Before
19 we get started with Ms. Rebecca Swanson
20 from L&I, the Chair will recognize the
21 bill sponsor, Councilman Henon.

22 COUNCILMAN HENON: Thank you,
23 Madam Chair. And I just want to note for
24 the record that we do have an amendment
25 for this bill that just kind of clarifies

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2 some uncertainties and makes it a little
3 easier legalese. So this amendment has
4 been circulated to all members of this
5 body in a timely fashion. I just wanted
6 to let the members of the public know
7 while they were here.

8 Thank you.

9 COUNCILWOMAN SANCHEZ: Thank
10 you.

11 With that, if Ms. Rebecca
12 Swanson. And also testifying I have a
13 George Young. You want to join
14 Ms. Swanson at the witness table.

15 (Witnesses approached witness
16 table.)

17 COUNCILWOMAN SANCHEZ: You can
18 proceed.

19 MS. SWANSON: Good morning,
20 Councilwoman Quinones-Sanchez and members
21 of the Committee on Licenses and
22 Inspections. I am Rebecca Swanson,
23 Director of Planning for the Department
24 of Licenses and Inspections. Today I am
25 here to provide testimony on Bill No.

1 11/28/17 - L&I - BILL 160768, ETC.
2 170955, as amended, which, if enacted,
3 would amend Chapter 9-3300 of The
4 Philadelphia Code, entitled "Erection,
5 Use and Inspection of Tower Cranes," by
6 adding requirements regarding the use and
7 inspection of mobile cranes.

8 As the sponsor, Councilman
9 Henon, just stated, there are further
10 technical amendments that have been
11 circulated to the Committee just to
12 clarify the applicability provision.

13 The Department would like to
14 thank Councilman Henon for working with
15 the Department on drafting the bill.

16 Since 2008, after the passage
17 of legislation sponsored by
18 then-Councilman Kenney, L&I has regulated
19 the use and inspection of tower cranes in
20 construction. Tower cranes are used
21 almost exclusively in high-rise
22 construction and are treated almost as a
23 building in themselves, requiring
24 building permits and remaining on the
25 construction site for months or even

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2 years. Mobile cranes, on the other hand,
3 are much more commonly used on smaller
4 construction and demolition projects
5 throughout the City. While the
6 Commonwealth of Pennsylvania imposes
7 licensing and certification requirements
8 on mobile crane operators and OSHA has
9 its own set of safety regulations for
10 mobile crane operations, the City has
11 not, until now, had its own code
12 provisions.

13 Specifically, this bill
14 proposes a new level of oversight for
15 workers involved in the operation of
16 mobile cranes on construction and
17 demolition sites. Individuals who
18 operate mobile cranes must have a crane
19 operator license from the state or, for
20 cranes with a smaller lifting capacity,
21 either a license or current certification
22 from the National Commission for the
23 Certification of Crane Operators or an
24 equivalent organization. Similarly,
25 individuals who perform rigging duties

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2 associated with the lifting of materials
3 must hold a current certification from
4 the NCCCO or an equivalent organization.

5 Contractors and building owners
6 will be held responsible for ensuring
7 that all mobile crane operations are
8 undertaken by properly licensed and/or
9 certified individuals. They will also be
10 responsible for maintaining copies of
11 such licenses and certifications on site
12 for inspection upon request. Records of
13 crane inspections, which must be
14 performed annually by a certified
15 individual pursuant to OSHA regulations,
16 must also now be kept on site and
17 produced for inspection upon request.

18 The Department will contract
19 with a third party with experience in
20 crane operations to conduct periodic
21 inspections of construction sites that
22 utilize mobile cranes for compliance with
23 these requirements. Funds for this were
24 provided in our Fiscal Year 2018 budget,
25 so we will be prepared to begin

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2 implementation soon after the January
3 1st, 2018 effective date, but to also
4 note that there is a delay in the
5 certification requirements for riggers
6 only.

7 Thank you for the opportunity
8 to testify. I am happy to answer any
9 questions.

10 COUNCILWOMAN SANCHEZ: Thank
11 you.

12 I will let Mr. Young testify
13 and then I'll have questions.

14 MR. YOUNG: Thank you, Madam
15 Chairwoman. Good morning. My name is
16 George Young and I'm a Senior Advisor for
17 George Young Mammoet. Our firm is proud
18 to have done good business in
19 Philadelphia since 1869 and to be members
20 of the General Building Contractors
21 Association, or GBCA. GBCA has a
22 membership of over 250 commercial,
23 industrial, and institutional general
24 contractors, subcontractors, material
25 suppliers, and construction service firms

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2 throughout the Greater Philadelphia
3 region.

4 We would like to thank
5 Chairwoman Quinones-Sanchez, the members
6 of the Rules Committee, and Councilman
7 Henon for the introduction of Bill
8 170955. The issue has been the subject
9 of discussion for the past few years, and
10 we are pleased with the results and the
11 effort put forth by City Council and the
12 Department of Licensing and Inspections
13 to see it through.

14 The legislation before you
15 today will elevate the requirements for
16 personnel to more safely operate mobile
17 cranes in the City of Philadelphia. As
18 an organization, GBCA believes this
19 legislation will result in a safer work
20 environment on job sites. Having
21 utilized third-party certified riggers
22 and crane operators and signal persons
23 for the past seven years, I can attest
24 that basic skill sets improve with the
25 assistance that third-party skills and

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2 knowledge testing certification requires.

3 The crane operator and rigger
4 certification requirements will provide a
5 baseline body of knowledge and skills to
6 properly operate and use mobile cranes on
7 a construction site across the City.

8 While we understand the value of
9 certification, they will never replace
10 the value of practical experience.

11 Experience is always necessary when
12 applying any body of knowledge on an
13 active work site while ensuring the
14 safety of those on the job and in the
15 public realm.

16 The delayed enactment date for
17 the certification of riggers will allow
18 the current and future workforce to meet
19 the elevated certification requirements
20 placed on riggers and crane operators.

21 Any time an increased level of
22 qualification is introduced, it takes
23 time to train and certify personnel while
24 simultaneously maintaining a safe
25 staffing level for ongoing operations.

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2 GBCA members have very
3 experienced craft persons using mobile
4 cranes every day, and the legislation
5 will level the playing field for everyone
6 working with this equipment in the
7 construction industry.

8 GBCA supports this legislation
9 because we believe that Philadelphia is
10 at its best when industry experts and
11 City officials work together on solutions
12 that uphold the high standard of building
13 in our city. We are appreciative that
14 the Committee allowed us to participate
15 in the hearing today, and thank you.

16 COUNCILWOMAN SANCHEZ: Thank
17 you.

18 I want to recognize that the
19 Vice Chair of the Committee, Mr. Allan
20 Domb, is here and Councilman Alfred
21 Taubenberger.

22 Rebecca, real quickly, who is
23 the third party?

24 MS. SWANSON: We have not
25 identified one yet, but it will be an

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2 engineer with experience in crane
3 operations. Commissioner Perri has
4 already reached out to people in the
5 industry, and we do have someone who has
6 been interested in doing it and was just
7 waiting for the legislation.

8 COUNCILWOMAN SANCHEZ:

9 Mr. Young, so who are your third-party
10 entities?

11 MR. YOUNG: The people who
12 provide third-party certification and
13 testing of skills and knowledge are the
14 National Commission for the Certification
15 of Crane Operation, or typically referred
16 to as NCCCO.

17 COUNCILWOMAN SANCHEZ: And so
18 what are the requirements for someone to
19 be certified to be able to do this
20 oversight?

21 MR. YOUNG: First, if you don't
22 study, you're probably going to fail. So
23 there's a little bit of book work to do.
24 And there are practical tests which you
25 have to pass as well as written tests.

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2 So you have to actually be able to look
3 at different types of rigging equipment
4 and discern between what's safe to use
5 and what's not. You have to be able to
6 show that you have a basic level of skill
7 and that you've retained that knowledge
8 on your own. It's not an open book test.

9 COUNCILWOMAN SANCHEZ: So who
10 does the certification for this?

11 MR. YOUNG: The certification
12 is through CCO. They don't do any
13 training. All they do is skills
14 assessment and testing, and they provide
15 very professional tests to people and
16 they provide the certification.

17 COUNCILWOMAN SANCHEZ: So how
18 long does it take someone to get
19 certified?

20 MR. YOUNG: Ma'am, like
21 anything in life, it varies quite a bit.
22 If you have an experienced person who has
23 been doing it for any number of years,
24 you can freshen up for the test and make
25 sure that you understand the different

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2 regulations and you can do that within
3 the day. Testing usually takes one day
4 for practical, one day for written. If
5 you have somebody who is not very
6 experienced in this, it's going to take a
7 longer period of time, and it's all based
8 upon how quickly somebody retains the
9 knowledge.

10 COUNCILWOMAN SANCHEZ: So who
11 usually goes into this field? Like if
12 I'm in the construction world and I
13 decide to go here, is it an engineer, as
14 Rebecca said, or is it someone who --

15 MR. YOUNG: Ma'am, I'm sorry.
16 I didn't understand the question.

17 COUNCILWOMAN SANCHEZ: I said
18 who normally goes into that field? What
19 kind of background do they have?

20 MR. YOUNG: Well, lifting with
21 mobile cranes is performed by a wide
22 variety of the construction industry. It
23 could be anybody from a carpenter lifting
24 bundles of two-by-four's to pipe fitters
25 who lift pipes. It could be air

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2 conditioning equipment onto the top of
3 roofs. It could be riggers who move
4 machinery or transformers. So lifting
5 bridge sections. And it can be anything
6 that's small. It doesn't have to be
7 heavy, but it just has to go vertically
8 somewhere, and it covers all phases of
9 the construction business.

10 COUNCILWOMAN SANCHEZ: Okay.
11 The Chair recognizes Councilman Henon.

12 COUNCILMAN HENON: Yes. Thank
13 you, Madam Chair and Councilwoman.

14 Just point of information. I'm
15 not sure if the answer was clarified. So
16 what kind of background and skill set
17 does somebody need to have to be a
18 rigger?

19 Is that clear, Councilwoman, or
20 did he answer your question?

21 COUNCILWOMAN SANCHEZ: He kind
22 of answered my -- it's a limited field.

23 COUNCILMAN HENON: I mean,
24 it's --

25 MR. YOUNG: Well, the type of

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2 background that you would typically have
3 is, you would want to be --

4 COUNCILMAN HENON: How do you
5 become a rigger?

6 MR. YOUNG: You would want to
7 be mechanically inclined. One path into
8 the industry is through some of the
9 unions within our town. We have a
10 Riggers Local, but rigger here is a
11 generic term, so it can be through the
12 carpenters, it can be through the
13 electricians, it can be through other
14 crafts.

15 Additionally, often truck
16 drivers and crane operators seem to swap
17 jobs and prefer the more hands-on work
18 that a rigger may do. It's a lot of
19 problem-solving. Education typically
20 runs from normally high school graduates
21 through college graduates.

22 COUNCILMAN HENON: So if
23 somebody is a rigger, they could be
24 multi-crafted just having the skill set
25 in rigging equipment or loads and having

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2 the expertise on the job and through
3 certification; is that right?

4 MR. YOUNG: Yes, sir.
5 Councilman, typically it's attaching the
6 lifting gear from the crane to the piece
7 that's going to be lifted.

8 COUNCILMAN HENON: Okay. Thank
9 you.

10 COUNCILWOMAN SANCHEZ: Thank
11 you.

12 The Chair recognizes Councilman
13 Domb.

14 COUNCILMAN DOMB: Thank you,
15 Madam Chairwoman, and good morning.

16 I have three quick questions.
17 One question is, when someone is
18 operating a crane and lifting material,
19 is the area they're lifting the material
20 over supposed to be closed off or can it
21 be open to the public when the crane is
22 lifting the material over?

23 MR. YOUNG: I would say general
24 safety requirements would tell you that
25 people should not be walking under a

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2 suspended load and the area should be
3 closed off.

