

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEES ON EDUCATION AND ENVIRONMENTAL PROTECTION

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April 13, 2011
Start: 1:23 pm
Recess: 6:47 pm

HELD AT: 49-51 Chambers Street
New York, New York

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ROBERT JACKSON
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CO-CHAIRPERSON GENNARO: Okay.

FEMALE VOICE: [off-mic] This is a list of people, the members here.

CO-CHAIRPERSON GENNARO: Okay.

Thank you, thank you all very much for being here today. My name is Jim Gennaro. I am Chair of the Committee on Environmental Protection. This is a hearing that's going to be jointly held between my committee and the Committee on Education led by my good friend colleague, Robert Jackson.

We have many other Council Members who were here. Let me just let you know who is joining us at the moment; we'll also be joined by Speaker Quinn in a moment. I'll have a brief statement. Council Member Jackson will have a statement as well and the Speaker will have a statement. Other than my colleague Robert Jackson we are joined by Council Members Vann, Cabrera, Rodriguez, Ignizio, Koslowitz, Rose, and Lander. It looks like Council Member Chin is there as well.

We thank everyone for being here today. We have many people to hear from today, so we try to move as quickly as we can. Let me give

a brief statement that talks about some of the history on this issue.

On April 29, 2008, this committee and also the Committee on Education held a joint hearing on the topic of PCBs in our schools. And I'm just going to the statement quickly, and based on that hearing, in the summer of 2010 the DOE implemented a pilot study in three schools. After the first round of air tests conducted during the pilot study showed elevated PCBs in air spaces. Without PCB containing caulk, the first round of tests were to look for this in caulk. The School Construction Authority was required to further investigate additional PCB sources, remember we thought it was the caulk at first. Under the so called track back clauses of the consent agreement and work plan that was worked out between the city and the EPA. Particularly the track back clause stated that if the initial pilot study is ineffective in one of more schools the city and the SCA, after consultation with the EPA, shall prepare and implement for such schools a protocol for further investigation to identify sources contributing to still existing exceedences in the

air.

It was during these further investigations that some evidence of leaking PCB containing ballasts in lighting fixtures was found. The lighting fixtures were then replaced in the schools and the results of air tests conducted after the removal were all below the EPA guidance level.

The Bloomberg Administration said it would conduct further PCB tests in the summer of 2011, which it did. The EPA did its own spot inspections of lighting fixtures public schools in January 2011. As of February 19 to 2011, the EPA had tested 10 schools and found elevated levels of PCBs in the oil residue that was in the fixtures not in the air so much but within the confines of the fixtures ranging from 51 parts per million to 1000 parts per million.

On February 23 the Bloomberg Administration announced a plan on which the city would contract comprehensive energy audits and retrofits lights, the boilers, and other equipment in 772 schools buildings over the next 10 years with a review of the plan to see if faster a time

frame is feasible after three years. And that kind of brings us up to date.

Today's hearing the committee testimony regarding DOE's comprehensive plan to increase energy efficiency environmental quality at schools. That kind of brings us up to April 13, 2011.

And with that I'd like to welcome Speaker Quinn, who has graciously joined us. I thank her and her staff doing a comprehensive review of the PCB issue. I'm grateful to her and I think all the Council Members are, and with that I would like to, it is my pleasure to recognize Speaker Quinn for her statement.

SPEAKER QUINN: Thank you very much and good afternoon I want to thank Deputy Chancellor Grimm and everyone else from the Department of Education who is with us today. I want to thank Chairs Gennaro and Jackson for holding this hearing to give us the opportunity to learn more about the Department of Education's plan to remove PCB is from our city schools.

As we all know I believe Congress banned the manufacture of PCBs over 30 years ago

because of clear health and safety concerns. And while it appears that there is not necessarily an immediate health threat from PCBs, the longer the exposure particularly to younger people the greater the chance for adverse long term health impacts.

In fact, according to the Department of Environmental Protection PCBs are probable carcinogen and are known or suspected to cause a number of serious health problems. The Council first addressed the issue of PCBs and schools at a hearing in 2008, and I want to thank Chairs Gennaro and Jackson for their longtime leadership on this issue. At that hearing, they looked at the issue of caulking around doors and windows frames and how it related to PCBs.

Subsequently, and Chair Gennaro may have gone through some of this, the DOE and EPA entered into a consent agreement and a pilot study was conducted. Unfortunately, the pilot study found evidence of lighting fixtures leaking PCBs in our schools. Further tests from the EPA found elevated levels of PCBs in all 10 schools that they examined.

So we know that PCBs are leaking from ballasts of light fixtures in some of our city schools these PCBs can turn into a gaseous a state that may then, of course, be inhaled by students and teachers and other workers. This is the particularly worrisome part of the problem. The presence of uncontained PCBs from leaking light fixtures at levels of 50 parts per million or greater is an enforceable violation of the Federal Toxic Substance Control Act. I just want to repeat that the presence of uncontained PCBs leaking lighting fixtures at levels of 50 parts per million or greater is an enforceable violation of the Federal Toxic Substance Control Act.

The Administration in response to all of these concerns, The Bloomberg Administration has developed an energy audit and retrofit program that will meet and even exceed our local law 87 of 2009 and replaced all PCB lighting fixtures over what they propose the next 10 years. This plan will also include replacement of city's oil burning boilers which are also an environmental hazard to any emit particulate matter and other pollutants that are known to

7 Now although I think everyone here
8 supports the general framework of this plan and
9 the multiple goals of this plan and agree that
10 there will provide significant health benefits
11 going even beyond the removal of PCBs contained in
12 lighting fixtures, I am quite concerned that the
13 10 year time frame is simply too long given the
14 serious issue of PCBs in our schools. In fact the
15 EPA, the regulatory agency that develops,
16 implements, and enforces regulations pertaining to
17 PCBs under the Federal Toxic Substance Control Act
18 has now taken, for today's hearing, at the request
19 of the Council, a position on how long they
20 believe should be allocated to remove PCBs. They
21 have clearly indicated that they believe a five
22 year time schedule is one that is reasonable and
23 one that is much safer for the health of students
24 and teachers and others in school buildings.

I think it is very important that

1 today's discussion focus on how we can move from a
2 10 year time frame to a quicker time frame. You
3 know, I am not a scientist; I am not a public
4 health professional and I can't tell you exactly
5 what the timeframe is that XY or Z negative health
6 effect will occur to which child or someone else
7 that is close to gaseous PCBs in a school. That's
8 why we look to our environmental regulators. To
9 our lead Federal environmental agency to help
10 guide municipalities with questions like this part
11 before us.
12

13 Judith Enck, the regional
14 administrator for the EPA has been looking at this
15 question for some time. She's been involved
16 conversations both with the Administration and the
17 advocacy community and the Council.

18 After long study and reflection and
19 at the request that she do so for today's hearing
20 she has come out with a clear recommendation that
21 10 years is not sufficient and that five years
22 would be sufficient. I think it behooves all of
23 us to focus now on how we follow and implement the
24 clear direction of the lead environmental agency
25 of our country the entity that exists is to help

the cities make the right environmental and public health decision.

And I want to thank everyone for being here today to help us move off of 10 years to a time frame that is quicker and safer for New York City school children and the others who work within the school building.

I just want to in addition, thank Chair Gennaro and Chair Jackson and thank the other Council Members that have been working a lot on this issue all throughout their district. There's a long list of members I could thank, but I just want to particularly recognize Vinnie Ignizio, who along with the Chairs who were the first Council Member to speak up a lot about this issue, so thank you Vinnie. And when Vinnie speaks up, it is usually a lot but I thought I would underscore that issue. Thank you Mr. Chairs.

CO-CHAIRPERSON GENNARO: Thank you very much a Madam Speaker. We're very, very grateful to have you hear. It gives me great pleasure to recognize my Co-Chair Council Member Jackson for his statement, Council Member Jackson.

CO-CHAIRPERSON JACKSON: Well thank you my colleague and I'm so happy that our speaker is here, Christine Quinn on this extremely important issue. I'd like to thank all of my colleagues who were attending today's joint oversight hearing by the Environmental Protection and Education committees on the Department of Education's comprehensive plan to increase energy efficiency and environmental quality at schools including through the removal of PCBs.

A previous joint oversight hearing on PCBs in our schools was held on April 29, 2008 by the Council and committees on Environmental Protection, Oversight and Investigation, and Education Committees. And we held a hearing in response to an investigation by the New York Daily News in which their article is dated April 7 2008. If you haven't read it, so you could google the staff writer was Bill Egbert. Which revealed the presence of PCBs in caulking around windows and around doors in eight out of nine schools tested six which contain levels of PCBs considered unsafe according to the Federal standard. And back in 2008, we thought the scope of the PCB problem was

limited to just the 266 schools built or renovated in the 1960s and 70s when PCBs we're a common ingredient in caulking used in construction.

We now know that the problem of PCBs in schools is far more widespread. And as of February 19, 2011, the EPA had tested 10 schools and found elevated levels of PCBs in all 10 schools. At each school, at least 2/3 samples taken showed results above the regulatory limit of 50 parts per million. At PS 53 in Staten island where Vincent Ignizio from and at PS 45 and PS 306 in Brooklyn where my colleagues from Brooklyn one of more samples showed results above 100,000 parts per million, which means that the material sampled was 10 percent PCBs. At PS 306 in Brooklyn, two samples showed a result of approximately one million parts per million or 100 percent PCBs and another was 95 percent PCBs.

Totally unacceptable under any standard known and the wake of these findings and after months of pressure from advocates and parents many are here today I thank them for being here

City officials announced on

February 23, 2011 a plan which is this one here, The New York City Comprehensive Plan for Greener Healthier Schools for New York City 21st Century dated February 18. This plan to replace light fixtures containing PCBs part of a comprehensive plan to increase energy efficiency and environmental quality in 772 public schools over the next 10 the years.

Is totally unacceptable to me also our Speaker indicated that is totally unacceptable to her and I'm sure it's unacceptable to all the members of the City Council. And if anyone is acceptable to them, then they need to speak up now or forever hold their peace. Hearing none I agree. Joking of course, but seriously of course.

This is totally unacceptable as chair of the education committee and the parent of 1.1 million school children under comprehensive plan all of the 772 schools will receive energy audits and lighting replacements while additional upgrades including the replacement of outdated boilers that use number four and number six fuel oil take place when necessary.

And as mentioned earlier by my

colleague PCBs have been demonstrated to cause a variety of adverse health effects. PCBs have been shown to cause cancer in animals and are classified as probable human carcinogens.

