



REAL ESTATE BOARD OF NEW YORK

Testimony before the Housing & Buildings Committee of the New York City Council on Int. 575, 576, 577, 578, 585, 592, 593 and 603

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Real Estate Board of New York

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Good afternoon Chairman Dilan and members of the Housing and Buildings Committee. The Real Estate Board of New York, representing over 12,000 owners, developers, managers and brokers of real property in New York City, thanks you for the opportunity to testify about Introductions 575, 576, 577, 578, 585, 592, 593 and 603. We also appreciate that the City Council and Administration have been proactive in seeking our comments and in collaborating with us. Given the highly technical nature of these bills, consultation with a variety of engineers and ongoing conversations are critical to ensuring the legislation achieves its desired goal.

We support the City's effort to create cleaner building codes in order to improve the health and well-being of our residents. Therefore, we have limited our comments to issues in the construction timelines and safety. Our concerns include:

Intro. 577

1. *Cost of different proportions:* The proposed bill limits the amount of Portland cement per cubic yard of concrete in order to reduce the carbon emissions resulting from the manufacturing of cement. Concrete gains its strength from strategically proportioning a combination of materials including water, sand, air, coarse aggregate, supplementary cementitious material, and cement, and the proportions vary with field conditions, strength desired, weather and other factors. To strictly limit the amount of cement allowed in concrete may create higher demand for other cementitious materials such as slag and fly ash. These materials currently have limited local availability and are often trucked in from nearby states, which may mitigate any lessened carbon emissions from the reduction in cement. Also, with increased demand for limited product, the cost of other cementitious materials may increase, resulting in higher construction costs.
2. *Pour-cycle:* Concrete with less cement takes longer to cure, therefore, this bill would delay the standard 2-day pour cycle used at most project sites. Project developers and managers spend a great deal of time and energy planning the construction logistics, in which a day of delay on a construction site can cost hundreds of thousands of dollars a day between staff and materials. Delaying the construction cycle due to slow-setting concrete could cost millions over the course of construction.

A survey of REBNY members asked about the use of accelerants (or chemical additives) in concrete to make it set faster. The results found that during warmer weather, accelerants can be safely used to speed up the concrete setting time, requiring increased costs for the product, but these costs are not large enough to be prohibitive. However, while in colder weather, accelerants can also be used, it is unknown what the effects on durability would be with the increased amount needed with less cement. It also may have deleterious effects on the rebar.

Intro. 603

1. *Availability of recycled aggregate:* This bill intends to encourage the recycling of aggregate by requiring concrete of 4,000 psi or less to use 10% recycled materials. If availability is an issue, this



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requirement could cause costly delays, therefore, the bill should stipulate that the recycled aggregate is required only "if commercially and locally available."

There are additional recycled materials that could be included such as recycled Concrete Masonry Units (CMU).

2. *Origin and strength of recycled aggregate:* The origin and original strength of recycled material impacts the strength of new concrete. Recycled aggregate that had an original strength much lower than its re-use will affect the final product.
3. *Conveyance of water:* The bill makes an exception for concrete mixes intended to be used in "structures designed for the containment, storage and conveyance of water, sewage or other liquids." This last stipulation of "other liquids" is vague and leaves the bill open to interpretation. The regulation should clarify what you mean by "other liquids" in order to lessen confusion.

Intro. 578

1. *Availability of recycled asphalt:* This bill requires 20% recycled asphalt for asphalt pavement, increasing to 30% by 2018, which may create problems if there is insufficient availability of recycled material and possible delays during construction. The bill should stipulate that the recycled asphalt is required only "if commercially and locally available."

Intro. 585

1. *On-site vs. Off-site:* This bill limits the amount of Volatile Organic Compounds (VOC) in interior finishes, trim, decorative materials and adhesive and sealants. These restrictions should be limited to materials that are applied on site. Many of the materials used in construction are pre-fabricated, making it difficult or impossible to monitor and track the VOC content of every material used.
2. *Touch-ups:* Existing finishes that contain VOCs above the recommended amount should be exempted from the bill. In order to maintain the current look of a building such as interior finishes, trim and decorative material, the same color and brand of product must be used, unless a total remodeling is occurring where all finishes will be changed.

Thank you again for the opportunity to comment on these bills. We look forward to continuing our conversation with the Administration and the City Council to create legislation that encourages both sustainability and development in New York City.