4 COUNCILMAN DOMB: A few months
5 ago I'm driving down Chestnut Street.
6 I'm not going to tell you exactly where,
7 but it was like between 18th and Broad.
8 I'm in my car, and this huge crane has
9 the material like over my car. I'm just
10 wondering is that legal, because I looked
11 up and I actually called 911. I thought
12 it was a safety hazard. I want to know
13 if it's a violation of the law.

14 MR. YOUNG: It would be in that
15 all of the equipment, if for nothing
16 else, all the manufacturers of the
17 equipment, that's the rigging straps,
18 would tell you that you're not allowed to
19 work under a suspended load, and I think
20 by inference that means you're not
21 supposed to have somebody under a
22 suspended load. It certainly is not in
23 the best practice of the industry.

24 MS. SWANSON: I believe the
25 OSHA regulations address that, but from

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2 an L&I perspective, we would want that
3 sidewalk closed. We would want that
4 street closed. And that's part of the
5 reason we're doing this, because we know
6 mobile cranes kind of roll in and out and
7 they'll do that without our inspector
8 even knowing that they're on site. So
9 this is part of the reason why we want to
10 make sure we're aware.

11 COUNCILMAN DOMB: So if we as
12 the public see something like this, who
13 should we call?

14 MS. SWANSON: Again, if you
15 believe it's an imminent danger, like
16 there's a load swinging over your car,
17 call 911. We always say 911 for what you
18 believe is an emergency. If it's
19 something that you believe is happening
20 or has knowledge of happening, call 311.
21 It will get to it, and the building
22 inspector will go out. We may not catch
23 it as it's happening, but it would be a
24 conversation with that contractor to
25 knock it off.

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2 COUNCILMAN DOMB: Okay. Thank
3 you.

4 Second question is, in the last
5 ten years, have we had any accidents
6 relating to rigging and operation of this
7 equipment, cranes?

8 MR. YOUNG: Yes.

9 COUNCILMAN DOMB: How many have
10 we had?

11 MR. YOUNG: Well, I can think
12 of two that I'm aware of. One on
13 Hamilton Street, one down at the
14 Philadelphia Navy Yard.

15 COUNCILMAN DOMB: Were any of
16 them serious accidents?

17 MR. YOUNG: Yes.

18 COUNCILMAN DOMB: And do you
19 think they could have been avoided with
20 this training?

21 MR. YOUNG: At the Navy Yard,
22 the answer is yes. Up on Hamilton
23 Street, in my opinion, this training
24 would not have had an effect on what was
25 the cause. It was an equipment failure.

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2 Part of a suspension broke. So I don't
3 believe that training would have
4 accomplished that, unless it's in the
5 inspection portion of the bill whereby
6 better inspection of the equipment by
7 more competent people might have caught
8 what was I'm told a micro fracture.

9 COUNCILMAN DOMB: But at the
10 Navy Yard, this training would have
11 avoided that --

12 MR. YOUNG: Yes, sir.

13 COUNCILMAN DOMB: -- situation?
14 That's powerful.

15 MR. YOUNG: In my opinion, yes,
16 sir.

17 COUNCILMAN DOMB: Last
18 question. It's probably for you. I
19 think this body passed a bill a year and
20 a half ago about when people want to pull
21 permits in the City, they need a tax
22 clearance certificate, and I assume that
23 applies to crane operators. Are we
24 monitoring that; do you know?

25 MS. SWANSON: So the crane

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2 operator wouldn't necessarily be pulling
3 the permit for a mobile crane because it
4 would be kind of part of the overall
5 building permit that's pulled by the
6 general contractor.

7 COUNCILMAN DOMB: Okay. So the
8 general contractor, right. But it
9 doesn't apply to the subcontractors on
10 the project then?

11 MS. SWANSON: Not at this time,
12 no.

13 MR. YOUNG: And not to
14 contradict, but it works both ways.
15 Sometimes the general contractors will
16 pull the permit, but just as often for a
17 mobile crane, the crane company is tasked
18 with pulling the permit or the rigging
19 contractor may do it.

20 COUNCILMAN DOMB: So in that
21 case, are they supplying a tax clearance
22 certificate?

23 MR. YOUNG: I don't know the
24 answer to the question. I don't know the
25 answer to the question, Councilman.

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2 MS. SWANSON: The applicant has
3 to provide the certificate, the
4 clearance.

5 COUNCILMAN DOMB: Is that
6 something that you're monitoring in L&I
7 or is that Revenue?

8 MS. SWANSON: When you apply
9 for the permit, you must come with that
10 cert from the Revenue Department, the tax
11 clearance cert.

12 COUNCILMAN DOMB: Thank you.
13 Thank you, Madam Chair.

14 COUNCILWOMAN SANCHEZ: Thank
15 you.

16 The Chair recognizes Councilman
17 Taubenberger.

18 COUNCILMAN TAUBENBERGER: Thank
19 you, Council Lady and Madam Chair. I
20 appreciate that greatly.

21 Mr. Young, just two maybe quick
22 questions, I hope. The Riggers Local,
23 how many members -- I'm asking some
24 questions on riggers. How many members
25 do they have, approximately?

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2 MR. YOUNG: The Riggers Local
3 themselves have approximately 300.

4 COUNCILMAN TAUBENBERGER: And
5 are they all master riggers or there's --

6 MR. YOUNG: No, sir. Not
7 everyone is a master rigger. Matter of
8 fact, that definition or that term really
9 is a New York City term where they
10 actually have a master riggers license,
11 and we don't have that here in
12 Philadelphia. But in terms of being
13 certified, I will tell you that the vast
14 majority, if not all of them, are
15 certified. The Riggers Local -- and here
16 we're talking a specific local, not
17 riggers as a generic term. The Riggers
18 Local actually does some of that testing
19 as a third party.

20 COUNCILMAN TAUBENBERGER: Now,
21 can you be a certified rigger and not be
22 a member of the local?

23 MR. YOUNG: Yes, sir.

24 COUNCILMAN TAUBENBERGER: And
25 how many of them are there in

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2 Philadelphia, approximately?

3 MR. YOUNG: I don't know the
4 answer, but I can tell you that at last
5 count, just CCO, that one company that
6 does testing evaluation, has in excess of
7 10,000 riggers that have been certified.
8 There are, of course, other competing
9 models that do that as well.

10 COUNCILMAN TAUBENBERGER: And
11 that would be 10,000 in what
12 jurisdiction?

13 MR. YOUNG: 10,000 nationally.

14 COUNCILMAN TAUBENBERGER: Oh,
15 nationally. Okay. That's good. I mean,
16 that answers my question.

17 Madam Chair, thank you very
18 much.

19 COUNCILWOMAN SANCHEZ: Thank
20 you.

21 Any other questions?

22 (No response.)

23 COUNCILWOMAN SANCHEZ: Seeing
24 none, thank you very much.

25 Will the Clerk read the title

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2 of Bill No. 160768.

3 THE CLERK: An ordinance
4 amending Subcode "A" of Title 4 of The
5 Philadelphia Code, entitled "The
6 Philadelphia Administrative Code," by
7 amending Chapter 3 entitled "Permits" by
8 requiring a waste collection plan for
9 construction, demolition, or alterations;
10 all under certain terms and conditions.

11 COUNCILWOMAN SANCHEZ: The
12 Chair will note that there's also a
13 technical amendment to this bill.

14 And, Rebecca, you could get
15 started, and Nic too.

16 MS. SWANSON: Good morning,
17 Councilwoman Sanchez and members of the
18 Committee on Licenses and Inspections. I
19 am Rebecca Swanson, Director of Planning
20 for the Department of Licenses and
21 Inspections. Today I am here to provide
22 testimony on Bill No. 160768, as amended,
23 which, if enacted, would amend Chapter 3
24 of the Philadelphia Administrative Code,
25 entitled "Permits," to require additional

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2 information regarding waste haulers.

3 Again, as the Councilwoman just
4 stated, there has been a technical
5 amendment regarding the effective date.

6 First, we would like to thank
7 the sponsor, Council President Clarke,
8 and his staff for working with us on the
9 proposed amendments. We would also like
10 to recognize the Office of Recycling and
11 the Zero Waste and Litter Cabinet for
12 their commitment to this issue and for
13 the enforcement role they will take on in
14 the implementation of this bill.

15 The bill would require
16 applicants for any building or demolition
17 permit that requires the submission of
18 plans to list on the permit application
19 the names of all waste haulers to be used
20 by the contractor to remove debris during
21 the construction or demolition project.
22 The bill also requires contractors to
23 maintain evidence of proper disposal of
24 debris, including tipping receipts, for
25 three years after the permit is finalized

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2 and to provide this inspection for audit
3 upon request -- this evidence for audit
4 upon request.

5 This bill also adds an
6 enforcement provision that allows the
7 Department, after the appropriate
8 administrative hearing, to suspend or
9 revoke a contractor's license if he or
10 she is found to illegally dispose of or
11 dump construction demolition or
12 alteration debris on any project,
13 including projects that do not require
14 permits. This action against the license
15 would be in addition to any criminal
16 penalties that may be imposed upon the
17 contractor by our law enforcement
18 agencies.

19 The Department supports this
20 bill and is prepared to enforce its
21 provisions should it become law. Illegal
22 dumping is a problem throughout the City,
23 and L&I is particularly concerned with
24 the dumping of construction and
25 demolition debris. This bill is designed

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2 to stop this activity two ways. First,
3 by reminding contractors at the time of
4 permit application that they must think
5 about their waste collection and disposal
6 plans from the very beginning stages of
7 their project and, second, by giving the
8 City audit and enforcement power over
9 contractors who may not be following the
10 rules.

11 In order to most effectively
12 and efficiently enforce the new
13 requirements, the Department must
14 reconfigure its in-progress online permit
15 application system as well as create a
16 registry of waste haulers so that we can
17 ensure contractors are using established
18 companies to remove debris. As such, the
19 bill has an effective date of January
20 1st, 2019. That's the technical
21 amendment that was just circulated.

22 Thank you for the opportunity
23 to testify. Happy to answer any
24 questions.

25 COUNCILWOMAN SANCHEZ: The

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2 Chair recognizes Nic Esposito for
3 testimony and then we'll have questions
4 from the panel.

5 MR. ESPOSITO: Thank you, and
6 thank you, Chairwoman Sanchez and members
7 of the Committee. My name is Nic
8 Esposito and I am the Director of the
9 Zero Waste and Litter Cabinet in the
10 Managing Director's Office. I am here to
11 offer testimony on Bill No. 160768
12 regarding the adoption of a requirement
13 that applicants for building and
14 demolition permits submit the name of the
15 waste hauler for the project in order to
16 obtain a permit.

17 Illegal short dumping is a
18 longstanding challenge in many
19 neighborhoods, and unfortunately
20 construction-related debris is one of the
21 most common types of materials that are
22 illegally dumped in neighborhoods. In
23 2016, CLIP responded to and abated 15,000
24 vacant lots; 128 of these cases were for
25 heavy illegal dumping. On these lots,

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2 over 1,600 tons of debris were removed.
3 Keep Pennsylvania Beautiful uses the
4 metric of \$619 per ton for illegal
5 dumping clean-up, which amounts to almost
6 \$1 million in costs just for CLIP.

7 In 2016, the Streets Department
8 cleaned up 921 lots for a total of 11,525
9 tons of debris. Using that same Keep
10 Pennsylvania Beautiful metric, that's
11 over \$7 million of cost to the City.
12 Thus, the Zero Waste and Litter Cabinet
13 believes that requiring contractors to
14 establish a paper trail for proper waste
15 disposal in order to obtain a permit for
16 most construction and demolition projects
17 will accomplish two very important
18 objectives. The first, it will set a
19 standard that waste management needs to
20 be a priority for these projects. By
21 setting a standard that a waste hauler
22 needs to be identified when obtaining a
23 permit, it will ensure that waste
24 disposal is not an afterthought, but
25 rather part of the project scope and

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2 costs at the beginning of the project.
3 This process will hopefully educate the
4 construction and demolition business
5 community on the necessity to select a
6 reputable company for this work.

