

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

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November 18, 2011

Start: 1:17 p.m.

Recess: 3:50 p.m.

HELD AT: Council Chambers  
City Hall

B E F O R E:

ROBERT JACKSON  
Chairperson

COUNCIL MEMBERS:

Council Member Gale A. Brewer  
Council Member Fernando Cabrera  
Council Member Margaret S. Chin  
Council Member Daniel Dromm  
Council Member Lewis A. Fidler  
Council Member Helen D. Foster  
Council Member Daniel R. Garodnick  
Council Member David G. Greenfield  
Council Member Vincent M. Ignizio  
Council Member G. Oliver Koppell  
Council Member Karen Koslowitz  
Council Member Stephen T. Levin  
Council Member Eric A. Ulrich  
Council Member Mark S. Weprin

## A P P E A R A N C E S (CONTINUED)

Kathleen Grimm  
Deputy Chancellor, Division of Operations  
Department of Education

Ross Holden  
Executive Vice President and General Counsel  
School Construction Authority

John Shea  
Chief Executive Officer  
DOE, Division of School Facilities

Jeff Shear  
Chief Operating Officer, Operations Division  
Department of Education

Ariella Maron  
Chief Energy Management Officer  
Department of Citywide Administrative Services

Nancy Clark  
Assistant Commissioner, Bureau of Environmental  
Disease Prevention  
Department of Health and Mental Hygiene

Chris Proctor  
Director, Safety and Health Department  
United Federation of Teachers

David Newman  
Industrial Hygienist  
New York Committee for Occupational Safety and Health

Christina Giorgio  
Staff Attorney, Environmental Justice  
New York Lawyers for the Public Interest

Laura Sametz  
Representative  
Michelle Ciulla-Lipkin, Co-President, PS 199 PTA

## A P P E A R A N C E S (CONTINUED)

Leon Tolten  
Parent, New York City neighborhood schoolchild  
Member, PCB Free School Coalition

Mike Schade  
Campaigner  
Center for Health, Environment and Justice

Valerie Watnick  
Parent, O'Shay Manhattan Complex  
Law Professor, Baruch College

Celia Green  
Parent Leader  
New York Communities for Change

Andres Veranes  
Concerned Citizen  
Associated with PS75

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[gavel, background noise]

CHAIRPERSON JACKSON: Good

afternoon, everyone, and welcome to the Education Committee's hearing on proposed Intro No. 563-A and Proposed Intro No. 566-A. These two bills pertain to the notification and reporting of information relating to polychlorinated biphenyls, commonly known as PCBs, in our schools. I just want to make a few opening remarks, and then I'll move over to hear the statements from my colleagues Vincent Ignizio of Staten Island, the lead sponsor of Proposed Intro No. 563-A, and our colleague Steve Levin of Brooklyn, the lead sponsor of 566-A. The Council has previously held two joint oversight hearings regarding PCB in our schools. The first on April 29, 2008, and then again on April 13, 2011, in collaboration with the Environmental Protection Committee. Back in 2008, we thought that the scope of PCB problem was limited to just 266 schools built or renovated in the 1960s and '70s when PCBs were a common ingredient in corking used during construction. We now know that the problem of PCBs in schools is far more widespread, due largely to the presence

1  
2 of PCBs in lighting fixtures that have been widely  
3 used to replace old fixtures in schools throughout  
4 New York City. The U.S. Environmental Protection  
5 Agency, known as EPA, tested lighting fixtures in  
6 ten New York City schools in January and February  
7 of 2011, and found elevated levels of the PCBs in  
8 all ten schools tested. In the wake of these  
9 findings, and after months of pressure from  
10 advocates and parents, City officials announced on  
11 February 23, 2011, a plan to replace light  
12 fixtures containing PCBs as part of a  
13 comprehensive plan to increase energy efficiency  
14 and environmental quality in 772 public schools  
15 over the next ten years. I and most of my  
16 colleagues believe that this plan of replacing  
17 those over the next ten years is inadequate, and  
18 the ten year timeline is totally unacceptable.  
19 The plan also does not include removal of PCB  
20 containing cork around windows and doors in school  
21 buildings, except as part of a renovation project.  
22 I'd like to point out that the Council allocated  
23 an additional \$30 million to PCB lighting removal  
24 projects when the budget was adopted last June of  
25 2011. All of us are concerned about the health of

1  
2 this City's 1.1 million schoolchildren as well as  
3 all of the staff that work in our schools. PCBs  
4 are known to cause a variety of health problems,  
5 which is why their use was banned by the EPA.

6 PCBs have been shown to cause cancer in animals,  
7 and are classified as probably human carcinogens.

8 I do believe that the two bills we are considering  
9 today will help, by providing timely notice to

10 parents of students and employees when PCBs are  
11 found in a school; and by providing quarterly

12 reports on the progress of PCB removal in all

13 public schools. Specifically, Proposed Intro 563-

14 A would require the Department of Education to

15 notify parents of students and employees in a

16 public school of any PCB contamination found

17 during inspection or testing of a school within

18 three business days of receiving the results of

19 any such inspection or test, and post the results

20 on the website within five business days.

21 Further, the bill would require the Department of

22 Education to include in that notice information

23 about the steps the Department of Education has

24 taken and will take to remedy the contamination,

25 including timelines, timeframes for remediation.

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2 Proposed Intro No. 566-A would require the  
3 Department of Education to submit quarterly  
4 reports to the City Council of New York regarding  
5 the progress of PCB removal in public schools,  
6 commencing, starting August 1st of 2012. The  
7 report will include the total number of light  
8 fixtures and floor tiles containing PCBs that have  
9 been detected and removed, as well as the overall  
10 progress of the Department's PCB removal and  
11 remediation plan, including information pertaining  
12 to the presence and removal of PCB in caulking.  
13 Proposed 566-A would also require the Department  
14 of Education to prepare an updated copy of any  
15 frequently asked questions, the document that  
16 provides answers to questions regarding PCBs, and  
17 to post it on its, on the Department of  
18 Education's website, and make it available to  
19 parents and anyone else if they want a copy.  
20 Today, we would like to get feedback on proposed  
21 Intro No. 563-A and proposed Intro No. 566-A.  
22 Everyone who wishes to testify must fill out a  
23 witness slip, which is located when you entered  
24 the room at the desk of the Sergeant-at-Arms, near  
25 the door. And please indicate on your witness

1  
2 slip whether you are here to testify in favor or  
3 in opposition to the Proposed Intro No. 56--563-A  
4 and/or 566-A, or both. I want to point out,  
5 however, that we will not be voting on these bills  
6 today. To allow as many people as possible to  
7 testify, testimony will be limited to three  
8 minutes per person. So I ask you if you're  
9 submitting testimony, please don't read it. Put  
10 it in the record and then summarize it for us.  
11 And now, before we turn the floor over to the  
12 Department of Education, let me turn to our  
13 colleagues, first announce who's present here of  
14 our colleagues, and then I'll turn it over to the  
15 lead sponsor of 563-A, Vincent Ignizio. So, to my  
16 left is our colleague from The Bronx, Fernando  
17 Cabrera; and next to him, our colleague Mark  
18 Weprin of Queens; and to my right, Vincent  
19 Ignizio, the lead sponsor from 563-A, he comes  
20 from Staten Island; and next to him, Steve Levin,  
21 the lead sponsor of 566-A, and he comes from  
22 Brooklyn, New York; along with Danny Dromm of  
23 Queens; Margaret Chin of Manhattan; and Oliver  
24 Koppell of The Bronx. I want to thank all of the  
25 staff involved, of the Education Committee staff,

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2 and they're sitting around the table. And with  
3 that, let me turn to my colleague, Vincent Ignizio  
4 of Staten Island, for any opening remarks.

5 COUNCIL MEMBER IGNIZIO: Thank you  
6 very much, Mr. Chairman, and thank you for the  
7 leadership you and the Committee have shown on the  
8 issue. I wanted to start out by being grateful,  
9 by being grateful to everybody who's been around  
10 the table, particularly people would be surprised  
11 for me to hear, to be appreciative to the  
12 Department of Education, because when this, when  
13 this arose, we really did meet and say, "How do we  
14 build a better mousetrap to combat PCBs in  
15 schools?" But not for the support of the Speaker,  
16 of the UFT, and New York City Lawyers for Public  
17 Interest, and these are some groups people would  
18 say, "I can't believe a Republican is dealing  
19 with, you know, these groups in such a progressive  
20 way," right, people, I see people snickering in  
21 the background. But this is all a nonpartisan  
22 approach, working with my colleague Steve Levin,  
23 and we worked together on this to say, "How do we  
24 make our schools cleaner and safer for the  
25 faculty, staff and the kids that go to the

1  
2 school?" That's it. And I could be honest with  
3 you that in my dealings with the Department of  
4 Education, they have embraced that and where just  
5 a year ago we didn't have such a fundamental plan  
6 to go through this, now we do. And the Council's  
7 very proud of that, the Speaker's very proud of  
8 that, and I know you all are as well. The reason  
9 that we're speaking today about these bills is  
10 because unless you know how sick or if the  
11 building your kids are in is sick, then, and you  
12 don't know, you don't know what you're being  
13 exposed to. These bills will go a long way in  
14 combatting that. Clearly, I think we have some  
15 work to do with regards to the timeline. I think  
16 we have some work to do with regarding to caulk  
17 and conversations therein. But my colleague Steve  
18 Levin and I are just very grateful to be working  
19 with so many people that we are to try to address  
20 and assess how sick any of our buildings are  
21 throughout the school system, and how to make them  
22 safer for all children. So, thank you, Mr.  
23 Chairman, thank you for your leadership, as well,  
24 and look forward to my colleague Steve Levin and I  
25 to work with the Department of Ed to, to really

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make this happen. Thank you.

CHAIRPERSON JACKSON: Thank you.

And now we turn to the lead sponsor of Intro 566-A, our colleague Steve Levin of Brooklyn for any opening remarks.

COUNCIL MEMBER LEVIN: Thank you, Chairman Jackson. Thank you for holding this important hearing. And thank you, Department of Education, for coming down to testify. First, I would like to just go on the record saying that I continue to believe that the current ten year proposal plan for remediating PCBs is inadequate at this point. As experts, including a representative from the U.S. EPA stated in previous hearings on this matter, "Remediation should take place, should take either two to, between two and five years, not ten, to remove the harmful PCBs in our schools." There is "safe level" of PCBs and the City should be taking all necessary steps to remediate the contamination immediately. However, we are not here today, not here today to debate the Department of Education's timetable. The intent of Intro 566, which I am proud to have introduced, along with my colleague,

1  
2 Council Member Vincent Ignizio of Staten Island,  
3 is to ensure that the Department of Education's  
4 process for remediation PCBs is at the very least  
5 transparent. This bill will simply require that  
6 the DoE issue a quarterly report to the City  
7 Council and to the public, regarding the  
8 Department's progress on removing PCBs from  
9 schools. The report will include the number of  
10 lighting fixtures containing PCBs that have been  
11 detected and removed; the number of floor tiles  
12 containing PCBs that have been detected and  
13 removed; and information regarding overall PCB  
14 removal, including information about the presence  
15 and removal of PCBs in caulking. The Department  
16 of Education has an obligation to provide parents,  
17 teachers, and advocates with this information that  
18 they need to keep our children safe. Keeping  
19 parents and teachers in the dark about the status  
20 of remediation will only cause confusion and  
21 panic. Intro 566 will create a structure that  
22 will ensure everyone is receiving timely and  
23 accurate information, and I wish to thank Speaker  
24 Quinn, Chairman Robert Jackson, my colleague  
25 Vincent Ignizio, Jan Atwell, Aysha Schomburg, Joan

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2 Povolny, Christina Perrotti, all the Education  
3 staff that worked on this, the advocates--New York  
4 Communities for Change, New York Lawyers for  
5 Public Interest--UFT and CSA, and again I thank  
6 you very much for coming down to testify on this  
7 issue today. Thank you very much, Mr. Chairman.

8 CHAIRPERSON JACKSON: Well, thank  
9 you, Council Member Levin, we've also been joined  
10 by our colleague, Dan Garodnick of Manhattan.  
11 Now, I understand that we have eight  
12 representatives from three agencies, and the  
13 Department of Education, we have DCAS, Department  
14 of Citywide Administrative Services, and  
15 Department of Health and Mental Hygiene, along  
16 with the School Construction Authority. I'm going  
17 to ask Kathleen Grimm, our Deputy Chancellor, to  
18 introduce all of the individuals and their  
19 positions with the various agencies and/or SCA.  
20 Thank you.

21 KATHLEEN GRIMM: [off mic] Good  
22 afternoon - -

23 CHAIRPERSON JACKSON: Can you press  
24 the button one more time. Okay, now.

25 KATHLEEN GRIMM: Am I on now?

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2 There we go. Thank you very much, Chair Jackson,  
3 and thank you all, the members of the Education  
4 Committee today. I am Kathleen Grimm and Deputy  
5 Chancellor of the Division of Operations at the  
6 Department. Joining me are Jeff Shear, my Chief  
7 Operating Officer; over here, Lorraine Grillo,  
8 whom I think most of you know, is President of our  
9 School Construction Authority; Ross Holden, who's  
10 the Executive Vice President and General Counsel;  
11 we have John Shea--

12 CHAIRPERSON JACKSON: Where's John?  
13 There's John.

14 KATHLEEN GRIMM: He'll stand up,  
15 you can't miss him.

16 CHAIRPERSON JACKSON: Okay.  
17 [laughs]

18 KATHLEEN GRIMM: He's our CEO for  
19 our Division of School Facilities.

20 CHAIRPERSON JACKSON: Uh-huh.

21 KATHLEEN GRIMM: Nancy Clark is  
22 here, Assistant Commissioner--

23 CHAIRPERSON JACKSON: Hey, Nancy.

24 KATHLEEN GRIMM: --for the Bureau  
25 of Environmental Disease Prevention at the

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Department of Health--

CHAIRPERSON JACKSON: Okay.

KATHLEEN GRIMM: --and Mental Hygiene. Ariella Maron is here, Deputy Commissioner for the Division of Energy Management at the Department of Citywide.

CHAIRPERSON JACKSON: Okay.

KATHLEEN GRIMM: Also, Dr. Nathan Graber is also here, from the Department of Health, and he has a new title, Assistant Commissioner, but I'm not quite sure. What is it, Nathan? [background comment]

CHAIRPERSON JACKSON: Alcohol, Drug Use?

KATHLEEN GRIMM: Yes, that was a recent appointment. But Dr. Graber has been--

CHAIRPERSON JACKSON: Congratulations.

KATHLEEN GRIMM: --with us on many of our school visits. And everyone is here today to make sure that everyone understands that this is a citywide effort, not just the Department of Education. We could not be doing this program without the cooperation of all these agencies.

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2 And as I like to say, when government really works  
3 well together, it's very exciting. So we have  
4 been very excited about this. I have printed  
5 remarks. I hope everyone has a copy. In the  
6 interest of time, I'm just going to highlight  
7 things, until I get to the comments on the  
8 legislation. Basically, we appeared here last  
9 April, I believe, or--to discuss our, the City's  
10 comprehensive plan called "A Greener, Healthier  
11 Schools for the 21st Century." And basically what  
12 we've done in the City is to commit \$850 million  
13 in capital funds, in this plan, over the next ten  
14 years, to address PCB and other energy related  
15 issues in our schools. We anticipate, actually,  
16 when this plan is finished, an annual savings of  
17 \$95 million for the City. In January of 2010, we  
18 entered into a consent agreement and final offer  
19 with the EPA, that established a pilot program to  
20 help us develop strategies to work with PCB  
21 issues. We learned several things. First of all,  
22 we learned that the PCB air levels in the pilot  
23 schools have generally been very low, and within  
24 the margin of safety used by the EPA to set  
25 guidelines. Secondly, we also learned that

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2 lighting ballast in the older style fluorescent  
3 lighting fixtures are a more important source of  
4 PCBs than the caulk, which is what was the  
5 original focus of that pilot study. And that was  
6 news to everybody, and good that we learned it.  
7 It's a really good outcome. To address these  
8 findings, we've contracted with ESCOs, Energy  
9 Service Companies and other vendors to do  
10 complete, comprehensive energy audits and  
11 retrofits in our schools. We've also issued a  
12 protocol to all our custodians and building  
13 managers to instruct them to do visual inspections  
14 of these ballasts on an ongoing basis. As a  
15 result, we have completed work, changing all of  
16 the lighting fixtures in 57 of our schools. 13  
17 additional buildings are in progress. And a list  
18 of these 70 buildings is included in our proposed  
19 November 11 capital plan, and we can also provide  
20 you all with a list. This current capital plan  
21 allocates \$171 million, which includes a shift of  
22 \$30 million, which the Chair referenced, as part  
23 of the agreement with the last adoption of this  
24 plan. This is going to allow us to do these  
25 building wide lighting projects in 155 additional

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2 buildings. We all take the presence of PCBs very  
3 seriously. I know we disagree on the time level,  
4 or the time commitment here, but as we've outlined  
5 before for the Council, we have very strong  
6 reasons why we have that timetable. We have made  
7 a very serious commitment to do outreach to both  
8 parents and community groups, as a core element of  
9 this lighting replacement program. When we find a  
10 leaking ballast, we have a protocol to notify  
11 principals and to notify parents of the work that  
12 we will be doing in the schools. We've created a  
13 special website exclusively devoted to regular  
14 monthly status reports on this. That's where  
15 we've been in this progress, and we thank the  
16 Council for your cooperation and working with us  
17 on a very difficult project. Now with respect to  
18 the proposed legislation, we share the Council's  
19 interest in assuring the prompt and regular  
20 notification of parents, school communities,  
21 elected officials and other stakeholders,  
22 regarding progress and new developments. We in  
23 fact have similar protocols in place. We do,  
24 however, have some specific concerns regarding  
25 some of the requirements in both 563-A and 566-A,

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2 as they're currently drafted. In addition, some  
3 of the definitions and specific provisions in both  
4 bills, we think, require some clarification. With  
5 regard to 563-A, again we're committed to  
6 notifying our school communities in a timely and  
7 proper manner, a prompt manner. However, this  
8 bill does not account for the time it would take  
9 us to draft a customized, comprehensive  
10 notification letter for each school, 'cause each  
11 school is different, to translate that letter into  
12 the multiple languages that we translate all of  
13 our communications for our school communities. In  
14 addition, we need to think a little bit more about  
15 how best to handle notification during summer  
16 vacations when principal, staff and families are  
17 really very difficult to reach. With regard to  
18 Intro 566-A, we question the usefulness of  
19 counting the exact number of affected light  
20 fixtures and floor tiles in each building. As you  
21 know, our comprehensive plan identifies 754  
22 schools, school buildings, that potentially  
23 contain light ballast with PCBs. And plans  
24 lighting replacements for every one of them. So,  
25 counting the exact number of light fixtures

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2 potentially will slow down the process of  
3 completing that plan and doing all of the  
4 replacements, and potentially may cost us some  
5 additional dollars. So we, we'd like to talk to  
6 you about that. Reporting based upon the number  
7 of lighting replacement projects completed, which  
8 we already share publicly, is more illustrative of  
9 the City's progress in this area than tracking the  
10 actual number of light fixtures removed and  
11 replaced. In this way, we think we can track  
12 meaningful progress toward the ultimate goal of  
13 ridding the schools of PCB lighting fixtures.  
14 With regard to the floor tiles, the replacement of  
15 tiles for PCB related reasons is a very rare  
16 occurrence. And moreover, the tiles in these  
17 schools are replaced only if there's evidence of  
18 staining from leaking ballast from above the  
19 tiles. So, that's something else we'd like to  
20 talk to you about. And finally, the CAFO  
21 [phonetic] with the EPA, it contains reporting  
22 requirements on test results, community  
23 participation, corrective actions and remedial  
24 measures. So in several respects, the  
25 requirements in the proposed legislation duplicate

1  
2 the requirements, and we'd just like to sort of go  
3 over that with you to make sure that we're not  
4 doing any extra work. So in the end, the City is  
5 continuing to lead the nation on this issue. We  
6 remain the only City in the country with a  
7 comprehensive plan to address all PCB light  
8 fixtures, and we're proceeding in a responsible  
9 manner that we believe will yield the best results  
10 for our school communities. We will continue to  
11 be open with our school communities and the  
12 public, about the presence of PCBs in our schools,  
13 and our efforts to address them. And we will  
14 continue to work with school communities to ensure  
15 that they are informed about that work and our  
16 progress. Once again, we are grateful to the  
17 Speaker and to the Chair and to the entire Council  
18 for its support of this unprecedented effort. We  
19 look forward to our continued work with the  
20 Council on this issue. And with that, we are all  
21 here and happy to answer any questions you may  
22 have.

