



January 30, 2025

Mona Sehgal, Associate Commissioner and General Counsel
NYC Department of Buildings
280 Broadway
New York, NY 10007

RE: Course Provider Rule Proposal Comments

Via Email

Dear Associate Commissioner/General Counsel Sehgal:

The Northeast Gas Association¹ (NGA) in coordination with GTI Energy, New York City Utility Members including Con Edison and National Grid and the plumbing trades of New York City represented by The Plumbing Foundation of New York (PFCNY), The Master Plumbers Council (MPC), UA Plumbers Union Local No. 1 Trade Education Training Center of New York City along with representatives from the Westchester County plumbing community herein collectively referred to as Gas Safety Joint Trades (“GSJT”), respectfully submits comments regarding proposals to enhance New York City Department of Buildings (NYCDOB) recently issued Course Provider Rule Proposals.

Thank you for the opportunity to submit these comments and for your continued commitment to gas safety. While we applaud your efforts to enhance the Course Provider program and address potential unethical business practices, we urge caution as some of the proposals may have significant unintended consequences.

¹ NGA is a not-for-profit regional trade association that focuses on education and training, technology research and development, operations, planning, pipeline safety and increasing public awareness of natural gas in the Northeast U.S. NGA represents natural gas distribution companies, transmission companies, liquefied and compressed natural gas suppliers, and associate member companies and organizations. Its operating member companies provide natural gas service to over 13 million customers in 11 states (CT, DE, ME, MA, MD, NH, NJ, NY, PA, RI, VT).

As you are aware, the GSJT, under the leadership of PFCNY, and in coordination with NYCDOB and the New York State Department of Public Service (NYDPS) has led the state, and arguably the nation, in developing gas safety training and qualification programs specifically focused on supplementing existing gas training and certification programs required of Licensed Master Plumbers (LMP's) in New York City.

The program builds-on utility mandates for operator training and qualifications required in federal and state Pipeline Safety Regulations in §49 CFR Part 192² and §16 NYCRR Part 255³. Further, the program conforms with essential elements of the American Petroleum Institute Recommended Practice 1161, Recommended Practice for Operator Qualification (OQ) as well as The American Society of Mechanical Engineers ASME B31Q – Pipeline Personnel Qualification, In combination, these regulations and standards provide a comprehensive framework to ensure the highest degree of gas safety competency of the plumbing trades community. Leveraging these foundational safety training and competency demonstration (“qualification”) requirements, the GSJT, working with NYCDOB, applied these principles and practices to requirements of Local Law 152 resulting in the Department-Approved Course Requirements: 7-Hour Periodic Gas Piping Inspector Qualification.

In summary, NGA, one of the region’s leading Gas Safety Training and Operator Qualification Program Providers⁴, in combination with GTI Energy⁵, the nation’s leading gas safety training developer, sponsored by National Grid and Con Edison, developed a comprehensive interior building gas piping safety inspection and abnormal operating condition (AOC) mitigation training programs. With GTI Energy acting as the NYCDOB Registered Course Provider of record⁶, and NGA providing delivery of the training program as an ICC Preferred Training Provider in conjunction with MPC and UA Plumbers Union Local No. 1 Trade Education Training Center of New York City; the GSJT has successfully trained, tested, qualified, and manages close to 2,000

² Part 192- Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, Subpart N – Qualification of Pipeline Personnel.

³ New York Codes, Rules and Regulations Part 255 – Transmission and Distribution of Gas, §255.604 Operator Qualification

⁴ <https://northeastgas.org/operator>

⁵ <https://www.gti.energy/training-events/training-overview/>

⁶ GTI Energy holds the NYS Department of Education Certification required of Course Providers, while NGA has achieved and maintains the International Code Council ICC Preferred Training Provider status.

plumbing technicians in over 750 individual LMP organizations.

Given the significant efforts that have gone into the development of this training, and the efforts of the individuals and organizations managed by the GTSJ, the GSJT is concerned that proposed enhancements to current Course Provider Requirements, while well intended to improve the Course Provider program and address unethical business practices of some “bad actors”, may have significant unintended consequences on those that operate appropriately utilizing third-party relationships, such as that described above with GTI Energy, NGA and the GSJT.

NGA is therefore respectfully suggesting alternative approaches that would meet the intent of enhancing the integrity and quality of Course Providers while offering the flexibility to continue proven industry leading training and qualification programs to meet Local Law 152 and NYCDOB requirements. In addition to these comments, NGA supports comments made by individual GSJT collaborative members including The Plumbing Foundation of New York.