The effects on children may be far worse than for adults and some researchers believe that exposure PCBs is responsible for the increase in the number of children with ADD and ADHD in recent years and all of us are concerned about and all of us are responsible for the health of our city's children and are youth; however, the Department of Education thinks that the best course of action is to remove PCBs containing light fixtures over a 10 year period.

Further the Department of Education plan has no plans to remove caulking around windows and doors in school buildings before such time as renovations are needed. In short the Department of Education wants us to trust them and then there's no risk to the health. They are saying that there's no risk to the health and safety of children and staff in the 772 schools from PCB contamination. This is absolutely absurd an unbelievable.

Unfortunately and posts 9/11 New York City, we have seen far too many people become ill or die from exposure to chemicals after officials assured them, the public, that there's no danger. We cannot afford to gamble with the health and well-being of our 1.1 million school children, or the teachers, or the principals, or the other staff that work in our city school buildings.

That is why I along with 40 of my colleagues sent a letter this letter here to the EPA urging them to require the city to complete a replacement of PCBs containing light fixtures in two years and many advocates and parents also calling for a two year timeline for lighting replacements. A number of energy contractors have been quoted in the press that such a timeline is feasible.

In addition some contractors have offered to do the work in return for expected energy savings over a period of time. It seems that we are provided an opportunity to both speed up the process and save sacred capital dollars for needed boiler replacements and to increase

capacity for our growing enrollment.

We be asking Administration today for their reactions to these offers. We are here today to get additional information from the Department of Education and other city agencies with regards to their comprehensive plan to increase energy efficiency and environmental quality in our schools and answer to some of the key questions.

In addition, will also your testimony from experts on PCBs as well as unions, advocates, parents, and others regarding their concerns. And as I said when Speaker, Jim Gennaro, and I were talking to some press and the back. I am not an expert. I don't know. So I'm going to be listening today than I say to all of the you 10 years is totally unacceptable., And in fact experts have said by EPA that up to five years is it acceptable standard, so I'm going to be listening like everyone else and I have questions and concerns, I am sure that many of our questions and concerns will be answered by the experts that are here today.

But I'd like to remind my

2 colleagues, that the question and answer period
3 per member is 5 minutes. If you want tried to get
4 back on the list considering we have so many
5 witnesses, there may be a possibility for second
6 round. So I ask you to consider the questions you
7 ask so you have that your 5 minutes will be taken
8 up with whenever statement are going to make.

9 Co-Chair Gennaro thank you for the
10 opportunity to Speaker thank you for being here
11 and thank you for being a champion on this
12 particular matter.

13 CO-CHAIRPERSON GENNARO: Thank you
14 Chairman Jackson. Before I call the panel, I want
15 to recognize some other members that have joined
16 us since the beginning of a hearing Council
17 Members Vallone, Barron, Dilan, Levin, Eric
18 Ulrich, Greenfield, Brewer, Dromm, Koppell. I'm
19 not sure if I mentioned Brad Lander before, but if
20 I did then he got a second shutout, good for him.

21 And so with that said, it gives the
22 great pleasure to call the panel from the
23 Administration: we have representatives from the
24 Department of Education, the School Construction
25 Authority, Department of Citywide Administrative

Services, and Department of Health and Mental Health. I am grateful for all the work that the administration has done on PCBs. It has been my pleasure to meet with you as early as yesterday on this, and we have been doing this going back to 2008. I'm grateful for your presence here today and with that said whoever's going to represent the panel, if you can state your name for the record and let the folks know the members on the panel then you can commence with your good testimony. Thank you for being here.

DEPUTY CHANCELLOR GRIMM: Thank you. And good afternoon Speaker Quinn, Chair Jackson, Chair Gennaro, and all the members of the Educational and Environmental Protection Committees who are here today.

CO-CHAIRPERSON JACKSON: Deputy Chancellor before you begin if you don't mind who we just identify every member of the panel and what position they hold with what city agency or department if you don't mind before you begin your detailed testimony.

DEPUTY CHANCELLOR GRIMM: I was going to introduce myself first.

CO-CHAIRPERSON JACKSON: Okay.

DEPUTY CHANCELLOR GRIMM: I am Kathleen Grimm Deputy Chancellor for Operations at the department. At my far right is John Shea.

CO-CHAIRPERSON JACKSON: Thank you.

DEPUTY CHANCELLOR GRIMM: John Shea is CEO of School Facilities Division. At near right is Ross Holden who is Vice President and General Counsel of the School Construction Authority. At my left is Jeff Shear who is my Chief of Operations at the department. Next is Dr. Nancy Clark Assistant Commissioner at the Department of Health and Mental Hygiene, and next to her is Deputy Commissioner Ariella Maron of the Division of Energy Management from the Department of Citywide Administrative Services.

We have, I tell you, additional people in the audience here from across the whole range of departments, and I point that out because I want you to know that we, the city, take this plan and this issue very seriously and we are working together in one of, I think, the most stellar inter agency cooperative efforts that I have ever seen in all my years in government.

We're pleased to be here with you this afternoon to discuss this plan, Greener Healthier Schools for the 21st Century. As I say, an unprecedented effort to dramatically increase energy efficiency and improve environmental quality and 772 schools, including the removal and replacement of all PCBs lighting fixtures throughout the entire school system.

As I say, we take the presence of PCBs very seriously, and we recognize that there are many in school communities who are concerned about the potential health impacts of learning and working in the building that has materials that might or do contain PCBs. To this end, we have made a concerted effort to meet with individual school communities, elected officials, and other concerned parties especially parents to discuss this issue and share the city's plans to address it.

I think there's been a great deal of progress since April 2008, the last time you testified here before the City Council on this issue. In June 2010, we began undertaking what remains the first and only pilot study in the

country to evaluate the presence of PCBs a building caulking the extent to which PCBs are present in the school environment and the best ways to remediate caulking with PCBs.

As a result of this pilot work, we have learned two important things. 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 United States Environmental Protection Agency to set guidelines for PCBs in air. The EPA guidance levels from PCBs in air in schools were developed with a very large margin of safety, so that a person exposed for an entire lifetime will be exposed to only 1/300th of the lowest amount thought cause health problems.

At the levels measured in schools there are no immediate health concerns, and it is unlikely that there would be any adverse health effects from long-term even lifetime exposure to these air levels. These conclusions are supported by the Department of Health and Mental Hygiene and existing scientific studies, which have not shown PCB exposures from building materials to be

detrimental.

Secondly, we've learned that lighting ballast in older style arrests and light fixtures are a more important source of PCBs in our schools than in caulk. Between 1950 and 1978 fluorescent light fixtures with PCB containing ballasts were installed in thousands of buildings throughout the country including our New York City school buildings. Each ballast contains a very small amount of PCB containing oil, 1 to 1 1/2 ounces, and as these ballasts a huge the small quantity of PCBs can leak out of the ballast enclosure. To address these pilot study filings the city developed the comprehensive plan under which energy audits would be conducted, lighting upgrades would be made, including the replacement of light fixtures with PCB ballasts at all the fact that school buildings and other cost effective energy conservation measures. This includes but is not just limited to certain boiler upgrades. In all, a plan at a total cost of \$850 million.

In February, the city announced this comprehensive plan to remove and replace all

lighting fixtures within 10 years in the 772 school buildings that currently have fixtures with PCB ballasts.

The unprecedented scope of this plan cannot be overstated. No other city in the United States has attempted to do anything near this scale. The cost of the plan as I said \$850 million, which includes \$208 million recently added by mayor, is a profound commitment in the time of fiscal restraint. We will spend nearly three times as much per year as the annual average spent by Pennsylvania the state that has done the most energy performance contracting in the entire nation.

And the 10 year timeline, an aggressive voluntary schedule given the magnitude of this task is far more accelerated than any steps being taken by any other school district in the entire country. Under the plan the city will contract with energy service companies, ESCos, or other vendors complete comprehensive energy audits in retrofits over the 10 year period. The work will include replacement of all lighting fixtures that contained PCBs with energy efficient, PCB

free, lighting systems as well as other energy saving installations. The plan gives top priority to building wide replacement at all sites where any ballast leaking has been observed. To this end we have instructed all of our building custodians and building managers to perform periodic visual inspections for any such ballast leaks.

Our latest protocol and how to conduct these visual inspections incorporated these specific recommendations of the EPA and United Federation of Teachers. As a result of these inspections, and the seven building inspections conducted by the EPA ballast leaks have been observed in fixtures in a total of 43 buildings. All of the fixtures exhibiting signs of current or past leakage were replaced immediately. They have been removed. The remainder of the light fixtures in these buildings not showing any leakage will be replaced within one year of the inspection with the vast majority to be completed by the end of this calendar year.

Work has already been completed, in fact, that means the entire building in five of the buildings inspected by the EPA or brought to

its attention. Furthermore, we are encouraging school communities, the UFT, the SCA to report any suspected ballast leaks that they made observe any such schools brought to our attention with confirmed of leaks will be advanced in priority for light fixture replacements.

After buildings with observed leaks the plan prioritizes school buildings constructed between 1950 and 1966 and elementary schools in accordance to the guidance that has been offered by the EPA. The EPA found that the magnetic ballast used in buildings constructed during this period were more likely to leak and the electronic ballasts that were used between 1967 in 1978.

So within five years, by the end of 2016 we expect to complete work in all of these older elementary schools. We expect to lighting replacement in secondary schools constructed between 1950 and 1966 will be completed by 2017.

The plan also builds on the city's achievements to make schools greener and healthier with 21st century technology. Energy savings will be realized by such measures as replacing boilers that burned number four and number six heating oil

with boilers that use the cleaner number two fuel or natural gas were indicated by an energy audit.

And we know the public health benefits of this investment will be substantial. We estimate that our plan will reduce greenhouse gas emissions by up to 200,000 metric tons that is the equivalent of removing 40,000 cars from the road.

In addition, the reduction in air pollutants linked to illness and early deaths from heart and lung disease as well as asthma can, of course, have significant health benefits.

To develop this plan, we consulted with several large experience energy firms as well as other experts. I want to talk about why it is we have established this 10 year timeline. The first reason is the scope of the potential retrofits themselves. Secondly, the fact that most of the work on these buildings will have to be done after school over, the weekend, or on holidays. We obviously cannot do this work while the children are in schools.

The likelihood, thirdly, of an environmental remediation including asbestos

containment will have to be done. The work we've done so far have shown us that many of these lighting fixtures have asbestos in them and that means we can't even work overnight because we really have to work under very serious conditions making sure we contain the asbestos removal. The importance of asbestos remediation in developing this timeline cannot be overstated.