23 CHAIRPERSON JACKSON: Well, thank  
24 you, Deputy Chancellor. And let me just say, if  
25 that New York City is the only city that has come

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up with a comprehensive plan to deal with this,  
shame on those other municipalities.

KATHLEEN GRIMM: Yes, sir.

CHAIRPERSON JACKSON: Because  
clearly, when you talk about the health and  
wellbeing of children and, and staff, every  
municipality should have a comprehensive plan.  
Even though, as you know, we disagree with the  
timeframe, and we, as far as I'm concerned, we  
will always disagree with that. We're going to be  
pushing you so hard that, that you're going to  
finally agree with us. I like that smile.  
[laughter] And I'm serious about that, as you  
know. But let me just turn to our colleagues.  
We've been joined by Karen Koslowitz of Queens and  
Helen Diane Foster of The Bronx, I saw her  
earlier. And let me turn the questions over to  
our colleagues, Vincent Ignizio of Staten Island.

COUNCIL MEMBER IGNIZIO: Thank you  
very much. I first have to recognize Brooke,  
right here sitting in the front row.

CHAIRPERSON JACKSON: [laughs]

COUNCIL MEMBER IGNIZIO: Hi,  
Brooke!

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CHAIRPERSON JACKSON: [off mic] Hi,  
Brooke.

COUNCIL MEMBER IGNIZIO: Thanks for  
coming to the Education Committee. She's only  
three, but she'll be going to school soon.

FEMALE VOICE: [off mic] Hopefully  
a PCB free school.

COUNCIL MEMBER IGNIZIO: A PCB free  
school would be a good thing, for her and for  
every other child. I want to actually walk  
through, more so for the record, 'cause I, I know  
the answer, but I want to speak to it. What is,  
when we first met with then Deputy Mayor, now  
Chancellor and yourself, at City Hall, we had  
discussed about that we needed a triage plan, a  
kind of intermediary plan, and then the long term  
plan. The long term plan, we know, is the ten  
year plan, which timelines of which I'm not going  
to discuss, you know we're oppo--but I, but that's  
the long term plan. Can you walk through us the  
immediate triage plan that, that was implemented?  
And then, the intermediate, which is the  
continuing evaluation by custodial staff. So, the  
intermediate was, the original one was the triage,

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2 where we, where I believe your directive was to  
3 send--I don't, do you understand the question I'm  
4 saying. Okay. And can you articulate that as  
5 the, articulate the policy, if you will, of  
6 Department of Education, in regards to PCB in the  
7 short term, midterm and long term.

8 KATHLEEN GRIMM: Sure. What we  
9 realized, first of all, was that it was going to  
10 be a very long term effort. And so we wanted to  
11 take some steps to identify what might be  
12 presenting more immediate concerns to parents and  
13 to staff and the children in the schools. So we  
14 issued a directive to custodians to identify any  
15 leaking ballast. All of those leaking ballasts  
16 that were identified were replaced, and the  
17 building, the lighting throughout the building,  
18 were replaced in the first year of our efforts  
19 here. Now, we haven't stopped our custodians, we  
20 have in fact told them to continue that  
21 observation. So, as they are observing more, we  
22 are replacing the actual fixtures that indicate  
23 any leaks, and we are pushing those schools to the  
24 head of the list.

25 COUNCIL MEMBER IGNIZIO: All right,

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2 let me, but let me stop you right there. Just  
3 for, just to be clear, before that we didn't have  
4 this protocol in place. That is currently in  
5 place now that, that one, custodians went through  
6 their entire schools--

7

KATHLEEN GRIMM: Yes.

8

COUNCIL MEMBER IGNIZIO: --when  
9 they found PCBs leaking from the, from the light  
10 fixtures, as what we saw in PS 36, and thanks to  
11 the parents who were involved there. It was taken  
12 care of. Now, I literally was invited by the  
13 Department of Education for disclosure to go any  
14 time during the remediation program. And because  
15 I'm crazy, I was there literally 3:00 o'clock in  
16 the morning to see what was being done. And it  
17 was an unbelievable process that was really done  
18 with very high environmental standards. But that  
19 was for that, for that school. You just said that  
20 all the schools that were identified with leaking  
21 ballast, every light fixture in those schools,  
22 that comprised the 70 schools, have been cleaned?  
23 Or have been--all the lighting fixtures have been  
24 removed?

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KATHLEEN GRIMM: Yes. From the

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fir--

COUNCIL MEMBER IGNIZIO: That's a significant--

KATHLEEN GRIMM: Yes, the first group that the custodians and the building managers identified. We made that commitment. But what I'm saying is that we didn't tell the custodians then to close their eyes.

COUNCIL MEMBER IGNIZIO:  
Understood.

KATHLEEN GRIMM: Because, you know, you take a survey this week, and in three months you might have another leak. So, they are sort of on a continual, under continual instructions to make periods assessments in their buildings.

COUNCIL MEMBER IGNIZIO: And in the long term, is the strategy of the full list of 763, if I'm right, or--

KATHLEEN GRIMM: I think it's 754--

COUNCIL MEMBER IGNIZIO: Okay.

KATHLEEN GRIMM: --52 at the moment.

COUNCIL MEMBER IGNIZIO: Okay.  
[laughs] My bad. And that's the long term list.

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How is that list prioritized?

KATHLEEN GRIMM: Well, that list is prioritized, first of all based on anything custodians might observe.

COUNCIL MEMBER IGNIZIO: Okay.

KATHLEEN GRIMM: But more importantly, it's going to be prioritized based on the assessments that the ESCOs are doing.

COUNCIL MEMBER IGNIZIO: All right.

KATHLEEN GRIMM: Is that a fair statement? [background comments] Want to add to that, Ross?

ROSS HOLDEN: What we've tried to do as well as prioritize after finding the schools that may--

COUNCIL MEMBER IGNIZIO: Can you identify your name for the record, sir?

ROSS HOLDEN: Yeah, I'm Ross Holden, with the School Construction Authority. So, after we take care of the light, the schools where there've been observable leaks in the light fixtures, we're then looking at a matrix of the youngest kids in the oldest schools. And the reason for that is, we want to, with the EPA's air

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2 guidance, we want to address the levels in the air  
3 that impact younger children more. Also, we found  
4 that the older schools have ballasts that are  
5 technically different than some of the newer  
6 schools, even though they're both PCB ballast, the  
7 older ones are designed in such a way that they  
8 contain more of the PCBs and have a greater  
9 tendency to leak. So, we're looking at both the  
10 age of the kids and the age of the school.

11 COUNCIL MEMBER IGNIZIO:

12 Understood, all right, and have, has DOE or has  
13 the custodians, they have received some training  
14 on PCBs? What to look for, what to, what to watch  
15 out for, for themselves, their own safety? I know  
16 it's a pretty elementary question, but I just want  
17 to know if that's--

18 KATHLEEN GRIMM: Sure. Yes, well,  
19 yes, they have, but I mean, as part of the  
20 protocol, the custodians no longer do these  
21 removals.

22 COUNCIL MEMBER IGNIZIO: Yeah, but  
23 they're doing the investi--like the initial  
24 investigations.

25 KATHLEEN GRIMM: Yes. They're

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doing the identification.

COUNCIL MEMBER IGNIZIO: And then, if they notice a problem, they call who? School facilities?

KATHLEEN GRIMM: They call Mr. Shea, they call the central school facilities office.

COUNCIL MEMBER IGNIZIO: And then could you continue on the road, Mr. Shea, if you may, for the record, then you call whom? 'Cause, 'cause then you're under the requirement--well, I, I guess you're under requirement if it's--  
[background comments]

JOHN SHEA: [laughs] Well, there's a room next door, I don't think I'll go through the partition. John Shea, CEO of the Division of School Facilities for the Department of Education. If a leak is reported to one of our custodians, in one of our buildings, they call my office, it goes to the Environmental Health and Safety Group. If it's a ballast that we know not to be PCB, specifically, then we handle it--

COUNCIL MEMBER IGNIZIO: Like sticker on it. I saw those, yeah.

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JOHN SHEA: --on a regular basis.

It could be a sticker or we know that that section of the building was done after PCB ballasts, etc.

COUNCIL MEMBER IGNIZIO: Okay.

JOHN SHEA: If there's a suspected, that it could be a PCB ballast, we dispatch a contractor to go out and--an authorized environmental contractor, they inspect the ballast. If it is not PCB, they handle it in a regular way, they just remove the fixture and replace it. If it is PCB, they handle it under those protocols. They remove the fixture, they dispose of it, in an appropriate manner, to the appropriate place. And then my staff comes back in and replaces it with a non-PCB, a modern fixture, after that. And we track all that information.

COUNCIL MEMBER IGNIZIO: And if you identify, what is the trigger for the school receiving a replacement? Right, you found one fixture that is leaking, they call you, it continues on, you have to remove that in accordance with the federal guidelines. You then replace that one. What triggers the, "You know

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what, let's replace them all," type of scenario?

KATHLEEN GRIMM: Well, what we--

COUNCIL MEMBER IGNIZIO: In that, in that sim--in that exact building, is what I'm referring to.

KATHLEEN GRIMM: What we did was, in the first tranche, we did replace all the lighting fixtures. As we're now building up a longer list, we are replacing the ones that are leaking, and we are giving priority to that school for full replacement.

COUNCIL MEMBER IGNIZIO: And how many do you believe, is it 70? Do you believe you could do a year, which would end up in the 700--is that where you got the 700 number from, or--? Is it because of money that's the ten year? Is it because of timeline? You know, you just can't do it all? You know, what is the reason for the ten year--

KATHLEEN GRIMM: Yeah, well, actually all of the above.

COUNCIL MEMBER IGNIZIO: Okay.

KATHLEEN GRIMM: I mean, it was a certain amount of money, that the Mayor said we

1  
2 could afford. We were also, remember, we did the  
3 pilot and we learned so much in the pilot. We  
4 said, "We've got to make a commitment here, but  
5 we're not going to make a commitment, not knowing  
6 exactly what we're going to find. We knew we  
7 would have to learn things, and that's why we have  
8 a ten year. And it averages out to 70 a year.

9 [background comment] Within the three year period  
10 remaining in this plan, it's 155 buildings. So--

11 COUNCIL MEMBER IGNIZIO: Including  
12 the 70, or excluding the 70?

13 KATHLEEN GRIMM: Including, in  
14 addition, in addition.

15 COUNCIL MEMBER IGNIZIO: Okay, all  
16 right. okay. And let's talk once again about my  
17 specific bill and your objections therein.  
18 Parental notification. So, Mr. Shea contacts, the  
19 environmental assessment is triggered, you are  
20 then, I imagine, some shop in, within DoE is then  
21 notified to say, "We have to call the principal,"  
22 which I, is probably the, I would, right, am I  
23 right, is that the first trigger of we're going to  
24 speak to the local people about what's going on  
25 here? Is--

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2 KATHLEEN GRIMM: We notify the  
3 principal, we make arrangements to notify the  
4 parents, we notify elected officials.

5 COUNCIL MEMBER IGNIZIO: Right.

6 KATHLEEN GRIMM: We no--we try to  
7 notify all the shareholders, the stakeholders, in  
8 the school community.

9 COUNCIL MEMBER IGNIZIO: So, I mean  
10 I get a phone call, sometimes twice a day, from my  
11 school my child goes to. With, you know, what's  
12 going on in the school and what they're doing this  
13 week and what they're doing next week. Why is  
14 that not a possible way of notifying parents? And  
15 that would be a daily, you know, they do the call  
16 every--I don't know if you know what I'm referring  
17 to.

18 KATHLEEN GRIMM: Sure. Robocall or  
19 something like that.

20 COUNCIL MEMBER IGNIZIO: They do  
21 the--you get a welcome, yeah, a robocall welcome,  
22 PS whatever - -

23 KATHLEEN GRIMM: Because, because  
24 we want to give, we want to give that sort of  
25 technical support to the principals. Many of the

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2 principals get understand--understandably become a  
3 little nervous about reaching out to parents on--

4 COUNCIL MEMBER IGNIZIO: Yeah.

5 KATHLEEN GRIMM: --what they  
6 consider to be a sort of a technical issue. So,  
7 we actually prepare the letter for the parents?

8 COUNCIL MEMBER IGNIZIO: Yeah, and  
9 I, I'd read, I'd read that previous letter that  
10 you had sent out, in the school in my district. I  
11 mean, I--

12 KATHLEEN GRIMM: And sometimes that  
13 takes time. Certainly getting the translations  
14 done takes time. So, we have no argument with  
15 notifying principals, parents and everyone in the  
16 school community, we want to do that and are doing  
17 it. It's just, I think we need to kind of make  
18 sure we agree on how long it will take us to do  
19 that.

20 COUNCIL MEMBER IGNIZIO: So, what  
21 is your proposal? How much time is a sufficient  
22 amount of time? Three days is not, is five days,  
23 is seven days, is it 15 days? What--in your view--  
24 --'Cause I don't think principals, I got to be  
25 honest with you, 'cause I dealt with my principal

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in this scenario.

KATHLEEN GRIMM: Yeah.

COUNCIL MEMBER IGNIZIO: They're going to sit on information and not notify their parents, awaiting an approved letter. It didn't happen, you know, in, in theory is sounds like, possibly, but in reality it doesn't, the principal in the school I'm referring to, at PS 36, when she found out about it, she felt an obligation to tell her parents. And her response to DoE was, "Well, you always say that I'm in charge of my school, so I'm going to do what I think is in the best interests." She shut down that wing, she says that it was, she was told it wasn't necessary by DoE. But she did that, and then she sent out a letter to parents thereafter and, with additional information. So what is the right time? And seeming to me, the letter's the letter, right? Once, you're going to draft it, it's going to be translated, and you can do a letter basically now, it's basically a form letter saying "We've identified and notified PCBs in the school, we're working on it, you can translate in 17 languages right now, or whatever languages now, and have it

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ready to go.

KATHLEEN GRIMM: I can't believe we--I mean, I'm not going to suggest a time limit right now because I think what we need to do on a staff level is sit down, decide when does the clock start? What is it that is going to, we're all going to agree, is it time for the clock, the clock to start. We'll make an estimate of how long it takes us. We have now a year of experience under our belt. We'll talk about it. we think there might be sort of extraordinary circumstances in any particular case. And all I'm suggesting is that we work that out so that we're not in any kind of gotcha situation.

COUNCIL MEMBER IGNIZIO: Okay. I get it, I mean, clearly I disagree. And I would say we, you know, move forward and pass the bill, irrespective of that objection. But I'm, you know, I don't know, whenever we have to have a conversation, I'm happy to do so, and--

JOHN SHEA: Good, I appreciate it.

COUNCIL MEMBER IGNIZIO: --  
hopefully we come to an agreement. I know my colleague Steve Levin has several questions and

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2 he's grabbing my coat saying, "I want in," so--I'm  
3 just teasing. So, I will defer to my colleague  
4 from Brooklyn. Oh, I'm sorry, Mr. Chairman, I  
5 will defer to you, at which you will defer to the  
6 - -

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CHAIRPERSON JACKSON: Well, thank  
8 you. Yeah, we've also been joined by our  
9 colleague from Manhattan, Gale Brewer, all the way  
10 down to my left. And with that, we turn to our  
11 colleague, Steve Levin of Brooklyn, the prime  
12 sponsor of Intro 566-A.

13

COUNCIL MEMBER LEVIN: Okay, thank  
14 you very much, Mr. Chairman. Thank you, Deputy  
15 Chancellor Grimm, and everyone for coming out  
16 again. My first question is, when you testified  
17 in April, you identified 772 schools that--

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KATHLEEN GRIMM: Jeff, can you can  
19 take this question.

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COUNCIL MEMBER LEVIN: --were  
21 under, you know, were seen as potentially--

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KATHLEEN GRIMM: Right.

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COUNCIL MEMBER LEVIN: --causing or  
24 containing PCBs. Now that's been decreased to  
25 754. Can you explain--

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KATHLEEN GRIMM: Sure.

COUNCIL MEMBER LEVIN: --the  
decrease?

KATHLEEN GRIMM: Jeff, do you want  
to talk about that?

JEFF SHEAR: Yes. And John Shea  
may also want to--

CHAIRPERSON JACKSON: Just identify  
yourself before you speak--

JEFF SHEAR: Yes.

CHAIRPERSON JACKSON: --if you  
don't mind.

JEFF SHEAR: Not at all. I'm  
Jeffrey Shear, Chief Operating Officer of the  
Operations Division of the Department of  
Education. When we first surveyed all of the  
school buildings, we did it as rapidly as we  
could. And what our, we asked our custodians and  
building managers to look for was a specific type  
of lighting, older fluorescent lighting fixture,  
known technically as a T12, that is associated  
with the PCB ballast. And what we have found is  
that while that is, there's a very strong  
correlation, that you don't know for sure whether

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2 the fixture has a PCB ballast until you actually  
3 open up the fixture. And so, over time, we have  
4 had some buildings that we have taken off the list  
5 because we have looked inside the fixtures and  
6 they do not have the PCB ballast. And also  
7 because we have produced more materials for our  
8 custodians to better identify leaks, we have found  
9 some fixtures that weren't previously identified.  
10 So we've had some buildings added to the list, and  
11 some buildings taken off of the list.