Historical Background NGA/GTI Energy:

Almost a decade ago, changes in the NYS Pipeline Safety Code in response to federal laws resulted in changes to the definition of a service line. This change resulted in the need to conduct mandated safety inspections of interior DOT-jurisdictional piping including visual inspection for atmospheric corrosion and leak surveys of visibly accessible piping through the outlet of the meter. Around the same time, NYC passed Local Law 152 of 2016 to mandate periodic interior gas piping inspections from the point of entry (POE) through to the tenant space and accessible end-use equipment essentially covering all piping in buildings 3-family or greater. These overlapping inspection requirements were analyzed through a collaborative of NYC LMP's, including the Master Plumbers Council (MPC), local gas utilities (Con Edison & National Grid), UA Plumbers Union Local No. 1 Trade Education Training Center, and the NGA, under the leadership of The Plumbing Foundation City of New York. The resulting Interior Building Gas Piping Safety Inspections and Connections GTI training program was sponsored by local NYC utility operators working with the NGA, the Plumbing Foundation, MPC and the UA Plumbers Local No. 1 Trade Education Training Center. The program's content was developed by GTI Energy. GTI Energy has authorized the NGA to provide instructor-led training using the program content.

Proposed Rule Comments:

1. Third Party Relationships

(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.

While NGA understands DOB's concerns regarding third party relationships, we believe there are alternatives to prohibiting these relationships, which as discussed above, would potentially have unintended consequences of eliminating qualified Course Providers from continuing to serve the industry. Further, painting the industry with a broad brush resulting from the unfortunate unethical activity of a few "bad actors" is discriminatory and could potentially eliminate one of the founding principal Course Providers (NGA/GTI Energy) that was instrumental in initial program development and what eventually became the approved DOB 7-Hour Periodic Gas Piping Inspector Qualification. The unique NGA / GTI Energy collaborative relationship has resulted in an industry leading approach to providing supplemental gas safety training to augment existing tradesman training programs as recognized and evidenced by DOB itself when the core program was adopted as the DOB approved 7-hr course. After the gas utilities (Con Ed and National Grid), as part of the GSJT collaborative, invested in excess of \$250,000 in development costs, including building out a hands-on industry-leading gas safety learning experience at the MPC Robert John Daly Memorial Training Center, located in Bellerose Queens, the founders of the program and providers of training find themselves at risk of losing their Course Provider status as a result of a few unethical providers.

As DOB Enforcement Staff have witnessed, the facility and program provide the plumbing community with training that allows LMP's and their technicians to see gas safety *through the lens of a utility technician*. The learning experience is designed by NGA/GTI Energy to be engaging and impressionable for students. The program couples a classroom learning experience or "theory" with practical aspects of recognizing and reacting to potential gas safety issues including recognizing gas piping abnormal operating conditions, performing gas piping leak surveys,

atmospheric corrosion inspections, exploring proper gas piping purging techniques as well as pressure testing procedures. NGA/GTI Energy have been, and remain, completely transparent about the relationship that has provided training to plumbing technicians over the past several years. The program is unique, providing required NYCDOB training while meeting the qualification requirements of more stringent federal and state mandated pipeline safety regulatory Operator Qualification requirements.

Furthermore, in collaboration with NYCDOB and building owners in NYC, in coordination with The Plumbing Foundation of New York, the NGA/GTI Energy Program was utilized to enhance gas safety awareness of building owners throughout NYC. Another example of the valued partnership that if prohibited to continue by the proposed rule changes, would have unintended negative impacts to gas safety education and awareness within NYC.

Thus, as with the Plumbing Foundation of New York, we strongly urge DOB to strike the proposed provision above and consider implementing a *third-party validation process*. This validation process could include disclosure of a formal agreement and further limit the third-party exception to nonprofit organizations (including 501(c)(6)) to avoid the perverse incentives of profit-seeking entities. These two suggestions would address DOB's ongoing concerns with third party relationships without placing an extreme detriment on the plumbing and utility industry.

2. Course Provider Requirements:

NGA recommends that the Department considers additional criteria for demonstrating Course Provider competency for approved *Qualification and Continuing Education Courses* such as the 7-Hour Periodic Gas Piping Inspector Qualification. NGA understands and agrees that Course Providers must demonstrate competency through credentials or equivalent means such as recognition by a state authority having jurisdiction in meeting similar training or qualification regulatory code requirements. More importantly, the entity must have the ability to demonstrate that individuals providing training are technically qualified / credentialed or trained in instructional methods and learning processes.

The instructor(s) must also successfully demonstrate his or her ability to solve or resolve problems relating to the subject matter by possession of a recognized degree, certificate, licensure, or professional standing, or by extensive knowledge, training, and experience, in the subject matter being taught.

Additionally, NGA encourages the Department to consider accepting Course Provider Credentials offered through the International Code Council ICC Preferred Training Provider Credential as similar or equivalent to other existing acceptable credentials listed.