Every one of the schools inspected by EPA have shown the presence of asbestos as I said if the installation of the lighting fixture wiring. So our special containment protocols prevents work from even being done in the evening only weekends and holidays will be available.

We understand that the presence of PCBs in school buildings it's a serious concern to parents and staff and we share their desire to address this issue as quickly as possible. But with an achievable plan that doesn't unnecessarily interrupt educational priorities of the school system responsible for 1.1 million children.

We understand that the EPA has submitted testimony today recommended that the city remove the light ballasts within five years

to address this first say that the city has been working very closely with the EPA on all of these PCB related issues for three years and we take the recommendations and their guidance very seriously.

However, on this particular issue, we believe the EPA is severely under estimating the complexity of performing this work in school buildings. We also note that the EPA's guidance issued last December does not impose any timeframe for removing intact to ballast in fact EPA's current regulations allow intact to ballast to remain in place indefinitely.

We continue to urge the EPA to develop a thoughtful and consistent national policy to address this issue rather than really merely address in a piecemeal fashion in different parts of the country.

Let me be clear, however the city has no issue with continuing to take the lead we simply want to proceed in a responsible manner that we believe will yield the best results. With that said we fully intend to continue our collaboration with EPA which so far has been very productive. We are eager to proceed with

1 implementation of the plan; we've recently issued
2 a request for qualifications and expression of
3 interest and to attract vendors who can perform
4 the lighting replacement work and implement the
5 other energy conservation measures. An RFP,
6 request for proposals would be issued around June
7 1st.

8
9 Again I want to underscore the 10
10 year time frame of mind in plan is our most
11 aggressive estimate of when work and be completed
12 based on current understanding and the
13 unprecedented to nature and scale of this project.

14 We will continually evaluate the
15 project and cost as the plan is implemented and
16 based on the results of the first phase of the
17 project, we will revisit our timeline with in
18 three years. And if it is possible to accelerate
19 the schedule, we will do so. In addition we will
20 continue to inspect the affected schools on a
21 regular basis and immediately address leaks or
22 other conditions that could suggest an elevated
23 health or safety risk. We will continue to work
24 closely with our colleagues at the city's Health
25 Department to ensure that we have the latest data

on PCBs any another environmental issues that can possibly pose health risk.

The city's comprehensive plan is ambitious, but it's also achievable. And we will regularly update you on our progress as we implement it. It is, I want to point out, included in our five year capital plan, and as all of you are very much aware, we bring that planned to the Council for the public hearing and discussion every single year, and this plan will be part of that.

I look forward to continuing to work with all of you and I want to thank you all again for the opportunity to be with you here today. And I think I speak for all of my colleagues here at the table and the audience, that we look forward to taking your questions we consider this a very serious issue. We are as anxious as you are to get it resolved. We look forward to moving forward. Thank you.

CO-CHAIRPERSON GENNARO: Thank you Chancellor Grimm I appreciate your statement. If I could, counsel, if I can get the list of members who have come in since the last time. We have

Council Member Garodnick, we see. I see Council Member Weprin came in. Council Member Crowley Eric Ulrich I called already. Thank you.

What I'll do first, I'll recognize Chairman Jackson who wishes to read a statement that was put in the record by the EPA. Chairman Jackson.

CO-CHAIRPERSON JACKSON: Good afternoon. In order to set the tone and we've heard from the Department of Education representing all the various city agencies that are at the table: Department of Health and Mental Hygiene, School Construction Authority, and I believe.

But let me just read to you this statement from the U.S. Environmental Protection Agency Region 2, which is the New York City area submitted to the Council of the City of New York on the Committees of Environment Protection the Committee on Education for the April 13, 2011 hearing of the New York City Department of Education's comprehensive plan to increase energy efficiency and environmental quality of schools, including the removal of PCBs. And it says:

Thank you for the opportunity to comment of the issues of PCBs in lighting ballasts in New York City public schools. This is a topic that is gaining creasing public attention in recent months and we would like to take this opportunity to explain EPA's involvement in this matter and express our concerns.

We feel that the length of time the city has allotted to remove and replace all PCB containing lighting ballasts is too long. We recommend that the lighting replacements be completed in no more than five years.

In January of 2010, EPA announced an agreement with New York City to conduct a balanced study in five public schools. The initial goal of the study with the better understand the problem caused by PCBs in caulk and to evaluate strategies for reducing potential exposure to PCBs throughout the entire school system.

And during the summer of 2010, the New York City School Construction Authority took extensive air, dust, and soil samples in and around three of the five pilot schools. Test

1 results found PCB levels in the air above
2 established health based benchmarks in areas of
3 each of the three schools. They also found PCBs
4 in the soil around the schools. In these three
5 pilot schools New York City began to work to find
6 and remediate the sources of PCB could
7 termination. It was determined that the
8 widespread leaking PCB containing light fixtures
9 ballast were contributing to the elevated levels
10 of PCBs in the air.
11

12 These older PCB containing lighting
13 ballasts have been in views overextended period
14 and eventually fail containing materials inside
15 the palace to leak out and subsequently contribute
16 to the elevated levels of PCBs in the air that
17 children and school staff breathe.

18 PCBs have been demonstrated to
19 cause a wide variety of adverse health effects.
20 PCBs cause cancer in animals, as well as a number
21 of serious non-cancerous effects on the immune,
22 reproductive, and nervous, and endocrine systems.
23 EPA has determined that PCBs are a probable human
24 carcinogen.

25 Congress and banned the

1 manufacture a PCBs in United States in 1977
2 because of their toxic defects. Congress also
3 banned the use of PCBs except in totally enclosed
4 matter or except when authorized by EPA; however,
5 a large number of the fluorescent lights of
6 ballasts were installed prior to the ban may
7 contain PCBs and may still be in use in our
8 schools. It doesn't say our schools it says in
9 schools.
10

11 The typical life expectancy of
12 these ballasts is 10 to 15 years all of the pre
13 1979 ballasts and lighting fixtures that are still
14 in use are now far beyond this a life expectancy
15 increasing the risk of leaks, rupture, or even
16 fires which pose health and environmental hazards.
17 If in lighting ballast is leaking PCBs above the
18 regulatory level of 50 parts per million, it is
19 considered exceedent. To be in compliance with
20 Federal law, the ballast be immediately removed
21 from use and disposed of along with PCB
22 contaminated materials at an EPA approved disposal
23 facility. And that's just you can't just throw
24 the way.

25 In an effort to inform school

administrators, maintenance personnel, as well as the public about this issue EPAs released to national guidelines on December 29, 2010 recommending that schools removed all the PCB containing lighting ballasts. Shortly after the release of the guidance, the teachers at PS 36 in Staten Island became concerned about lighting fixtures that have leaked an oily substance on to the floor in two classrooms in several years earlier and inform their union representatives.

EPA sent inspectors to the school who conducted oversight as the city took samples at two locations with that ballasts have leaked onto the floor. Results showed PCBS in concentrations well above the EPA regulatory limit of 50 part per million. In January and February 2011, EPA conducted seven targeted and inspections at public schools in Manhattan, Brooklyn, Staten Island, and the Bronx to evaluate the lighting ballasts that may contain PCBs and to determined that they were leaking or had leaked in the past.

Overall 145 samples were taken from material that appeared to have leaked from lighting ballasts. Out of this total 113 samples

showed the results that are above the EPA regulatory limit of 50 parts per million. And that each school at least 2/3 samples taken showed results above the regulatory limit.

At PS 53 in Staten Island and PS 45 and 306 in Brooklyn one more samples showed results above 100,000 parts per million, which means the material sample 10 percent PCBs. At PS 306 in Brooklyn, two samples show the results of approximately one million parts per million or 100 percent PCBs and another was 95 percent. And throughout the course of our inspections, EPA recommended that New York City develop a plan for assessing and addressing leaking ballasts in our schools citywide.

On February 23, 2011 the New York City Department of Education announced its comprehensive plan to increase energy efficiency in environmental quality at schools. The plan calls for the removal and replacement of all PCBs lighting ballasts in 772 schools over the course of 10 years. The plan is also intended to result in complete energy audit and retrofits which are expected to reduce the city's greenhouse gas

emissions by more than 200 metric tons per year.

EPA recognizes this plan as a step in the right direction; however, we have been consistent in our saying that 10 years as too long for the removal of all PCB containing lighting fixtures throughout the school system. EPA inspections indicate that there is prevalence of leaking PCB ballasts in the school system. EPA believe said lighting fixtures should be removed from the 772 schools no longer than five years and that the city can and should take steps to achieve this.

And is the statement of U.S. EPA, and so I ask that this be made part of the record. Thank you Mr. Co-Chair, now go on to the questions.

CO-CHAIRPERSON GENNARO: Thank you Chairman Jackson. Let me just recognize some other members that have come in since last break, Council Member Mark-Viverito and Council Member Foster are both here; we are grateful to have them.

I'll start the questioning now. As Chairman Jackson had indicated earlier, we're

going to hold the members to a 5 minute question period. Chairman Jackson and myself will do our best to hold ourselves to that as well so we'd like to set the tone.

So let me begin. In you statement Chancellor Grim, on the bottom of the third page, you made reference to, with regard to the timeline, your statement says, "we believe the EPA has severely underestimated the complexity of performing the work of his type in school business and in school buildings a process in which we are, that we have the experience."

What I would like to ask from you is if you can elaborate a little bit on how complex of business this is to give us a better sense of what you're facing as you would endeavor to do this.

DEPUTY CHANCELLOR GRIMM: Sure I think the first thing to note is that they are school buildings, and they have children in them. And so, we're going to be limited, certainly, out of the box and every single school to evening work, to weekend work, to summer work, or break work. We have found in each of buildings expected

by the EPA, we have found asbestos in the lining of these fixtures. Asbestos-

CO-CHAIRPERSON GENNARO:

[interposing] That would be from the wires perhaps?

DEPUTY CHANCELLOR GRIMM: Yes.

Asbestos comes with its own special rules and containment procedures, because we actually have to contain the area and make sure that we're removing it properly and dispose of properly. So that eliminates evening work.

So we know, based on what we've already inspected that we have this problem. We just see this as something that is so unprecedented in scale and school in very unique buildings that we need to be careful in terms of what kind of commitment we can make.

We are currently working in about 100 schools. We will be pudding how this RFP June 1. We hope to do 40 buildings next year and to learn from that to get better experience working with ESCos and other the vendors who of course we will be supervising in all of our buildings.

If we can go forward and accelerate

1 this will be happy to, but I think it would be you
2 responsible for us to say, "Okay, we'll do it,"
3 without getting a little more sense of what the
4 "it" is.