12 COUNCIL MEMBER LEVIN: The  
13 buildings that were taken off the list contain  
14 T12s but you are, you are assured--

15 JEFF SHEAR: But they do not  
16 contain--

17 COUNCIL MEMBER LEVIN: --that, that  
18 there's no PCBs--

19 JEFF SHEAR: Yes.

20 COUNCIL MEMBER LEVIN: --'cause  
21 you've inspected those, or--?

22 JEFF SHEAR: Yes, I, I think John  
23 can, can speak to that in more detail, but the  
24 answer is yes.

25 COUNCIL MEMBER LEVIN: Okay, those,

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2 so all those schools that were taken off the list  
3 since April, have, they've had T12s that have been  
4 inspected and do not contain PCBs.

5 JEFF SHEAR: That's correct.

6 [background comment, laughter]

7 COUNCIL MEMBER LEVIN: I wanted to  
8 ask, let's see, I got a few questions and they're  
9 kind of all, all scattered here. Have you done an  
10 assessment of energy savings as it relates, as  
11 energy savings would relate to each, various  
12 timetables, have you done an assessment like that?  
13 Have you done an assessment that says, "We're  
14 going to save this much on energy per year on the  
15 ten year timetable," or "We're going to save this  
16 much on energy per year if we accelerate that and  
17 do a five year timetable," or if we do a two year  
18 timetable? Have you done those assessments to see  
19 how much you're going to save in energy?

20 KATHLEEN GRIMM: We have an  
21 assessment. Which indicates how much we think we  
22 will save in energy on an annual basis, which I  
23 believe is \$95 million. And the Deputy Chancellor  
24 can speak to that. But we do not have one on a  
25 five year basis, or a two year basis, because we

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2 think it's going to, at least initially, we'll  
3 allocate it ten years, because we think we may  
4 need that amount of time. As you all will  
5 remember, there is a provision in the plan that in  
6 the third year, which I think is 2014, we have a  
7 trigger for ourselves to reassess what the timing  
8 will be because by that point we'll have some real  
9 experience under our belts.

10 COUNCIL MEMBER LEVIN: But you  
11 haven't done an assessment to see if you--'cause  
12 if it's \$94 million on a ten year timetable, then  
13 I mean, the, logically it would be a greater  
14 savings on a five year timetable, annually.

15 KATHLEEN GRIMM: Well, the savings  
16 might--

17 COUNCIL MEMBER LEVIN: Because--

18 KATHLEEN GRIMM: --kick in sooner,  
19 I don't know if it'll be more, but--

20 COUNCIL MEMBER LEVIN: Well,  
21 there'll be more schools so it, you know.

22 [background comment]

23 COUNCIL MEMBER LEVIN: Can you  
24 please speak into the mic, I'm sorry, can you  
25 please speak into the microphone - -

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2                   ARIELLA MARON: Hi, Ariella Maron,  
3 Energy Management at DCAS. The \$95 million is  
4 based on the total energy savings when all of the  
5 projects that are part of that comprehensive plan  
6 are completed. It's based on the expected energy  
7 savings that's going to occur at each building.  
8 So, at the end of the ten years, when all those  
9 buildings are done, cumulatively it'll be a \$95  
10 million a year savings. When those projects are  
11 done is when you get the savings. After each  
12 project is completed, there's a certain amount of  
13 savings that the City will continue to get  
14 annually.

15                   COUNCIL MEMBER LEVIN: But, but if  
16 you're saving, if you're, if you get more  
17 buildings that are more energy efficient per year  
18 then you're savings are greater each year, and  
19 that's a cumulative savings. No?

20                   ARIELLA MARON: When all projects  
21 are done, it comes out to \$95 million, no matter  
22 what that is.

23                   COUNCIL MEMBER LEVIN: Per year, if  
24 you get to that--but if right, but if you get to  
25 that all projects are done sooner, then you're

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2 saving \$95 million a year much, much sooner.  
3 You're saving, at year three you're saving \$95  
4 million a year as opposed to year ten.

5 KATHLEEN GRIMM: We're not arguing  
6 against saving money. Trust me. [laughter] Part  
7 of our thinking in developing this plan was how  
8 long is it going to take us and there were  
9 unknowns. That's why we built the trigger in at  
10 the end of three years. If we can accelerate and  
11 save money faster, believe me, we'll be right  
12 there.

13 COUNCIL MEMBER LEVIN: Okay, thank  
14 you, Deputy Ch--With regard to the list of schools  
15 that have been identified, were identified, added  
16 to the list, taken off the list, currently still  
17 on the list, is that, does that list exist? Is  
18 there a list of those 754 or 772 schools?

19 JEFF SHEAR: Yes, the list, we have  
20 that, we post those schools.

21 COUNCIL MEMBER LEVIN: So that,  
22 that list is public?

23 JEFF SHEAR: That list is--

24 COUNCIL MEMBER LEVIN: Every  
25 school--

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JEFF SHEAR: That list is public.

COUNCIL MEMBER LEVIN: Where is it, where is it available?

JEFF SHEAR: We will get you the, we'll send you a copy of the list after the hearing. And we'll, and we'll show you where on the, the webpage it's listed.

COUNCIL MEMBER LEVIN: Okay, but it's, it's somewhere up on the web, that the public can access it? [background comments] Okay. Thank you. Just wanted to, just wanted to ask, with regard to one of the concerns that you laid out, with, with 566-A, about, the concern about recording or reporting the number of ballasts that have been removed, do you keep--so, I guess the reason being that we want to understand the scope of the problem, and the scope of the issue. So, you know, a project, you know, may vary in scope, against a different project. So, I think that the idea being that we want to know how many actual ballasts have been removed. Do you keep track of that now, internally? I mean, is that, is that something that you, I mean, I imagine that, that when you do, when you have--

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right? [background comments]

KATHLEEN GRIMM: We keep track of the number of fixtures that we replace, not the ballasts.

COUNCIL MEMBER LEVIN: Okay. The, well, but you do, but you do keep track of that, so that would then not be a problem to then report publicly, right? If you have that number--

KATHLEEN GRIMM: After the job is done, we would have the number. When the work is completed, we would have the number, yes. So that would not be a problem.

COUNCIL MEMBER LEVIN: Is there, just--is there currently a frequently asked questions list that's, that's, that the DoE has compiled, that is made available to the public?

KATHLEEN GRIMM: Do we have a Q&A on the website? - - Yes. [background comments] The Department of Health has a, a Q&A on its webpage.

COUNCIL MEMBER BREWER: [off mic] But it doesn't say that on yours - -

COUNCIL MEMBER LEVIN: Can you, have you adopted, you haven't adopted that to the

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DoE webpage? I imagine that parents that are concerned--

KATHLEEN GRIMM: I see, sure.

COUNCIL MEMBER LEVIN: --would be more interested, would be, they'd be more likely to find it on, on a DoE website.

KATHLEEN GRIMM: We, we'll add a connector, we'll add a link to the Health Department. Good idea.

COUNCIL MEMBER LEVIN: Just kind of going back to the, the T12s, I mean, is there, when the EPA went in to do the assessment on, I think that Coun--Chairman Jackson mentioned in ten schools, ten were found to have elevated levels, is that correct?

KATHLEEN GRIMM: Mm-hmm.

COUNCIL MEMBER LEVIN: Or levels above 50 parts per million, in the air.

KATHLEEN GRIMM: No, not in the air, they were found to have leaking ballasts, I believe.

COUNCIL MEMBER LEVIN: Leaking ballasts. Were they, and there was, there was air assessments done at, at each of those?

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2 KATHLEEN GRIMM: There was no air  
3 testing done, was there? There was no air testing  
4 done. We just removed the lights.

5 COUNCIL MEMBER LEVIN: Okay.

6 KATHLEEN GRIMM: The fixtures.

7 COUNCIL MEMBER LEVIN: So if that's  
8 a one-to-one ratio, essentially, of schools that  
9 were suspected to schools that were shown to have  
10 leaking ballasts, I mean, are you operating then  
11 under the assumption that all 754 schools that  
12 have been identified as potential--if it's, if  
13 it's bearing out that when an inspection is done,  
14 there's a direct correlation here, are you, are  
15 you then assuming that every single one of those  
16 schools needs to have a full - -

17 KATHLEEN GRIMM: Well, we're  
18 assuming there's a strong possibility, yeah,  
19 that's why they're in the plan.

20 COUNCIL MEMBER LEVIN: Now, if--if,  
21 I'm going off of the EPA's testimony from, from  
22 April here. Where they said that if a, if a  
23 lighting ballast is leaking PCBs above the  
24 regulatory level of 50 parts per million, is  
25 considered an exceedence and to be in compliance

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2 with, with federal law, the ballast must be  
3 immediately removed from use and disposed of along  
4 with the PCB contaminated material at an EPA  
5 approved disposal facility. So that's, to be in  
6 compliance with the federal law, that has to be  
7 done immediately.

8 KATHLEEN GRIMM: That's what we're  
9 doing.

10 COUNCIL MEMBER LEVIN: If there's  
11 a--right, but if there's--

12 KATHLEEN GRIMM: I mean--

13 COUNCIL MEMBER LEVIN: --an  
14 assumption now that, or there's a strong  
15 likelihood that every school, every one of those  
16 754 schools is, is going to be leaking, a ballast  
17 is going to be leaking above the regulatory level  
18 of 50 parts per million.

19 KATHLEEN GRIMM: No, no. Yes,  
20 excuse me. Let's be clear. The assumption is  
21 that in each of those 754 schools, potentially we  
22 have PCBs in the ballast. We don't know they're  
23 there; in fact, we've already found some where  
24 there are no PCBs. We're making the assumption  
25 that if there are PCBs, they are in the plan, and

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we will replace the, the lighting fixtures. What we're doing in terms of what the federal requirement is, is that we are having our building managers and custodial folks physically examine the lighting. And then if we see a leak, we are immediately replacing it.

COUNCIL MEMBER LEVIN: So then when would, at what point would that, that level of inspection be completed in all 754 schools?

KATHLEEN GRIMM: That level of inspection has been completed in 1,254 buildings, in all of our buildings.

COUNCIL MEMBER LEVIN: So, so then, so then we know, we know which schools, we know have to get replaced, right? Is that--which schools have ballasts that have to get replaced.

KATHLEEN GRIMM: Yes. Yes.

COUNCIL MEMBER LEVIN: And--

KATHLEEN GRIMM: We know which schools have evidence of a leaking ballast. We have, we are in the, we've replaced those immediately.

COUNCIL MEMBER LEVIN: And, so, and how many schools is that?

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KATHLEEN GRIMM: Well--

MALE VOICE: [off mic] It's  
dynamic.

KATHLEEN GRIMM: What we did the--  
what did we do in the first tranche? There were  
40 odd in the first tranche. Those are the  
schools where the, all the fixtures were replaced.  
Now we have what? 30 more?

MALE VOICE: 74 more.

KATHLEEN GRIMM: 74 more, 'cause  
the custodians keep looking. And in those  
schools, we have replaced the leaking ballasts.  
And those buildings will get priority in the plan  
for total replacements.

CHAIRPERSON JACKSON: To follow up  
on our colleague, is there, for example, if  
there's a leaking ballast and the custodian  
inspects and say, "This is a PCB--"

KATHLEEN GRIMM: No, no, the  
custodian says, "This is a leaking ballast."

CHAIRPERSON JACKSON: And based on  
that, you go to replacement, and then it wraps up  
as far as priority?

KATHLEEN GRIMM: It gets reported

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to John Shea's central office, they do some further investigation, and if it's replaced, they call in an environmentally trained consultant to do that.

JOHN SHEA: And if I can add--

CHAIRPERSON JACKSON: Go ahead, John, just get into the mic, John, if you don't mind. And just, just say your name again, if you don't mind, John.

JOHN SHEA: Sure, it's John Shea again. To add, when a leak, a potential leak is reported, we isolate that room. We take student and staff out of that room and don't let anybody in there until the environmental people actually come in and make the assessment.

CHAIRPERSON JACKSON: How long does that take?

JOHN SHEA: Within a day or two, tops, but most of I've seen in a day.

CHAIRPERSON JACKSON: So, so for example, and this is I guess maybe, I don't know if you've answered this, so, assuming that happens, and they say, "Yes, it is," and then that school goes on a priority list up the rank, is

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that correct, as far as higher priorities, if it's  
in fact it's the first one.

JOHN SHEA: Yes.

CHAIRPERSON JACKSON: Is that  
correct?

KATHLEEN GRIMM: Correct.

CHAIRPERSON JACKSON: So, is it  
only one leaking ballast that moves that school up  
into priority? Or is there a minimum number of  
let's say five per school or ten per school, or  
what?

KATHLEEN GRIMM: It's one.

CHAIRPERSON JACKSON: Just one.

KATHLEEN GRIMM: It's one.

CHAIRPERSON JACKSON: Okay, I just,  
I just want to know. What's the minimum  
requirement, is it one, is it 15?

KATHLEEN GRIMM: One.

CHAIRPERSON JACKSON: It's one.  
Okay.

KATHLEEN GRIMM: Mm-hmm.

CHAIRPERSON JACKSON: All right,  
I'm sorry, go ahead, Council Member Levin - -

COUNCIL MEMBER LEVIN: Thank you,

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2 Mr.--So, the reason that I'm concerned is that  
3 going back to the EPA's testimony, they said, I  
4 think referring to T12s, these older PCB  
5 containing lighting ballasts have been used in  
6 over--have been in use over an extended period of  
7 time and eventually failed, causing the PCB  
8 containing material inside the ballasts to leak  
9 out and subsequently attribute to the elevated  
10 levels in the air. And then, further down it  
11 says, "All of the pre-1979 ballast lighting  
12 fixtures that are still in use are now far beyond  
13 their life expectancy," which is ten to 15 years.  
14 So there's a high likelihood--my point being, I'm  
15 curious whether the Department of Education, or  
16 the City, is out of compliance with federal law.  
17 Because if we have, if these ballasts have a life  
18 expectancy of ten to 15 years, they've been in use  
19 for over 30 years, we're finding a one-to-one  
20 correlation in buildings that we suspect is going  
21 to have a leak, they do have leaks, and when they  
22 have a leak, at over 50 parts per million, they're  
23 out of compliance with federal regulation, it  
24 seems as if, it seems as if we'd be out of  
25 compliance with federal regulation.

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KATHLEEN GRIMM: We are not. I must not be explaining this clearly enough. IF we know that there is a leaking ballast with PCB, we have to replace it. We do. And what we've done in this plan, is that we have made a list of schools that may potentially have it, and we are addressing it.

COUNCIL MEMBER LEVIN: There's one thing that, in kind of going over April's testimony, that, and it was mentioned again today that it was a concern to me, and it said--

KATHLEEN GRIMM: This my testimony or the EPA's?

COUNCIL MEMBER LEVIN: Your testimony. First we learned, this is in paragraph one, two, three, four five, first sentence, "First we learned that the PCB air levels measured in City schools have generally been very low and within the margin of safety used by the EPS, to set guidelines for PCBs in air." And I've, you know, called around to, to health experts, and you reiterated that today, I spoke to Commissioner Farley, Dr. Farley, at Department of Health. And that is accurate. But what, what I want to, I

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2 guess and this is kind of a loaded question: Are  
3 there, is there a safe, is it the City's belief,  
4 Department of Education's belief, that there is a  
5 safe level of PCB exposure?

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KATHLEEN GRIMM: We are working  
7 together to remove PCBs from all of our school  
8 buildings. So we're not happy that there are PCBs  
9 there, but we think we have taken the most  
10 aggressive stance in the country on how to address  
11 it. We are also very comfortable that there is  
12 not a level of PCB in the air that is of concern  
13 to anyone, and we have our, the Health people that  
14 we have consulted, who agree with that.

15

COUNCIL MEMBER LEVIN: So then,  
16 there are safe levels of PCBs?

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KATHLEEN GRIMM: I mean, we agree  
18 with them, basically, they gave us their  
19 scientific and professional opinion.

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COUNCIL MEMBER LEVIN: So then,  
21 sorry, so maybe I could ask the representative  
22 from the Department of Health, that there are safe  
23 levels of PCB exposure?

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NANCY CLARK: Well, I, I don't  
25 think that we posed the question.

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CHAIRPERSON JACKSON: Just, excuse me, just, just--I'm sorry.

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NANCY CLARK: Oh, I'm sorry, Nancy Clark, from the Department of Health and Mental Hygiene.

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CHAIRPERSON JACKSON: Thank you, Nancy.

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COUNCIL MEMBER LEVIN: 'Cause I, and I know that going back, sorry to interrupt, but there's this issue of, of imminent, acute health risk. That's, because PCBs are stored in fatty tissue and accumulate, they, the health effects are, you know, the longer the exposure, the greater the potential for adverse health effects. So, so that I don't want to kind of go down that road about acute, whether there's an acute, imminent threat. What I want to know is, are there, is there a safe level of exposure?

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NANCY CLARK: I think what you're, and I understand completely your concern, and I think you have to step back for a moment and look at the context. That PCBs from the '40s through the end of the '70s were widely used in the United States. And as a result, and they're persistent,

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2 as you know, they're not only persistent in  
3 people, they're persistent in the environment, in  
4 the soil, the water. So, we have a certain level,  
5 if you like, of contamination in our environment.  
6 So, to talk about what is a level that we would  
7 tolerate, I think that might be how you would, is  
8 that what you're asking--We, I think as Chancellor  
9 Grimm said, we would like to have PCB levels as  
10 low as possible. We, what we know, is that  
11 because PCBs have been banned, and they're no  
12 longer produced, they've declined in the  
13 environment, but they're still present. And I'm  
14 not just talking about ballast, in you know, PCB  
15 containing ballast, but also PCBs and other  
16 environmental sources. And at the same time, as  
17 the, the federal Centers for Disease Control  
18 continues to monitor, do biomonitoring of people,  
19 like what, because, and we know that it, and as  
20 you mentioned, as people are older, they have  
21 higher stores of PCBs in their body. But what  
22 we've seen over the last few years, or dec--even  
23 in the last decade, a decline in the levels in  
24 human tissue. So, I'd rather, rather than try to  
25 answer the question, "Is there a safe level?" I

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2 think we can only, one, reflect on the context  
3 that we've seen a decline in the environment,  
4 we've seen a decline in the accumulation in human  
5 beings, which is all good news. And that, that  
6 the, the levels that we've seen in the school, and  
7 the reason why we describe it the way we describe  
8 it, that the air levels in fact are quite low, is  
9 all based on modeling. And that what we say about  
10 those levels is that we think that it's very, very  
11 unlikely that anybody will be harmed because of  
12 the levels that we're seeing. And that's based on  
13 the very large protection, if you wish, protection  
14 factor that's applied to what we know about PCBs  
15 and health effects, and how we would translate  
16 that. So, we don't, and many environmental  
17 things, and I think you'll probably know this,  
18 PCBs isn't the only one. We tend not to hit, talk  
19 about a safety threshold. Because it's just not a  
20 way that we just don't have the science--

21 COUNCIL MEMBER LEVIN: Right.

22 NANCY CLARK: --where we do that.

23 I don't know if that answered your question.

24 COUNCIL MEMBER LEVIN: Sorry--

25 CHAIRPERSON JACKSON: Before you,

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2 before you continue. As you know, the U.S.  
3 Environmental Protection Agency, the former  
4 Governor of New Jersey, said that after 9/11 we're  
5 safe downtown, which we all know was a bunch of  
6 crock. You would agree with that? Was it safe  
7 then? Based on everything that you know.