7 Number two, it will create a
8 paper trail that the Office of Recycling
9 and/or an investigating law enforcement
10 agency can follow should there be
11 evidence of improper waste disposal or an
12 unkempt work site.

13 In closing, the Zero Waste and
14 Litter Cabinet is supportive of the bill
15 as a vehicle to better manage the
16 disposal of construction and demolition
17 debris. We thank Council President
18 Clarke and his staff and this Committee
19 for the leadership in finding proactive
20 and effective ways to address the illegal
21 dumping issue in Philadelphia.

22 I understand there are also
23 amendments to this bill that the Cabinet
24 also supports, and I'm happy to answer
25 any questions you may have.

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2 COUNCILWOMAN SANCHEZ: Thank
3 you.

4 The Chair recognizes Councilman
5 Greenlee.

6 COUNCILMAN GREENLEE: Thank
7 you, Madam Chair.

8 Just quickly, I certainly
9 support this bill. As Ms. Swanson
10 mentioned, short dumping is a real
11 problem, especially when it's
12 construction debris. I guess my only
13 question, Rebecca, is January 1st, 2019
14 sounds like a long time. There could be
15 a whole lot of dumping in between. Why
16 is it --

17 MS. SWANSON: It does. And
18 that's because right now the City doesn't
19 know who waste haulers are. We don't
20 have a registry, because there is no
21 local license because they're licensed at
22 the state level, so we're preempted from
23 creating one here. So what we were going
24 to do is, we were going to change our
25 building permit application to just have

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2 a blank box to write in on your
3 application for the permit for which this
4 would be required who your waste hauler
5 is. And then when we thought about it,
6 we realized that's not really going to be
7 effective, because people could write in
8 anything they want, and it might not even
9 be a reputable waste hauler. So what we
10 want to do is, we want to take this time.
11 We want to work with the Zero Waste and
12 Litter Cabinet. We want to get the list
13 from the state of who are the licensed
14 waste haulers to create a registry, and
15 then when we build into eCLIPSE, in the
16 permit application we'll do a drop-down,
17 so you have to be a registered waste
18 hauler and you'd only be able to select
19 one of the waste haulers that come
20 forward and registers with the City.

21 So we do want to give some time
22 for the waste haulers to do that
23 registry, for us to build it into
24 eCLIPSE, which is going to take some time
25 and money, and then let the contractors

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2 know here's the list of everyone who is
3 registered, this is who you have to use.
4 Because we think the education component
5 is really going to be the big thing. We
6 don't want to surprise them in January to
7 say, oh, you must say this now.

8 COUNCILMAN GREENLEE: I
9 understand maybe not making it January
10 2018, but January 2019 sounds like a long
11 time to me. I don't know. Look, you
12 know, you guys know how to do the stuff
13 better than me, but it just sounds like a
14 long time, because a whole lot of stuff
15 could happen in the interim.

16 MS. SWANSON: We absolutely
17 understand, and the hope is that it will
18 be done much more quickly, but, again,
19 it's an eCLIPSE issue. It --

20 COUNCILMAN GREENLEE: I know.
21 We hear about eCLIPSE.

22 MS. SWANSON: We're building
23 that now. An online permit application
24 is probably not going to be fully
25 available until January of 2019. So

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2 we're tying it to that. But we always
3 cross our fingers that we --

4 COUNCILMAN GREENLEE: All
5 right.

6 MR. ESPOSITO: And, Councilman
7 Greenlee, the Zero Waste and Litter
8 Cabinet is working diligently on many
9 fronts through many different other
10 departments to work really hard to start
11 really making headway on the illegal
12 dumping issue.

13 COUNCILMAN GREENLEE: All
14 right. I appreciate that. It just
15 struck me when I saw 2019. It sounded
16 like a long time.

17 Thank you, Madam Chair.

18 COUNCILWOMAN SANCHEZ: The
19 Chair recognizes Councilman Taubenberger.

20 COUNCILMAN TAUBENBERGER: Madam
21 Chair, thank you very much.

22 Ms. Swanson, just in general, a
23 person who has a waste hauler's permit in
24 Johnstown, Pennsylvania would be fully
25 legal to come in to Philadelphia because

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2 that's the only permit there is in the
3 state; is that correct?

4 MS. SWANSON: If they are
5 licensed through the state, whether
6 they're located in Philadelphia or not,
7 they could come in and register, but they
8 would have to get a commercial activity
9 license first. They wouldn't be allowed
10 to register without that. So that we're
11 making sure they're paying taxes and all
12 that. You can't do any type of business
13 without having that.

14 COUNCILMAN TAUBENBERGER: So
15 they're registered as a waste hauler with
16 the state, but they still have to do
17 things with the City as far as commercial
18 activity; is that correct?

19 MS. SWANSON: If they're
20 getting paid in the City, they need a
21 commercial activity license. So we would
22 make that a requirement in order to get
23 on the registry in the first place.

24 COUNCILMAN TAUBENBERGER: And
25 of course any City taxes they would owe,

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2 if they owe any, that will be checked?

3 MS. SWANSON: Oh, yeah. In
4 order to get on the registry, we would
5 make sure that they have the commercial
6 activity license and that they are tax
7 compliant, just like any other business.

8 COUNCILMAN TAUBENBERGER: It
9 will take you to 2019 to get that list
10 together?

11 MS. SWANSON: It's not so much
12 getting the list together. It's the
13 education component and it's building it
14 into eCLIPSE, building into the permit
15 application this drop-down menu.
16 Unfortunately, every change we make to
17 eCLIPSE costs money, and we have to -- we
18 can only do it at certain times in the
19 process so we don't delay the whole
20 process.

21 COUNCILMAN TAUBENBERGER: Okay.

22 MS. SWANSON: Just based on the
23 schedule of implementation.

24 COUNCILMAN TAUBENBERGER:
25 Because I think what Councilman Greenlee

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2 brought up is concerning in the sense it
3 is a long time.

4 MS. SWANSON: But the criminal
5 penalties still apply in the meantime.
6 You can still -- and that's really where
7 this is. We want these people to be
8 arrested for illegal dumping. That's how
9 we're really going to scare them, but
10 obviously it's not always a priority of
11 the District Attorney's Office,
12 because --

13 COUNCILMAN TAUBENBERGER:
14 There's a lot of things going on.

15 MS. SWANSON: A lot of things
16 they got to arrest people for. So this
17 kind of allows L&I to have another hammer
18 to say, all right, hey, contractor, we're
19 taking away your license or suspending
20 your license if you can't get yourself
21 together and hire somebody who is
22 reputable.

23 COUNCILMAN TAUBENBERGER:
24 That's fine. That answers my question.
25 Thank you very much.

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2 Madam Chair, thank you.

3 COUNCILWOMAN SANCHEZ: Thank
4 you.

5 Quick question. How are we
6 doing around cameras on the traditional
7 dump sites of construction debris? I
8 mean, we have certain parts of
9 particularly my district, right, where
10 people go every single week. How are we
11 doing about having more cameras that we
12 can move around?

13 MR. ESPOSITO: So as part of
14 the work of the Zero Waste and Litter
15 Cabinet, that was one of our
16 recommendations and one of the things
17 we'll be implementing. So we are
18 currently in the process right now of
19 starting to understand the landscape of
20 where all these different cameras are,
21 both through the Streets Department,
22 through any cameras that CLIP had put up
23 originally, as well as the Police
24 Department, and then through the private
25 sector through businesses. And, again,

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2 that's conversations that we need to have
3 being that people do register with
4 SafeCam. So we're trying to better
5 coordinate and understand what that
6 landscape looks like so we would have
7 access to those cameras.

8 We're also trying to work on
9 different techniques that we can use for
10 better -- it's one thing to collect all
11 that video footage. It's another thing
12 to actually sift through it and actually
13 get what we need evidence-wise. So
14 easier ways to get that evidence and
15 better education on people on the camera
16 set-ups that they would need to better
17 catch things like license plates that you
18 actually need for criminal prosecution.
19 So that is all in process right now.
20 We'll hopefully have some updates in the
21 next six months on some things.

22 COUNCILWOMAN SANCHEZ: So what
23 triggers you to understand that a place
24 is a dump site? Is it three times after
25 we clean it up, four times after we clean

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2 it up? I mean, what triggers -- because
3 I have sites that get cleaned every other
4 week. I mean, how long do we wait before
5 we say this is a problem because we've
6 cleaned three, four, five times? What
7 are some of the matrix that the Zero
8 Cabinet is utilizing for that?

9 MR. ESPOSITO: So the first one
10 that's already in progress is the Litter
11 Index citywide. So we have the Litter
12 Index that's going through and taking a
13 one through four rating. So one being
14 the best rating you can get. It's pretty
15 much no litter. Four being heavily short
16 dumped. We also have a function built
17 into that. If someone is on site, just
18 so it doesn't go unreported, they can hit
19 a button and it generates a ticket
20 directly to 311 so that's taken care of
21 straight away. Better collection of that
22 data that we'll share throughout
23 departments, so like CLIP is sharing that
24 with Streets and everyone is seeing the
25 landscape of short dumping, will better

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2 help us, again, with some other datasets
3 that we can overlay on, better put our
4 resources towards doing proactive and
5 also collaborative solutions through
6 those different departments. That's one
7 major way that we're looking at it.
8 Again, through the different metrics of
9 how CLIP or Streets treats it, I can't
10 speak directly to what they would say
11 that's a heavy dump site, but that is --
12 something we're working through is,
13 they're just as frustrated as anyone
14 else. CLIP goes back, abates a vacant
15 lot. They become a cleaning service for
16 these lots, and that's something we're
17 going to be moving away from through the
18 initiatives that we're undertaking right
19 now.

20 COUNCILWOMAN SANCHEZ: So
21 that's for contractors, small
22 contractors. What about people who do
23 minor renovations to their home and some
24 of that is getting dumped? How are we
25 looking to address that issue? Do we

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2 believe as a city we should pick up some
3 of that minor construction or not?

4 Because we pick it up anyway, whether we
5 pick it up in front of someone's house or
6 we pick it up at the next neighboring
7 lot. How are we addressing that?

8 MR. ESPOSITO: Are you asking
9 that in the context of someone who is
10 doing work without pulling a permit?

11 COUNCILWOMAN SANCHEZ: Minor
12 construction.

13 MR. ESPOSITO: Minor
14 construction, but not pulling a permit
15 even though they should need one?

16 COUNCILWOMAN SANCHEZ: Maybe a
17 window, maybe, I don't know, a new
18 toilet, you know, the stuff that we see,
19 the traditional dumps.

20 MR. ESPOSITO: One thing I will
21 say, if it does need a permit, what I
22 think is the beauty of this legislation
23 and why we're so excited about it as a
24 Cabinet is the simplicity of it. I don't
25 think this is a huge burden on people to

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2 just kind of think about this through
3 their process. And I do think talking to
4 contractors and obviously being in the
5 Seventh District knowing a lot of
6 contractors, I genuinely think that some
7 people just don't think about it and they
8 get themselves in a situation where they
9 think they're doing something good by
10 giving the guy down the street who has a
11 truck some business, but they don't know
12 anything about if that guy has an
13 activity license or anything of that
14 nature. So that's one part of it.

15 I think the other part that
16 we've been working towards and again is a
17 big part of the Cabinet is expanded
18 access to our sanitation convenience
19 centers. They're a gem. I mean, we had
20 people come from other cities and they
21 could not believe how many we have and
22 how long they're open. Other cities
23 don't have that kind of resource, but it
24 is -- when people don't know that that
25 resource is there, how to utilize it,

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2 that's something that the Cabinet through
3 the Streets Department is really trying
4 to work on having people better
5 understand so that time -- if they're
6 doing something that does need a permit,
7 I took a window out, and whatever they
8 did, that they know, one, what you can
9 put curbside or what you can take to one
10 of these great centers that are open,
11 that's something we're working through.