5
6 CO-CHAIRPERSON GENNARO: Thank you.
7 And with regards to night work what you mean by
8 not doing this during night work does that mean
9 because the asbestos it would have to be the full
10 containment-

11 DEPUTY CHANCELLOR GRIMM:
12 [interposing] Correct.

13 CO-CHAIRPERSON GENNARO: And it
14 would have to be reworked take the containment
15 down and they have to be air tests that would show
16 that it safely reoccupy-

17 DEPUTY CHANCELLOR GRIMM:
18 [interposing] Exactly.

19 CO-CHAIRPERSON GENNARO: And this
20 would only lend itself to periods of time with the
21 school is not going to be in session for a long
22 period of time.

23 DEPUTY CHANCELLOR GRIMM: Correct.

24 CO-CHAIRPERSON GENNARO: Okay. Let
25 me just, I promised myself at the outset that I

2 would just ask two questions. Let me go to my
3 next question before I called upon others. There
4 has been a lot said about the level PCBs that is
5 in the residue oil that may be, like, within the
6 ballast, but the, and the concern with that is
7 that the PCBs within the residue would become
8 volatile and go into the air and the kids will
9 breathe it, and the way we measure with the kids
10 are breathing is through the air testing.

11 Could you give us a sense what
12 you've been picking up in the air and give us a
13 sense of that. Under different, you know,
14 conditions because that is the ultimate critical
15 metric, like what the kids are actually breathing.
16 If you can speak to that, I'd appreciate that.

17 DEPUTY CHANCELLOR GRIMM: I'm going
18 to ask Ross Holden of the SCA to address that; he
19 has much more specific knowledge than I.

20 CO-CHAIRPERSON GENNARO: Okay.
21 Sure.

22 ROSS HOLDEN: Thank you. The
23 School Construction Authority is conducted
24 literally hundreds of air tests in the pilot
25 schools particularly 199 Manhattan, 309 Brooklyn,

and 178 Bronx. And we found that, generally, the results are comparatively low.

We've also found that the ventilation is a very important aspect the highest ratings that we've had which have been over guidance were taken when the buildings were totally closed. The windows were all closed the exhaust fans on the roof were turned off and this was in July and August where we have the hottest months and where we found that more of the volatilization could take place.

Once those windows were open and the fans turn on the levels of PCBs in the air drops dramatically for all of those schools, but even with that the air levels were, although over guidance in some of the classroom still relatively low. At 178 Bronx, we found that some of the classrooms were over guidance but even closed up in the summertime many of them were below the EPA guidance levels.

CO-CHAIRPERSON GENNARO: Thank you. Thank you. I said I'd ask two questions in the first round and I'm going to hold myself to that. Chairman Jackson is graciously passed on the first

round, so we're going right to the members questions. We're going to start the five minute clock. Council Member, I sometimes stutter on his name it does happen.

COUNCIL MEMBER IGNIZIO: It's an Italian name.

CO-CHAIRPERSON GENNARO: Council Member Vinnie will now.

COUNCIL MEMBER IGNIZIO: I'll take it. Thank you all very much. And thank you to distinguished panel. I wanted that start out by saying thank you to the parents of PS 36 and 53 in my district who really created a firestorm along with some great advocate groups in New York City Lawyers and the Public Interest, UFT, groups I did know, quite frankly, before all of this. And I also want to praise the DOE who in some instances was brought in kicking and screaming but when it was time to work people really did get to work and I want the public to know that.

At that point, Deputy Mayor Walcott, our Chancellor designee and Deputy Chancellor Grimm were also very active in how we could put our arms around this problem. That is

not to say we're not going to agree on all issues going forward, but it's important for the record to be sanitizing and to be truthful.

I don't think anybody on the panel or here wants children to be exposed to potential carcinogens but it is I think the Administration's position as a whole that PCBs are not or do not cause ill health defects in children. Is that still the case?

DEPUTY CHANCELLOR GRIMM: Yes. And I'd ask my colleague Dr. Clark to elaborate on that.

DR. CLARK: Hi.

COUNCIL MEMBER IGNIZIO: Hi Doctor.

DR. CLARK: Nancy Clark is fine. I think I understand your question. PCBs in schools is more of the what we consider it the potential exposure issue. At the levels that we have, that SCA, has measured in school buildings those levels as Ross said are comparatively low and a specially in comparison with the EPA guidance level.

The EPA computed guidance levels to help schools evaluate when they do testing what the potential health risks are and those guidance

levels have been set at a very, very low level.

In fact a level way below where health effects are thought to occur-

COUNCIL MEMBER IGNIZIO:

[interposing] Understood. Well Doctor it begs the question, is there a number but that would come back if the Department of Education would be a potential health threat to children.

DR. CLARK: I don't think we've seen that number.

COUNCIL MEMBER IGNIZIO: But does that number exist?

DR. CLARK: You know when we look at, and I'm not trying to avoid the question at all but this is a very complex issue.

COUNCIL MEMBER IGNIZIO: Yes Ma'am.

DR. CLARK: Almost 500 air tests have been taken.

COUNCIL MEMBER IGNIZIO: Yes Ma'am.

DR. CLARK: For the most part those levels have I said have been either below, most of them have been below the guidance levels. There have been some above. The purpose of those air levels is to trigger actions to reduce exposures

not to indicate that a health risk is imminent.

COUNCIL MEMBER IGNIZIO: Yes Ma'am.

DR. CLARK: So I think that the most important thing to consider is that health effects are not recognized at the levels that we're seeing in schools.

COUNCIL MEMBER IGNIZIO: Right. I understand I just want to have an answer to this question: is there a number one which the Department of Ed would say this school ought to be closed because it reaches a higher number? Is it a million parts per million is it 10 million parts I don't know that number. Is there any number that exists within the confines of potential concerns for schools and health with in that school.

DEPUTY CHANCELLOR GRIMM: I don't think that number exists. And to answer your original question the city's position is that there is no immediate health risk. Having said, that we want to address this problem that we will continue to inspect. We will continue to test. We will continue to replace.

COUNCIL MEMBER IGNIZIO:

Understood. The lights with regards to the ESCos walk me through the concern utilizing ESCos we saw the reports in the paper some of them have reached out to me and I forward the letter on to the Department of Education.

Companies that said we'll come in, as has occurred in the rest of the country, will come in will replace the lights "free of charge" quote unquote it's not really free. Because ultimately they make the money back in energy savings to the school and ultimately probably some interest built and there. Why is that not the way the way to go? If one company can do 50 schools, why couldn't we put it out for 20 companies to do all the schools done within a short a time line?

DEPUTY CHANCELLOR GRIMM: Well. I think there are actually two questions there. The first question is: why are we funding this through capital money rather than through funding of the ESCos? We did an analysis of work with OMB frankly the city's rating is so good that the city, the interest rate is less if the city pays for the upfront than, if in effect, borrow it from

the ESCos.

As far as companies saying that they can do it more quickly, I make the same comments I've made with reference to the EPA suggestion that we should do five years. I'm not sure everyone understands this scope and a scale of what has to be done in our schools. Having said that this is a competitive process we will invite all of these people to participate in this process with us.

COUNCIL MEMBER IGNIZIO: Okay. And the final comment is seeing the cleaning of PS 36 as I did it was unbelievably thorough. It was well done and to my colleagues if it's going on in your district I was invited and day and day out any time to come see a night took advantage of that 2:00 and 3:00 in the morning, I'd do visits it helped that I've lived across the street, but-

CO-CHAIRPERSON GENNARO:
[interposing] councilman you kind of over, if you not aware of it you are over the limit. If you can finish your comment.

COUNCIL MEMBER IGNIZIO: Yeah I'm aware of it. I'm finishing up Chairman, thank

1 you. And they've really did believe robust work
2 and I was very pleased that I clearly love to see
3 that in the obsolete lights that we have
4 throughout our school system and hopefully be of
5 the shrink the timeline that some efforts on
6 behalf of this Council and working with the DOE.
7 Thank you very much.

8 DEPUTY CHANCELLOR GRIMM: Thank
9 you.

10 CO-CHAIRPERSON GENNARO: Thank you
11 to Council Member. Council Member Cabrera.

12 COUNCIL MEMBER CABRERA: Thank you
13 to the Chairs. Welcome. I'm a little confused
14 here. Please help me understand. What I'm trying
15 to comprehend here. The EPA set a standard and
16 when I just heard you say was well it's like way
17 below of imminent danger, is that correct? What I
18 just heard.

19 DEPUTY CHANCELLOR GRIMM: Well, I
20 think, we have said a couple of things. We've
21 said that we don't believe that there's any
22 immediate danger to any of our children and of
23 staff and the schools-

24 COUNCIL MEMBER CABRERA:

1 [interposing] Do you see a potential for long-term
2 danger, for example I have a school that has no
3 windows, has no proper ventilation, and I believe
4 it's out of code, and I see the same kind of
5 lighting fixtures that they are mentioning here.
6 Do you see the potential for long-term effects?
7

8 DEPUTY CHANCELLOR GRIMM: Well, we
9 do not based on the current studies and advice
10 from our health experts. Having said that, all of
11 our buildings are being, have been inspected any
12 linking ballast observed have been replaced. We
13 urge all of our, all of the people in our school
14 communities, whether they be teachers or parents
15 or whomever along with our building staff, if they
16 observe anything to let us know. If by the way
17 you have a building we think there's no
18 ventilation you should let me know offline and we
19 will see to that.

20 COUNCIL MEMBER CABRERA: I've tried
21 to reach out to somebody on staff and we contacted
22 him three times and we're still waiting for
23 response.

24 DEPUTY CHANCELLOR GRIMM: Well, you
25 can give me both the name of the school and the

name of that person.

COUNCIL MEMBER CABRERA: Thank you, thank you so much great chancellor it so good to work with you. Let me ask in a different way, let's suppose three years from now we have an anomaly, we have all the ballasts started leaking at the same time what would be your course of action?

DEPUTY CHANCELLOR GRIMM: Well it's very difficult for me to answer hypotheticals like that. These ballasts had been in our school for a long time over the next three years, over the next forever until we remove all of the ones from this time period, we will be doing visual inspections and if we observe them we will be doing immediate replacements, so I think the likelihood of all the sudden getting up one morning in having them all leaking anything is possible but I don't think that would happen.

COUNCIL MEMBER CABRERA: Okay. Here's everything from possible indeed. The asbestos because I know that was brought up as an issue and I remember within the public schools back in the nineties-

DEPUTY CHANCELLOR GRIMM:

[interposing] 1993, sorry.