8 KATHLEEN GRIMM: We're, we're here  
9 to talk about PCBs in the schools.

10 CHAIRPERSON JACKSON: I understand  
11 that. And I do know that children exposed to  
12 PCBs, especially where there's leaking ballasts  
13 and it's getting on their skin, and on their  
14 hands, and their hands are going in their mouth,  
15 that's not--and no one can tell me that that's a  
16 safe level. Is that correct or I'm wrong?  
17 [pause] Come on, let's, let's call it like it is.

18 KATHLEEN GRIMM: No--

19 CHAIRPERSON JACKSON: Our children  
20 in the classroom--

21 KATHLEEN GRIMM: No, no, no, no.  
22 We said--

23 CHAIRPERSON JACKSON: They're  
24 sitting at their desk, there's a leaking ballast,  
25 they, they may touch something, it may get on

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their pencils or pens, they put their pencils in their mouth. Is that type of exposure safe? The answer is no. Is that correct?

KATHLEEN GRIMM: We are taking steps--

CHAIRPERSON JACKSON: No, I understand--

KATHLEEN GRIMM: --to make sure--

CHAIRPERSON JACKSON: Deputy Commissioner--

KATHLEEN GRIMM: --that doesn't happen.

CHAIRPERSON JACKSON: --I truly understand that you're taking steps. My question to the Department of Health is, and she must agree with me, that is not safe. Am I correct or am I wrong? And I don't want to tell me, you, anybody to tell me, "We're taking correct--" I want to know, am I right or am I wrong that that's not safe for our children? Answer me, somebody. If you're not going to answer that simple question, then leave. I'm very serious. If you're not going to answer a simple question, whether I'm right and that scenario that I gave you, our

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2 children are not safe in being exposed to that,  
3 where their pencils or their pens and their hands  
4 and their mouth, they're not, that's not safe.  
5 Somebody help me now. Don't give me any nonsense,  
6 or anything else, tell me, "Yes, you're right."  
7 Let's be real. Let's be real, I'm serious.

8 KATHLEEN GRIMM: I want to be very  
9 clear--

10 CHAIRPERSON JACKSON: Okay.

11 KATHLEEN GRIMM: --Council Member.  
12 That we believe our children are in safe  
13 environments in our schools. That doesn't mean we  
14 aren't doing everything we can to address issues  
15 such as PCBs, and we are doing that with a short  
16 term plan and a long term plan.

17 CHAIRPERSON JACKSON: Okay, Deputy  
18 Chancellor, you've said that before, I asked a  
19 very specific question, you're not an expert. If  
20 the Department of Health is here, Health, answer  
21 the question. If our children are exposed to that  
22 situation, and that's why when there's a leak,  
23 that's why you close the classroom. Until it's  
24 removed. Because that type of exposure, it's not  
25 good, and especially if a kid gets some of that

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2 leaking stuff on their hands, or on their pencils  
3 or paper, and kids are like kids, they put their  
4 hands in their mouth, they take the pens and go  
5 like this. That is not safe. Am I right or am I  
6 wrong? Help me out here, say either yes or no.  
7 There's no in between answer. Come on! There's  
8 no in between answer.

9 NANCY CLARK: Councilman, the only  
10 thing I, I'm--and you're, this--I can only tell  
11 you, I can only, we've looked at this question  
12 very hard.

13 CHAIRPERSON JACKSON: I'm sorry,  
14 what's your position with the Department of  
15 Health, Health and Mental Hygiene? What's your  
16 position?

17 NANCY CLARK: I'm Assistant  
18 Commissioner.

19 CHAIRPERSON JACKSON: Assistant  
20 Commissioner. Okay. You cannot answer that  
21 simple question? Go get your experts, then?  
22 Where's your, where's your--

23 KATHLEEN GRIMM: Council, Council--

24 CHAIRPERSON JACKSON: --medical  
25 experts?

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KATHLEEN GRIMM: Councilman.

CHAIRPERSON JACKSON: Somebody tell me that it's safe in that environment. Come on! Make, gee whiz, do not be--

KATHLEEN GRIMM: Nancy, never mind.

CHAIRPERSON JACKSON: You know, do not be a, a hmmm--whew, I was going to say "Keep it real." You know, it's all right to say that "In that situation, Council Member, that you described, if that happened, no, the kids, you know, are not safe, by having that possibly putting their pen in their mouth, where they may have touched some leaking stuff. That's why we close the classroom once we identify it. And that's why they're not in there and we totally remove it." That's what he said. Can't you say that?

KATHLEEN GRIMM: Are you finished?

CHAIRPERSON JACKSON: Come on!

KATHLEEN GRIMM: Are you finished?

CHAIRPERSON JACKSON: Can't we just be real. Yes, I, I am finished, but I want an answer. That's why he said we close the classroom totally and remove it.

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KATHLEEN GRIMM: No, no. What Mr. Shea said was, when we identify this, we are--when we identify a leaking ballast, we will close the class, we will clear the classroom. We do that to err on the side--

CHAIRPERSON JACKSON: As a precaution--of caution.

KATHLEEN GRIMM: --to err on the side--and also because we know that these situations cause a great deal of concern for both our parents and our staff. And that's understandable, too. There are lots of unknowns here. So, we do that. We do it because we know we're going to go in there quickly and we're going to change that ballast, and we correct the situation.

COUNCIL MEMBER IGNIZIO: Mr. Chairman, if I may, one, one quick sec.

CHAIRPERSON JACKSON: [laughs] How come we just can't get a simple, candid answer?

COUNCIL MEMBER IGNIZIO: No, I'm not--I'm not going to--

CHAIRPERSON JACKSON: I mean, come on.

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COUNCIL MEMBER IGNIZIO: I'm not going to try to inflame--

CHAIRPERSON JACKSON: I mean, Kathleen Grimm, you're--what happens when--what happens to your--everybody's individuality when you become Assistant Commissioner, a Deputy Chancellor or whatever the--You mean, you can't just say that, "Yes, if that scenario happens, that yes, our children will be exposed to possibly, to cancer causing agents of carcinogens?" How come you just can't say that? Or you can't say that because of legal possible litigation? Say something! Come on.

COUNCIL MEMBER IGNIZIO: Mr. Chairman, if I may, I, I think--

CHAIRPERSON JACKSON: Gee whiz.

COUNCIL MEMBER IGNIZIO: --we can agree on, on one thing, that oils coming out of a ballast, be them PCB latent or not, is an unhealthy, unsafe environment for a child to be consuming. Right, I mean, surely, Commissioner, you can say that, right? A child, a child consuming oils leaking from a ballast in the ceiling, is a safe, is a unsafe thing. Right? I

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mean, that's--I didn't say--

KATHLEEN GRIMM: Not a situation we want.

COUNCIL MEMBER IGNIZIO: --specific to PCB or not, I'm just saying overall, that's not a safe thing, as a parent, my kids not eating oil from a light. Right? 'Cause it's not safe. You add PCBs on top of that, I think it makes it less safe. Which is, I think, the crux of the, of the question that I don't think there's any question that PCBs are an unhealthy things, and in high concentrations, that's why we have the federal guidelines. Eating them is something that we would want, not want to occur, because surely that could impact, negatively impact a child's health. That's all the Chairman's saying.

KATHLEEN GRIMM: It does happen, actually, because there are PCBs in food.

COUNCIL MEMBER LEVIN: But, oh, sorry to, but there's, I don't think that anyone would say that the PCBs found in food are a million parts per million, as was found by the EPA.

KATHLEEN GRIMM: I think what we're

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2 saying here is that we have all identified a  
3 problem, we have a plan, we have some proposed  
4 legislation from you folks. We want to work with  
5 you and we are happy to do that.

6 COUNCIL MEMBER LEVIN: Can I just  
7 ask, just one follow up question, Mr. Chairman.  
8 In, and I'm, I don't recall who, which public  
9 health expert said this, but it was on a panel of  
10 public health experts, in April, after this panel  
11 departed, that in response to a question by my  
12 colleague David Greenfield, about teachers who are  
13 pregnant that have exposure to, that are in, that  
14 are in classrooms where there's a leaking ballast,  
15 they, they said that a pregnant woman should  
16 absolutely, 100 percent, not be in a classroom  
17 that is, that has a leaking ballast, that contains  
18 PCBs. Do you agree with that, that a pregnant  
19 woman that the risks to women who are pregnant,  
20 and to, and to the fetuses, are, are significant?  
21 Or if you could illuminate that a little bit. Do  
22 you think that they should get out of that  
23 classroom immediately?

24 KATHLEEN GRIMM: Well, first of all  
25 we don't know who said it.

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2 COUNCIL MEMBER LEVIN: Well, it  
3 was, it was [background comments] it was on the  
4 panel of MDs and I mean it was the Director, and  
5 I'm sure whether it was the Director of, of  
6 Pediatric Medicine at Mt. Sinai or one of, it was  
7 on that panel. It was, these were all public  
8 health experts, it was not some, not a fly-by-  
9 night individual. And I could get that to you.  
10 But I'm curious more about the content of what  
11 they said.

12 KATHLEEN GRIMM: I, I'm not expert  
13 in this area. I do know experts differ. Nancy,  
14 do you want to respond?

15 NANCY CLARK: Yeah, I would just  
16 say that what, you know, we do know about health  
17 effects of PCBs, some of the strongest evidence  
18 are women who, when they were pregnant, ate  
19 contaminated fish. That's some of our strongest  
20 studies about a prenatal exposure. And as with  
21 children, and as also with pregnant women, is that  
22 all exposure should be minimized. There's just no  
23 question about that. However, the exposure is, I  
24 don't want to like, you know, 'cause I'm sure  
25 you'll take, you won't be happy if I say that, you

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2 know, there are a lot of variables around  
3 exposures: length of time, amount--there's a lot  
4 of things that one would consider. But I think in  
5 general, and I think the plan addresses taking  
6 PCBs out of the school environment. So. We just  
7 not, we're not seeing an immediate, an immediate  
8 concern. I think the response to remove a leaking  
9 ballast as soon as it's detected is certainly the  
10 most responsive thing to do.

11 CHAIRPERSON JACKSON: And, and a  
12 leaking ballast, and, and moving the children from  
13 the classroom, until that potential hazard is  
14 removed, is an immediate response. And so,  
15 dealing with the whole issue of PCBs in schools,  
16 is an immediate situation. And ten years is not  
17 an immediate response. Let me move on to my  
18 colleague, first let me introduce my colleagues.  
19 David Greenfield of Brooklyn and Lew Fidler of  
20 Brooklyn. And let me just say overall, I'm very  
21 disappointed at your lack of candor in responding  
22 to my question. Let me just say that to all, all  
23 of you. Quite frankly. I'm very disappointed.  
24 Let me turn to my colleague, our colleague, Gale  
25 Brewer.

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2 COUNCIL MEMBER BREWER: Thank you  
3 very much. I just want to comment, since a lot of  
4 us have iPads, it is really hard to find the PCB  
5 on the DOE website. Because I know you mentioned  
6 in your testimony that some of the information  
7 that you reiterated is here. But it says, it's  
8 very hard to find, if it's here, I'm pretty--

9 KATHLEEN GRIMM: We'll take a look  
10 at that.

11 COUNCIL MEMBER BREWER: --  
12 technologically savvy, and it's not there.

13 KATHLEEN GRIMM: Okay.

14 COUNCIL MEMBER BREWER: The  
15 question is, I obviously have PS199, which I know--  
16 -

17 KATHLEEN GRIMM: Mm-hmm.

18 COUNCIL MEMBER BREWER: --  
19 Chancellor Grimm has been very involved with. And  
20 also O'Shay Complex, of course is now quite  
21 panicked. And then we have other schools that  
22 have a list. I don't know if it's your list--  
23 O'Shay is 77th Street. Anderson Computer. And  
24 what we call Scott Parker School, 452. So, those  
25 are the schools, and there's a lot of others on a

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2 list put together by the parents, for those are  
3 the ones I'm most concerned about. My question  
4 is, how do you, I know at 199 they're concerned  
5 about encapsulating some of the fire doors, and  
6 they've written to you, and I assume that you will  
7 deal with that issue before Thanksgiving, which is  
8 their request. My que--my, I guess what I want to  
9 know specifically is, how do you go about  
10 following up on Council Members who've asked about  
11 contacting parents and giving them information?  
12 Because there's, the fact is, 199 was a bit of an  
13 earlier school, so you had a lot of unknowns, and  
14 now we have others where the pilots have given you  
15 some information. So how do you make this  
16 information, once it goes to school facilities,  
17 not panicked, but educated? How do--that's not  
18 happening, with all due respect, right now.

19 KATHLEEN GRIMM: Oh, then we should  
20 go offline and talk about where that's not  
21 happening, Councilwoman, because as I said in my  
22 remarks, we have protocols in place, where we  
23 reach out to principals, where we provide  
24 principals with a letter to backpack to parents.  
25 Where we offer princi--tell principals that if

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2 there are concerns among their larger schools  
3 community, we will come in and we will meet with  
4 them. And I think that program and that protocol  
5 has been very successful. So, if you have  
6 specific places, let's talk about that and we will  
7 address it.

8 COUNCIL MEMBER BREWER: Okay, but  
9 how much, how much of this information goes up on  
10 the website in a positive way, explaining things?  
11 Right now, I don't see much. Could you, somebody  
12 talk about what you do make public? So that  
13 people know the lists of the schools. Facts,  
14 nobody wants innuendos, nobody wants rumors. But  
15 how do you give people facts? Last night, we had  
16 an excellent--which I know your colleague sitting  
17 there was there, excellent discussion, with EPA  
18 and Ross and others, talking about these issues.  
19 There's still a great need for this kind of  
20 education. So, I'm wondering, how do you answer  
21 specific questions? 'Cause, you know, obviously  
22 199 has questions, based on a lot of experience.  
23 But these other schools don't really know what's  
24 next. That is, with all due respect, that is not  
25 clear. Because even though you think you know

1  
2 what is in the light fixtures, and you don't worry  
3 about the caulking, you worry about the earth  
4 around the school, which is a 199 issue. The list  
5 is endless, what you can worry about. And how, I  
6 still don't think, because there's not a lot of  
7 information on the web. I don't think that  
8 there's that kind of discussion where there are  
9 quick responses that could cut down on some of the  
10 challenging rumors that get circulated. So, I'd  
11 like to, I do think you need a lot of work, even  
12 though there's a protocol, there's a lot more work  
13 that could be done. What, what came out of the  
14 studies, where is that posted, what's the role of  
15 the custodians? All of those kinds of issues.

16 KATHLEEN GRIMM: Mm-hmm. We'd be  
17 happy to meet with you and go through all of  
18 those, those items. We do, as I say, we have the  
19 protocol for outreach, we do the meetings, we do  
20 the postings, in terms of information. And if you  
21 have suggestions, we'd more than welcome them.

22 COUNCIL MEMBER BREWER: Okay, so  
23 what do you think came out of the pilot studies.  
24 Is there anything that could be shared that came  
25 out of the pilot studies on health issues or

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improvement to the protocols?

KATHLEEN GRIMM: Well, there were, there were two main things that came out, that have emerged from the pilot. One is that basically the air levels in our schools are good. And secondly, that although the pilot study started out focused on caulk, we learned that the lighting ballasts were the, was the bigger problem, one of the bigger problems.

COUNCIL MEMBER BREWER: Okay, but at some schools, like 199, maybe it's an anomaly, but the fact of the matter is the lights are changed and the wonderful machines are keeping the air level good, but there's still a big question mark.

KATHLEEN GRIMM: As, as you know, at 199, we are continuing to work with the school and with the difficulties that we're finding there.

COUNCIL MEMBER BREWER: Okay, but I'm just saying, that's an example where you have kept in communication, but there may be similar situations in other--Finally, oil, I know that at the last hearing, we mixed oil and PCBs. And I'm

1

2 just wondering, as you're pref--doing some of  
3 these challenges, I know you were not in support  
4 of also looking at changing the oil. Is that  
5 still not something that you're going to work on?

6

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KATHLEEN GRIMM: No, we are  
changing the oil.

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COUNCIL MEMBER BREWER: All right,  
so is it the same time, when you're--is it the  
same list of schools? Is it a different list of  
schools? Obviously not every school has PCBs ,not  
every school has number six, etc.

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KATHLEEN GRIMM: Right, - - , I  
believe it's a different list. We are addressing  
all schools that have, what, number four and  
number six oil. And over whatever the plan  
timeframe is, we will be replacing that.

18

19

COUNCIL MEMBER BREWER: And that's  
all up on the web, which school is when?

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22

KATHLEEN GRIMM: Is that on the  
web? We don't think so, we'll take a look at  
that, good point.

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COUNCIL MEMBER BREWER: and that  
could be up on the web, also, so people--

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KATHLEEN GRIMM: Absolutely, sure.

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COUNCIL MEMBER BREWER: --can feel  
that their school is--

KATHLEEN GRIMM: Absolutely.

COUNCIL MEMBER BREWER: --  
completely healthy? I'd be glad to work with you  
on websites, I'm very good on websites.

KATHLEEN GRIMM: Yes, you are.

COUNCIL MEMBER BREWER: And getting  
information up. I would be glad to do that.

KATHLEEN GRIMM: Thank you.

COUNCIL MEMBER BREWER: My final  
question is, 199's encapsulating of the fire  
doors--that letter will be addressed and that  
issue? Are you--?

KATHLEEN GRIMM: Is that the letter  
we just got?

COUNCIL MEMBER BREWER: You just  
got it, yes.

KATHLEEN GRIMM: Yes, we're looking  
at that.

COUNCIL MEMBER BREWER:  
Immediately. Okay. Thank you.

CHAIRPERSON JACKSON: Thank you,  
Council Member Brewer. You know, we've been

1  
2 joined by our colleagues, I guess, because of my  
3 getting a little emotional, I forgot to introduce  
4 Eric Ulrich, from my colleague from Queens; and  
5 David Greenfield, I've already mentioned him  
6 already; David Greenfield of Brooklyn; and Lew  
7 Fidler of Brooklyn. [background comment] That's  
8 okay. Deputy Chancellor, I have a letter in my  
9 hand dated March 1st, from I guess Angel  
10 Rodriguez, the Principal of MS302 in The Bronx, to  
11 members of the school community, talking about,  
12 you know, PCBs and their removal. And the letter  
13 is dated March 1st, and it says that they will  
14 remove just the ballasts and what have you, during  
15 the winter break, and which will be February 28,  
16 2011. So, here's a letter that is going out to  
17 the school community, I'm sorry, no 11. It went  
18 out, this letter went out after, supposedly, that  
19 when they were going to remove the PCBs from the  
20 schools.