To become an ICC Preferred Training Provider, an organization must submit their training courses for review by the International Code Council ensuring the content aligns with building codes, standards and guidelines; meets quality standards regarding course structure, learning objectives, and instructor qualifications. Approval demonstrates a commitment to providing relevant and high-quality education within the building code field. Key requirements for becoming an ICC Preferred Training Provider run parallel to the intent of the Department's goals of ensuring and demonstrating the highest degree of competency including:

ICC Requirements for Course Content:

Courses must cover topics related to building codes, standards, guidelines, construction materials and methods, not primarily focused on promoting a specific product or proprietary method.

ICC Requirements for Course Quality:

Courses need to have well-defined learning objectives, clear structure, and appropriate instructional materials.

ICC Requirements for Instructor Qualifications:

Instructors are required to possess relevant expertise in the subject matter and meet ICC criteria for teaching building codes.

ICC Requirements for On-Going Compliance:

Preferred Providers must maintain quality standards and regularly update their course offerings to reflect changes in codes and industry practices.

ICC Application Process, Review and Approval:

Organizations seeking ICC Preferred Training Provider status must submit an application to ICC including detailed information about their program and instructors. ICC reviews submitted courses and approve those that meet their standards, assigning a unique course number for recognition as an ICC Preferred Provider Course. Achieving ICC Preferred Training Provider status is recognition by an independent third party as a trusted, creditable source of building code education such as the 7-Hour Periodic Gas Piping Inspector Qualification.

NGA recommends the Department consider the following additional options for *non-profit organizations providing training services for Qualification and Continuing Education Courses*:

[(e)](f) Course Provider Requirements.

- (1) The Course Provider must be a sole proprietorship, a partnership or a corporation that provides training, an educational institution, a governmental agency or authority, a trade union, or a trade association, provided that a governmental agency or authority need not comply with paragraph (2) of this subdivision.
- (2) The Course Provider must provide proof that it is:
 - (i) approved by or licensed as an educational institution by the New York State Department of Education;
 - (ii) registered as a New York State Department of Labor vocational, trade or apprenticeship program;
 - (iii) accredited by an accrediting organization recognized by the United States Department of Education or the Council for Higher Education Accreditation;
 - (iv) recognized by a State Agency as a training and operator qualification program provider associated with meeting state and federal code requirements, approved by the Utility Operator;
 - (v) approved by the International Code Council (ICC) as a Preferred Training Provider; or
 - (vi) certified by an organization accredited by the American National Standards Institute (ANSI) as a Standards Developing Organization with published standards for continuing education and training.

3. Proposed Course Provider Fee Structure

The Department is proposing a blanket fee of more than \$3,000 annually, for all Course Providers. While NGA understands the need for cost recovery for program management, there should be some consideration for the type of Course Provider organization, including whether profit or non-profit. The Department should consider a tiered fee structure for organizations that are non-profit.

4. Worker Wallet Card Requirement

NGA remains concerned regarding the one size fits all approach proposed for providing training records and documentation. For Site Safety Training (SST) Courses, NGA understands the desire to have all worker SST available utilizing a common platform as this training is “portable” to some degree and is applicable across a variety of work functions. However, for Qualification and Continuing Education Courses, in conjunction with these new rules, the DOB preemptively rolled out the “worker wallet card” requirement and included the periodic gas inspection training which puts a burden on the providers offering such training to upload trainee information into Training Connect. It appears DOB did not engage in a public comment period for the worker wallet card to take into consideration the different types of providers and courses which differ from SST, which was the initial reason for the Training Connect platform. For example, those who complete the NGA/GTI periodic gas piping inspection course, including an examination component, will receive an OnBoard Learning Management System photo identification card (“OQ Card”) with a QR code that can be scanned to show real-time qualification information including training and prerequisite experience requirements. As with any such training requirements, licensed plumbers have put tremendous resources (money and time) for themselves and their technicians to complete courses and receive existing OQ Cards. Replacing all existing cards and require the investment by the provider (money and time) is an unreasonable burden on the provider and trainees. Uploading of the certificates of completion for the periodic gas piping inspection course (which will already result in thousands of uploads from NGA / GTI) should suffice to ensure validity. In addition, it is extremely unclear whether this requirement to upload the periodic gas piping inspection certificate information will be linked to enforcement of inspections through the existing and future inspection portals.

Working closely with the Plumbing Foundation of New York we understand the Department has been made aware on many occasions of bad actors who use untrained technicians to conduct LL152 inspections. DOB must ensure that training information is not only connected to the individual on the Training Connection platform but also on the enforcement side.

Conclusion

The NGA appreciates the opportunity to work collaboratively with the Department to ensure the greatest degree of Course Provider program integrity while achieving our parallel goals of ensuring competency of individuals providing periodic gas piping inspection services.

Respectfully submitted,

Robert D. Wilson

By: Robert D. Wilson
Vice President, Special Projects
Northeast Gas Association
1800 West Park Drive, Suite 340
Westborough, MA 01581
bwilson@northeastgas.org
(607) 643-5111