COUNCIL MEMBER CABRERA: 1993. Was that not hard was that not considered the asbestos back there and in the ballasts, or in the light fixtures I'm sorry.

DEPUTY CHANCELLOR GRIMM: I don't believe it was. I think it was asbestos that was found in the walls as opposed to actually in the light fixtures.

COUNCIL MEMBER CABRERA: But I did see the schools were actually still function I wasn't Walton high school. And schools were able to function while they were doing this asbestos abatement and, you know, I was there, the school functioned. I see this as a smaller scale type or and maybe I'm wrong. Please help me understand.

DEPUTY CHANCELLOR GRIMM: The schools were closed. The schools actually were closed for period in September I think it was.

COUNCIL MEMBER CABRERA: Were so schools some parts of the schools were closed and were able to function I remember that.

DEPUTY CHANCELLOR GRIMM: There

could have been. There could have been.

COUNCIL MEMBER CABRERA: So, why can't we do something like that in terms of, I just think, I can only imagine, some of those kids are in the same school for 10 years they've been exposed. What we don't know can kill us. I often hear that you know, we're not sure, maybe, perhaps, I don't know. The EPA saying and I think they're the expert you're going to your expert but I think they are the experts and they're telling us five years. It would make sense to me to follow the recommendation of those who have set as the experts in this field.

DEPUTY CHANCELLOR GRIMM: We have tremendous respect for the EPA and we do, by in large, look for their guidance and follow all of their guidance. We just think in this particular area we have better knowledge of our schools, and we're better knowledge of the potential problems might be. What we also want to do is get into this plan and find out.

COUNCIL MEMBER CABRERA: Thank you very much. One last question if I can squeeze in just real quick, energy savings-

CO-CHAIRPERSON GENNARO:

[interposing] Very quick, very quick please.

COUNCIL MEMBER CABRERA: Ten years verses five years, if we were to have it done that quickly. Thank you so much, Mr. Chair.

DEPUTY CHANCELLOR GRIMM: I'm sorry I didn't understand the question?

CO-CHAIRPERSON GENNARO: That was a question.

COUNCIL MEMBER CABRERA: The energy savings how much would the energy saving be if we completed the project 5 years verses 10 years.

DEPUTY CHANCELLOR GRIMM: I don't think we have computed that. It is very difficult to compute what the energy savings would be in a 10 year. But we know it would be significant.

CO-CHAIRPERSON GENNARO: Thank you. Thank you Council Member Cabrera. We have been joined by Council Member Sanders and Council Member Fidler. And the next person who asked to pose questions. Oh, pardon me, Council Member Rodriguez, forgive me. Council Member Vallone is next with questions.

COUNCIL MEMBER VALLONE: Okay thank

2 you. I want to reiterate with Council Member
3 Ignizio said first of all I want to congratulate
4 you on the scope of this project the fact that
5 it's fun president throughout the country. And
6 the work that you, and the time you spent with us
7 explaining your goals. If we disagree it may just
8 be on the best way to solve this, but that is our
9 job is an oversight body.

10 So, I wasn't going to ask this but
11 to follow up on something that Council Member
12 Ignizio said. We never got an answer to whether
13 there was a number that would cause a problem, and
14 I believe Chancellor Grimm, you may have said that
15 there was no number. Now, I don't think that
16 could actually be the case, so I must have of
17 misunderstood that.

18 You did say that the numbers, the
19 guidelines that we have right now are merely set
20 there as warnings of potential problems, I think
21 the doctor said this, but not as an indication
22 that there is a problem happening now. But a
23 warning means that there's a problem ahead, and
24 yet you have not indicated when that problem would
25 come into existence, so there's got to be some

level of PCBs that can be found that would indicate that they're going to be a health problem, or maybe I understood you correctly to say that you don't think there's any number. So I just wanted you to elaborate on that.

DEPUTY CHANCELLOR GRIMM: Well, as I think the Dr. said and I'll ask her to speak to it. The numbers that we have of the numbers that the EPA has given us for guidance, and we know those numbers are conservative numbers. We don't want any PCBs in our schools, that's why we've created this plan. We will continue to test. We will continue to do our inspections. And we will continue to do all of the replacements. I don't think there is any number that anyone has come up with that I'm aware of, and I'll ask Doctor Clark to speak to in response to your question. I just don't think that number exists.

COUNCIL MEMBER VALLONE: But the numbers we have our warnings of potential problems that the problem has to come into existence at a certain number, so Doctor what would that be.

DEPUTY CHANCELLOR GRIMM: So, if we find leaks we are going to replace it. We are

2 going to replace the ballast. In the plans for
3 the term of the plant will replace all of the
4 lighting in each of these schools.

5 COUNCIL MEMBER VALLONE: You're
6 saying, and this is great that you don't think
7 it's ever possible to get to that number but
8 there's got to be number. That's what Council
9 Member Ignizio and I want to know what's number
10 has to be reached before you need to evacuate that
11 school there's a problem.

12 DEPUTY CHANCELLOR GRIMM: In all
13 the testing we have done we have not reached a
14 number where are-

15 COUNCIL MEMBER VALLONE:
16 [interposing] What would that number be that you
17 would have to say get out of that school?

18 DEPUTY CHANCELLOR GRIMM: Nancy? I
19 don't think we have had any testing that would
20 indicate that we would ever come near any such
21 number.

22 COUNCIL MEMBER VALLONE: Okay, you
23 still have an answer the question. I'm assuming
24 again that you mean that's because, due to the
25 presence of these lights, there is not the

possibility based on that that we could ever reach that number it is that what you're saying?

DEPUTY CHANCELLOR GRIMM: I don't know what that number is. We have numbers from the EPA that we're going to that we would test against. In all the testing we've done even if we're above the EPA numbers, we take action to reduce it. The numbers have not been so excessive that we thought we'd had an immediate danger.

COUNCIL MEMBER VALLONE: I'm well aware of that, but I guess I can't keep asking the same question over and over again-

DEPUTY CHANCELLOR GRIMM:
[interposing] I don't think there's an answer to your question.

COUNCIL MEMBER VALLONE: Well I am sure the EPA has an answer will have to get it from somebody. At what level do PCBs become harmful. And to get an answer that question at some point, but potentially not from this panel.

The last thing I have is the fact that many of us have met with companies who have tried to sell us on the fact that they can do this work much quicker. I am assuming you've met with

1 all these companies too and you have experts that
2 I don't have on my staff of five to evaluate them,
3 so what is your response to these companies who
4 were saying that they can do this work in a much
5 shorter time frame. Are they miss apprehending
6 the work involved or the fact that they can only
7 work it certain times. They're coming to us and
8 we're telling us that they could do it a much
9 quicker.
10

11 DEPUTY CHANCELLOR GRIMM: Well,
12 we've already issued this request for feedback, so
13 we will see what we get from these companies but
14 we invite all of these companies to dissipate and
15 as we will then schedule a pre RFP hearing where
16 we will meet with all of them. We'll have the RFP
17 a very competitive process, and if through that
18 process, we find that there are companies that can
19 do this better, those of the companies will sign
20 up. But I think we have to go through that
21 process to find out, I suspect some of them are
22 misgauging the scope, but we'll find out.

23 COUNCIL MEMBER VALLONE: That's
24 what I expected to hear from competent people, so
25 we will assist you if we can for providing these

1 companies to you, we stand ready as a body to
2 provided any assistance we can to make sure that
3 this necessary work goes as quickly as possible.
4 Thank you all for your hard work.

5
6 DEPUTY CHANCELLOR GRIMM: Thank
7 you.

8 CO-CHAIRPERSON JACKSON: Deputy
9 Chancellor appreciate you I respect you, but Peter
10 Vallone, Jr. question is clearly right on time.
11 At what level do you say you close the school or
12 remove the kids. I mean, just going back to my
13 opening statement which was in the EPA's letter
14 which I read into the record, 306 in Brooklyn two
15 samples showed a result of approximately one
16 million parts per million or 100 percent PCBs in
17 another 95 percent. I ask you is that not enough?
18 I'm very serious about that because if you tell me
19 no, then we have a problem here.

20 DEPUTY CHANCELLOR GRIMM: Would
21 need in testing we do all of our testing in
22 conjunction with many partners including the EPA
23 none of our testing has indicated that we would
24 have or have ever had a situation were had
25 immediate danger to our children for our staff.

2 CO-CHAIRPERSON JACKSON: Okay. So
3 you're telling me, and I hear you, I heard you. I
4 don't mean to cut you off that you said none of
5 them have cause where there's an immediate danger.
6 You mean where a test revealed 100 percent one
7 million parts per million equal to 100 percent
8 PCBs that's not a danger? An immediate threat?

9 DEPUTY CHANCELLOR GRIMM: It is
10 material that we removed from the school.

11 CO-CHAIRPERSON JACKSON: I
12 understand that that's one of the tests that were
13 done. And I'm asking you is that not. So you're
14 saying was material-

15 DEPUTY CHANCELLOR GRIMM:
16 [interposing] That was not in an air test. It was
17 not an air test.

18 CO-CHAIRPERSON JACKSON: Did we do
19 in air test of that particular location at that
20 time?

21 DEPUTY CHANCELLOR GRIMM: [to
22 staff] Did we?

23 ROSS HOLDEN: [off mic] Yeah
24 actually.

25 DEPUTY CHANCELLOR GRIMM: I'm going

to ask my experts.

CO-CHAIRPERSON JACKSON: The answer I'm trying to get to I'm not trying to badger you anything I'm just trying to understand Peter Vallone asked a very legitimate question.

And if this particular school, whenever the test was 100 percent PCBs, I mean in the material. Is the question is did you do in air sample and if so what was it so we can determine was it 500,000 parts per million in the air or 200,000 is that not enough to say no children should be in that classroom. There must be a standard. Help me out. I'm not an expert.

MR. HOLDEN: We in 309 Brooklyn where there was evidence of a leak and I think the product there was.

CO-CHAIRPERSON JACKSON: We're talking about 306.

MR. HOLDEN: Yes 306 sorry. We did test the air. I know about 309 let me go back to 309, because there was some dripping as well and that was tested below guidance are also in 306-

CO-CHAIRPERSON JACKSON:
[interposing] You tested the air and it was below

guidance and that's 50 parts per million, correct.

MR. HOLDEN: No, no 50 parts per million is in product in the material itself. That is not in the air-

CO-CHAIRPERSON JACKSON:
[interposing] What is the requirement in air?

MR. HOLDEN: In the air the EPA guidance, is generally 300 nanograms per cubic meter of air. A nanogram is the 1 billionth of a gram. So that's the level, we have been in schools where we've had found that there was a drip 36 R is a good example brought up by Council Member Ignizio.