21 KATHLEEN GRIMM: I don't have the  
22 letter, so I'm at somewhat of a disadvantage here.

23 CHAIRPERSON JACKSON: I mean, this-  
24 -if I received this letter, I would read it and  
25 say, "Huh?" Wait a minute, you're sending this to

1

2 me after the fact? That's what it says. Right  
3 there. [background comments]

4 KATHLEEN GRIMM: You know, I'm at a  
5 disadvantage--

6 CHAIRPERSON JACKSON: I know you  
7 are, that's--

8 KATHLEEN GRIMM: I don't know--

9 CHAIRPERSON JACKSON: --I wanted to  
10 catch you at a disadvantage.

11 KATHLEEN GRIMM: --the facts.

12 CHAIRPERSON JACKSON: No, I'm  
13 joking, Kathleen.

14 KATHLEEN GRIMM: Well, you have  
15 caught me.

16 CHAIRPERSON JACKSON: But no,  
17 seriously, this is, this is a problem.

18 KATHLEEN GRIMM: It--I don't have  
19 the facts.

20 CHAIRPERSON JACKSON: I know, I  
21 know you don't. But--

22 KATHLEEN GRIMM: I don't know the  
23 facts.

24 CHAIRPERSON JACKSON: This speaks  
25 for itself, though.

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KATHLEEN GRIMM: This, this--

CHAIRPERSON JACKSON: This speaks for itself, it's dated March 1st, it said they will deal with it during the winter break, of February 28th. That's a problem.

KATHLEEN GRIMM: I have to get the facts for you.

CHAIRPERSON JACKSON: No, I understand.

KATHLEEN GRIMM: There are several things this might reflect, but I don't want to speculate until I know.

CHAIRPERSON JACKSON: All right, well, I, but I tell you as a, as a parent, this reads for itself, it says, "For each leaking ballast reported, immediate corrective action," this is what y'all said, "will be taken by the end of the winter break." The end of the winter break (Monday, February 28, 2011, by DOE Facilities).

KATHLEEN GRIMM: Sounds very odd to me.

CHAIRPERSON JACKSON: No, that sounds appropriate, but to say, to send it out March, after the fact--

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KATHLEEN GRIMM: I understand the question. I do not have an answer.

CHAIRPERSON JACKSON: [laughs]

KATHLEEN GRIMM: You will have one by Monday morning.

COUNCIL MEMBER IGNIZIO: We need to bill for that. Oh!

CHAIRPERSON JACKSON: No. But okay, let me, let me turn to our colleague David Greenfield of Brooklyn.

COUNCIL MEMBER GREENFIELD: Thank you very much. And I apologize, I'm going to have to sneak out of here soon, because Shabbos starts very early these days. So, I do, I want to follow up on, on a couple of, on a couple of questions. Specifically, the question that was posed by Council Member Steve Levin. In terms of just understanding protocol, because I think it's, it's indisputable that when it comes to women who are, women who are pregnant, that PCBs can have a significant negative effect. Of course, the question of course is how much time and how much PCBs, but it's obviously a pretty serious consideration. And quite frankly, my wife was a

1  
2 pregnant public school teacher, and so this, it's  
3 sort of an issue that is sort of close to home for  
4 me. And it's just, you know, looking back, you  
5 sort of wonder, sort of what the protocol is. And  
6 so, in terms of is there a protocol for women, at  
7 the very least women who we know are pregnant, in  
8 terms of, in relation to incidents of, of PCB  
9 exposure? Is there some sort of protocol the DOE  
10 has now, or not really?

11 KATHLEEN GRIMM: [pause] We do not  
12 believe that any of our school buildings are  
13 unsafe, Council Member.

14 COUNCIL MEMBER GREENFIELD: No, of  
15 course, Deputy Chancellor--

16 KATHLEEN GRIMM: So there's no--

17 COUNCIL MEMBER GREENFIELD: --I  
18 don't--

19 KATHLEEN GRIMM: --there's no  
20 protocol--

21 COUNCIL MEMBER GREENFIELD: Yeah.

22 KATHLEEN GRIMM: --in place, other  
23 than the plan we have put in place both short term  
24 and long term, to address PCBs in our schools.

25 COUNCIL MEMBER GREENFIELD: I'm

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2 certain you don't believe that any schools are  
3 unsafe, and I, Chancellor, knowing you for a  
4 while, I know that you do this in good faith, and  
5 I don't believe that you would send kids to a  
6 school that's, god forbid, unsafe.

7

KATHLEEN GRIMM: Thank you.

8

COUNCIL MEMBER GREENFIELD: My  
9 question is that if there is an incident, or if  
10 there is an exposure, which could happen on an  
11 occasion, is there some sort of plan in place,  
12 sort of that deals with that? Especially in terms  
13 of, I understand that you obviously would take the  
14 kids out of the class, right? I mean, that's--  
15 right, if there was, if, if you found exposure in  
16 a classroom, let's start with the basics, right.  
17 You would move the children. Is that correct?

18

KATHLEEN GRIMM: We do. We do,

19

yes.

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COUNCIL MEMBER GREENFIELD: Okay,  
21 so my question is specifically, have you ever  
22 thought about the concern--

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KATHLEEN GRIMM: And the staff.

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COUNCIL MEMBER GREENFIELD: I'm

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sorry?

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KATHLEEN GRIMM: And the staff.

COUNCIL MEMBER GREENFIELD: And the children and the staff. Okay. Have you thought about, is there any special consideration when it relates to women who are pregnant. That's my questions specifically. And I'm certain that you take the appropriate measures once you find out that there's a situation and you try to remediate it. But it is, is there a special consideration? Is there some sort of thought process that, you know, well there's a leak in the school, maybe we should give them an opportunity to teach in a different location? Or is there any sort of, any sort of protocol that deals with that? Or not?

KATHLEEN GRIMM: No, there is not.

COUNCIL MEMBER GREENFIELD: Sort of--there is not a protocol.

KATHLEEN GRIMM: There is not.

COUNCIL MEMBER GREENFIELD: Okay. Is it something that you potentially want to consider? I mean, if we can give you the data, 'cause I understand that you didn't hear that. But there was a, there was a whole panel of experts, nationally recognized experts, and they

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2 didn't agree on a lot, but they did agree on this  
3 one issue, unanimously, and I went, I actually, I  
4 actually went down the line and they all said the  
5 same thing, that the most serious concern would be  
6 for someone who's pregnant, so--

7

KATHLEEN GRIMM: You should share  
8 any data you have with us, and we will consult  
9 with our experts at the Health Department.

10

COUNCIL MEMBER GREENFIELD: Great.  
11 Where, in terms of the process of remediating it,  
12 I remember last time we were here, I think you  
13 were talking about an RFP that was being--

14

KATHLEEN GRIMM: Yes.

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COUNCIL MEMBER GREENFIELD: --  
16 issued. Where are we, where are we in that  
17 process? Can you update us?

18

KATHLEEN GRIMM: We are awarding  
19 those contracts.

20

ROSS HOLDEN: We have already had  
21 the solicitation, we've retained five ESCOs which  
22 the Deputy Chancellor mentioned earlier. And have  
23 them under, two of them under contract, the rest  
24 after they're prequalified will be under contract  
25 with the School Construction Authority, and we

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start assigning them projects. So that will be done momentarily.

COUNCIL MEMBER GREENFIELD: Got it.

So, two of them, there's five of them that have been selected, two have started, and the others will be shortly.

ROSS HOLDEN: That's right.

COUNCIL MEMBER GREENFIELD: Okay.

And that's, I mean, and that's, is that the, is that the completion of the ESCOs, or will you be ramping up sort of in the future? Or those are pretty much the ones that are going to get the contract, and then we'll deal with it from here on in?

ROSS HOLDEN: Those are the ones that we'll have for the remainder of this five year capital plan. We do anticipate other solicitations as we go along.

COUNCIL MEMBER GREENFIELD: So there is a potential to add down the road?

ROSS HOLDEN: Yes.

COUNCIL MEMBER GREENFIELD: Got it. Okay. I think I'm good. I would just add, Deputy Chancellor, I don't know if it falls under your

1  
2 jurisdiction either, but I would, I would echo  
3 the, the concerns that the Mayor expressed earlier  
4 today, regarding the possibility of an illegal  
5 school bus striker, which I think would cause a  
6 lot of chaos and dysfunction, and to the extent  
7 that any authority or powers that you would have,  
8 would very much encourage you to use that, so that  
9 the lives of millions of New Yorkers are not  
10 disrupted in the future.

11 KATHLEEN GRIMM: We are all  
12 concerned.

13 COUNCIL MEMBER GREENFIELD: Thank  
14 you very much, Deputy :Chancellor, and I wish you  
15 a good weekend.

16 KATHLEEN GRIMM: You, too. Good  
17 Shabbos.

18 CHAIRPERSON JACKSON: Thank you,  
19 Council Member Greenfield. Council Member Levin.

20 COUNCIL MEMBER LEVIN: Thank you,  
21 Mr. Chairman. I just had a couple of follow up  
22 questions. So, just talking about caulking. So,  
23 in September of this year, there were parent  
24 groups that went in and, and tested some, some  
25 caulking on their own, at a number of schools, one

1  
2 of which, PS 38, is in, is in the district that I  
3 represent. A, how has the Department of Education  
4 responded to that? And has the Department of  
5 Education confirmed the results that they found?  
6 Because, because and the reason I ask is because  
7 you guys brought it up with regard to caulking not  
8 being as much of a concern, as the, as the  
9 lighting, and is I'm just curious what the  
10 response has been to that.

11 [pause]

12 KATHLEEN GRIMM: This, I believe,  
13 was a group that went into several of our schools,  
14 and did testing. Groups and parents should not be  
15 doing independent testing in our schools.

16 COUNCIL MEMBER LEVIN: Well--

17 KATHLEEN GRIMM: We are, I think, I  
18 think we have a very comprehensive plan, we are  
19 monitoring, and we are doing all of the  
20 appropriate testing, and we will continue to do  
21 so. Does not help things for people to go in, in  
22 an uncontrolled situation, and do testing.

23 COUNCIL MEMBER LEVIN: Okay, with  
24 all due respect, Deputy Chancellor, that did not  
25 answer my question. My question was, how has the

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2 Department of Edu--has the Department of Education  
3 confirmed those results? Have they gone into  
4 those schools to check themselves? Have you guys  
5 gone into check those results? Because if,  
6 because without, without refuting it, the only  
7 thing that we have to go on is that they found  
8 elevated levels, and unless you refute that, then  
9 that's the, that's what we have to assume is the  
10 case, and that there's elevated levels in caulking  
11 in those schools.

12 KATHLEEN GRIMM: I am not sure. I  
13 will have to follow up on that.

14 COUNCIL MEMBER LEVIN: I mean, but  
15 are you going to test it? Are--

16 KATHLEEN GRIMM: I have to follow  
17 up on the situation. I am not, I do not have the  
18 facts before me.

19 COUNCIL MEMBER LEVIN: It's been  
20 several months. I mean, have you discussed it?

21 KATHLEEN GRIMM: No. We are here  
22 to testify on two proposed pieces of your  
23 legislation. I do not have information on that  
24 testing, which was done by an outside group. I  
25 will provide that to you by Monday.

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2 COUNCIL MEMBER LEVIN: Thank you  
3 very much. I wanted to ask about working with  
4 environmental contractors. Have, has the  
5 Department of Educa--Has SCA and Department of  
6 Education sat down with that--industry leaders and  
7 Environmental Contractors Association, for  
8 example, of New York, to talk about the  
9 environment? 'Cause they, to, they have a lot of  
10 experience in a wide range of environmental  
11 remediation?

12 ROSS HOLDEN: As we have been  
13 working closely with the United States Department  
14 of Energy, in fact one of their representatives on  
15 performance contracting like this, came out to our  
16 offices, participated in our solicitation process,  
17 gave us advice, information. We've also been in  
18 touch with the State of Pennsylvania, and the  
19 State of Washington, which has had a long history  
20 of doing performance contracting of this sort, to  
21 get information, documentation, helped us along  
22 with our solicitation process.

23 COUNCIL MEMBER LEVIN: Okay, more  
24 specifically about environmental contractors,  
25 because--and you mentioned the Department of

1  
2 Energy, there's, there's a whole industry of  
3 environmental contractors that have experience in  
4 hazardous material of this sort, asbestos and lead  
5 and that type of thing. Have they been brought to  
6 the table? Because they have experience here in  
7 New York City.

8 ROSS HOLDEN: The SCA has contracts  
9 already with environmental consultants and  
10 contractors. We deal with a lot of issues all the  
11 time, asbestos and other things, of course, so,  
12 we, we have, at both the SCA and the Department of  
13 Education, environmental experts. And we have  
14 consultants that do that, as well. In addition,  
15 we have obtained assistance with respect to the  
16 energy service contracting industry, and we use  
17 that during our solicitation.

18 COUNCIL MEMBER LEVIN: Following up  
19 on a previous question, because I consulted with  
20 the Education Committee staff, about the list of  
21 schools, and you said that that's--they said that  
22 they asked and they didn't get it. Do you have--  
23 they asked--

24 KATHLEEN GRIMM: For what?

25 COUNCIL MEMBER LEVIN: For a list

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of the schools.

KATHLEEN GRIMM: Of what schools?

COUNCIL MEMBER LEVIN: Of the 772 schools.

KATHLEEN GRIMM: It's on our webpage, but--

COUNCIL MEMBER LEVIN: Can you provide us, what I would like to know is can you provide us with a link right now? It's--

CHAIRPERSON JACKSON: Is it on your, is it on your website?

KATHLEEN GRIMM: Do you know it?

COUNCIL MEMBER LEVIN: I would like to actually know the link, to be honest with you. I would like to know the link because they, they requested it--

KATHLEEN GRIMM: You can--

COUNCIL MEMBER LEVIN: --it wasn't provided, you said that there's, that it's available publicly.

KATHLEEN GRIMM: Afterward, I--

COUNCIL MEMBER LEVIN: I would like to know the link.

KATHLEEN GRIMM: Afterward I would

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like to know who they requested.

CHAIRPERSON JACKSON: Okay.

KATHLEEN GRIMM: But in the meantime, 20 minutes after we leave here, you'll have the link.

CHAIRPERSON JACKSON: Okay. So, I guess more specifically, and maybe you may not know, Deputy Chancellor, does--is it on the DOE's website, or do we have to, is there a link--

KATHLEEN GRIMM: It's on the website, isn't it?

CHAIRPERSON JACKSON: --to the Department of Health? Or SCA? Where is it directly? Does anyone know here? I know that we can have it afterwards, but I would think that somebody should know here.

KATHLEEN GRIMM: Just give me one minute.

CHAIRPERSON JACKSON: Yeah, go ahead, please.

[pause]

KATHLEEN GRIMM: I may, I may be incorrect. It may not currently be on the webpage.

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COUNCIL MEMBER BREWER: [off mic]

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But it will be.

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KATHLEEN GRIMM: It will be, you

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bet.

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CHAIRPERSON JACKSON: Okay, thank

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you. Well--

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COUNCIL MEMBER BREWER: [off mic]

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Along with my oil schools.

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KATHLEEN GRIMM: Along with your

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oil schools.

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CHAIRPERSON JACKSON: Thank you.

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KATHLEEN GRIMM: My apologies.

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COUNCIL MEMBER LEVIN: Thank you,

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Deputy Chancellor. Thank you, Mr. Chairman.

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CHAIRPERSON JACKSON: I just have

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one or two questions, then we're going to move to

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the next panel. And I ask this question, I don't

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know the answer. Is it true that lighting

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fixtures that were manufactured after the PCBs

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were outlawed in 1979, is it true that these light

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fixtures have signs that say that the do not

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contain PCBs?

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KATHLEEN GRIMM: Yes, it is true.

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CHAIRPERSON JACKSON: Okay. So,

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and what are, the ones prior to that, they don't have anything, is that correct?

KATHLEEN GRIMM: That's my understanding.

CHAIRPERSON JACKSON: Okay. That's one question. And then, who is responsible, or would be responsible, for collecting the data for reporting all of this information is, for example, is this information that the energy service contractors already track when conducting the work? Or is it, do they report that to DOE? Or SCA? Or Department of Health? Or the--DCAS?

KATHLEEN GRIMM: ESCO? The ESCO contractors?

CHAIRPERSON JACKSON: Yeah.

KATHLEEN GRIMM: They, those contracts are under the auspices of the SCA, so they are monitoring those contracts.

CHAIRPERSON JACKSON: And then--

KATHLEEN GRIMM: But this entire effort, in terms of the information from our schools, information for the ESCOs specifically comes through the SCA, comes through school facilities, for the custodial reviews. And--

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CHAIRPERSON JACKSON: And then it comes to you guys, through the process, is that correct?

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KATHLEEN GRIMM: Yes, correct.

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CHAIRPERSON JACKSON: Okay.

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[background comments] Well, let me thank you for coming in, even though you know I expressed my disappointment at--I couldn't get a very clear direct answer to the scenario that I raised.

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Which was raised before, not specifically like I

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did, but I just, I just wish you would come with

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more direct answers instead of beating around the

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bush. Those are my terms. So thank you for

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coming in, have a good weekend, all of you.

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KATHLEEN GRIMM: Thank you, you,

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too.

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CHAIRPERSON JACKSON: Appreciate

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it.

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FEMALE VOICE: Happy Thanksgiving.

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[pause, background noise]

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CHAIRPERSON JACKSON: Our next

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panel is Chris Proctor, the Director of Safety and

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Health, at the Department, at the United

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Federation of Teachers. And David Newman, the New

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2 York Committee for Occupational Safety and Health.  
3 Please come forward. [pause, background noise]  
4 Okay. Whoever wants to go first, just please  
5 identify yourself. And Sergeant-of-Arms, Gina.  
6 So, please, if you have submission of testimony,  
7 if you can summarize it, we appreciate it. Go  
8 ahead, please.

9                   CHRIS PROCTOR: Good afternoon,  
10 Chairman Jackson, and distinguished members of the  
11 Education Committee. My name is Chris Proctor.  
12 I'm the Director of the UFT Safety and Health  
13 Department, and I thank you all for the  
14 opportunity to speak here today. The UFT strongly  
15 supports both bills. We are very happy that there  
16 are notification and reporting requirements to the  
17 school communities, as well as to the City  
18 Council. We think it's important that the City  
19 Council be able to monitor the progress of the  
20 light fixture removal and replacement program in  
21 the schools. And I also want to highlight it came  
22 up in the talks today, the emergency protocol.  
23 There are emergency protocols that everybody  
24 should know about. When there are smoking or  
25 burning light fixtures, or leaking oil, and that

1  
2 is to evacuate the room immediately, and make sure  
3 that there's an inspection of the light fixture as  
4 soon as possible. We publicize these protocols  
5 regularly in our weekly chapter leader alert. And  
6 I know the DOE has notified their custodians. But  
7 we want to make sure the whole school community  
8 knows this everywhere. That you have to get out  
9 of the room right away. And then, lastly, while  
10 it's good that the DOE has put together a  
11 comprehensive plan to remove and replace light  
12 fixtures, we're very disappointed in the timeline.  
13 And we really think it should be done within two  
14 to five years. Preferably two, but certainly  
15 within five. And we think they can do it. So,  
16 that's really our testimony in a nutshell.  
17 Thanks.

