



MOTION PICTURE ASSOCIATION

December 12, 2023

Laura Kavanagh
FDNY Commissioner
9 MetroTech Center, Room 3N2
Brooklyn, New York 11201

RE: Proposed Rule 3 RCNY §325-01

Dear Commissioner Kavanagh,

On behalf of our member companies, the Motion Picture Association¹(MPA), we respectfully submit our comments to Proposed Rule 3 RCNY §325-01. We share the Department's goal of ensuring fire safety as a continued production priority. However, the proposed regulations do not fully consider film and television production's unique nature or volume and will significantly impact the industry.

New York City is one of the leading filming destinations in the world. Many iconic films and television series are filmed in New York City, specifically on location, which means that the buildings and streets of the City serve not only as crucial settings but also as temporary backlots to every scripted production that films there. The Department's proposed rules of having a designated fire safety manager physically present for each production location would significantly impact production. In discussion with our member companies and the Mayor's Production Council, each production would potentially require numerous fire safety managers per day per location to fulfill the requirements of the draft rules.

The duties and responsibilities of a fire safety manager cannot be assigned to the obligations of existing crew members as these additional responsibilities would need to be bargained during labor negotiations. Consequently, productions would need to hire a third-party person(s) with qualifications as outlined in the draft regulations. We are concerned that, based on the qualifications required, there may not be sufficient candidates to fulfill these roles and who are willing to bear the responsibility of personal liability should an accident happen. Accordingly, we request that the department consider alternative models and afford a reasonable timeline for compliance.

We understand FDNY's need to balance fire safety and prevention and the realities of on-location filming in the City. The draft rules contain provisions that would create additional safety levels by requiring more communication between productions and having productions comply with NFPA 140. However, there is no practical way to meet the Department's intent to have a fire safety manager always present at each location. With more than 80 productions filming in the City at any given time at various

¹ Netflix Studios, LLC; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Universal City Studios LLC; Walt Disney Studios Motion Pictures; and Warner Bros. Discovery.

locations and conducting different activities, this requirement would be untenable, and, in many cases, the local firehouses would have hundreds of points of contact with staff constantly changing with varying levels of consistency, potentially leading to catastrophic confusion.

We believe we can achieve the Department's goal and fulfill the intent of Local Laws 33 and 34 by working with the FDNY Explosives and Entertainment Unit – who have a deep knowledge of how production works as they already review film permits to determine when the presence of a firefighter is needed – to determine which activities require the presence of a fire safety manager. Alternatively, productions can dedicate a fire safety manager per production as part of a holistic safety team. In conjunction with the safety measures already implemented on productions, this person will monitor fire safety on set. They would coordinate with the appropriate FDNY personnel to communicate their activity and potential fire safety concerns, as they will have the complete picture of filming activities for the entire production.

Both the Mayor and the Governor have been vocal about the importance of this industry to the state and local economy, and the regulations, as drafted, have the serious potential to drive production out of the City and even New York. As FDNY works to finalize the rules, the MPA urges the Department not to rush the process and to coordinate with the Production Council and its members to discuss a meaningful and realistic approach to these rules that will foster fire safety, as intended by Local Law 33 and 34, while maintaining a thriving film and television community.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Valdivia", written in a cursive style.

Arlen Valdivia
Vice President
State Government Affairs