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Contact: Sharon Lee, (212) 669-3747

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AUDIT: FDNY LAB UNIT FAILED TO MONITOR STORAGE OF HAZARDOUS MATERIALS

FDNY Agrees to All Findings and Begins to Implement Recommendations

NEW YORK, NY – Serious deficiencies at the New York City Fire Department (FDNY) unit charged with inspecting hazardous materials could result in potentially dangerous consequences for the public, as well as firefighters, according to an audit released today by New York City Comptroller John C. Liu.

The audit uncovered problems in the Lab Inspection Unit, a part of the FDNY’s Bureau of Fire Prevention. The Lab Inspection Unit is responsible for inspecting locations that store hazardous materials including flammable liquids and solids, corrosive acids, and compressed gases. These locations include high schools, colleges, hospitals, nursing homes, manufacturing facilities, and factories.

"There are no shortcuts to safety," Comptroller Liu said. "Audits are not just about rooting out financial waste and inefficiencies, but are also intended to improve city agencies' operations and service to New Yorkers. The FDNY is taking the right steps in strengthening the Lab's oversight and inspection of hazardous materials."

In a response to the audit report, the Fire Department said, "We understand -- and your report makes clear – that improved controls must be implemented now to ensure that the Lab Unit carries out its important mission and documents its performance in a timely and reliable manner. We look forward to implementing the recommendations included in the audit report as quickly as possible."

The audit looked at the FDNY’s controls over the Lab Inspection Unit’s inspections from July 2006 through May 2010.

Chief among the findings:

- 27 of the 30 (90%) locations in the sample were operating with expired permits during at least one of the three fiscal years during the review – including one college science laboratory (College of Staten Island) that operated with an expired permit during the full three years of the audit period;
- Lab supervisors conducted zero of the 20 required supervisory inspections during fiscal year 2009, and the FDNY did not inquire as to why these inspections were not performed;

- Inspectors used their own discretion when issuing notices of violation, violation orders, or summonses leaving the safety of the public based solely on the discretion of the inspector;
- None of the mandated post inspections were performed within the 72 hours of a field inspection as required by FDNY procedures. In fact, the number of days between the dates of the post inspections and the dates of the previous inspection varied between 7 and 49;
- The FDNY did not implement an annual rotation plan – allowing supervisors and inspectors to serve the same communities for extended periods of time. This can increase the risk of corruption due to the forming of relationships between the inspectors and representatives of the establishments; and
- Due to inconsistencies in reporting, the FDNY’s internal performance numbers do not match the publicly available numbers in the Mayor’s Management Report – questioning the validity of the FDNY’s ability to accurately relay its information to the public.

FDNY agreed with all 15 recommendations and has already begun taking steps to implement all of the audit’s recommendations to improve the operations at the Lab Inspection Unit.

Comptroller Liu credited Deputy Comptroller for Audit H. Tina Kim and her team for presenting the findings. The full report is available at www.comptroller.nyc.gov.

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