



Master Plumbers Council of the City of New York

Aka

Licensed Plumbing Association of New York City, Inc.

240-21 Braddock Avenue, Bellerose, NY 11426

Phone: (718) 793-6300 • Fax: (516) 677-5374 Website: www.nycmpc.org

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NYC Department of Buildings

280 Broadway

New York, NY 10007

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Re: Course Provider Rules

The following comments are presented on behalf of the Master Plumbers Council of the City of New York, Inc. (MPC) in response to the NYC Department of Building's (DOB) proposed amendments to Rule 105-03 and repeal of various Licensing Rules.

We support the Department in their efforts to improve this rule and are grateful for the opportunity to participate in this process. In our testimony below, we have proposed some modifications that we believe are in the spirit of the rule, will achieve the stated intent of this change, help to reduce potential fraud, and provide training at the lowest possible cost. This Rule was promulgated to ensure that Department approved courses would be taught by qualified instructors and administrated by responsible parties. Some of the proposed revisions such as the elimination of partnering with third parties will drive up compliance costs (without providing additional safeguards) and may reduce the number of approved providers providing essential training. In many cases, the cost of compliance will be passed on to workers that depend on these qualifications and certifications to be employable, earn a living and support their families. Changes to this rule should be done in a manner to provide the requirements necessary to ensure compliance with a "due regards to costs," a phrase included in the intent of the building code.

Executive Director

John F. DeLillo, Jr.

Course Provider Requirements:

MPC Proposed Change:

2 The course provider must provide proof that it is:

(V) Such entity is a not-for-profit organization with a history of at least three years of experience in providing construction-related workforce development, construction related education and construction related training which may be demonstrated by submitting training logs to the Department or in a form and manner otherwise determined by the Department.



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Justification for Proposed Change:

Local Law 219 of 2019 provides that not-for-profits with a history of at least three years of experience in providing construction related education or training would be deemed to be qualified as a Department approved course provider for Site Safety Certification providing they met the specified criteria set forth in the law. This provision has enabled local not-for-profits to provide low or NO cost training to disadvantaged NYC residents, thereby making them employable for good paying construction jobs. The Department often advertised these courses. The City Council recognized the necessity to increase the availability of training for all NYC residents. This alternate qualification should be expanded within this rule change to include all Department approved courses. It aligns with the intent of the law and makes sense from a public policy perspective.

As an example, the MPC is a not-for-profit 501(c)(6) trade association where training and education are a top priority. Since 2002, the MPC has a working relationship with the Construction Trades License Training Corporation (CTLTC), who provides continuing education courses for all NYC Licensed Master Plumbers and Master Fire Suppression Piping Contractors. To comply with the enactment of Local Law 196 of 2017, CTLTC partnered with Department approved Course provider SUNY Empire State University to offer the 7-hour Master Plumber & Master Fire Suppression Piping Contractor Renewal. The 16-Hour Limited Gas Work Qualification and 7-Hour Periodic Gas Piping Inspector Qualification courses are presented at our state-of-the-art training facility conveniently located in Queens. The Department has audited these courses and has not identified issues or made any recommendations.

In addition to these Department mandated courses, we facilitate/administer training, certification and monitoring of a Gas Operator Qualification program that is recognized and governed by the NYS Public Service Commission. We also offer programs such as certified backflow testing that is governed by NYS and Federal agencies.

Third Parties

MPC Proposed Change:

(M) Third Parties. ~~The course provider may not delegate or outsource any of its duties, responsibilities or functions to any third party that is not registered with the Department.~~ The course provider must maintain full accountability for its operations and ensure that all services provided are conducted in compliance with all applicable Federal, State and local laws, rules and regulations. *The course provider may outsource third parties to assist them in performance of their functions providing the Department is notified in advance to register this information with the Department.*



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Justification for Proposed Change:

Not-for-profit plumbing and fire suppression industry trade organizations presently partner with approved third-party providers to conduct Department approved courses. The proposed rule changes would essentially prohibit these relationships and require them to either apply to become course providers or cease offering the courses. Qualifying for approved status through educational or vocational certification is not a viable option for many not-for-profit organizations to pursue.

Not all of the functions required for compliance may be part of a provider's core mission. A provider may need to retain the service of a subject matter expert to provide training or certification. An example of this is the 7-hour Master Plumber & Master Fire Suppression Piping Contractor Renewal. This course curriculum requires several presenters. This section as written would preclude the provider from utilizing anyone who was also not an approved provider. This would include a volunteer subject matter expert who offers their time. We believe these proposed changes meet the intent of the law. The approved provider is responsible for maintaining full accountability for its operations and ensuring that they are in full compliance with all applicable laws, rules and regulations. That provides the Department with a single entity to hold accountable. Our proposed changes put the onus on the course provider to provide all the pertinent information to the Department, thereby saving the Department administrative time and effort.

Fees:

The Department must recoup all costs for operating any program. This draft change does not provide any information on how these new costs were derived. Fees should be reevaluated based on the final rule changes which may streamline the process and reduce costs for the Department. We also ask that consideration for discounted fees be considered for not-for-profit.

Notification of Approved Courses.

MPC Proposed Change:

(1) Notification of Approved Courses *adding an exception.*

Exception:

Specific individual courses that are reserved for members only and not open to the general public need not be posted to the provider's website.

Justification for Proposed Change:

The Department will be notified of all courses as required. Persons viewing a scheduled course may not realize it is not open to the general public and try to sign up to take it. This exception will avoid the provider from having to expend resources to explain that this specific course is for members only.



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Advertising:

MPC Proposed Change:

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(l) Advertising. Course providers may only advertise courses/classes that they are authorized by the Department to deliver. *Only the approved course provider may advertise courses.* This section does not prohibit organizations from providing such information to its members.

Justification for Proposed Change:

Any courses advertised by entities that are not Department approved can be contacted by the Department, violated and ordered to cease.

MPC additional suggestions for improving compliance and combatting fraud:

Course Instructor(s):

The rule provides that it is the responsibility of the course provider to ensure their instructor(s) meet all of the criteria.

- The Course provider should be required to provide the Department with the individual instructor(s) credentials.
- The instructor should be required to sign the class submission form attesting that they personally taught the course and the participants attending were actually there.

Justification for Proposed Change:

Modification of this rule alone will not increase compliance or reduce the possibility of fraud. This can only be accomplished through effective enforcement. Our proposal suggest that The Department create overlapping steps and penalties that lessen the chance willful noncompliance will occur.

This helps to ensure compliance and that the instructors meet the Department standards. This would help to avoid situations where trainers are found to be unqualified after the fact.



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Closing:

The Plumbing and Fire suppression industry are life safety trades. The MPC represents over twenty percent of all NYC active licensed Master Plumbers. We respectfully ask the Department to consider our proposed changes. We believe they are in line with the intent of the Rule and meet Departments' goals. Our proposals enhance the integrity of the program by allowing for additional course providers, creating a competitive environment which will keep costs lower. This makes sense from a public policy perspective. We share common goals as submitted by The Plumbing Foundation, the Northeast Gas Association (NGA), and the Gas Technology Institute (GTI).

We are available to meet at your convenience to discuss our proposals.

Regards,
Daniel Vessio
President
The Master Plumbers Council
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Bellerose, NY 11426