18 CHAIRPERSON JACKSON: Thank you.  
19 Next, please.

20 DAVID NEWMAN: Good afternoon. My  
21 name is Dave Newman, I'm an industrial hygienist  
22 with the New York Committee for Occupational  
23 Safety and Health. Thanks for this opportunity to  
24 present our comments. NYCOSH has been providing  
25 technical assistance and comprehensive training to

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2 unions, employers, community based--community  
3 based organizations and government agencies for  
4 over 30 years. NYCOSH is particularly interested  
5 in the issue of PCBs in schools as we work closely  
6 with unions that represent teachers, school  
7 maintenance workers and contractors, all of whom  
8 are potentially impacted by PCB containing  
9 materials in schools. The school populations  
10 likely to have the highest PCB exposures and risks  
11 are the school maintenance workers and  
12 contractors, who maintain and replace PCB caulk,  
13 ballast and other PCB materials. These workers  
14 are the proverbial canaries in the coalmine for  
15 the school community. The best way to protect  
16 students, teachers and staff against PCB exposure  
17 is to ensure that school maintenance workers are  
18 protected at the source. NYCOSH supports Intros  
19 563-A and 566-A. These measures together  
20 constitute an appropriate first step in  
21 establishing a systematic, transparent, protocol  
22 for identifying, assessing and controlling PCB  
23 hazards and schools. It is not necessary to  
24 reinvent the wheel to do so. The same  
25 comprehensive approach that EPA already uses for

1  
2 asbestos in schools can serve as a model for PCBs  
3 in schools. We urge the Education Committee and  
4 the Council to adopt requirements for  
5 comprehensive written PCB operations and  
6 maintenance programs, modeled on EPA's Asbestos  
7 Hazard Emergency Response Act. This would include  
8 bulk sampling to identify proactively in-place  
9 PCBs, labeling of all in-place PCBs, inventories  
10 of PCB containing or PCB contaminated building  
11 materials, science based criteria for removal and  
12 disposal, a significantly accelerated program to  
13 replace PCB containing ballasts, including  
14 immediate removal of leaking ballasts, regular air  
15 sampling, regular visual inspections,  
16 recordkeeping of inventory sampling and inspection  
17 results, training for building maintenance workers  
18 and contractors, and notification to the school  
19 community as to where PCB materials are located.  
20 NYCOSH thanks the Council Committee on Education  
21 for introducing Intros 563-A and 566-A and for  
22 this opportunity to comment on them.

23 COUNCIL MEMBER IGNIZIO: Thank you.

24 DAVID NEWMAN: And you have our  
25 testimony.

1  
2 COUNCIL MEMBER IGNIZIO: Thank you,  
3 Mr. Chairman. I want to just point out the fine  
4 work really done by Chris Proctor and, and I  
5 wanted to really thank you. Honestly, without  
6 your guidance and help, people always like to  
7 throw stones at government, and they pit this  
8 person against that person, but not for the  
9 collaboration of you and your expertise and the  
10 people in your shop, working with myself, and my  
11 colleague, Steve Levin, and with the, the whole  
12 conglomerate that was together, it really wouldn't  
13 have happened. So I wanted to single out, I asked  
14 RJ if I could speak to say that, point out. Thank  
15 you, we appreciate it, and ultimately we all  
16 believe, whether it be the DOE or this Committee  
17 or you, we're trying to make our schools as  
18 healthy as possible. So, it's important that, you  
19 know, publicly I show my appreciation and let you  
20 know how grateful I am to have been able to work  
21 with you, to write these legislation.

22 CHRIS PROCTOR: All right, well I  
23 have to say, first of all, thank you. And my  
24 sentiments about you, too, Councilman Ignizio, for  
25 your leadership, and the leadership of this

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2 Committee. I mean, you've done so much to really  
3 make our schools healthier and safer.

4 COUNCIL MEMBER IGNIZIO: And thank  
5 you very much. I'm somewhat of a junkyard dog, my  
6 colleague and I. But you know, one year ago, we  
7 did not have a protocol in place. You know, DOE  
8 would almost pretend like they did. And in my  
9 first meeting, it was "How are we going to address  
10 this in a comprehensive way, with the short term  
11 the midterm and long term?" And quite frankly,  
12 the ideas of how we implemented that came from  
13 this working group which works so well, and that  
14 was what is currently the rules and regulations  
15 today. The DOE would have you believe they did it  
16 on their own; that didn't happen that way, but for  
17 the push from the media, from this Committee, and  
18 people working together, it wouldn't happen. So,  
19 I appreciate it and wanted to convey that  
20 publicly. Thank you.

21 CHRIS PROCTOR: Thank you.

22 CHAIRPERSON JACKSON: Thank you.

23 Council Member Brewer, please.

24 COUNCIL MEMBER BREWER: Two  
25 questions. One is, I just was wondering, I happen

1  
2 to be very partial to the custodial union, 'cause  
3 I think tremendously of the president. But do you  
4 think they do get enough training? Obviously, we  
5 heard today that they're only supposed to do  
6 certain things, although I know many wonderful  
7 custodians, and they go beyond their usual duties,  
8 just 'cause they are that good. So, I want to  
9 know about the custodial. And the second issue  
10 is, with schools in my situation, I've been  
11 working with PS 199. But these, we have a list  
12 from the parents of about six or seven other  
13 schools. What do you think the best protocol is?  
14 We heard that there's a protocol, we know that  
15 it's on paper. I'm just wondering if you think  
16 it's sufficient? Those are my two questions.

17 CHRIS PROCTOR: You want to answer  
18 about the custodians?

19 DAVID NEWMAN: Sure.

20 CHRIS PROCTOR: Okay.

21 DAVID NEWMAN: Well, with regard to  
22 the custodians, I think certainly the appropriate  
23 people to answer that are custodians themselves,  
24 and I don't pretend to speak for them. But we  
25 certainly have anecdotal accounts of not only

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2 inadequate training but a lack of training of PCB  
3 specific training. So, I do have some high level  
4 of concern about that. You want to address the  
5 other question?

6 CHRIS PROCTOR: Yeah. And in terms  
7 of, I just want to piggyback onto what Dave said,  
8 I can't speak, either, for the training, that  
9 would be a DOE question. But there's always a  
10 need for more training. And for refresher  
11 training, to make sure. That's why we  
12 periodically issue the emergency protocols in our  
13 chapter leader alert. We want to make sure our  
14 chapter leaders inform the school community that  
15 if there's a burning, smoking, leaking light  
16 fixture, that that needs to be reported  
17 immediately and the room evacuated. And in terms  
18 of the protocol, could you repeat the--

19 COUNCIL MEMBER BREWER: Sure, I'm  
20 just, in other words, we were one of the first  
21 schools at PS 199, two or three years ago, so that  
22 was a very bumpy protocol. And it's ongoing. So,  
23 now I have about six or seven more schools that  
24 are on at least a parent least; I'll wait to see  
25 what appears on the web, in terms of the 700-

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2 whatever, 54 schools. But my question is, do you  
3 feel that the protocol is adequate? It is, it is  
4 very disconcerting, and that's a very nice word  
5 compared to how parents feel when they, in one  
6 particular building, there are three different  
7 schools with three different cultures. And the  
8 school building is being told that they have a  
9 fairly high level of PCBs, just starting the  
10 process. So my question is, do you feel that the  
11 protocols that are in place are adequate as  
12 described by DOE today, and obviously your  
13 teachers are very involved. The teachers in my  
14 community are pregnant, they do not stay in that  
15 school, they leave.

16 CHRIS PROCTOR: No, I--

17 COUNCIL MEMBER BREWER: So--

18 CHRIS PROCTOR: We're aware of  
19 members who are.

20 COUNCIL MEMBER BREWER: Right. So,  
21 I'm just, teachers are one issue, the parents and  
22 kids are another. Obviously safety being number  
23 one. So my question is, do you feel that the  
24 protocols that are in place a) are they being  
25 adhered to, and secondly, are the ways that they

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could be improved.

CHRIS PROCTOR: No, I think they definitely can be improved, especially with comprehensive communication. I think right now, it is piecemeal. And, and schools need to be informed in a comprehensive way. Here are the PCB issues in your school, this is what we're doing about it. You know, this is where you are on the list, so that, so that everybody knows.

COUNCIL MEMBER BREWER: Okay, and that's happened, perhaps with Staten Island, 'cause a Council Member got involved, but generally it needs to have. I find there needs to be more communication.

CHRIS PROCTOR: Right.

COUNCIL MEMBER BREWER: I'm glad to hear that you do, also.

CHRIS PROCTOR: Yes, yes, definitely more communication, with all the schools.

COUNCIL MEMBER BREWER: Okay, right.

DAVID NEWMAN: I would second what Chris said, but I would also add that I don't see

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2 much evidence in place that there, that there is a  
3 protocol that is health based. I think  
4 essentially what we have, particularly with regard  
5 to the ballasts, is a ten year program for energy  
6 efficiency, which is absolutely commendable and  
7 laudable and what they've done is tacked on some  
8 measures around the edges, and that's how they got  
9 the ten year figure, which was in place before the  
10 PCB controversy. And we need, really what we need  
11 is a school centered, health centered protocol,  
12 and the thrust of our testimony was an effort to  
13 suggest one such existing template for that, which  
14 is the protocols for asbestos, which we think in  
15 many ways, not in every way, but in many ways are  
16 analogous to the issues of PCBs in schools.

17 COUNCIL MEMBER BREWER: I agree.

18 Thank you very much.

19 CHAIRPERSON JACKSON: Thank you.

20 Well, thank you both for coming in and giving  
21 testimony. Our next panel is Christina Giorgio  
22 from New York Lawyers for Public Interest;  
23 Michelle Lipkin [phonetic], Parent, Parents and  
24 Public School; Leon Tolten [phonetic], PCB Free  
25 School Coalition; and Michael Schage, Center for

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2 Health, Environment and Justice, CHEJ. Please  
3 come forward. [pause, background noise] Okay.  
4 If you have copies of your testimony, you can give  
5 it to the Sergeant-of-Arms. Gina, there's  
6 another. [pause, background noise] Okay. I  
7 guess in the order that I called, whoever's first-  
8 -

9 CHRISTINA GIORGIO: Christina  
10 Giorgio.

11 CHAIRPERSON JACKSON: It's you!

12 CHRISTINA GIORGIO: Okay.

13 CHAIRPERSON JACKSON: Just identify  
14 yourself.

15 CHRISTINA GIORGIO: [laughs] Good  
16 afternoon, Council Members. It's such a pleasure  
17 to be here. My name is Christina Giorgio, and I'm  
18 a staff attorney with New York Lawyers for the  
19 Public Interest, in our Environmental Justice  
20 Department. And, you know, we did submit detailed  
21 testimony, and I'll do my best to summarize and  
22 cut to the chase, but I'm also hoping to have an  
23 opportunity to respond to some of the DOE's and  
24 the SCA's comments this morning, 'cause I think we  
25 can provide some additional information to the

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2 Council's questions. First off, we absolutely  
3 support these bills. We want to thank the  
4 sponsors, we want to thank the Chairman, and the  
5 Committee on Education for addressing the concerns  
6 that parents have about the DOE's continuing  
7 failure to disclose really vital information about  
8 PCBs in their children's schools. And we would  
9 also like to make some recommendations for some  
10 modifications to the bill 563, that we believe  
11 could greatly enhance its effectiveness. With  
12 regard to our support and our recommendation,  
13 they're really grounded in two things. One, we  
14 talked about the extensive community campaign to  
15 rid the schools of the PCBs; and then also the PCB  
16 litigation that NYLPI has been involved with in  
17 terms of representing parents. And from both the  
18 organizing, both the campaign and the litigation,  
19 we have seen over and over and over examples of  
20 the DOE not disclosing vital information, or  
21 making it very difficult to find. And we of--we  
22 saw that this, this afternoon, concerning the  
23 question of the list of schools. And I would like  
24 to just give a couple examples of the DOE and the  
25 SCA's lack of disclosure, because I think it

1  
2 really goes to why this bill, why these bills are  
3 so important. And I'm particularly excited after  
4 hearing on the testimony this morning, it's going  
5 to go a long way to advancing the parents' and the  
6 school communities' right to know. But  
7 particularly with regard to some of the recent  
8 examples relating to pilot study, I want to point  
9 to two critical things. Currently, there is the  
10 pilot program going on, you know, that tests, and  
11 the results relating to this summer's pilot  
12 program. So, 2011. The DOE said that they  
13 disclosed all the information comprehensively on  
14 their website. Well, if you go there, you will  
15 see that the parents are still waiting for  
16 information concerning when, whether any testing  
17 has been done on the caulk and whether any testing  
18 has been done on the light ballast. So, that has  
19 not been disclosed. And I want to share that this  
20 exact situation happened last summer, where we  
21 went to their website where they said they were  
22 disclosing all this comprehensive information, and  
23 there was yet again this no, no information about  
24 the testing on the caulk and the testing on the  
25 light ballast. And we tried for a very long time

1 through FOILs to get this information from the  
2 DOE. We couldn't get it, so we FOILED the EPA,  
3 who I want to say, for the record, has been  
4 absolutely outstanding in responding to our FOILs.  
5 Very prompt, and extremely thorough. And through  
6 the EPA, we were able to get the information on  
7 the testing. Then, the New York Times wrote an  
8 exposé on the DOE's dragging their feet and  
9 withholding information, for nearly two years.  
10 And only then did the DOE post this information on  
11 the website. So, I'm wondering if we have to yet  
12 run another, we have to wait for the Times to run  
13 another story on the DOE's testing? I also want  
14 to know that Ms., Deputy Chancellor Grimm made a  
15 note saying that the air testing is [time bell]  
16 that the air testing is coming back clean, that  
17 the air is good results. I won't to note that  
18 again, in the sum--with regard to the summer tests  
19 of 2010, again they did not disclose the air  
20 testing results. And only after extreme pressure  
21 did they disclose it. And the test results on the  
22 air were mindboggling, they were, they were  
23 extremely beyond EPA guidance. Very disturbing.  
24 And this same thing is happening yet again, they  
25

1  
2 have not disclosed the air testing, the post-  
3 remediation air testing results. It's not on  
4 their website, and so, you know, it seems very,  
5 really vital for a parent to understand what's  
6 happened post-remediation and they have not  
7 disclosed that information. We also want to  
8 clarify that, that the list of schools, the 1,200  
9 schools that are likely to be contaminated with  
10 PCBs is not to be found on either the SCA's  
11 website or the DOE's website. You know, we have  
12 some of the, the most web savvy researchers in our  
13 office, and they've never been able to find this.  
14 But the good news [laughter] Yay, Gale, yes! But  
15 the good news is that the list does exist on  
16 NYLPI's website, and why that exists on NYLPI's  
17 website is yet again 'cause of the EPA disclosing  
18 to us through our FOILs the list of the schools,  
19 which we then, we compiled and made very easy for  
20 the community to find. And so if you just go to  
21 [www.nylpi.org](http://www.nylpi.org), PCB page, and you will find that  
22 list right there. The DOE may be working to posit  
23 it now, but as right now it's not on there.

24 COUNCIL MEMBER LEVIN: So they  
25 could just put a link to your, to your website.

1  
2 CHRISTINA GIORGIO: They sure  
3 could, they sure could. [background comments]  
4 So, so, I'll talk a little bit, in a minute, about  
5 some of the other things that Ms. Grimm raised,  
6 which I would like to, to respond to, but she also  
7 noted that they're under a legal obligation under  
8 the consent agreement to provide, you know, keep  
9 the parents informed and the community informed.  
10 And that she suggested that they're complying with  
11 this KFO [phonetic]. They're not. They've done  
12 really laggardly job in keeping parents informed.  
13 For example, most recently, they have only held  
14 one parent meeting, at one of the pilot schools  
15 concerning the results over the summer 2011  
16 testing, and that is at 199. And we're really  
17 happy that that meeting took place. But the other  
18 four schools are left without a meeting to, with  
19 the DOE, concerning what happened at their schools  
20 and the risks that their children are facing with  
21 regard to PCB exposure. There's lots of examples  
22 like this. I don't want to, you know, wonderful  
23 people here, I want to make sure everybody has an  
24 opportunity to comment. But I will list, we list  
25 some other things on our testimony and we'd

1  
2 encourage you to review them and ask us any  
3 questions that you need us to respond to. In  
4 terms of some of the other instances where they  
5 have been really remiss in keeping the public  
6 informed, is that with regard to the spot testing-  
7 -I'm sorry, with regard to radical changes made to  
8 the pilot program, on particular schools, 183 I  
9 believe, and, and 3R, none of that information was  
10 shared with the parents. So, these bills are  
11 terrific in terms of helping address the DOE and  
12 the SCA's reluctance to be democratic with regard  
13 to this vital information. But we would like, we  
14 have a couple of recommendations in our testimony.  
15 Just want to point out, too. One, I heard , I  
16 heard discussed today that it's very hard to get  
17 in touch with people during the summer, because  
18 schools are closed. At least for now, luckily the  
19 post office is still delivering mail. Year round,  
20 and so that's one of our recommendations that is  
21 provided to parents actually be put in the mail to  
22 them individually. Because we've found this  
23 posting of the schools, the letter backpack, is  
24 not working, and the parents are not being  
25 informed. And certainly not being informed in a

1  
2 timely manner. The larger recommendation we would  
3 like to make is that we would encourage the  
4 Council to add one more disclosure, and it has to  
5 do with sending out a letter to the parents  
6 letting them know if their child is attending a  
7 school that is of those 1,200 plus schools, that  
8 are likely to be contaminated with PCBs, whether  
9 it's through the caulking, or whether it's through  
10 the T12 lights. And why this is important is  
11 because the DOE is not doing any testing. They're  
12 not doing any testing. And so, for, until they  
13 actually get around to replacing something, which  
14 may be, you know, ten years, potentially, the  
15 parent will not know if his or her child is going  
16 to a potentially contaminated school. So,  
17 therefore, the parent and the school community can  
18 be active participants in reducing the exposure.  
19 'Cause there's great things you can do, you just  
20 got to know about, you got to have the knowledge.  
21 And I know that that's what Council's working to  
22 achieve here. The, as we know, the DOE already  
23 has that list, so it wouldn't be hard to make that  
24 disclosure. And the other thing I want to  
25 mention, and then I'll wrap it up, is that with

1  
2 regard to these inspections, of the lights, we do  
3 know, we've been told, that the DOE has instructed  
4 their custodial staff to do visual inspections  
5 from the ground, to look for leaking, leaking  
6 ballasts. Well, the problem with that is that we  
7 believe the overwhelming majority of the light  
8 ballasts have a metal encasing, so that to the  
9 extent it's dripping, it's being caught in the  
10 metal tray, and it is not demonstrating, you know,  
11 signs of stains or leaking. So, a visual  
12 inspection from the ground is woefully inadequate  
13 to do, you know, call it that you're inspecting  
14 the schools. So, we would very much like to see  
15 Council mandate an actual physical inspection, and  
16 in terms of the DOE taking this position that, you  
17 know, they, they've examined all the lights and  
18 they've addressed all the lights. Simply that's  
19 just, that factually cannot be, it's not factually  
20 correct. The other point is that, to the extent  
21 they're replacing PCB light ballasts, but not, not  
22 removing the entire fixture, once a light ballast  
23 has leaked PCBs, the whole fixture is contaminated  
24 now. And it will volatize PCBs. So, so, once, so  
25 replacing a ballast is not enough. They actually

1  
2 have to replace the entire light fixture. And I  
3 could, I want to turn the, the, you know, mic over  
4 to my wonderful colleagues here, but thank you  
5 very much for this opportunity to testify.