CO-CHAIRPERSON JACKSON: Go ahead.

MR. HOLDEN: It was evidence that there had been a leak that it actually dripped out of the light fixture the product itself was virtually a million parts per million but we tested the air and those classrooms where there was tripping and it was below guidance, so my point is that the product that you're testing doesn't necessarily translate into exposure in the air.

CO-CHAIRPERSON JACKSON: Okay.

MR. HOLDEN: Even when we've had

high readings in the ballasts oil the air levels throughout all of the schools we've had tested has been relatively well, so there's not necessarily a correlation there.

CO-CHAIRPERSON JACKSON: Okay. And I am going to hear from experts and I'm going to ask them the same question. Thank you. Thank you I just need to clarify Peter.

CO-CHAIRPERSON GENNARO: Sure. Thank you Chairman Jackson. Thank you Council Member Vallone. I recognize Council Member Brewer.

COUNCIL MEMBER BREWER: thank you very much and I want to echo to thank the parents of PS 199 like Ignizio it did in his schools and also Kathleen Grimm she a hero.

My question is when we dealt with PS 199, one of the issues was testing by whom they were different conflicting tests has that been dealt with in some kind of fashion because the parents had tester and you had testers. And they have different outcomes so how is that now worked out.

MR. HOLDEN: Actually, there are

1 for the labs we have used to test the product and
2 test the air we have used two companies one is
3 Northeast Analytical which is used by the actually
4 The Daily News three years ago the New York
5 Lawyers and the Public Interest. It's the lab
6 that the parents at PS 199 Manhattan wanted.
7 There's another lab that we found that has very
8 good quality control and because we've done so
9 many tests we sent samples to both and that's Con-
10 Test in Massachusetts. There were two others we
11 used but we were not satisfied with the quality
12 controls when we investigated those firms. So we
13 generally use those two labs.

14
15 COUNCIL MEMBER BREWER: The next
16 question is 199 was mostly caulking others are
17 lights is that sometimes both or is it one of the
18 other and do the air tests reflect which it is, in
19 terms of caulking or light or both? In other
20 words PCBs that come from both as I understand it
21 or not.

22 MR. HOLDEN: You can't tell when
23 you have, there are 200 different types of PCBs,
24 but the same type of PCB that could be in caulk
25 could be in the ballast oil. That's why we have

1 the track down provision that was discussed by
2 Chair Gennaro earlier. When we find that there
3 are levels in the air that are not mitigated by
4 taking out the caulk that's when we looked at the
5 ballast to see if that was the potential cause.

6 COUNCIL MEMBER BREWER: I don't
7 want to take time but I have more questions. In
8 the soil in 199, we found challenges, is that true
9 elsewhere?

10 MR. HOLDEN: That is true
11 exceedences is one part per million in some of the
12 schools that we've tested, again they've been
13 very, very low. I mean it's one or two parts per
14 million we're finding, but under the standard for
15 mediating will receive the PCBs in the soil over
16 that standard.

17 COUNCIL MEMBER BREWER: You
18 mentioned in your testimony regarding the number
19 six oil. And, so we have been corresponding on
20 that and I appreciate it. I wanted to know, how
21 many school buildings that have outdated boilers
22 using number six or number four and what are your
23 plans to rectify it and how long will it take?
24 Because you're the one who brought it up. I
25

wasn't going to that you did.

DEPUTY CHANCELLOR GRIMM: We have just, I think, over 400 boilers that still burn number two and number four. Under this 10 year plan we will replace 70 percent of them.

COUNCIL MEMBER BREWER: Those replaced in 10 years?

DEPUTY CHANCELLOR GRIMM: Yes.

COUNCIL MEMBER BREWER: Because it says in your letter it says 150 schools have temper six and will be converted to number four by 2015, so that is not necessarily number two or gas. And right now there's 183 school buildings that use number four and 230 that use number six, so where are we at with all these numbers maybe I'm lost.

DEPUTY CHANCELLOR GRIMM: Jeff Shear will straighten us all out.

COUNCIL MEMBER BREWER: Oh, good. Did you write this letter Jeff, that's why? Go ahead.

JEFF SHEAR: The numbers that you refer to, we're tackling the problem in really two different ways. One thing we are doing to address

1 the boilers that burned dirty oil is to do what is
2 called the burner conversions so instead of
3 replacing the whole boiler we can work quickly and
4 more cheaply when the boilers in decent shape
5 change the burner. When we're doing that, the
6 advantage is that we do it fast and cheap the
7 disadvantage is we can only convert to number
8 four.

9
10 At the same time we're planning to
11 do a range of boiler replacements that will allow
12 the boilers to be replaced with either number two
13 oil burning burners or with gas burners.

14 COUNCIL MEMBER BREWER: How would
15 you decide which would do. Not that I know.
16 Whether it's a cost issue or depends on the status
17 of the boiler, how would you make the decision
18 between the boiler conversion and a full
19 conversion?

20 JEFF SHEAR: It depends on the
21 status of the boiler.

22 COUNCIL MEMBER BREWER: Are we
23 going to get the waste as to which is going to be
24 in which direction? Because all I have is a list
25 of those that are a problem. When will we get

that list?

DEPUTY CHANCELLOR GRIMM: Sure.

JEFF SHEAR: I think we are in the process, John Shea could actually speak to this a little bit more Ariella-

COUNCIL MEMBER BREWER: The bell went off, I'll be in trouble.

CO-CHAIRPERSON GENNARO: We can have a-

COUNCIL MEMBER BREWER:
[interposing] How about my list?

CO-CHAIRPERSON GENNARO: We can have a brief answer in question and will allow it so Ariella if you can answer.

DEPUTY COMMISSIONER MARON: Thank you Mr. Chair. There is no cookie cutter answer which is the beauty of an energy audit because an energy audit you have experts going in and determining what is the most cost effective way to upgrade the various HVAC systems. At times it's a burner replacement, at times it's not, so you can't have a list ahead of time that the energy on its per building will tell you that. Answer

COUNCIL MEMBER BREWER: But what

2 I'm saying is here's my list so the question is
3 where would the energy audits be done so that
4 we'll know-

5 CO-CHAIRPERSON GENNARO:

6 [interposing] Gale, you know what we'll do, maybe
7 because this is-. I was willing to give a little
8 added to but this is a PCB hearing although this
9 is very important things may be that could be
10 followed up to, sort of, like, offline.

11 COUNCIL MEMBER BREWER: Okay. They
12 brought it up.

13 CO-CHAIRPERSON GENNARO: It's quite
14 all right. It's quite all right, but we are quite
15 a bit over so I want to thank you Council Member
16 Brewer for your good questions, and I recognize
17 Council Member Greenfield.

18 COUNCIL MEMBER GREENFIELD: Mr.
19 Chairman I'm going to pass I want hear a rest of
20 my colleagues questions then if you could get back
21 to me thank you.

22 CO-CHAIRPERSON GENNARO: Pardon,
23 sorry.

24 COUNCIL MEMBER GREENFIELD: I'm
25 going to pass for now, thank you.

CO-CHAIRPERSON GENNARO: Oh, okay very gracious of you. I will then recognize my colleague from Queens Council Member Sanders. Okay. So that means Council Member Fidler will hit cleanup.

COUNCIL MEMBER FIDLER: Okay. Good afternoon Deputy Chancellor I apologize to coming to class a little late today.

CO-CHAIRPERSON GENNARO: Lou likes baseball stuff. He always weaves baseball stuff into his comments.

COUNCIL MEMBER FIDLER: I'll try to we've one in there. I'll try to be the closer. So let me try to close out the questions that were asked by Council Member Ignizio and Vallone after listening to the questions from Chairman Jackson.

So let me phrase the question this way at how many nanograms per cubic are whatever in the air would you clear of school?

DEPUTY CHANCELLOR GRIMM: I do not have an answer that question because in each situation where we would test we would test and be working with the EPA and other partners. And if there were, including our colleagues at the health

department and if there was some consensus among the science of the oversight committee in unity that we had reached a level, then we would consider it. Nothing, nothing in our testing has brought us anywhere near that.

COUNCIL MEMBER FIDLER: That's great, and it's good to know. But I don't know how you could know if you're near it if you don't know what the number is. And I think that's the reason there such a discomfort level up here.

I mean, if there are experts to be spoken to, it would be good to you speak to them. Speak to the Health Department, speak to the EPA speak to your internal people. Figure out what that number is, so that if you get a test result that approaches it, you don't have to first have that discussion so let me leave it at that.

DEPUTY CHANCELLOR GRIMM: Fair enough

COUNCIL MEMBER FIDLER: I think that's better to be forewarned. Alright?

DEPUTY CHANCELLOR GRIMM: Okay.

COUNCIL MEMBER FIDLER: So let me shift to a conversation that we had a couple of

years ago in a budget hearing on the subject of replacing the light fixtures. Now you are proposing to do that over a 10 year. Am I correct?

DEPUTY CHANCELLOR GRIMM: Correct.

COUNCIL MEMBER FIDLER: And it costs just for the light fixtures, how much?

DEPUTY CHANCELLOR GRIMM: The costs per school is approximately \$1.1 million.

COUNCIL MEMBER FIDLER: Give me the global costs here is that 800 million all for light fixtures.

DEPUTY CHANCELLOR GRIMM: Yes. No it's more than light fixtures; it's for the audit it's for the light fixtures; it's for potentially a boiler replacement-

COUNCIL MEMBER FIDLER:
[interposing] Can you give me the part that's just for the light fixtures? I'm going to drill down on that.

DEPUTY CHANCELLOR GRIMM: Well, the DCAS in its experience in replacing light fixtures has experienced a cost of roughly \$400,000.

COUNCIL MEMBER FIDLER: Times how

many schools?

DEPUTY CHANCELLOR GRIMM: Times-

DEPUTY COMMISSIONER MARON: [off mic] We have found that of the cost of a comprehensive project about 40 percent of that is from the lighting upgrades.

COUNCIL MEMBER FIDLER: Forty percent of the 800 million?

DEPUTY COMMISSIONER MARON: Forty percent of on average of the 1.1 million about 40 percent of that would go towards-

COUNCIL MEMBER FIDLER: [interposing] I'm just trying to find out in this 10 year plan how much is for light fixtures.

DEPUTY CHANCELLOR GRIMM: Roughly 40 percent is the estimate.

COUNCIL MEMBER FIDLER: So that would be \$320 million if I passed my ninth grade algebra. Right?

DEPUTY CHANCELLOR GRIMM: No.

COUNCIL MEMBER FIDLER: Eight hundred million 40 percent 320. Am right?

