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## New York Faces Huge Backlog in Concrete Retests

By [WILLIAM K. RASHBAUM](#)

Nearly a year after New York City said it had a plan to retest the concrete in an untold number of buildings because a testing company was suspected of failing to perform required tests or falsifying results on scores of projects, only a handful of buildings have been retested.

The City Department of Buildings first learned of the allegations against the company, [Testwell Laboratories](#), in June 2008, and two months later, an official said that the agency had developed a plan to begin the required retesting. In October 2008, when several company officials and employees were charged in the case — accusations that involved some of the city's highest-profile construction projects — the Buildings Department received a formal list of the affected buildings.

But the agency still has not re-evaluated the strength of the concrete in almost all of the 60 buildings that must be tested. The delay, according to the Buildings Department spokesman, Tony Sclafani, stems from the nature and complexity of the task and the number and range of parties involved.

"I can tell you this is a monumental effort because the scope of work is unprecedented," Mr. Sclafani said. "There is no accepted standard to retest concrete on this scale, and we have been working with more than 50 engineers associated with the buildings named in the indictment to develop a protocol to ensure all of the tests were done properly."

Mr. Sclafani said the department has held meetings with engineers. He said they have conducted preliminary reviews of the buildings and done some nondestructive testing using a special nail gun that gives some indication of concrete strength short of taking core samples, a test that bores holes in the concrete.

He said a primary question was how many core samples to take to ensure a sufficient range of strength tests without boring so many holes as to damage the building.

But he declined to provide a copy of the testing plan formulated in the summer of 2008 and could not further explain why so few buildings have been retested.

The buildings that required retesting, Mr. Sclafani said, included the Museum of Modern Art, a new 40-story office tower at [11 Times Square](#), a residential high-rise at [600 West 42nd Street](#), the Cambria Heights Public Library in Queens and a new building at the Queens Botanical Gardens.

The construction industry in general has been a persistent source of problems for the administration of Mayor [Michael R. Bloomberg](#), who has been an aggressive champion of development over the course of his two terms. He has seen a rash of construction deaths, accidents and related problems, from two fatal tower

crane collapses last year that left nine people dead to the deaths of two firefighters at the former Deutsche Bank building in 2007. One building commissioner resigned last year, and the current one, Robert LiMandri, has faced criticism because he is not a licensed architect or engineer.

New regulations and legislation have been heralded, but problems seem to persist.

Tony Fiorato, a concrete technology consultant in the Chicago area who heads an international industry committee on testing standards, said that retesting existing buildings is not uncommon, but acknowledged that the process is complex and that the city's challenge is significant.

"The complexity of it is that it's a function of each building and how complicated the building is, how easy or hard the access is" to the areas where the concrete needs to be retested, he said.

But he declined to address the city's performance on its retesting, saying he was not familiar with the specifics of the buildings involved.

While Mr. Sclafani said the results from three buildings that have been retested — Yankee Stadium, Goldman Sachs' new headquarters and a part of NewYork-Presbyterian Hospital on East 68th Street — presented no safety concerns, the challenge facing the agency may be even larger than it has acknowledged. Private developers have also conducted limited testing on a small number of other buildings, but the results have not been turned over to the Buildings Department.

Indeed, some people briefed on the matter have raised questions about the number of buildings the agency has singled out for retesting. The Testwell indictment includes charges against the company and the officials and employees based on the company's involvement with the testing at 102 buildings, 60 of which are within the five boroughs and under the department's jurisdiction.

But several officials have noted that the sweeping investigation that led to the charges, conducted by the Labor Racketeering Unit in the office of [Robert M. Morgenthau](#), the Manhattan district attorney, uncovered questionable results at other buildings, information that they said was turned over to the building agency. Mr. Sclafani said no such information was provided.

And a new indictment against a second concrete testing company, [Stallone Testing Laboratories](#), which stems from the Testwell inquiry, could also raise questions about the strength of the concrete in the buildings where Stallone performed tests. A third company, American Standard Testing Laboratories, is also under investigation as part of the same case, but neither that company nor its officials have been charged and the impact of that case remains unclear.

Taken together, the allegations in the three cases have raised concerns among regulators, construction industry officials and prosecutors that such improprieties are widespread in the concrete testing sector.

Further complicating the agency's task is its antiquated record-keeping system, one that leaves it unable to conduct a computer search of building permits for current construction projects or records on completed buildings by the name of a testing company. So the only way to determine where a particular company, like Testwell, has worked is to search by hand.

Mr. Sclafani said last month that the agency has taken action to prevent similar problems from arising again.

He said those actions include auditing testing laboratories and bringing greater scrutiny to bear on new testing lab license applications and renewals. Twelve department inspectors have also been certified by the American Concrete Institute as concrete testers so they can better detect testing improprieties in the field, he said.

Concrete testing is required by the New York City building code and viewed as a basic safety measure at construction sites. Investigators, industry experts and engineers have said they did not believe any falsified tests created immediate hazards because most of the concrete poured in New York was of a high quality. But prosecutors in the Testwell case said that some of the buildings in question might deteriorate sooner than expected if the concrete is below standards.

Mr. Sclafani said that the price of retesting will be steep; the agency's engineers estimate that re-evaluating the strength of the concrete on a high-rise building would run about \$100,000, a price that would be paid by the building's owner or the developer.

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