

Statement of the City of New York

Today, the Manhattan District Attorney announced the results of its investigation into the August 18, 2007, fire at the Deutsche Bank building which resulted in the tragic deaths of Firefighters Joseph Graffagnino and Robert Beddia.

In addition to the indictments of three individuals and one company, the District Attorney's investigation has disclosed failures on the part of the contractors working at the site and by certain City agencies.

The City accepts responsibility for the inspectional and enforcement failures by its agencies.

The investigation revealed, among other things, that the contractors had removed a 42-foot section of the building's standpipe months prior to the August 18th fire, and that the inoperability of the standpipe contributed to the conditions that led to the deaths of the two firefighters. Regrettably, the broken standpipe was never repaired by the contractors nor reported by them.

Furthermore, as the investigation identified, and as the City has previously acknowledged, the Fire Department did not inspect the building in violation of the Departmental rule requiring inspections of buildings undergoing construction and demolition at least every 15 days. In addition, inspectors from the Department of Buildings did not trace the standpipe in the basement as part of their routine inspections. Had the length of the standpipe been inspected by either the Fire Department or the Department of Buildings, the breach would have been detected and repaired.

Inspectors from the Department of Buildings also did not recognize that the stairwell barriers were constructed in such a way that would block the ability of firefighters to move freely throughout the building in the event of fire and failed to cite those barriers as violations of the Building Code's egress requirements.

The City has cooperated fully with the District Attorney's investigation. Immediately after the fire, the City worked to improve the effectiveness of its regulatory regime. Under the direction of Mayor Bloomberg, the City has strengthened the inspection practices of its agencies and is implementing the 33 recommendations of the Construction, Demolition and Abatement Working Group to overhaul the way in which it regulates these activities.* To further improve the effectiveness of its regulatory regime, the City has committed to implement a series of additional reforms. These reforms, memorialized in an agreement with the District Attorney's Office, include a new dedicated force of civilian inspectors, whose only job will be conducting inspections at buildings in the City that are undergoing construction, demolition or abatement. This dedicated force will be an important addition to the inspections conducted by local companies in the field.

* The Working Group's report is available online at http://www.nyc.gov/html/om/pdf/2008/pr277-08_safety_report.pdf.

We deeply regret the failures of our agencies to inspect and detect the conditions that contributed to the deaths of Firefighters Beddia and Graffagnino. These two men bravely sought to protect us all and lost their lives in that heroic effort. We know that their families have suffered terribly. The regulatory measures we have put in place and the additional reforms set out today are designed to prevent any firefighter from again confronting the conditions that Firefighters Beddia and Graffagnino and others faced at the Deutsche Bank building that tragic day.