6 COUNCIL MEMBER IGNIZIO: Thank you,  
7 if I may, I just want to speak to one of the  
8 points. I was with them on a visual inspection,  
9 and I talked to the custodian after, so I know he  
10 wasn't lying. They were, they went up with the  
11 ladder into the, into the lights, and shined it.  
12 I don't know if that's what you're referring to,  
13 but I'm, they didn't actually physically take  
14 anything down. But they did go up on the ladder  
15 and look around the, I don't know, the words I'm  
16 not that good at, the ballast, the fixture, the  
17 bulb, the whole, whatever anybody would consider  
18 the light. And upon removal, if they found  
19 leaking, the whole fixture came, went out. I  
20 agree that needs to be codified, but that was the  
21 experience that I had occurred.

22 CHRISTINA GIORGIO: Well, that's  
23 encouraging to hear, and I guess my question would  
24 be, was that in, in the remediation process, or  
25 was it part of just the custodial, the

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instructions that custodians have been given to,  
to look at the lights?

COUNCIL MEMBER IGNIZIO: Right,  
fair question [laughs] I don't know off the top of  
my head.

CHRISTINA GIORGIO: Yeah, 'cause I,  
I think it was probably more through a, you know,  
more comprehensive step, which everything they're  
doing we're, we're happy to, we just feel that  
every school deserves the same attention.

COUNCIL MEMBER IGNIZIO: Thank you,  
thank you, Christina, thank you to the New York  
City Lawyers for the Public Interest--

CHAIRPERSON JACKSON: Thank you.

COUNCIL MEMBER IGNIZIO: --for  
being so helpful.

CHRISTINA GIORGIO: Thank you.

CHAIRPERSON JACKSON: Next, please,  
Jerry. But also, I'm sorry, everyone, if you  
could please keep your comments to the bill and/or  
any comments that, that you disagree with the  
Department of Education or other agencies. Okay?  
Thank you.

LAURA SAMETZ: Hello, I'm Laura

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Sametz, I am testifying on behalf--

COUNCIL MEMBER BREWER: Push the  
button.

LAURA SAMETZ: Thank you.

CHAIRPERSON JACKSON: Go ahead,  
Laura.

LAURA SAMETZ: Thanks. I'm  
testifying on behalf of Michelle Ciulla-Lipkin,  
Co-President of the PS 199 PTA, Co-President of  
the D3 Presidents Council, and Secretary of the  
Chancellor's Parents Advisory Council. This is  
her statement. "As part of the pilot program, PS  
199 has been involved in every detail of PCB  
remediation and knows far too much about the  
dangerous toxin. My concern, however, does not  
lie only with my children's school; my concern  
spreads to my district, throughout the whole city  
where there are so many schools that have been  
tested, not tested, and so many children at risk  
from PCB exposure. I greatly appreciate the City  
Council's efforts to push the Department of  
Education to expedite their parent notification  
process as it relates to PCBs in the schools. I  
also agree with the efforts to make the DOE submit

1 reports on the progress of PCB removal. I fully  
2 support both of these bills and urge the Council  
3 to pass them. We must also work together to speed  
4 up the plan for PCB like ballast removal. The ten  
5 year timeline presented in the New York City  
6 Schools' comprehensive plan, 'Greener, Healthier  
7 Schools for the 20th Century,' is simply not good  
8 enough. A ten year timeline means a child in  
9 first grade has a good chance of going through  
10 elementary school and middle school without any  
11 PCB remediation happening in their school  
12 buildings. A decade to handle this issue is  
13 unfair to our children, and way too risky for  
14 their long term health. We must put pressure on  
15 the DOE and the City to expedite these efforts.  
16 PCBs' removal must be prioritized over other green  
17 efforts because its risks are far too great. I  
18 would like to ask and urge the Council to support  
19 the steps outlined below. Immediately conduct a  
20 thorough physical examination of the light  
21 fixtures at all schools that have fixtures  
22 potentially contaminated by PCBs. Two, replace  
23 within two years of the passage of this  
24 Resolution, all light fixtures contaminated by  
25

1  
2 PCBs, as well as replace all fixtures that can  
3 potentially become contaminated with PCBs due to a  
4 future failure of a PCB light ballast. Three,  
5 immediate disclosure to the public the name and  
6 location of each school that is identified as  
7 having PCB contaminated lights. Four, conduct air  
8 tests in all New York City schools likely to have  
9 caulk contaminating PCBs and release the results  
10 of the tests to the public, and take immediate  
11 steps to remediate the caulk that is releasing  
12 PCBs upon completion of the PCB light remediation.  
13 The issue of PCB contamination in New York City  
14 Schools must be addressed with urgency. I greatly  
15 appreciate the City Council taking this matter  
16 [time bell] so seriously. I hope to see your  
17 continued support and your efforts. Thank you so  
18 much."

19 CHAIRPERSON JACKSON: Okay. So  
20 now, your testimony? You gave both?

21 LAURA SAMETZ: I'm going to speak  
22 later.

23 CHAIRPERSON JACKSON: Okay.

24 LAURA SAMETZ: If that's all right.

25 CHAIRPERSON JACKSON: Okay. You

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can speak now. You can speak now.

LAURA SAMETZ: Okay. I would like to reiterate my colleague's issue of stating that I am quite aware as you are, that the EPA has stated that a visible cue for a light ballast is not good enough, and yes, my understanding is there are light fixtures and you can look inside--you know the trays that hang in a building--you can look inside and they've even occasionally found balls of black PCB in there. We're talking about within the fixture, where you cannot see. And unfortunately, there are light ballasts that are leaking, that you cannot get a visible cue. And I would truly like that to be addressed at some time in the near future. I would actually prefer to stop now, because so much was addressed by my colleague here, and I think we need to move on. Thank you.

CHAIRPERSON JACKSON: Thank you.

Next, please. Pull the mic up close to you.

There you go. pull it over there. Okay, go ahead.

LEON TOLTEN: Good afternoon, Mr. Chair, and members of the Committee. My name is Leon Tolten, and I'm a father of a child who will

1  
2 soon be enrolled at PS178 in Co-op City, which is  
3 our neighborhood school and has been identified as  
4 having high levels of PCB. I'm also a member of  
5 the PCB Free School Coalition, a group formed by  
6 parents and individuals concerned about the  
7 presence of polychlorinated biphenyls--also, as  
8 you already know, also known as PCBs-in the City  
9 public schools and the risk that these toxic  
10 chemicals pose to students. I'm here to demand  
11 two things from the City Council to protect my  
12 daughter. First, the Council must demand that DOE  
13 replace the PCB tainted light fixtures in two  
14 years instead of the Mayor's proposed ten year  
15 plan. Second, the Council must demand that DOE  
16 conduct citywide testing of the public schools for  
17 all sources of PCBs. Not neighborhood wide or  
18 just those within a borough, but all the public  
19 schools in New York City. Even at low doses, PCBs  
20 are known to be harmful to human health. We  
21 shouldn't gamble with our kids' health during the  
22 eight years or more they spend in school by  
23 risking exposure to PCB. While I understand that  
24 DOE must be fiscally responsible, I won't stand by  
25 and allow the agency to put a price tag on the

1 health of our children, especially my daughter's.  
2 Ten years is unacceptable. I would like to thank  
3 Council Member's Ignizio and Levin for sponsoring  
4 the two bills being discussed today. They will  
5 help inform parents such as myself as to the PCB  
6 contaminations in the City schools. I would ask--  
7 excuse me--I would ask that they add to their bill  
8 that parents be notified if it's, if it's very  
9 likely that their child attends a school with PCB  
10 lights or caulk. DOE's main responsibility is to  
11 provide a safe environment for our children to  
12 learn and grow. Schools should not only be a safe  
13 haven from the violence outside its walls, but  
14 from dangerous toxins inside, as well. Ladies and  
15 gentlemen of the Committee, I urge you to join us  
16 in helping to protect the lives of my daughter and  
17 all New York City schoolchildren by replacing the  
18 PCB tainted light fixtures within the next two  
19 years, and then turning your attention to other  
20 sources of PCBs by conducting citywide testing of  
21 all public schools. Thank you very much for your  
22 time.

24 CHAIRPERSON JACKSON: Thank you.

25 Next, please.

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2                   MICHAEL SCHADE: Good afternoon,  
3 Chairman Jackson, and Members of the Committee.  
4 Thank you for the opportunity to testify today.  
5 My name is Mike Schade, and I'm a Campaigner with  
6 the Center for Health, Environment and Justice,  
7 which is a national environmental health  
8 organization. We're one of the leading groups in  
9 the country that work on toxic chemical issues and  
10 children's environmental health issues. Our  
11 executive director is Lois Gibbs, who is a  
12 community leader who organized a relocation of  
13 over 800 families from the infamous Love Canal  
14 toxic waste site in Niagara Falls, New York; which  
15 led to the creation of the federal Superfund  
16 Program back in the late 1970s. And since then,  
17 for 30 years, our organization has worked on  
18 numerous children's environmental health issues  
19 around PCBs and other toxics issues. So first,  
20 just wanted to say that we appreciate the  
21 opportunity to testify at this hearing today on  
22 the City Council's legislation, proposed Intros  
23 563-A, as well as 566-A. We really thank Members  
24 of the Committee for their leadership on this  
25 critical children's and environmental health

1  
2 issue, and in sum we support the intent and  
3 substance of both, both pieces of legislation. In  
4 regards to 563-A, to provide timely and adequate  
5 notification to parents, and to students and to  
6 school employees within three business days of  
7 receiving test results that show PCBs'  
8 contamination in a school. We feel that this is a  
9 critically important public health issue, we think  
10 that this is a critically important right to know  
11 issue for parents and members of the school  
12 population. We also support the requirement for  
13 the City Department to include in the notification  
14 steps to be taken by the Department and as well as  
15 the timeframe. One suggestion that we have in  
16 relation to this legislation is that we ask that  
17 the sponsors include an amendment to have notices  
18 sent to all parents, as well as school employees,  
19 if a school is potentially contaminated with PCBs,  
20 and a timeframe on when it will be tested. We  
21 think that it's important to include the schools  
22 that are potentially contaminated as well, not  
23 just the ones that we actually know. In relation  
24 to the other piece of legislation, 566-A, we also  
25 support the requirement for the City Department to

1  
2 issue quarterly reports on the status of PCBs'  
3 removal. Again, we think that this is a  
4 critically important right to know issue. And one  
5 suggestion on this legislation is that we ask that  
6 the sponsors consider amending the proposal to do  
7 a couple of things. Our first suggestion is one  
8 to require the City to also provide the number of  
9 light fixtures, floor tiles, and caulking that  
10 have PCB contamination, and that have not yet been  
11 removed. And secondly, to also require that the  
12 City provide a timetable on which they would test  
13 all schools that have been yet to be tested. We  
14 think that this is critically important. We also  
15 urge the sponsors of both bills to consider  
16 including an amendment that would require the  
17 Department [time bell] to remove all sources of  
18 PCBs within a two year timeframe of discovery of  
19 any contamination, like the other panelists have  
20 spoken to, we think that the ten year timeframe is  
21 woefully inadequate, and would lead to children  
22 continuing to be exposed to some of the most toxic  
23 chemicals known to science. From our perspective,  
24 we think that the City should not subject children  
25 and teachers to exposure or to a chemical that can

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2 substantially increase cancer risks, and can cause  
3 many other severe, severe illnesses. We feel that  
4 a two year timeframe to remove sources of PCBs  
5 would greatly reduce children's exposure to these  
6 unnecessary toxic chemicals that were banned back  
7 in the late 1970s, and is really the only  
8 timeframe that would be particularly health  
9 protective and responsible. So we thank you for  
10 the, for the opportunity to testify today, and  
11 considering our suggestions on ways that the  
12 legislation could potentially be amended.

13 CHAIRPERSON JACKSON: So in essence  
14 any, any light fixtures installed before 1979,  
15 basically is a potential, possibly hazard, and any  
16 school that has that should be notified there's a  
17 possible risk. Basically--

18 MICHAEL SCHADE: Yeah, I mean--

19 CHAIRPERSON JACKSON: --that's,  
20 that's what I'm hearing you saying.

21 MICHAEL SCHADE: Yeah. And it's  
22 also that, you know, we know that there's over--

23 CHAIRPERSON JACKSON: And that's  
24 just talking about ballast.

25 MICHAEL SCHADE: Yeah. We know

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that there is, you know, over 700 schools that are potentially contaminated, and we think that all parents have a right to know that there may potentially, their children may potentially be exposed to these dangerous chemicals.

CHAIRPERSON JACKSON: Okay. And that list is where? You have that list on a website somewhere? Right, it's on that website.

CHRISTINA GIORGIO: [off mic] 1,200 schools.

CHAIRPERSON JACKSON: Yeah, okay.

CHRISTINA GIORGIO: [off mic] When you add the caulk, when you add--[on mic] when you add the caulk and the lights together, it's over 1,200.

CHAIRPERSON JACKSON: 1,200. Okay. Thank you, thank you all for coming in. [background comments] Go ahead.

COUNCIL MEMBER LEVIN: Sorry, so just a concern that I just have, and I wanted to ask Ms. Giorgio about your opinion very, very quickly. So, I--I'm concerned about the issue that, that we're out of compliance with federal regulation. And, and so we called the EPA, I had

1  
2 my staff call the EPA while the Department of  
3 Education was testifying, and they said, "Well,  
4 technically, no, we're not out of compliance,  
5 because they're only required to immediately  
6 replace a lighting fixture when they have  
7 physically found that it is leaking, or rather at  
8 over 50 parts per million." But if, if we've done  
9 assessments of a number of schools and all the  
10 schools that have these old T12 lighting fixtures  
11 are found to have, those schools are found to be  
12 out of compliance, and it's a one-to-one ratio,  
13 and we have identified 760 schools that have  
14 these, then my fear is that we're just not testing  
15 them because we don't want to know because we  
16 don't want to be out of compliance with the  
17 federal regulations.

18 MICHAEL SCHADE: [off mic] Oh,  
19 that's like a fear, that's exactly - -

20 COUNCIL MEMBER LEVIN: Well, but I  
21 mean, but that's, but that's, that's the--it runs  
22 totally afoul of the spirit of the law, while  
23 being compliant with the letter of the law,  
24 that's, that needs to be totally, I mean, that  
25 needs to be exposed, and called like it is. I

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2 mean, I'm just wondering if that's the, that's the  
3 right assessment?

4 CHRISTINA GIORGIO: You, you hit it  
5 on the head, Councilman Levin, absolutely. And in  
6 terms of just making sure that, you know, one,  
7 that we're not hiding from what is a statistical  
8 certainty that at least one ballast has leaked in  
9 all of the 700 and whatever, 54 schools. So, so  
10 you're absolutely right. And you know, in terms  
11 of this idea of you, you're only in violation if  
12 you know that it's causing this health risk, you  
13 know, that, in part, has to do with the  
14 application of TSCA, the Toxic Substance Control  
15 Act. But there are other federal regulations that  
16 deal with toxic chemicals. And one of them is  
17 RCRA, and that's the Resource Conservation and  
18 Recovery Act. And that is--actually today we're  
19 filing our Amended Complaint to add a RCRA claim.  
20 And that actually provides the Court the ability  
21 to mandate inspections. So, hopefully we will be  
22 to the point where we can mandate the City to do  
23 these thorough inspections and investigate what's  
24 going on, rather than hiding it under the rug.

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COUNCIL MEMBER LEVIN: Thank you

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very much.

CHAIRPERSON JACKSON: Thank you.

COUNCIL MEMBER LEVIN: I really appreciate all of your testimony, thank you.

CHAIRPERSON JACKSON: Thank you, thank you, panel. The last panel is Valerie Watnick, parent at O'Shay Manhattan Complex; Cassandra Austin Townsley [phonetic], CEC 17, the Second Vice President; Michelle Chapman, the New York Communities for Change; and Andres Peranes [phonetic], PS75; and also, Celia Green, parent leader, New York City NYCC, New York City Communities, I believe, or NYCC, whatever it stands for. Okay.

COUNCIL MEMBER IGNIZIO: Very briefly, I wanted to also put on the records, Councilman Ignizio speaking, that we do lack the legislative authority to enact a two year timeline, a five year timeline, ten year timeline, that was mentioned, "Can we amend the bill to do so?" the answer is we lack the legislative authority to do so. So we'd have, we cannot mandate that. Otherwise we would have.

CHAIRPERSON JACKSON: - - go, just

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identify yourself and begin.

VALERIE WATNICK: Sure.

CHAIRPERSON JACKSON: Ladies, sit down, please. Go ahead, miss.

VALERIE WATNICK: Good afternoon, Chairman Jackson, and Committee Members. My name is Valerie Watnick, I am deeply supportive of the City Council's efforts to make sure that the public is informed through bills 563-A and 566-A. I'm a professor in the Law Department at Baruch College, I teach environmental law. I am the author of what I believe to be the only law review in the country that exhaustively studied and addresses the issue of PCBs in schools. I have read studies, health studies from around the world, and those health studies indicate to me that staff and children are at risk of increased blood levels of PCBs, increased levels of PCBs in their blood levels, when they are attending and working in a school with PCB contamination. I am also the parent of three beautiful girls, says her mom, says their momma [laughter] that all attended PS199. The oldest one started at 199 in 1997. I am also the former PTA Co-President at 199 and was

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2 the PTA Co-President when the contamination at 199  
3 was discovered. I have never received an official  
4 notification of PCB contamination, about  
5 contamination at 199. I've only received lots of  
6 information because of the PTA's request and voice  
7 on this issue. My baby has now attended 199 for  
8 seven years. She has now started her eighth year  
9 at the O'Shay Complex, which houses the computer  
10 school, Anderson School and PS452. Her eighth  
11 year. I am deeply troubled by statements this  
12 week in a letter from Kathleen Grimm to the PTA  
13 and the principals invoking the notion that acute  
14 exposure is insignificant. My daughter is in her  
15 eighth year, and in some of her years at 199, she  
16 cleaned up the dust when the windows were  
17 replaced. I'm telling you personally, and I'm, I  
18 want this on record for DOE, if anything happens  
19 to her, I will hold them personally responsible.  
20 This is an unacceptable risk for our children.  
21 I'm tired of hearing that there's no significant  
22 risk from short term exposure. I'm tired of not  
23 receiving official notifications. I'm tired of  
24 having to do the research myself. A ten year  
25 timeline is ridiculous. And this is just for the

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2 lights. Make no mistake, we're not talking about  
3 caulk, we're talking about the lights, which we  
4 know are a risk. I have not received any official  
5 notification about the O'Shay contamination, I  
6 only know of it through my own research, and  
7 because a few weeks ago I was involved in having  
8 the PTA and helping the PTA send out a letter that  
9 asked for notification and information about what  
10 is going on at the O'Shay complex. There are over  
11 1,200 children at that complex alone, many of them  
12 kindergartners and elementary schoolers. I  
13 support the City Council in this important first  
14 step to inform parents and the public about what's  
15 going on. And I urge you to somehow, if you don't  
16 have the legislative authority, somehow put  
17 pressure on the Department of Education, to invoke  
18 some sort of mannerism in which we can get a two  
19 year change out of these lights. It is absurd to  
20 wait many, many more, any more time. Thank you  
21 very much.