12 COUNCILWOMAN SANCHEZ: Well,
13 some of us strongly believe that we
14 should go back to some sort of bulk trash
15 pickup in our neighborhoods. I mean, we
16 pick it up anyway, right? And I know
17 that during 2009 and others because of
18 the downturn, we stopped doing that. I
19 just think that people are paying their
20 tax dollars and this notion that
21 everybody has a car, that they can put
22 that leaky toilet that they just fixed in
23 the back of their car and take it to a
24 dump site is -- it's not happening.

25 So is there any thinking of

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2 we're going to have to do at least some
3 curbside? I mean, before people used to
4 call, right, and say I'm going to have an
5 extra this or an extra that. Do we see a
6 time where we're going to go back to
7 that?

8 MR. ESPOSITO: I would say
9 those conversations are happening right
10 now through the Cabinet, through the
11 Streets Department. I think it's too
12 preliminary to say what it exactly looks
13 like. But on the private sector
14 solutions, there is a lot of technology
15 that's moving to the City right now. I
16 don't want to name certain companies, but
17 that have even private solutions to that
18 where people can use things like apps to
19 kind of say I have this trash --

20 COUNCILWOMAN SANCHEZ: My
21 seniors don't have apps.

22 MR. ESPOSITO: No, no. For
23 sure. So --

24 COUNCILWOMAN SANCHEZ: We
25 barely can get them to call 311. Can I

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2 get my senior not to call me or call me
3 down when I'm driving?

4 MR. ESPOSITO: So there are
5 other ones that are actually some private
6 sector solutions that aren't app based or
7 phone based or text message based, which
8 is also really interesting knowing that
9 landscape in the industry. But
10 through -- again, there also has to be
11 that public sector solution, one, for the
12 person who doesn't use technology or,
13 two, for the person that can't even
14 afford a small amount but still has
15 debris that they need to get rid of it.

16 So those are conversations that
17 are currently happening and, again, I
18 hope to have some more of an update for
19 you in the near future.

20 COUNCILWOMAN SANCHEZ: One of
21 the things -- and then Councilman Jones
22 and others. One of the things that
23 worries me around some of the regulations
24 that we've created -- and this has
25 happened several times -- where we will

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2 not pick up or we have instructed the
3 Streets Department not to pick up
4 anything that's in front of a lot,
5 because we don't want to encourage
6 dumping, right? But someone gathered
7 that trash and put it out so we can pick
8 it up. So I've watched, I've personally
9 watched the Streets Department leave it
10 there, and then I got to call them, they
11 got to come back and pick it up anyway.

12 Are we looking at some of those
13 regulations that are really just kind of
14 outdated? We're going to pick it up
15 anyway. This notion that if someone
16 gathered stuff, packaged it, that we
17 would skip it because it's a lot and we
18 don't want to encourage, are we looking
19 at those regulations? I just think --

20 MR. ESPOSITO: So I can't speak
21 directly to that specific issue, but I do
22 know that the Streets Department has been
23 working through -- they're in a process
24 right now of revisiting their
25 regulations. So they're in that process

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2 right now. You know, again, there's a
3 lot of things -- that's why we have
4 things like the Behavioral Science
5 Subcommittee through the Waste and
6 Litter -- Zero Waste and Litter Cabinet
7 really looking at what is the science
8 behind the behavior if we did leave it
9 there. Is it actually going to stop or
10 is it going to cause more of a problem?
11 These are the conversations they're
12 thinking through, we're trying to do.
13 We're trying to do it at the quickest
14 pace possible, but again make the best
15 decision as possible with the evidence
16 that we have. So, again, like I said,
17 those conversations are happening.

18 COUNCILWOMAN SANCHEZ: So all
19 things are being reviewed?

20 MR. ESPOSITO: Yes.

21 COUNCILWOMAN SANCHEZ: I go all
22 over the country and we're one of the
23 dirtiest cities, and I think we got to
24 really revisit all our regulations. I
25 think we've gutted our Streets Department

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2 and we need to really revisit that.

3 MR. ESPOSITO: Again, to give
4 another plug to this bill, it's smart,
5 simple solutions like this are what we
6 need.

7 COUNCILWOMAN SANCHEZ: Stupid
8 simple. I believe in that.

9 Councilman Jones.

10 COUNCILMAN JONES: Thank you,
11 Madam Chair, and thank you for those
12 questions.

13 As a District Councilperson, we
14 have an occupational hazard. That
15 occupational hazard is to know the exact
16 street that your district begins and ends
17 on. In so doing, you develop an eye.
18 You develop an eye for trash, short
19 dumping and other things. And it irks
20 you to your soul, because you know that
21 some constituent is about to complain
22 about it.

23 So I go back to my
24 Chairperson's question, when is -- how
25 many times is a place a dump site? And I

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2 say that because I just texted my staff
3 and asked Merion Avenue between 52nd and
4 48th how many times we have called you
5 guys to clean it up, and the answer came
6 back seven, seven this year. Every year
7 on average I'm thinking it's seven.

8 So there is a behavior that has
9 developed where the contractors -- and we
10 even found -- I think Carlton, the
11 Commissioner, came out. There were 300
12 tires, 300, dumped on it. And it was
13 picked up, and when we looked at another
14 maybe three days later, there were 300
15 more tires out there, because obviously
16 in the behavioral thing, they said, well,
17 okay, this must be the site where you get
18 pick-up.

19 Carlton was able to apprehend
20 an individual, and I think he charged him
21 \$50 a tire and put that right on him, and
22 in the end what I was told was it looks
23 better, it's mathematically better, my
24 colleague will tell you, to take the fine
25 than do the proper dumping. Catch me if

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2 you can.

3 So we have to do something
4 different. I definitely want to know
5 what your matrix is for those cameras,
6 because I understand some of them are
7 temporary and removable and we can bait
8 and switch and make a place hot and then
9 take them away when it cools off, but we
10 have to do a better job of this, because
11 guess what? The constituent calls us and
12 we wind up calling you.

13 So whatever your policy is, we
14 need to adapt it to real street, real
15 inner city conditions so that we can
16 solve this thing amicably, because we're
17 not going to save money the way we're
18 doing it now.

19 So I just need to know, when is
20 a dump site a dump site in your mind?
21 How many times? Because I told you seven
22 on Merion Avenue this year.

23 MR. ESPOSITO: Yes. So you're
24 asking for just my personal opinion on
25 that?

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2 COUNCILMAN JONES: No. I want
3 the City's opinion.

4 MR. ESPOSITO: I can't --

5 COUNCILMAN JONES: I got a
6 personal opinion.

7 MR. ESPOSITO: So do I. But I
8 can't specifically speak to that. I want
9 to consult with my colleagues on that,
10 being that that hasn't been, I guess, a
11 discussion that we've had. Really what
12 we're trying to look at is where are we
13 seeing this happening and also what are
14 the systemic issues kind of behind it.
15 But, again, not just on this like broad
16 kind of macro level where everything gets
17 lost; on those granular issues, in
18 certain neighborhoods within a certain
19 area, why is this happening, and I think
20 that's even sometimes a hard question to
21 answer.

22 Having the Litter Index
23 information that we can then kind of
24 overlay with things like 311 calls, where
25 cameras are, how many -- because we have

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2 all that data. How many times Streets
3 has gone to this place to pick up -- we
4 have all that. Once we start really
5 being able to synthesize it -- I just
6 came from a Smart Cities kind of talk
7 that was just happening, and there's one
8 thing to collect all of this information.
9 It's how do you actually use it. That's
10 what really makes you smart.

11 So I think that's what we're
12 working through. We'll have the Litter
13 Index finished by January 1st. We'll
14 have those other datasets that we'll be
15 able to put together, and that's when
16 we'll really start sitting down, not just
17 with single departments but with all the
18 different departments in the room talking
19 about this is this area, this is where
20 we're seeing this happening, and this is
21 how -- if we can do this coordinated
22 response, we can make some headway on the
23 issue.

24 So to your point, like I say, I
25 will definitely go back -- I think it's a

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2 great point -- to really kind of -- we
3 could talk about those kind of formalized
4 designations to say this is a dump site.
5 The Streets Department definitely has
6 things they call, you know -- they know
7 like the 30 spots that are like these are
8 persistent dump sites that people use as
9 their own personal dumps.

10 I will say to this Council's
11 credit, we did take a huge step in
12 advancement through Councilman Green's
13 bill that was passed last month to raise
14 those fines. So the cost of doing
15 business is now starting to be outweighed
16 by the fines that we can impose and
17 better coordination with the DA's Office
18 on imposing them we'll be working
19 through.

20 COUNCILMAN JONES: Would it
21 surprise you to know that suburban
22 contractors come to the City to dump?

23 MR. ESPOSITO: Not at all.

24 COUNCILMAN JONES: And they
25 feel, well, almost -- and I'm not

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2 speaking for them. Well, folk in the
3 inner city put up with this, as opposed
4 to suburban folk who would track us down
5 to the end of the earth. Like who was
6 the guy that chased the guy for the loaf
7 of bread? Les Miserables. And so we
8 have to get a little -- our back up a
9 little bit about this thing, because we
10 will always wind up with the designation
11 the dirtiest city, because our suburban
12 counterparts are helping us out.

13 MR. ESPOSITO: Thank you for
14 your statement.

15 COUNCILWOMAN SANCHEZ: Thank
16 you.

17 The Chair recognizes Councilman
18 Domb.

19 COUNCILMAN DOMB: Thank you,
20 Madam Chair.

21 I have a question for you,
22 Mr. Esposito. In your testimony you said
23 the Streets Department cleaned 921 lots?

24 MR. ESPOSITO: Yes, sir.

25 COUNCILMAN DOMB: 11,500 tons.

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2 Who owns those lots?

3 MR. ESPOSITO: I'd have to
4 check on exactly what the ownership is.
5 From my understanding, just because as
6 like -- when there's like large dumps, I
7 believe the majority would be public.

8 MS. SWANSON: It's probably a
9 mix.

10 MR. ESPOSITO: But a mix. I
11 can't say the exact mix.

12 COUNCILMAN DOMB: The City owns
13 those lots, most of them?

14 MR. ESPOSITO: Some of them. I
15 would say there's a mix between --

16 COUNCILMAN DOMB: Because I'm
17 doing the math. It's \$7,600 per lot to
18 clean it up. And my question is, A,
19 should we be selling them or even giving
20 them away? Because probably the taxes
21 aren't even \$7,600. What are we doing to
22 dispose of these lots that are costing us
23 a small fortune to maintain?

24 MR. ESPOSITO: So, again, I
25 don't think that's --

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2 COUNCILMAN SQUILLA: Point of
3 information. It's normally PRA and --

4 COUNCILWOMAN SANCHEZ: But they
5 only own 25 percent. We have 40,000
6 vacant structures and lots in the City,
7 of which the City owns less than 9,000 of
8 them. So most of them are private and
9 delinquent.

10 COUNCILMAN SQUILLA: But I
11 don't think he could answer those
12 questions on that. That's all I was
13 trying to say.

14 MR. ESPOSITO: And I would just
15 intuitively, though, I think you are
16 hitting the nail on the head, is that
17 it's -- to Councilman Jones' point, why
18 is this happening in our city. Well, in
19 other cities that don't have vacant lots,
20 it's a lot harder to dump if you don't
21 have places to dump. We have a lot of
22 opportunities in this city.

23 So, again, this is above my pay
24 grade of making that decision, but I have
25 an agreement with you that if there are

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2 less vacant lots in the City, there would
3 be less opportunities to illegally dump.
4 There would be less illegal dumping.

5 COUNCILMAN DOMB: And do we
6 bill back that cost to those lots?

7 MR. ESPOSITO: So that goes
8 through -- and, again, that goes through
9 L&I and through CLIP for abatement fees
10 when CLIP goes out and abates. I know
11 that was in our recommendations, because
12 as I understand, there's an issue with
13 CLIP hits a certain threshold. If they
14 go back a certain amount of times -- I
15 think it's two -- they can charge, but
16 after that, they don't really recoup
17 those fees. So basically they can get
18 into this flow if they did the same lot
19 five times. Well, then they're not
20 recouping the necessary losses. That's
21 in our recommendations, and that is
22 something we would like to visit in the
23 future with legislation.