DEPUTY CHANCELLOR GRIMM: Oh I see. Right.

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COUNCIL MEMBER FIDLER: Okay.

DEPUTY CHANCELLOR GRIMM: But I
need to add one more thing.

COUNCIL MEMBER FIDLER: Yes.

DEPUTY CHANCELLOR GRIMM: In the
schools where we have been working our cost has
been roughly \$1 million per school, and the
difficulty in this plan in planning for this is
that we don't know what we're going to find. And
we think, in terms of the energy audits, in terms
of replacing the lights, in terms of the boilers,
in terms of the potential of asbestos containment
and cleanup, these are estimates.

COUNCIL MEMBER FIDLER: Understood.
What is the energy savings, let's say at the end
of this ten year plan you replaced all the
fluorescent bulbs with energy efficient lighting
Fixtures. What would you anticipate the annual
energy savings to the city to be?

DEPUTY CHANCELLOR GRIMM: I don't
know if we have an exact number but-

COUNCIL MEMBER FIDLER:
[interposing] I'll take a ballpark.

DEPUTY CHANCELLOR GRIMM: I think-

COUNCIL MEMBER FIDLER:

[interposing] There is your baseball reference

DEPUTY CHANCELLOR GRIMM: I think
in the tens of millions of dollar, Ariella?

DEPUTY COMMISSIONER MARON: For the
comprehensive plan which includes energy savings
that we'd expect from a comprehensive approach,
not just the lighting once they're all complete we
expect that to be approximately \$95 million a
year.

COUNCIL MEMBER FIDLER: Ninety-five
million a year.

DEPUTY COMMISSIONER MARON: Once
they're all complete.

COUNCIL MEMBER FIDLER: And how
much of that would be contributed to the energy
efficient lighting?

DEPUTY COMMISSIONER MARON: That I
would have to get back on up how much of that-

COUNCIL MEMBER FIDLER:
[interposing] Give me a ballpark.

DEPUTY COMMISSIONER MARON: I can't
give you the ball park right now. But from what
we've been finding from audits and retrofits that

we've been doing in city buildings that based on that is where we come up with a 95 million.

COUNCIL MEMBER FIDLER: So

DEPUTY COMMISSIONER MARON: We've comprehensively looking at.

COUNCIL MEMBER FIDLER: So if we were to say half of that would be lighting and I'm just going to pick that number out of the air because you don't have a number to give me. That would be a savings to the bottom line budget of DOE of 40 to 50 million dollars a year. And so, if we did it in 5 years instead of 10, that would be a savings of about 200 million dollars over that five years. And the cost of doing the lighting is about 320 million, and I would hazard to say that the debt service on the capital funds right now are at historic lows. It almost pays for itself for you to do it faster so that's what I'm not getting.

[applause] I think we're all in agreement that this is something that we want to do for health reasons, so now I think what you need to do is look at the bottom line here and say we need to do with faster for the financial

reasons as well. When the two are at odds, I can understand that conversation. We can't afford it, but here to health needs kids and the teachers, and the parents that walk into the building, you know, is consistent with the economic savings that you would get.

And so, I would urge you to look at those numbers hard and see whether or not you can cut the time. I mean, 5 years would be great 2 years would be better, so somewhere in between.

CO-CHAIRPERSON GENNARO:

[interposing] Lou, we have to leave it there.

COUNCIL MEMBER FIDLER: Please.

CO-CHAIRPERSON GENNARO: We are well over the limit, but thank you for that.

COUNCIL MEMBER FIDLER: I think I got the point that I was going for.

CO-CHAIRPERSON GENNARO: Sure. And before I call the next person on the list I'm just going to a sort my prerogative a little bit. With regard to Council Member Brewer's question about our local law 87 compliance about as the author of that bill I should know what the reporting requirements are. I don't right off the top of my

2 head, but Council Member Brewer wanted to know
3 about how long this was going to take and when we
4 can get a listing of one schools, for all the
5 audits and retrofits, that are going to be done on
6 some kind of mass work that will give us a
7 timetable for that. So someone can briefly we
8 speak to that so I can satisfy Council Member
9 Brewer's question about that.

10 DEPUTY CHANCELLOR GRIMM: I think
11 part of a problem with that is that the knowing
12 what we're going to be doing depends on the energy
13 audits. We will be as we go through this process
14 creating a web page to post all of this work as
15 it's done and as it's been done. But I don't
16 think we can in advance give a list of what is
17 going to be done.

18 DEPUTY COMMISSIONER MARON:
19 Correct. And to add to that local law 87 does
20 have reporting requirements so following the
21 reporting requirements by the end of actually this
22 calendar year for all city agencies, we will have
23 a timeline of when we're going to begin the energy
24 audits.

25 So we at least can provide the time

2 of when we're going to begin the energy audits,
3 but the audits themselves are going to be
4 implemented over the next couple years. So it's
5 not until the audits complete that will know which
6 measure makes sense for which boiler.

7 CO-CHAIRPERSON GENNARO: Thank you.
8 Thank you one more really quick question, I think,
9 could shed some light. There was a fair amount of
10 discourse from members regarding standards and
11 what's the standard and what's the number and when
12 you clear of building.

13 And I think part of the problem,
14 and tell me if I'm wrong, that the EPA which is
15 the ultimate regulator in this area hasn't really
16 come forward with anything other than just like
17 the guidance numbers. And so, it seems like
18 there's a little bit of the deficit from the
19 Federal level on what that level would be and it
20 seems that we're, kind of, relying on some kind of
21 quality that would have to take place and the
22 fed's the numbers have a certain level we
23 certainly would use our best judgment from our
24 city medical professionals, but in the absence of
25 a firm number, it appears like it's more of the

process. And so, if you can speak to that briefly, I think that's what are running into here there's not a lot of guidance and it's something that the city would have to evaluate along with the Federal regulator. Is that a fair statement? And anything that you can add to that would be helpful.

DEPUTY CHANCELLOR GRIMM: I think that is correct. I think that is correct I don't think that there is a number out there. I think we have the guidance numbers which we look at when we are testing. We will certainly have conversations-

CO-CHAIRPERSON GENNARO:
[interposing] If I could I could bring Dr. Clark in on this is well I appreciate which she may have to say on that.

DEPUTY CHANCELLOR GRIMM: Yes I would like to hear from her too on this, but as I say I think that we can certainly have the conversations that Council Member Fidler is suggested we have. I don't think that the science is there, but I am not a scientist, but I'm very happy to pursue.

CO-CHAIRPERSON GENNARO: And also before Nancy speaks let me. And I don't know the answer to this question, in all of your disk or so far with the EPA, has the EPA ever, because they've gone to schools; they've talked to you at length. Has the EPA ever told you that we want XYZ the school closed or have they said that if XYZ school or any school gets to a certain level than it's going to trigger something.

DEPUTY CHANCELLOR GRIMM: No.

CO-CHAIRPERSON GENNARO: That is what I want to know.

DEPUTY CHANCELLOR GRIMM: Absolutely not. What they have said, of course they have quoted the law to us, and if we have leaking ballasts, we have to change them which we have done and will be doing, but there have been no conversations at that level.

CO-CHAIRPERSON GENNARO: If we can hear from Dr. Clark.

DR. CLARK: If we can add to that that the EPA had not provided any guidance about two when evacuate a school based on the presence of ballast or even leaking ballasts. In their

2 guidance that is on their website the only any
3 reference that they made his during the work
4 itself people should not be in the area. And I
5 believe that is absolutely the protocol of DOE and
6 SCA when they do this work they are not students,
7 teachers, or anybody not having to do with the
8 work around. So, I think that is the only
9 guidance that we have from EPA regarding people
10 not to being in the space.

11 I would go back to when people say
12 what would be a level and it's true what Kathleen
13 says we don't have a magic number up there. But I
14 would say, since we've been involved in this, and
15 specially the SCA's activity, actually every level
16 that have been mentioned above guidance level is
17 something that is looked at so it is not a cause
18 for an evacuation but it is cause, and I think the
19 purpose of the number is to take measures that can
20 reduce those exposures.

21 So even though they're highly,
22 highly protective and we do, there is a group of
23 studies that have been done in buildings with PCB
24 materials and that and those, and that group of
25 studies is the most reassuring to was because

where they show that very high levels even higher levels than what we've seen in schools and they've not been associated with and increased uptake of PCBs-

COUNCIL MEMBER IGNIZIO:

[interposing] Mr. Chairman.

DR CLARK: And so those have been reassuring to us, that along with the EPA owns guidance levels which have a very, very wide margin of safety built into them.

COUNCIL MEMBER IGNIZIO: Mr.

Chairman. A point of information if I may? If you have known number had you know when and if you hit it.

I just want that on the record for for the committee just four a point of information, I'm not rebutting the testimony. If you don't have a number you don't know when you hit it.

CO-CHAIRPERSON GENNARO: I'm not

the witness here what I've tried to establish in my line of questioning with the administration is in the absence of a standard what is the process by which the city would follow, and I've got their

1 answer and that's on the record and you put your
2 statement and that's on record. I'm doing the
3 best I can.
4

5 I'm going to move to the next
6 member who signed up. Council Member Greenfield
7 just give me a wave because you passed. If you
8 want to get back in you can come in any time
9 because you waved, but we're going to Council
10 Member Lander. I recognize Council Member Lander
11 for questions.

12 COUNCIL MEMBER LANDER: Thank you
13 Mr. Chairman thank you Deputy Chancellor and your
14 team. Actually want to begin by thanking Mr.
15 Shear and Mr. Shea for attending to a school in my
16 building which I'll leave nameless because to the
17 credit of the parent leader in principal. They
18 managed the suspicion quietly and let folks start
19 to worry, you guys promptly sent somebody out who
20 did an inspection and found that there wasn't, in
21 fact, a leak and it took the light fixture and
22 provided me with the inspection report. I
23 appreciate that, I think, it shows a level of
24 responsiveness that makes it easier to sit here
25 today.

One question I have, though, if it had come back this effect positive it is my understanding that you would have moved immediately to replace that fixture and then moved that school building for a full replacement of the lights to top priority.

In your testimony, Deputy Chancellor, you said for those schools which have already been identified for top priority you will get to those within one year, hopefully by the end of this year. But I guess I want to ask going forward, with whatever time frame we get whether its 10, 5 or 2, and obviously we all want to be as fast as can it possibly could be. How fast can a school where there is one leaking fixture which would be replaced immediately as required, get the rest of the lights and that school replaced?

DEPUTY CHANCELLOR GRIMM: It depends on the school because schools vary tremendously in size. I think we're using two years as a benchmark. Go ahead.