22 CHAIRPERSON JACKSON: Thank you.

23 Next, please. Hello, ladies, step up.

24 Since I'm right here--

25 CHAIRPERSON JACKSON: Press the

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button.

CASSANDRA AUSTIN-TOWNSLEY: Since I'm right here, hi, I'm Cassandra Austin Townsley, Second Vice President for CEC District 17. I would like to say hello to everyone--

CHAIRPERSON JACKSON: That's in Brooklyn, right?

CASSANDRA AUSTIN-TOWNSLEY: Yes, it is in Brooklyn.

CHAIRPERSON JACKSON: All right.

CASSANDRA AUSTIN-TOWNSLEY: Thank you for having me here. And I just want to state that I just found out about this last minute. Okay, and to me, I'm hearing, you know, bills that's being, you know, put forth. I think it's good only if it holds true because now I'm looking at a list of schools that was just recently emailed to me within my district, that's at risk of PCB. And the school where my office is actually located in, is not even on this list. And two weeks ago, when we went in for a meeting, I said, "Oh, this is scary," because we couldn't even get to the office, because the contractors are inside the--you can clearly see all the work

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2 that's being done; at that particular time, I had  
3 no knowledge of this. So, that's the major  
4 concern of mine, especially being a Council  
5 Member. I'm newly elected onto District 17, and  
6 well whatever needs to be done, so I can be better  
7 informed so I can talk to my parents within my  
8 district. I--thank god I don't see my son's  
9 school on here, but then again not seeing the  
10 school on here where my office is, you know,  
11 located, that still can be somewhat of a concern,  
12 so I will be in touch with the principal there and  
13 see what, you know, I can find out what's going on  
14 there as far as this whole PCB, it's really, you  
15 know, a major concern. And we need to be better  
16 informed, so we can help to inform our parents.  
17 Safety with our children is very key and critical.  
18 Thank you.

19 CHAIRPERSON JACKSON: Thank you.  
20 Next, please. Orange shirts, New York City  
21 Communities for Change?

22 CELIA GREEN: New York Communities  
23 for Change.

24 CHAIRPERSON JACKSON: New York,  
25 okay.

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2 CELIA GREEN: Good afternoon, my  
3 name is Celia Green, and I am a former--a parent  
4 of one former and three current New York City  
5 public school children, and I'm also a parent  
6 leader for New York Communities for Change. I'd  
7 like to thank the Council Members for holding  
8 hearings and sponsoring legislation that will  
9 effect positive change in the notification for  
10 parents and guardians of students in the New York  
11 City Department of Education schools. I'm also  
12 glad that these pieces of legislation are being  
13 introduced, because the DOE has a history of not  
14 notifying the parents about a lot of things. I  
15 attended some of the Council hearings last spring  
16 where one of the Deputy Chancellors said "at that  
17 point you could get more exposure to PCBs from  
18 eating a sandwich than you could from being in one  
19 of the public schools." I would love to invite  
20 her to come to one of the schools that my sons  
21 attend. The EPA people who came the last time,  
22 said that the level of PCBs that's acceptable is  
23 50 ppm. My son's school tests at 287,000 parts  
24 per million. So, I think parents need to be  
25 informed, because I do think that as parent we do

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2 make a conscious decision to send our kids to  
3 school, to a safe environment, to foster learning,  
4 to foster a love of education in them; not to  
5 later on have them come up with health issues or  
6 learning disabilities, because of exposure that we  
7 were not aware of. You know, I'm not blaming  
8 people for the exposure, because I'm sure that if  
9 the DOE knew that things were in the building,  
10 they would've cleaned them up before, giving them  
11 the benefit of the doubt. But now that they do  
12 know, I think that things should be more  
13 proactive. And I am glad that this legislation is  
14 going forth.

15 CHAIRPERSON JACKSON: Okay, next,  
16 but don't--mmm. My gosh. Okay, you know, I  
17 always say, you want to trust people. Trust, but  
18 verify. [laughter] Trust, but verify. I trust  
19 you, but let me verify. And give me the  
20 information, be transparent. Put it on a website,  
21 give it out to parents, so forth and so on. Give  
22 it to the advocates when they ask for it, they  
23 don't have to FOIL it. You know? So, don't be so  
24 trusting. [laughter] Go ahead, next, please.

25 CELIA GREEN: 'Cause I don't trust

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them at all. [laughter] Okay.

CHAIRPERSON JACKSON: But you're both wearing orange shirts.

CELIA GREEN: Yeah. NYCC.

CHAIRPERSON JACKSON: [laughs] Go ahead, I'm sorry.

MICHELLE CHAPMAN: But Grimm is suspect. Okay, my name is Michelle Chapman, I'm a member of New York City Communities for Change. I'm from Harlem, but presently I live in The Bronx. In the early '90s, I remember when they were building Riverbank Park in Harlem, over by the river on 145th Street. They were, there was a big protest because they'd dumped some chemicals into the Hudson River. So, they were reluctant to alarm the community and let them know what was coming in, but it had come out. So, now I come to find out that those chemicals were PCBs. So, now, they have resurfaced again in our schools. Now we have a long history of PCBs, I went and did a little bit of research, from the earl--from the late 1800s, we have been suffering from PCBs, and throughout the nation, throughout the nation. My daughter, she goes to a new school now, but she

1  
2 was in Harlem Link last year, they were tested for  
3 PCBs. At the end of the school year, she started  
4 having like migraine headaches, to where I had to  
5 take her to the hospital. Like instead of going  
6 to school, we'd be on the train, she would have  
7 migraines. I took her to the emergency room, they  
8 really couldn't give me no concrete reason why she  
9 was having these headaches. The school year  
10 ended, the summer went by, everything was fine.  
11 She entered into a new school this year, which  
12 hasn't been tested, but it was built during the  
13 year PCBs were used. The headaches have started.  
14 It's November, I had to take her to the emergency  
15 room twice already. So, now I'm alarmed sitting  
16 here listening to Ms. Grimm and this panel that  
17 was here earlier, that won't admit to actually  
18 saying that our children are being harmed. Like  
19 you said, trusting, I have no trust. One of the  
20 things I wish could be on your legislator was that  
21 they would be watched. If their, if we can have  
22 something in place that can watch them. At this  
23 point, my child's life is in their hands with, in  
24 respects to their procedure in dealing with PCBs.  
25 And I, I see no light at the end of the road right

1  
2 now. So, you know, what also, what also I wanted  
3 to speak about was the, the effects of the PCBs,  
4 at this time, which I think a lot of parents and  
5 people don't know, that elevated amounts of PCBs  
6 persist in your system for years. They don't, you  
7 don't just breathe 'em in and they disappear. For  
8 ten years at least, they could be in your system.  
9 So, this child, this middle age--middle school  
10 child is in school now. So, ten years later, when  
11 she's giving birth, her child can be affected with  
12 the PCBs. And it's also been noted, and this  
13 information comes from New York Lawyers, New York  
14 Lawyers for Public Interest. Okay, also, the  
15 pregnant women that are working in the schools,  
16 they are ingesting this into their child and we're  
17 finding that the children are having higher rates  
18 of ADHD. You know, the diseases that come with  
19 the heart diseases, all the children diseases, we  
20 have, they're linked to cognitive issues. So our  
21 school right now, we have a lot of problems with  
22 our children, or higher rates of ADHD, high rates  
23 of asthma, [time bell] different kinds of--okay,  
24 I'm going to wrap it up right quick--different  
25 kinds of illnesses that older women and chil--

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older women and men get. Our children are getting these childhood diseases now. So, I'm trying to see if that's a link between the PCBs and the illnesses that our children are facing right now.

CHAIRPERSON JACKSON: So you're against these bills?

MICHELLE CHAPMAN: No, of course not. [laughter] Pass them, please!

CHAIRPERSON JACKSON: Okay, I was just, I was just--

MICHELLE CHAPMAN: Pass them, please, no, no, no, pass them, please.

CHAIRPERSON JACKSON: --you know, I was just wondering where you, I thought you were speaking against the bills.

MICHELLE CHAPMAN: No, I'm--No, I'm speaking against the exposure that our families are suffering in the schools, and not much is being done about it. You know, with this panel that was up here.

CHAIRPERSON JACKSON: Okay, so you're in favor, all of you--

MICHELLE CHAPMAN: I'm in favor of all of the above.

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2 CHAIRPERSON JACKSON: Sorry, we  
3 have one more individual. Is that correct? I'm  
4 sorry. Last but not least.

5 ANDRES VERANES: Thank you, my name  
6 is Andres Veranes. First I want to thank the  
7 Council Committee for holding this meeting and  
8 bringing these petitions to the table, hopefully  
9 they get passed. I want to thank everybody for  
10 being here and other people who have testified  
11 before us. And also want to thank the New York  
12 Lawyers for the Public Interest. I have contacted  
13 them about two weeks ago, and--[background  
14 comments] Yes. Can you hear me? Okay, and  
15 basically, well, I'm a parent at PS75. This whole  
16 issue is very new to me. I've been trying to--two  
17 weeks ago I didn't know who the principal was. My  
18 child has just started at PS75 in kindergarten.  
19 And you know, basically I've gotten to meet the  
20 principal, the PTA, everybody, trying to move  
21 things around, the custodian, everybody. I have a  
22 petition here that, in the, basically since, since  
23 this past Tuesday when it was a parent/teacher  
24 meeting, you know, they told me, "Well, this is a  
25 good time to put the sign-up sheets--" I have

1  
2 about 75 signatures here from parents around the  
3 school. Most in kindergarten because that's where  
4 the parents have access to those floors only, and  
5 the first grade, I think. This is a petition I  
6 can leave with you, that basically the three  
7 points here are, without further delay inspect and  
8 replace any and all PCB containing lighting; test  
9 the caulk air and dirt in our school on an urgent  
10 basis; immediately after these tests, notify the  
11 schools and the school community. This is  
12 addressed to Chancellor Walcott and Ms. Grill  
13 [phonetic], I think you know who they are.  
14 [laughter] So, it goes out to them, hopefully.  
15 And you know, we're hoping to hear from them.

16 CHAIRPERSON JACKSON: These are our  
17 copies, or what?

18 ANDRES VERANES: These are your  
19 copies. I have the originals, which I intend to  
20 give maybe to our Assembly Member.

21 CHAIRPERSON JACKSON: Okay.

22 ANDRES VERANES: Basically just to,  
23 I mean, I basically, I--everything has been said.  
24 I also wanted to thank the Department of Education  
25 for being here, but they left, so I cannot do

1  
2 that. I was a bit dismayed at, you know, the  
3 attitude at this. And I wonder where the  
4 priorities for the health of children is in, you  
5 know, when it takes such a fight to get anything  
6 passed, let alone just even just disclosure and  
7 notification. I'm wondering if the air has been  
8 tested in other schools. I don't know if this is  
9 done or not. I would like to know that. And  
10 also, the first time I heard about this, this  
11 issue was on the radio, this industrial hygienist,  
12 her name is Monona Rossol. I've heard her many  
13 times before. She's an industrial chemical  
14 hygienist. And she's very well versed on, and an  
15 expert on the subject. And you know, to add to  
16 what's been said, you know, she was saying that  
17 it's not just from a physical leak from the live  
18 ballast that you know there is a problem.  
19 Supposedly the PCBs also contained in some  
20 transformers and that they're supposed to be  
21 sealed, but over time the seal stops working on  
22 the other, on the, there's a reseal--you know, in  
23 a responsible manner. [time bell] And the fact  
24 that these light fixtures, as somebody said  
25 before, are ten to 15 years, you know, that's

1  
2 their lifetime, so I'm wondering how much of these  
3 pictures are actually emanating gases, not to be  
4 seen by anybody, so that's in the air. And unless  
5 the air is tested, we really don't know. So  
6 that's something to add. Some lady from the DOE  
7 before was saying that, you know, it's been since  
8 the '40s that people have been using PCBs, so  
9 they're everywhere, you know, so basically it's  
10 like saying, "Well, if it's already in the air, so  
11 what's a little bit more going to do?" You know,  
12 that's like saying, "Well, if you're going to die,  
13 we're all going to die, but you know, so what is  
14 five more, ten years, you know, of living." You  
15 know, that's the same rationale. And I'm also  
16 wondering if, you know, since it's been in our  
17 environment for such a long time, I'm wondering  
18 about the decrease of diabetes, ADHD, cancers, or  
19 you know, in the general population. I mean, this  
20 probably has to have some effect on our exposure  
21 to, to PCBs and chemicals, you know, in the air we  
22 breathe and all that. So, I think, I'm a bit  
23 dismayed at, that it's such a fight to get the DOE  
24 to get going, because you know, we're talking  
25 about the health of our children, you know.

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2 CHAIRPERSON JACKSON: Well, welcome  
3 to the fight, the struggle.

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ANDRES VERANES: Yeah, yeah.

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CHAIRPERSON JACKSON: It continues.

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ANDRES VERANES: So, it's

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unfortunate.

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CHAIRPERSON JACKSON: Sure.

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ANDRES VERANES: And just one more

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fact I want to point out. Many may know this, or

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may be shocked at the fact that, you know, this

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country is, in terms of the World Health

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Organization, a listing of countries by ranking,

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in terms of the health systems, the U.S. ranks at

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number 37. So, it's nothing to be proud about.

16

And, and this is what's happening, you know, it's

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such a fight to help our kids, you know, at such a

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young age, you know. I'm amazed that, you know,

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and I thank you for your efforts, and I hope these

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petitions get passed, and we go on to retrofit all

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our schools in hopefully two years instead of ten.

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CHAIRPERSON JACKSON: Before--

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ANDRES VERANES: Thank you.

24

CHAIRPERSON JACKSON: --before I

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entertain a question from my colleague, Vincent

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2 Ignizio, I just have to acknowledge that we have  
3 received for the record a memorandum in support of  
4 both bills from the CSA, the Council of  
5 Supervisors and Administrators. We have testimony  
6 in support of both bills, 563-A and 566-A, from  
7 Manhattan Borough President Scott Stringer, for  
8 the record. And for the record, we received  
9 testimony from State Assembly Member Linda  
10 Rosenthal, who represents the Upper West Side.  
11 Anything else?

12 FEMALE VOICE: That was it.

13 CHAIRPERSON JACKSON: Okay.

14 Vincent Ignizio, our colleague.

15 COUNCIL MEMBER IGNIZIO: Yes, thank  
16 you. I, too, wanted to thank some of my  
17 colleagues, Linda Rosenthal has been there 100  
18 percent as, as has the Speaker and Scott Stringer  
19 and even though he wouldn't do it for me,  
20 Congressman Nadler has been, has been fighting,  
21 fighting this fight as well. I just wanted to  
22 point out speaking, the reason, what made me think  
23 about Jerry Nadler was I really do fault, to some  
24 extent, Congress on this. In 1978, am I off on  
25 the--I think it was 1978, they decided that PCBs

1  
2 were bad for everybody, and banned them. Well, if  
3 at that point, I don't know, I have no idea who  
4 was in Congress in 1978, in terms of Republicans,  
5 Democrats, I don't really care. But if at that  
6 point they had the foresight to say, "We have to  
7 have an implementation program now, such that 30  
8 years later our kids wouldn't be potentially  
9 harmed by PCBs in our schools," so you know, that,  
10 that foresight would've been far cheaper, it  
11 would've been better and healthier for everybody.  
12 So, you know, shame on them. Quite frankly.  
13 Really, shame on them. The fact that we're going  
14 to go back and have a healthier school, and the  
15 reason why I wanted to speak was, you point about  
16 we're fighting, and you're fighting--Well, in  
17 order to fight, you have to have somebody you're  
18 fighting against. So, we're fighting for cleaner,  
19 healthier schools. What's the other side fighting  
20 for? Dirtier, unhealthier schools? I mean, I  
21 just don't get it. So, I mean, we're going to  
22 work together and I want to thank RJ in  
23 particular, and my colleague, Steve Levin, who  
24 really have led the fight here in this Council,  
25 along with the Speaker, to make sure that these,

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2 that this is actually done, it's a, a labor that I  
3 love to fight, 'cause I know we've seen great,  
4 great progress over the year. It's just this one  
5 year, we've really tackled this issue as a  
6 Council, and we've had unbelievable progress. So,  
7 imagine where we'll be next year. And so I wanted  
8 to thank you all.

9 VALERIE WATNICK: Could I, could I  
10 ask a point of clarification? At the O'Shay  
11 complex, we are also collecting letters, and I  
12 know that we have, as of last night, just from the  
13 computer school alone, we had about 100 letters.  
14 They're going to be copied to Gale Brewer. Would  
15 you like a copy of them, too, Chairperson Jackson?

16 CHAIRPERSON JACKSON: You can send  
17 it to, Committee staff will give you the contact  
18 information, so we can put it in the, in the file.

19 VALERIE WATNICK: 'Cause we should  
20 have a couple hundred letters. Thank you very  
21 much.

22 CHAIRPERSON JACKSON: Well, I want  
23 to thank you [background comment]

24 COUNCIL MEMBER IGNIZIO: Just  
25 'cause I spoke, Steve, is that--all right.

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CHAIRPERSON JACKSON: You're

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competing against each other. [crosstalk]

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COUNCIL MEMBER LEVIN: Very, very

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briefly. I just wanted to--

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CHAIRPERSON JACKSON: Tit for tat,

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tat for tit. All right, whatever. Go ahead,

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Steve.

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COUNCIL MEMBER LEVIN: I just

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wanted to, to thank the Chairman, in particular,

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and the Speaker and her staff, and in particular,

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Council Member Ignizio, Vinnie's been fully

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supportive every step of the way, and has taken on

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this issue with a passion that you don't see all

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that often--

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COUNCIL MEMBER IGNIZIO: [off mic]

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Should've let you speak, then.

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COUNCIL MEMBER LEVIN: Yeah. But

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it was a--I just want to acknowledge, you've done

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a fabulous job. And I want to thank the New York

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Communities for Change, and New York Lawyers for

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Public Interest, for bringing my attention to this

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matter over a year ago. And for sticking with it

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and making, making this a citywide, and now

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seemingly a national issue. So, I want to thank

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2 you.

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CHAIRPERSON JACKSON: Well, let me thank you and everyone else. Of course, the Committee staff that have been involved with this, Aysha Schomburg, our Counsel, Jan Atwell, who just came over here, and Joan Povolny, Christina Perrotti and all the other staff that have been involved in bringing us to where we are today. Hopefully, we will be voting these two bills out hopefully pretty soon. And hopefully they will be not vetoed by the Mayor, but go along with us and having a hearing and signing them into law. And if not, the new have to reconsider overriding a veto. Want to thank you all for coming in. As we move forward, trust, but verify. Thank you.

[laughter] [background noise] This hearing is over at ten minutes to 4:00, 3:50.

[gavel]

[background noise]

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script that reads "John David Tong". The signature is written in black ink and is positioned to the right of the printed word "Signature".

Date December 20, 2011