24 COUNCILMAN DOMB: Thank you.
25 Thank you, Madam Chair.

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2 COUNCILWOMAN SANCHEZ:

3 Councilman Squilla.

4 COUNCILMAN SQUILLA: Thank you,
5 Madam Chair.

6 As we talk about lots,
7 obviously that's a big issue, but what we
8 also see is a lot of the dumping in and
9 around scrap yards where people go and
10 drop off their materials they may or may
11 not be able to scrap or break them up in
12 or close by the scrap yards. Is there --
13 and we talked about this before. Is
14 there any possibility of these areas to
15 get the cameras and surveillance that we
16 could install for the low cost now that
17 they are and really recoup money through
18 fines?

19 MR. ESPOSITO: Yeah. The
20 cameras issue is something -- those are
21 the areas where we would, again, using
22 the data and knowing that this is the
23 place to use the Litter Index with the
24 different datasets, using cameras.

25 I think another thing you

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2 brought up, scrap yards, is -- and it's
3 been the Cabinet's opinion. We've talked
4 about this in our plan, that the scrap
5 yards actually can be a major partner in
6 Zero Waste. They do a service that
7 not -- like when a car goes to die, it
8 has to go somewhere, and you can recycle
9 that metal and put it back into
10 productive use is great. So we
11 definitely want to look at strategies of
12 more engagement with scrap yards to kind
13 of professionalize them and make them --
14 bring them out of the shadows, so to
15 speak.

16 We have a great gem in the
17 City, the Scrap Yard Task Force. It runs
18 out of the Water Department, but it's a
19 task force of many different entities,
20 L&I being one of them, going out and
21 looking at scrap yards, making sure
22 they're in certain compliance, both
23 environmentally, policy-wise, and
24 legislatively.

25 So those are definitely things

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2 we're looking at. Again, it's kind of
3 how do we look at this as a systemic
4 issue and what are all the tools we can
5 employ.

6 I think cameras is a great
7 first step, but we can get ourselves into
8 a situation where I don't think that will
9 get us as far as we need to go. So
10 definitely looking at that and then what
11 are the -- how do we stop it from the
12 first point, but then how do we ensure
13 that in the future it doesn't persist.

14 COUNCILMAN SQUILLA: Or even
15 looking at regulations, maybe having them
16 create break zones inside their walls
17 where people could go and instead of
18 destroying everything in the block
19 before, bring it into the scrap yard,
20 have a break zone, and then maybe we give
21 them a discount on removing the trash so
22 we don't have to constantly go. Some of
23 these places look like trash trucks blew
24 up in the block right before the scrap
25 yard, and we have to constantly go back

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2 there and clean it up. And so they have
3 to -- you're right. They have to partner
4 with us in order to try to come up with a
5 way to do that, but if we can require
6 them to have maybe break points inside
7 their walls or maybe dumpsters where they
8 could throw things that they aren't going
9 to recycle or use into these dumpsters
10 and we could help them remove that stuff,
11 that would save us a lot of money just on
12 that instead of going in and cleaning it
13 up every three, four weeks.

14 MR. ESPOSITO: And your
15 legislation from last spring was a great
16 example of this, of just bringing them
17 more into compliance and thinking
18 through, yeah, you can't just cut tires
19 out in the open air and have it blow all
20 over the neighborhood. I mean, but then
21 can we work more with them to give them,
22 you know, some tools and resources to
23 kind of better have their systems. So
24 then they're not just, you know -- the
25 reason that they're doing that is they

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2 don't want to take the time to pull off a
3 tire with like a nut and bolt system.
4 They just want to cut them right off. So
5 how do we -- again, that was a great
6 leading one you've already done with
7 that. I think those are the kind of
8 things we want to build on.

9 COUNCILMAN SQUILLA: I think
10 maybe we could incentivize them to do the
11 right thing too by helping them along the
12 way. So I'm not there just to close them
13 down, because you're right, we are going
14 to need places to get rid of things. And
15 if we have no scrap yards in the City, I
16 don't know where we would take stuff.
17 But if we can incentivize them to do the
18 right thing and help them along the way,
19 I think they would work with us, because
20 their goal is to make money also. We
21 just got to find a way around that.

22 MR. ESPOSITO: I completely
23 agree.

24 COUNCILMAN SQUILLA: Thanks.

25 MR. ESPOSITO: Thank you.

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2 COUNCILWOMAN SANCHEZ: Thank
3 you. And I appreciate the behavioral
4 science around this, but I'll just
5 remind -- and, again, this is a
6 conversation I've had with Commissioner
7 Williams several times. When I first got
8 elected, I had 50 public trash cans in my
9 entire district, with the highest litter
10 index, and what I got told was that they
11 didn't want to put public trash cans in
12 my district because people would dump.
13 And I was like so which one comes first,
14 the trash can or the dumping? We now
15 have about 400 trash cans, but it took me
16 ten years to get there.

17 One of the biggest indicators
18 or one of the contributors to this
19 stuff -- and I've had this conversation
20 with the general manager of SEPTA -- is
21 every single SEPTA stop where people are
22 catching the bus and they're not allowed
23 to get on the bus with the trash, and
24 where does it end up. And at some point,
25 if we're really seriously going to

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2 address -- just like incentivizing the
3 recycling plans, SEPTA has to figure this
4 out with us. This notion that they can't
5 put a trash can in their buses and remove
6 a seat is not an acceptable one, and I
7 say that because I have ten El stops and
8 I've never seen so much trash around the
9 El stops and around the bus stops, and
10 it's huge.

11 And so this no as opposed to
12 the how and maybe some of the behavioral
13 science stuff that you're going to look
14 at is going to look at that. Those are
15 their customers. And to their credit,
16 they've become much more aggressive in
17 what they're doing around the El stops,
18 but it shouldn't take me -- and the
19 reason that it really upset me was, I
20 went to a school, Sheridan School, and
21 one of the young people who prepared the
22 presentation for me asked me why he had
23 to walk over all the trash at Kensington
24 and Allegheny. It just so happens that
25 the next day I was going to be meeting

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2 with the general manager. And, you know
3 what? I had never been so embarrassed
4 that this young kid at eight years old is
5 telling me why do I have to walk through
6 all this trash. They have 30,000
7 customers that go through Kensington and
8 Allegheny. Those are their customers.
9 Why are we picking up their trash?

10 So I think we need to get
11 creative. I think this was one of those
12 challenges. You know, I'm glad that the
13 Mayor has put this Zero Waste Committee,
14 but we really do have to look at this
15 stuff, and everybody has to do more as it
16 relates to this, because we could be
17 poor. We don't have to be dirty. The
18 two are not mutually exclusive.

19 So thank you very much. Sorry,
20 Nic, that we had to put you through all
21 of this.

22 MR. ESPOSITO: I love talking
23 trash with you guys.

24 COUNCILWOMAN SANCHEZ: And he's
25 a neighbor. I'm sorry.

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2 MR. ESPOSITO: Thank you.

3 COUNCILWOMAN SANCHEZ: Thank
4 you.

5 Will the Clerk read the title
6 of the next bill.

7 THE CLERK: An ordinance
8 amending Section A-301 of Title 4 of The
9 Philadelphia Code, entitled "Application
10 for Permit," and Section 9-1008, entitled
11 "Demolition Contractor License," by
12 adding and amending certain provisions
13 related to permits for demolition and the
14 licensing of demolition contractors; all
15 under certain terms and conditions.

16 COUNCILWOMAN SANCHEZ: Thank
17 you.

18 The Chair will recognize the
19 bill sponsor for some opening comments.

20 COUNCILMAN JONES: Thank you,
21 Madam Chair, and thank you, members of
22 the L&I Committee, and thank you, Mayor
23 Kenney Administration, for continuing
24 what we kind of started with the collapse
25 of the crane and building at 22nd and

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2 Market which lost lives. We've
3 constantly been evolving to make it a
4 little safer for Philadelphians as we go
5 through.

6 This bill, Madam Chair,
7 requires contractors attend periodic
8 training on safety. This bill requires
9 Class A demolition contractors to have
10 supervisory and site safety managers with
11 three years of experience. This bill
12 increases the bond required for Class A
13 demolitions, which is size, to \$50,000 in
14 bonding; requiring Class B demolition
15 contractors to have at least 10,000.
16 These increases in scopes and also
17 increases of violations are a part of the
18 Streets Department and L&I and OSHA
19 trying to just make it a little safer.

20 So to the credit of the
21 Administration, they didn't wait for this
22 bill. They've been implementing a lot of
23 this on the fly. What this bill does is
24 codifies all of that in those practices
25 into the law of the City of Philadelphia.

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2 And so thank you.

3 COUNCILWOMAN SANCHEZ: With
4 that, Rebecca.

5 MS. SWANSON: Thank you,
6 Councilman.

7 Good morning, Councilwoman
8 Sanchez and members of the Committee on
9 Licenses and Inspections. I am Rebecca
10 Swanson, Director of Planning for the
11 Department of L&I. Today I am here to
12 provide testimony on Bill No. 170898,
13 which, if enacted, would amend Section
14 A-301 of the Philadelphia Administrative
15 Code, entitled "Application for Permit,"
16 and Section 9-1008 of The Philadelphia
17 Code, entitled "Demolition Contractor
18 License," by adding provisions related to
19 the licensing of demolition contractors.

20 First, the Department would
21 like to thank Councilman Jones and
22 Councilman Johnson for introducing this
23 bill on behalf of the Administration.

24 Since 2014, any contractor
25 seeking to demolish a building in the

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2 City must have a specific demolition
3 contractor license. The license
4 requirements are set forth in Title 9 and
5 administered through regulations set by
6 the Department. This bill as proposed
7 seeks to codify these existing
8 regulations which contractors are already
9 required to follow, as well as implement
10 additional safety and enforcement
11 protocols.

12 I'll quickly summarize the
13 major changes in the bill.

14 Require contractors to attend
15 periodic training on demolition practices
16 as determined by L&I;

17 Require Class A demolition
18 contractors to have a demolition
19 supervisor and site safety manager with
20 three years of experience in demolition.
21 Class A demolition contractors are those
22 authorized to demolish any building,
23 including major buildings;

24 Increase the bonding
25 requirement for the Class A contractors

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2 to \$50,000. The bonding requirement for
3 Class B demolition contractors who are
4 authorized to demolish any building with
5 the exception of major buildings remains
6 at \$10,000;

7 Increase the scope of
8 violations that will allow the Department
9 to suspend a demolition contractor's
10 license. The Department will now be able
11 to suspend, after the appropriate
12 administrative hearing, a contractor's
13 license for a single violation of a
14 requirement of Chapter 33 of the Building
15 Code, which is related to safety measures
16 during construction; a single violation
17 of regulations set forth by the
18 Philadelphia Department of Public Health
19 or the Philadelphia Water Department
20 related to demolition, particularly
21 Health's Air Management regulations and
22 Water's stormwater regulations; or a
23 serious violation issued by OSHA and
24 reported to the Department. This is a
25 subtle change, but it allows the

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2 Department to shut down demolition sites
3 without waiting for another department.

4 The Department obtained
5 feedback and input from the demolition
6 contractor industry in the drafting of
7 this bill, and we are confident that the
8 requirements in the bill will be
9 effective in increasing the safety of
10 demolition sites across the City. As
11 Councilman Jones said, we are constantly
12 evolving our safety protocols around
13 demolition sites. The Department's
14 commitment to building safety means we're
15 always working to improve, and we believe
16 that these new requirements will help us
17 set us further on that path for more
18 demolition safety.

19 Thank you for the opportunity
20 to testify. Happy to answer any
21 questions.

22 COUNCILWOMAN SANCHEZ: Thank
23 you. I have three folks here to testify
24 on this bill. Colleen McCauley -- and I
25 know that your testimony is for both

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2 bills. So I don't know if you want to
3 testify now or do you want to wait until
4 the other bill? And then I have Rachel
5 Kaminski and Justin Pines. Why don't the
6 three of you come.

7 And, Rebecca, you want to sit
8 off to the side.

9 MS. SWANSON: Of course.

10 (Witnesses approached witness
11 table.)

12 COUNCILWOMAN SANCHEZ: Because
13 you're testifying on both bills?

14 MS. McCAULEY: Yes.

15 COUNCILWOMAN SANCHEZ: Let's
16 stick to the demo contractor, because I
17 notice your testimony has both bills in
18 it. So I don't know if you want to
19 highlight the ones related to this
20 particular bill.

21 MS. McCAULEY: Sure.

22 COUNCILWOMAN SANCHEZ: Since
23 your testimony is in writing, it will go
24 on the record. So if you want to
25 summarize, but particularly you want to

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2 highlight for Bill 170898.

3 MS. McCAULEY: Sure. Thank
4 you. Good morning. I really appreciate
5 this opportunity to speak with you this
6 morning. I'm Colleen McCauley. I'm the
7 Health Policy Director at Public Citizens
8 for Children and Youth, and we're a child
9 advocacy and policy organization working
10 in the Southeast to improve the
11 conditions for children.

12 I've been working on lead
13 poisoning for the 16 years I've been at
14 PCCY, and during this time, the City has
15 made a tremendous commitment to reducing
16 lead poisoning and we've done so over
17 those last 16 years. We have room to
18 grow. There's still about 2,400 kids who
19 are poisoned, and that's enough kids to
20 fill about 100 kindergarten classrooms
21 every year.

22 So the demolition bills you're
23 considering today are another crucial
24 step towards protecting babies from being
25 poisoned by lead, and we commend Council

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2 for taking lead poisoning so seriously,

3 and thank you, Chairperson

4 Quinones-Sanchez and bill sponsors

5 Councilman Squilla, Jones, and Johnson

6 and all the members of the Committee for

7 your leadership on this issue.

8 We believe these demolition

9 bills do provide critical protections to

10 workers on and residents living nearby

11 demolition sites, and there is evidence

12 showing that kids can and do get poisoned

13 by lead in soil and dust in homes.

14 We believe that the bills lack

15 some critical specificity, however,

16 regarding how to execute some of the

17 protections in the bills to the extent

18 that perhaps some of the intended

19 protections may not be achieved. There

20 is newer research and best practices out

21 there about mitigating airborne and

22 soil-based lead exposures related to

23 demolition. In fact, two weeks ago PCCY

24 put on a Philly Lead Summit, bringing

25 together local and national experts and

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2 stakeholders with the goal of launching a
3 new coalition to advance the
4 recommendations in the City's Lead
5 Poisoning Prevention Advisory Group, and
6 we did address the issue of suppressing
7 lead hazards at demolition sites, and
8 several Councilmembers' staff were at the
9 summit, including Councilmembers Domb,
10 Reynolds Brown, and Clarke.

11 One of the keynote speakers we
12 had there, Dr. Dave Jacobs, he has
13 conducted studies on lead hazards in
14 demolition and helped other
15 municipalities design protective
16 policies. He's a chief scientist at the
17 National Center for Healthy Housing in
18 Washington, DC. And so the
19 recommendations that we're putting forth
20 today are largely based on his
21 suggestions and on the best practices
22 that are currently available.

23 In addition, I understand that
24 the University of Pennsylvania's Center
25 of Excellence in Environmental Toxicology

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2 also submitted specific suggestions
3 actually to strengthen the second bill,
4 particularly related to wetting
5 protocols. So that's addressed in the
6 next bill that you'll consider.

7 So in particular to this bill,
8 what we're recommending is to add a few
9 features to strengthen it. In
10 particular, to include training for folks
11 on the renovation, repair, and paint
12 rule, RRP rule, that has to deal with how
13 to work with and remove lead hazards
14 during renovation and, in addition, to
15 ensure that dust suppression measures and
16 clean-up activities are properly
17 implemented and to have -- for the role
18 of the manager in the bill to include --
19 excuse me; to include oversight of the --
20 I'm sorry.

21 COUNCILWOMAN SANCHEZ: One of
22 the things you highlight here is the EPA
23 course in particular that you wanted to
24 highlight as it relates to this bill.

25 MS. McCAULEY: Yes. That's

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2 right. And in addition --

3 COUNCILWOMAN SANCHEZ: Could
4 you continue start wrapping it up so we
5 can get the rest of the testimony, and
6 then I'll let the bill sponsor, who has a
7 couple questions.

8 MS. McCAULEY: Sure. Actually,
9 I could just end there then.

10 COUNCILWOMAN SANCHEZ: Okay.

11 Next?

12 MS. KAMINSKI: My name is
13 Rachel Kaminski.

14 COUNCILMAN JONES: Can you get
15 closer to the microphone, please.

16 MS. KAMINSKI: Sure.

17 COUNCILMAN JONES: You can
18 bring it to you.

19 MS. KAMINSKI: Bring it to me,
20 okay. I'm sorry. My first time doing
21 this, so a little nervous.

22 So my name is Rachel Kaminski.
23 I'm from Get the Lead Out: Riverwards
24 Philadelphia, which is a group of
25 concerned parents and individuals in the

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2 City.

3 One of the other things that
4 we -- Colleen touched a lot upon what I
5 was going to address. The specific thing
6 that we're also talking about is in
7 9-1008, "Demolition Contractor License,"
8 a license to require conduct, we're
9 asking that under the dust control during
10 a demolition activity, we're asking an
11 enclosure to ensure that structures are
12 properly wetted prior and during
13 demolition activities; that dust control
14 activities shall comply with the minimum
15 methods and procedures detailed by the
16 East Baltimore Development Initiative,
17 which is what David Jacobs was talking
18 about. Some of those initiatives -- and
19 some of them we already do in the City is
20 the adequate use of fencing, barriers,
21 and other means to limit casual entry to
22 demolition sites until demolition is
23 complete with all debris removed;
24 widespread notifications to residents,
25 community organizations, faith-based

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2 organizations, and City agencies about
3 when, where demolition would be
4 happening, along with highly visible
5 signage on houses to be demolished;
6 training community block monitors to
7 observe the demolition process and assist
8 residents with questions and home safety
9 measures; four days of training on lead
10 safety and related issues for demolition
11 supervisors and two days training for all
12 other workers; removal and safe disposal
13 of building components containing high
14 amounts of lead before demolition
15 buildings that were structurally sound;
16 using ample amounts of water throughout
17 the process to reduce the spread of dust;
18 careful demolition using the picker
19 method instead of the more traditional
20 wrecking ball, bulldozing or implosion
21 methods and high fencing to control the
22 spread of debris and dust; careful
23 procedures for removing debris from
24 demolished buildings, including the use
25 of hoses to suppress dust and plastic

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2 covering on trucks to ensure that debris
3 and dust are contained during removal;
4 post-demolition street and sidewalk
5 cleaning and debris removal; removing two
6 inches of top soil on all properties
7 where demolition has occurred and
8 replacing it with new sod; providing
9 community residents with high-efficiency
10 particulate air, HEPA vacuums and tack
11 mats, which removes dust from shoes and
12 individuals when they enter the home, to
13 reduce lead dust exposure in residents'
14 homes following demolition; and
15 implementing testing of the streets,
16 sidewalks, and surrounding demolished
17 properties to measure the impact of
18 demolition and debris removal on the
19 local environment.

20 COUNCILWOMAN SANCHEZ: You can
21 proceed, Mr. Pines.

22 MR. PINES: Good morning. My
23 name is Justin Pines, and thank you for
24 hearing us, Chairperson Quinones-Sanchez
25 and Councilmen. I just wanted to share

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2 and I'm here to share my wife is seven
3 and a half months pregnant and we live on
4 Trenton Avenue, and she walks to the
5 train every day by several construction
6 sites, right by the high school, the
7 Kensington High School, and takes the
8 Berks train to CHOP where she works as a
9 nurse. And we were tested, and she
10 thankfully -- I came back normal. She
11 came back slightly above normal. But
12 when all of this information surfaced in
13 June in the article about Rachel, it
14 scared a lot of people. And in
15 particular one of my best friends and
16 colleagues, her daughter went to the day
17 care that just opened on Frankford Ave
18 right north of Norris, and there's a
19 construction site adjacent to that, and
20 they did not have the fencing up with the
21 proper barriers. They weren't mitigating
22 dust. And after just four weeks of being
23 at this day care, at an enclosed day
24 care, she came back with above EPA
25 elevated levels of lead, which freaked

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2 her out.

3 She moved. She sold her house,
4 moved to the suburbs and is, you know,
5 spreading kind of scary things. And my
6 wife and I almost did the same thing,
7 until we came to some of the community
8 meetings and realized that a lot of
9 action is being taken and amazing people
10 really care about this.

11 So I am just here to share and
12 support and appreciate the Councilmen and
13 women for hearing us out and our
14 commitment to really making the City
15 safe. And we recognize that lead paint
16 has been an issue for a long time, but
17 lead dust and the soil in the River Wards
18 area with all of the past and getting
19 resurfaced with the construction, it's a
20 really important issue. So we appreciate
21 that.

22 COUNCILWOMAN SANCHEZ: Thank
23 you.

24 Thank all of you.

25 The Chair recognizes Councilman

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2 Jones.

3 COUNCILMAN JONES: So thank you
4 very much. Again, this is an evolution
5 of thought. What we thought 10, 15 years
6 ago is not the prevailing safety measures
7 of today. What we're doing today is
8 bifurcated based on Squilla's bill,
9 Councilman Squilla's bill and mine. What
10 we want to do on our end is the safety
11 officers to be trained in and present in
12 demolition. What you're asking is a part
13 of that. And I'm not sure, and we're
14 going to take a look at, at what level
15 OSHA training does that kick in, and
16 based on what you've just said to me, the
17 person that's standing there that might
18 have an OSHA 10 might need an OSHA 30 and
19 things like that, and I would ask the
20 City.

21 So at what level in the OSHA
22 requirements does the particular
23 understanding of how lead poisoning is
24 transmitted kick in? It's a little bit
25 of the prevention happens in Councilman

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2 Squilla's bill, the fencing and all of
3 that, but I want to know the overseers of
4 these demolition projects, where is the
5 knowledge level when it comes to this
6 issue?

7 MS. SWANSON: So I do want to
8 make sure we're keeping the two bills
9 separate, as you said. So that this is
10 the requirements for the demolition
11 contractor license. We are going to be
12 conducting a training for all the
13 demolition contractors. That's going to
14 be developed by L&I with best practices.
15 We've already worked very closely with
16 the EPA, the state Department of
17 Environmental Protection, and with OSHA.
18 We are actually going to be training all
19 of our inspectors on the EPA's
20 renovation, repair, and painting, and we
21 are going to be incorporating some of
22 that into the training of the demolition
23 contractors. And we are certainly going
24 to be working very closely with OSHA,
25 because a lot of these things are already

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2 a requirement through OSHA, and we're
3 going to be incorporating that into the
4 training that we're putting together,
5 which is going to reflect best practices.

6 A lot of this -- and, again, I
7 don't want to get -- I have whole
8 separate testimony on the dust control,
9 but a lot of this does come in with the
10 Philadelphia Water Department and the Air
11 Management Division of the Health
12 Department, and we've been working very
13 closely with them as well.

14 COUNCILMAN JONES: So I'm glad
15 you put that on the record. I had no
16 idea that asbestos was in concrete, and
17 when they break it up, it actually
18 becomes airborne. So the person Bill
19 Greenlee jogging down the street runs
20 through this plume, not knowing that it's
21 not just in his lungs but on his
22 clothing. And he takes that jogging suit
23 back to his house and he's doing the
24 laundry and everybody in -- so as we
25 evolve, it is good to know that the

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2 City's training will evolve with it.

3 MS. SWANSON: Absolutely.

4 COUNCILMAN JONES: That's what
5 I wanted to hear.

6 MS. SWANSON: And I do want to
7 point out that the vast majority of our
8 demolitions are already done by hand.
9 Any attached structure, the requirement
10 is that it must be done manually. So a
11 lot of cities don't have that
12 requirement. So it is very unique to
13 Philadelphia that, again, the vast
14 majority of our demolitions are done by
15 hand, which creates significantly less
16 dust and debris. And we already have
17 some very specific Air Management
18 regulations in place. Air Management
19 actually, through the Health Department,
20 they actually have a one-hour response
21 time. You might get the Air Management
22 there quicker than you get the Police
23 Department there. At 24 hours a day, if
24 you believe that there's dust coming off
25 a construction site, Air Management will

1 11/28/17 - L&I - BILL 160768, ETC.

2 be there within the hour.

3 COUNCILMAN JONES: So when the
4 jackhammers are going and they're
5 breaking up the concrete, do we have any
6 way of knowing how old that concrete is
7 to know if it's one of those situations
8 where -- and I don't expect you to know
9 all of that right there testifying, but
10 if there's a section of the City that
11 meets that kind of older requirement when
12 they used to use that as the ingredient
13 that bound the concrete, do we kind of
14 know where they are?

15 MS. SWANSON: I don't know.
16 That would be a question for the Streets
17 Department and again also for Air
18 Management. A lot of the stuff that
19 you're talking about with the
20 jackhammering of the sidewalk is
21 typically infrastructure work that's not
22 covered by an L&I permit, so we wouldn't
23 have involvement in that.

24 COUNCILMAN JONES: And then,
25 finally, I know when you have big enough

1 11/28/17 - L&I - BILL 160768, ETC.

2 jobs like that, there is a water actual
3 misting that goes on, and when does that
4 kick in? Do you know that?

5 MS. SWANSON: Again, that's
6 addressed in the other bill, in
7 Councilman Squilla's bill. The
8 construction codes are pretty much silent
9 on means and methods kind of for
10 construction demolition for everything,
11 and the 2009 International Construction
12 Code is silent when it comes to both lead
13 paint and dust control. Obviously we're
14 a little bit behind because we still have
15 2009, but we're getting 2018 and we're
16 going through that right now.

17 So I am assuming that there is
18 some more specific things because,
19 Councilman, like you said, we've learned
20 a lot more since 2009. But we do have an
21 amendment that says dust-producing
22 operations shall be wetted down to the
23 extent necessary to control dust, and
24 that is a determination made by Air
25 Management, to make sure that the dust is

1 11/28/17 - L&I - BILL 160768, ETC.

2 being controlled, and it also fills in
3 with the Water Department's stormwater
4 regulations as to how much water they
5 really want running into the street and
6 into the sewers.

7 COUNCILMAN JONES: Thank you.

8 COUNCILWOMAN SANCHEZ: The
9 Chair recognizes Councilman Squilla.

10 COUNCILMAN SQUILLA: Thank you,
11 Madam Chair.

12 And I'll wait with some of my
13 questions for the next bill, but I do
14 want to thank the people who testified
15 and also understanding that this was
16 really brought to our attention from the
17 residents, and it's the residents that
18 made this change happen. And sometimes
19 it's not perfect. We still have to work
20 with our regulations. You're going to
21 hear some of this bill says certain
22 things and we got some requests that we
23 sent to L&I about circulating a distance,
24 making sure it's wet down properly, all
25 of these other things that we're going to

1 11/28/17 - L&I - BILL 160768, ETC.

2 put into a policy from L&I's standpoint
3 as we learn more of what we could do.

4 So the bill might not have
5 every little small intricate detail in
6 there, but we're going to continue to
7 work with L&I to make sure that's part of
8 their policies moving forward so that
9 they get everything that we want in that.
10 Legislation will be then contemplated and
11 codified within the regulations. So I
12 think that's important.

13 But, again, I just wanted to
14 thank you for coming to testify and also
15 understanding that by bringing this to
16 the attention of the City and to us, that
17 these changes are now being put in place.
18 And if we feel like this isn't enough,
19 we'll just continue to do more and make
20 sure that we try to protect our residents
21 the best we can. So thank you.

22 COUNCILWOMAN SANCHEZ: Thank
23 you.

24 With that, I'm going to ask the
25 Clerk to read the title of the next bill.

1 11/28/17 - L&I - BILL 160768, ETC.

2 THE CLERK: An ordinance
3 amending Section B-3303 of Title 4 of The
4 Philadelphia Code, entitled "Demolition,"
5 by amending requirements regarding site
6 grading and use of mechanical equipment;
7 and adding requirements regarding
8 material chutes, dust control fencing and
9 storage of demolition debris; and making
10 technical changes; all under certain
11 terms and conditions.

12 MS. SWANSON: Good morning,
13 Councilwoman Sanchez and members of the
14 Committee on Licenses and Inspections. I
15 am Rebecca Swanson, Director of Planning
16 for the Department of L&I. Today I am
17 here to provide testimony on Bill No.
18 170903, which, if enacted, would amend
19 Section B-3303 of the Philadelphia
20 Building Code, entitled "Demolition," by
21 amending and adding requirements related
22 to dust and soil control.

23 First, the Department would
24 like to thank Councilman Squilla for
25 introducing this bill on behalf of the

1 11/28/17 - L&I - BILL 160768, ETC.

2 Administration.

3 Many demolitions in
4 Philadelphia are done by hand, meaning
5 that contractors dismantle buildings
6 piece by piece as opposed to using large
7 mechanical equipment to knock the
8 building down. Manual demolitions are
9 required for any attached property and
10 are preferable in most other demolitions
11 as well, not just for safety reasons but
12 because hand demolition creates
13 significantly less dust.

14 In addition to performing
15 demolitions by hand, demolition
16 contractors should also take other steps
17 to minimize dust and dirt migration from
18 the site. Many demolition contractors
19 already take these measures, but the
20 proposed bill codifies these requirements
21 so that they can be enforced by the City.
22 The major changes in this bill include a
23 requirement that chutes be used when
24 dropping debris more than 20 feet. This
25 repeats an existing OSHA requirement;

1 11/28/17 - L&I - BILL 160768, ETC.

2 Requirement for 5 foot high
3 dust control fencing on all temporary
4 fencing around demolition sites;

5 A prohibition on mechanical
6 demolition when the average wind speed
7 exceeds 20 miles per hour;

8 A prohibition on storage of
9 demolition debris on sidewalk, streets or
10 surrounding lots. Contractors are
11 required to properly dispose of all
12 debris in a timely manner. That
13 requirement is being addressed in part by
14 Bill No. 160768 previously discussed
15 today;

16 Requirement that sites be
17 covered with 4 inches of clean fill
18 following the demolition. Contractors
19 will no longer be permitted to substitute
20 asphalt or concrete paving.

21 The City's 57 licensed
22 demolition contractors, by and large, are
23 committed to safe demolition practices.
24 We need all demolition contractors to
25 focus not only on safety but also on

1 11/28/17 - L&I - BILL 160768, ETC.
2 protecting against public health
3 concerns. This bill codifies what we
4 want all of our contractors to do, be
5 mindful of surrounding citizens and
6 diligent in keeping neighborhoods clean.
7 The Department is confident that the
8 requirements in this bill will be
9 effective to this end.

10 Thank you for the opportunity
11 to testify. Happy to answer any
12 questions.

13 COUNCILWOMAN SANCHEZ: I'll
14 hear the rest of the testimony and then
15 we'll ask questions, or did you guys
16 have --

17 COUNCILMAN SQUILLA: Are they
18 all testifying on both?

19 COUNCILWOMAN SANCHEZ: Yeah.
20 They were testifying on both.

21 Is there anything you want to
22 add on this bill or pretty much you guys
23 covered it at all?

24 MS. KAMINSKI: No. There's
25 some things I wanted to add.

1 11/28/17 - L&I - BILL 160768, ETC.

2 COUNCILWOMAN SANCHEZ: Okay.

3 Rachel.

4 MS. KAMINSKI: We're asking

5 that --

6 COUNCILWOMAN SANCHEZ: Say your
7 name for the record.

8 MS. KAMINSKI: Oh, I'm so
9 sorry. Rachel Kaminski from Get the Lead
10 Out.

11 We're asking that the uniform
12 layer of clean soil not contain any level
13 of 80 parts per million. We're also
14 seeking an additional section to provide
15 language for a demolition notification of
16 400 feet to update the current posting
17 notifications as listed in Section
18 A-303.2 of The Philadelphia Code
19 requirements, where currently it only
20 says that the three nearest properties on
21 either side of the subject property. The
22 seven nearest properties across the
23 street from the subject property and
24 seven nearest properties to the rear of
25 the subject property.

1 11/28/17 - L&I - BILL 160768, ETC.

2 We're also asking for an
3 additional section should include
4 demolition education to be posted to
5 residents and demolition notification.
6 Majority of what we get asked is what can
7 we do to protect ourselves, and some of
8 the following language would be dust from
9 a demolition can travel hundreds of feet.
10 Stay inside when a structure is being
11 demolished and when debris is being
12 removed from the site. Do not touch or
13 remove any debris near the demolition
14 site, to keep doors and windows closed.
15 If you must use doors or windows, use
16 those that face away from the site.
17 Remove shoes at the door and check
18 clothes and shoes for dust before
19 entering the home. Wash hands before
20 eating, especially after playing or
21 working outside. Wash children's toys
22 frequently, especially those that may
23 enter the mouth. Clean windowsills,
24 floors, and other surfaces where dust
25 collects with warm soapy water, paper

1 11/28/17 - L&I - BILL 160768, ETC.
2 towels, and if you use a mop, be sure to
3 throw it away. And that's something that
4 can be put into the posting that they
5 give individual houses to let you know
6 that a demolition is happening. And they
7 do seem like common sense things, but
8 it's not something that everybody
9 definitely thinks about.

10 We're also asking for an
11 additional section to add the lead and
12 other metals inspection report as a
13 prerequisite for a demolition permit,
14 considering that all homes built by 1978
15 are likely to contain some lead-based
16 paint. Also the phaseout of lead-based
17 gasoline wasn't complete until 1986,
18 where it's estimated that seven million
19 tons of lead were released into the
20 atmosphere from said gasoline. This lead
21 lays dormant in the soil, and it's
22 estimated that this is the largest cause,
23 at least according to the Health
24 Department and L&I, for lead soil
25 findings. An example of such a

1 11/28/17 - L&I - BILL 160768, ETC.
2 requirement is the asbestos inspection
3 report listed in the Building Demolition
4 Site Safety Plan public information under
5 B, Safety Provisions.

6 We're also asking that that
7 section should also have language
8 required of past use of the site as a
9 prerequisite for demolition or an
10 excavation plan. This past use listing
11 would also be included on the Building
12 Site Demolition Safety Plan public
13 information under B, Safety Provisions,
14 which going back to what Justin said
15 about the Car Mor site, that was near
16 that day care center. Not everybody knew
17 that that used to be a former lead
18 smelting site, and that once the article
19 got published about it, that's when
20 people knew and were really
21 understandably upset by that.

22 We're also asking that in
23 B-3303.11.1 that this be included --

24 COUNCILWOMAN SANCHEZ: By any
25 chance, do you have all of that stuff in

1 11/28/17 - L&I - BILL 160768, ETC.

2 writing?

3 MS. KAMINSKI: Yes, I do.

4 COUNCILWOMAN SANCHEZ: Are you
5 going to submit that for the record?

6 MS. KAMINSKI: Yes, please.

7 COUNCILWOMAN SANCHEZ: Can we
8 get a copy of that.

9 Clerk, excuse me. Can we get a
10 copy of that for the record.

11 I'm sorry.

12 MS. KAMINSKI: No, no. It's
13 okay. Like I said, it's my first time.

14 COUNCILWOMAN SANCHEZ: No.
15 It's easier if we put that on the record,
16 because you're talking a lot of different
17 terminology there.

18 MS. KAMINSKI: Right.

19 COUNCILWOMAN SANCHEZ: You want
20 to wrap up and then Councilman Squilla
21 has a couple questions.

22 MS. KAMINSKI: Sure. So we're
23 also asking just that when loose material
24 is removed from the demolition site at
25 the end of each day, that the area be

1 11/28/17 - L&I - BILL 160768, ETC.

2 wet-washed or swept clean and then all
3 sidewalks and streets within a one-block
4 radius be wet-washed or swept up after
5 demolition is done.

6 COUNCILWOMAN SANCHEZ: Okay.

7 Thank you.

8 The Chair recognizes Councilman
9 Squilla.

10 COUNCILMAN SQUILLA: Thank you,
11 Madam Chair.

12 I have a question for Rebecca.
13 We heard some of the things Rachel just
14 testified on, and it was some of the
15 e-mails that I received also and we
16 forwarded over to the Commissioner. And
17 some of them I think are definitely
18 things we should add. Do you suggest
19 they should be added into the legislation
20 or these things can be accomplished
21 through regulations?

22 MS. SWANSON: These are all
23 things that can be accomplished through
24 regulations. Again, the legislation that
25 was drafted was -- this is a long time in

1 11/28/17 - L&I - BILL 160768, ETC.
2 the works. It's been done in close
3 consultation with the industry, with code
4 professionals from all over the country,
5 with the EPA, with the Department of
6 Environmental Protection. We are very
7 confident that this represents best
8 practices.

9 Again, many of the things that
10 had been suggested are things that are
11 already being done. There's already
12 education through the demolition
13 notification. The Health Department, L&I
14 have already committed to putting
15 together some educational materials. The
16 EPA is helping draft those about what
17 people can do to protect themselves in
18 their own home, vacuuming, wiping down
19 your windowsills and things like that,
20 that we're going to post jointly on the
21 Health and L&I websites. So there's a
22 lot of things that the departments are
23 already working on. So I think if
24 there's any additional modifications that
25 as we move forward with this that we see,

1 11/28/17 - L&I - BILL 160768, ETC.

2 other problems that may arise, we have
3 the flexibility to do everything by
4 regulation.

5 COUNCILMAN SQUILLA: So
6 changing the regulation. And that's what
7 was told to me, so I just wanted to make
8 sure we have that for the record.

9 But also if there are
10 violations or if neighbors or somebody
11 reports things not being followed, does
12 the demolition stop at that time? Does
13 L&I have the ability to stop the
14 demolition until they come up to follow
15 the regulations or is there something
16 else that we need to do?

17 MS. SWANSON: Yeah. So this is
18 where the intersection with Councilman
19 Jones' and Councilman Johnson's bill with
20 the demo contractor license. So
21 obviously if there becomes a dust control
22 or dirt migration issue, that's Air
23 Management, and we have really increased
24 our collaboration with Air Management as
25 far as receiving direct referrals if they

1 11/28/17 - L&I - BILL 160768, ETC.
2 are notified of a problem of dust
3 migrating from the site, getting that
4 back to our building inspector, who can
5 go on site and figure out if this is a
6 conversation with the contractor, if this
7 is a demolition that there needs to be a
8 stop work order or if the action needs to
9 be taken against the license, which Bill
10 No. 170898 will now allow us to do based
11 on a single violation related to safety
12 measures or a single violation of the Air
13 Management regulations or the Water
14 Department's stormwater regulations
15 related to demolition. We will be able
16 to take action against the license
17 immediately, which we never -- after the
18 proper due process, administrative
19 hearing, which we never had the ability
20 to do before. So we'd be able to stop
21 the work until we're confident that it's
22 being done safely, that if a site safety
23 manager needs to come on site or anything
24 like that, and then also have
25 consequences for the contractor who may

1 11/28/17 - L&I - BILL 160768, ETC.

2 not be following the requirements
3 properly.

4 COUNCILMAN SQUILLA: And is
5 there any -- as these demos are, I guess,
6 designated to be potential hazardous
7 dust, is there anything special that L&I
8 would do to watch these sites or to
9 regulate the sites or do we have to wait
10 for concerns from the community?

11 MS. SWANSON: Well, all
12 demolitions in Philadelphia -- every
13 house has lead paint in it, but because
14 they're coming down manually, again, it
15 reduces the dust. When we're talking
16 about those sites that have particular
17 environmental concerns because of what
18 the site used to be used for, there is a
19 closer look to ensure that the demolition
20 contractor has had the proper training
21 and that the EPA is being brought in.
22 There was one that actually Commissioner
23 Perri personally held the permit for a
24 site in Kensington. I believe it's right
25 near Greensgrow Farms.

1 11/28/17 - L&I - BILL 160768, ETC.

2 COUNCILMAN SQUILLA: Port
3 Richmond.

4 MS. SWANSON: I believe it's
5 your district. So that one will -- that
6 permit is being held until we can be
7 assured that the EPA has come out and
8 done their environmental testing and that
9 the -- we know that that contractor is
10 equipped to do this properly.

11 COUNCILMAN SQUILLA: Okay. All
12 right. That's very good. Thank you for
13 your answers. And if we have other
14 questions, we'll feel free to reach out.

15 And the community too, if you
16 have other things that you would like to
17 add or see, I'm sure we could maybe hear
18 them and see if we could add them into
19 the regulation part of this bill.

20 Thank you.

21 COUNCILWOMAN SANCHEZ: Thank
22 you.

23 Anyone else here testifying on
24 any of these bills?

25 MS. McCAULEY: I'm sorry. I

1 11/28/17 - L&I - BILL 160768, ETC.
2 did have something to say about this bill
3 as well.

4 COUNCILWOMAN SANCHEZ: Okay.
5 Can you quickly.

6 MS. McCAULEY: Sure. Again,
7 I'm Colleen McCauley from Public Citizens
8 for Children and Youth. And, again,
9 we're so pleased that this initiative is
10 being taken, but to your point,
11 Councilman Squilla, one of the
12 recommendations in my testimony is to
13 consider, even if for a short period of
14 time, that an independent testing of
15 building sites be done prior to and after
16 demolitions to just ensure that the
17 safety protocols are followed and public
18 health is maintained. And I've -- in my
19 testimony I referred to some protocols
20 that were put forward in East Baltimore,
21 and Rachel referenced them as well, and I
22 have those protocols, a copy of those
23 protocols here, along with some of the
24 other reference studies from my
25 testimony. And I think that in addition

1 11/28/17 - L&I - BILL 160768, ETC.
2 to the governmental standards, the EPA
3 and such, that it's really -- it's very
4 important to also look at these studies
5 that have been done in other
6 municipalities of protocols that have
7 been put forward. They really do combine
8 some of the best practices we know and to
9 integrate them into the regulations,
10 because, again, the concern is with the
11 bills that -- around wetting, for
12 example, there are specific directions
13 about how to do that, and there are some
14 best practices out there for how other
15 municipalities are dealing with that and
16 protecting residents and workers.

17 So I have copies of all those
18 protocols here and be happy to provide
19 additional copies. I just have one with
20 me.

21 And then, again, you can see in
22 my testimony specific additions that
23 could be, as Rebecca mentioned, that
24 could be considered for regulation.

25 COUNCILWOMAN SANCHEZ: We will

1 11/28/17 - L&I - BILL 160768, ETC.
2 put that on the record and make copies
3 for anybody on the Committee that desires
4 to do so.

5 MS. McCAULEY: We'd be pleased
6 to be an ongoing resource. And Dr. Dave
7 Jacobs is just in DC, for example, and I
8 know he'd be pleased to be a resource as
9 well.

10 COUNCILMAN SQUILLA: And --

11 COUNCILWOMAN SANCHEZ:
12 Councilman Squilla.

13 COUNCILMAN SQUILLA: I'm sorry,
14 Madam Chair.

15 Rebecca, do you want to just
16 respond to that as something that we
17 could look at as part of the regulations.
18 I know you said you spoke to people in
19 these areas and looked at their
20 practices, and it's something that we --
21 I know the regulations are not in place
22 at this time, all of them anyway, but
23 it's something that we could add to the
24 regulation part.

25 MS. SWANSON: Yeah. Obviously

1 11/28/17 - L&I - BILL 160768, ETC.

2 we're always happy to take a look going
3 forward. Again, a lot of what is being
4 put forth in these bills was stuff that
5 was already required. We're codifying
6 it. We're putting in enforcement
7 provisions.

8 We are happy to continue
9 looking, but we are also very confident
10 that what we have put forth represents
11 best practices. It really addresses the
12 dangers that the Health Department
13 studies have identified as being the real
14 danger for lead poisoning. Obviously the
15 City's lead poisoning rates have gone
16 down significantly. I believe we're
17 actually a lot lower than some of the
18 other cities that have stepped forward to
19 talk about their practices. Our lead
20 poisoning rates are lower.

21 But, again, we're always happy
22 to look at regulations going --
23 additional regulations going forward, but
24 we want to get this in place and see how
25 this works.

1 11/28/17 - L&I - BILL 160768, ETC.

2 COUNCILMAN SQUILLA: We don't
3 want to slow this down. We want to get
4 this up and running as soon as possible.
5 And then, again, like we do normally is
6 we'll tweak it as we go along. But it's
7 just nice when we hear other
8 opportunities and other municipalities
9 that are doing things that seem to be
10 working, it's nice just to look at them
11 and to make sure that if we need to
12 incorporate them into the practice.

13 MS. SWANSON: Absolutely.

14 COUNCILMAN SQUILLA: Thank you.

15 COUNCILWOMAN SANCHEZ: We thank
16 PCCY for their proactive approach to this
17 and collaborating with us.

18 So anyone else here to testify?

19 (No response.)

20 COUNCILWOMAN SANCHEZ: Seeing
21 none, we will go into our public meeting
22 of the Committee on Licenses and
23 Inspections, and the Chair calls on the
24 Vice Chair, Councilman Domb, for a motion
25 on the amendment to Bill 170955.

1 11/28/17 - L&I - BILL 160768, ETC.

2 COUNCILMAN DOMB: Thank you,
3 Madam Chairwoman. I move that the
4 amendment to Bill No. 170955 be adopted.

5 (Duly seconded.)

6 COUNCILWOMAN SANCHEZ: All
7 those in favor?

8 (Aye.)

9 COUNCILWOMAN SANCHEZ: Any
10 opposed?

11 (No response.)

12 COUNCILWOMAN SANCHEZ: Seeing
13 none, the amendment to Bill 170955 is
14 adopted.

15 Can you give me a motion on the
16 amendment to Bill 160768.

17 COUNCILMAN DOMB: Thank you,
18 Madam Chairwoman. I move the amendment
19 to Bill No. 160768 be adopted.

20 (Duly seconded.)

21 COUNCILWOMAN SANCHEZ: All
22 those in favor?

23 (Aye.)

24 COUNCILWOMAN SANCHEZ: Any
25 opposition?

1 11/28/17 - L&I - BILL 160768, ETC.

2 (No response.)

3 COUNCILWOMAN SANCHEZ: Seeing
4 none, Bill 160768, the amendment is
5 adopted.

6 Councilman, can you give me a
7 motion on all the bills as amended.

8 COUNCILMAN DOMB: Thank you,
9 Madam Chairwoman. I move that Bill No.
10 170903, 170898, 160768 as amended, and
11 170955 as amended be reported from this
12 Committee with a favorable recommendation
13 and further move that the rules of
14 Council be suspended to permit first
15 reading of these bills at the next
16 session of Council.

17 (Duly seconded.)

18 COUNCILWOMAN SANCHEZ: All
19 those in favor?

20 (Aye.)

21 COUNCILWOMAN SANCHEZ: Any
22 opposition?

23 (No response.)

24 COUNCILWOMAN SANCHEZ: Seeing
25 none, Bill 170955 as amended, Bill 160768

1 11/28/17 - L&I - BILL 160768, ETC.
2 as amended, Bill No. 170898, Bill 170903
3 have been moved out of this Committee
4 with a favorable recommendation and
5 further rules suspension to allow first
6 reading at our next Council session.

7 This concludes our public
8 meeting.

9 Thank you very much to everyone
10 for their time and patience.

11 (Committee on Licenses and
12 Inspections concluded at 11:50 a.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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