MR. HOLDEN: I think we can safely say that regardless, under our time frame, any school with an observed ballast leak we would do I

fooled building wide lighting replacement with
inning year going forward.

COUNCIL MEMBER LANDER: Okay.

MR. HOLDEN: With the hopes of
doing better than that.

COUNCIL MEMBER LANDER: Okay. A
year commitment, because I read the testimony to
say on the schools that have already been found a
year. You are saying you would commit for the
school where the leak was found he would get the
rest of the lights and that school replaced with
in the year of the point of that inspection.

MR. HOLDEN: Correct.

COUNCIL MEMBER LANDER: Thank you.
Now I want to understand a little bit more about
the link between the lighting fixture replacements
and the broader retrofits. I'm a huge fan of the
retrofits. I think it's great that rate change
and boilers. I think it's great that we're going
to be achieving energy savings, so I want those
done I want them done as fast as we could possibly
do them. It seems that you are saying there's
efficiencies. It makes sense in doing all of this
together.

DEPUTY CHANCELLOR GRIMM: Yes.

COUNCIL MEMBER LANDER: At some level, that obviously makes sense. For an extra couple of months, we would probably all say that's fine let's get them coordinated. But, it feels to me like we're waiting some number of years for the upside of coordination.

And I guess I wonder if you thought from both a time and a money point of view, what would it cost and time in dollars to delink these things and say that you know what, there's a real health risk here, we got to go replace those lighting fixtures and get that done, and if we have to then do the audits. And I have done some retrofit work and on the one a there's value in doing an audit and then getting everything comprehensively, but there's also a value in knowing exactly what somebody's going in to do, having a contractor good do it, and doing that one thing and that often does not cause coordination problems with the other activities.

DEPUTY CHANCELLOR GRIMM: I don't know how detailed an analysis that we have, but we did get the thought. And here's where we came out

on it.

Number one under local law 87 we have some legislative mandates that we have to meet in terms of the energy audits. Number two-

COUNCIL MEMBER LANDER:

[interposing] We'd probably give you 10 years of those, though. If we can get the PCBs out faster, though.

DEPUTY CHANCELLOR GRIMM: I think that's what it is 10 years.

COUNCIL MEMBER LANDER: See how flexible we are.

DEPUTY CHANCELLOR GRIMM: The second day that we considered was it would mean probably a major disruption to a school building twice instead of once, and that's a big concern of ours. And secondly it is our experience that if you do, if you have to go and twice it cost more money.

COUNCIL MEMBER LANDER: But we don't know how long or how fast you can get the lights done if we said just get the lights done and then follow up with the rest of the audit work of the 10 year time frame.

DEPUTY CHANCELLOR GRIMM: We don't have the analysis to that level of detail.

DEPUTY COMMISSIONER MARON: So in putting this plan, we worked with many Energy Service companies, right, and in doing so the average building, assuming no asbestos, the average retrofit process takes anywhere from 12 months to 24 months, and this is actually coming from talking to the various energy service companies.

Within each project that they do, they do the energy audit and, which is just a couple of months and the first measure that they always do anyway is the lighting, so the lighting part is what's going to happen first as the rest of the measures are figured out, so it actually doesn't slow down the rest of the measures. But what is important is to note, and this is the language of local law 87, which is also based on talking to energy experts is that an energy audit grows stale. It goes stale after three years, so you want to do the energy audit. You do the lighting first measures and all of that has to be done in a certain amount of time.

1 COUNCIL MEMBER LANDER: I'll end
2 just because my time is almost up, but first it is
3 not clear to me to do the lighting we would need
4 to do the audits. You can go replace the lighting
5 fixtures and get that done and get the PCBs out
6 while continuing to move forward for the audit
7 process.

8 But I, let me say it this way, you
9 hear when the Council is you hear how important is
10 to us, you give us a plan that gets it faster, so
11 let's say we at least meet the EPA's five year
12 testimony, let's leave them coordinated. If you
13 can't bring us a five year plan then I'd at least
14 like to see the cost and time and money of our
15 rapid plan to get rid of the lights while still
16 meeting the 10 year time horizon. I agree with
17 you it's less efficient, and so I would say let's
18 get it all done in five, but if you can't bring us
19 the plan then bring us a plan that addresses the
20 PCBs at least explores delinking so we don't have
21 to worry 7, 8, 9 years from now that were
22 responsible for health risks. Again much rather
23 get them all done on the same time frame.

24 That just the last thing I'd like
25

2 to your direct address if you have any plans on
3 the green retrofitting to work that into the
4 curriculum and let the kids, I was out of this
5 great thing that Shea did a green cup challenge
6 and opportunity for kids to learn here as well,
7 maybe that's subject of another hearing, but-

8 CO-CHAIRPERSON GENNARO:

9 [interposing] I think it is.

10 COUNCIL MEMBER LANDER: You could
11 follow up with me, I'd love to know if there's any
12 way to involve kids and learning around this
13 process.

14 DEPUTY CHANCELLOR GRIMM: A good
15 point.

16 COUNCIL MEMBER LANDER: In this
17 process. Thank you very much Mr. Chairman and
18 thank you to the panel.

19 CO-CHAIRPERSON GENNARO: Thank you
20 Council Member Lander, happy to let you go over
21 little bit talking about another good green topic.

22 I recognized Council Member Mark-
23 Viverito to be followed by Council Member Levin.
24 I don't have any members after that have signed up
25 for questioning. So I recognize a Council Member

Mark-Viverito. Oh, Greenfield. Okay. Okay.

Council Member Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO:

Thank you Mr. Chair and thank you for being here today and I would just say that obviously we want to continue a strong progress with the EPA and get out of them when we can since this wonderful Federal budget has just gutted \$1.6 billion out of their budget, so how effective they will be moving forward is another issue.

But I want some clarification questions I also want to join the chorus about wanting to really make this happen much more quickly. So, out of your experience with regards to capitol work that is taught in schools, give me a percentage roughly in the year of one of the work that you do in contrast that basically the work extend its beyond the basic timeline. What percentage of contracts to you go into overruns maybe on costs or extend beyond the time you originally planned?

DEPUTY CHANCELLOR GRIMM: We don't have that information here, you will have to get it to we simply monitor it.

COUNCIL MEMBER MARK-VIVERITO: The reason I ask is because now the concern is that you are saying youths want it in your plan, but if there's a consist record of projects taking longer of delays of cost overruns. And obviously that would impact the plan and maybe go even beyond what is projected by you which is what you need.

You're basically saying the EPA doesn't know what they're talking about with regards to the work that needs to get done in the schools and that's why you're saying 10 is a more feasible number, but if consistently work is being done longer that's being done that is being projected that should cause is great concern about this work even if extending beyond the 10 years.

DEPUTY CHANCELLOR GRIMM: Okay. We opened 27 new schools last September, we have had a terrific track record, I think, in this capital plan and last capital plan opening of our schools on time. That doesn't mean that within the capital plan there aren't perhaps areas where we have gone, you know over,. You know you go into a building you find something that you didn't know was there.

What we have said is, in fact I remember in front of these panel six years ago, I was specifically asked if you get the money from the state do you really think you can deliver. And I said yes. And we have delivered. And what I'm saying to you today is that we have taken this 10 year approach because we want to get it done, but we want to be responsible. It doesn't mean-

COUNCIL MEMBER MARK-VIVERITO:

[interposing] Well, along those lines. Along those lines, if I just may ask because time is limited and I want to have a couple of quick other questions. Are you factoring into that 10 year plan cost overruns in terms of your projections and time in terms of extension and needing more time that possible. Are you being safe with a time with the timing?

DEPUTY CHANCELLOR GRIMM: We are being as realistic as we can with the information we have now. What we know we do every year is an annual review of all our capital projects. To address that issue-

COUNCIL MEMBER MARK-VIVERITO:

[interposing] Are you factoring in cost overruns

2 in this 10 year plan? Because you're saying that
3 it's \$1 million per school, you know, 1.075 but
4 you're using that number for every year so are you
5 not factoring and increased possibility in costs
6 are you going to need more money down the line
7 allocated. I'm just trying to get a sense of
8 where we stand.

9 DEPUTY CHANCELLOR GRIMM: It is our
10 best estimate knowing what we know today.

11 COUNCIL MEMBER MARK-VIVERITO: So
12 no cost overruns were projected into this plan,
13 you just using stagnant numbers.

14 DEPUTY CHANCELLOR GRIMM: Yes.

15 COUNCIL MEMBER MARK-VIVERITO:
16 Okay. That's, that doesn't seem accurate I think
17 work that's going to do five years from now is
18 going to cost more.

19 DEPUTY CHANCELLOR GRIMM: Not every
20 school is going to cost 1.1 million.

21 COUNCIL MEMBER MARK-VIVERITO:

22 Okay.

23 DEPUTY CHANCELLOR GRIMM: It an
24 average.

25 MR. HOLDEN: We did factor in

inflation over that.

COUNCIL MEMBER MARK-VIVERITO:

Okay.

MR. HOLDEN: but we wouldn't call that cost overruns, but we can take into account the pace of inflation.

COUNCIL MEMBER MARK-VIVERITO: Cost overruns would also be something I think, it be good to know going forward the percentage of work that always goes beyond the original cost or beyond the original timeline I think that would be very relevant in this case. Just two other quick questions, 'cause 772 schools have been identified, right?

DEPUTY CHANCELLOR GRIMM: Right.

COUNCIL MEMBER MARK-VIVERITO: It is the understanding that the other were not considered because of the timing of when they were built?

DEPUTY CHANCELLOR GRIMM:

Basically, yes.

COUNCIL MEMBER MARK-VIVERITO:

Okay. And so, if their happen to be down the line one of the schools that are not been identified in

2 your plan right now that PCBs were found?

3 DEPUTY CHANCELLOR GRIMM: It could
4 happen. We will put it in the plan.

5 COUNCIL MEMBER MARK-VIVERITO: Then
6 obviously we have to look for more monies to
7 allocate, which is and we're obviously. But I
8 just wanted to join, obviously, I want to thank
9 the leadership of this Council the leadership of
10 Council Member Ignizio the work that's been done
11 on this and will do whatever it takes to figure
12 out ways that we can try to shorten this timeline
13 and clearly the outfitting in richer fitting of
14 buildings, school buildings is very important. So
15 thank you for that work is well. Thank you Chair.

16 DEPUTY CHANCELLOR GRIMM: Thank
17 you.

18 CO-CHAIRPERSON GENNARO: Thank you
19 Council Member. I recognize Council Member Levin.

20 COUNCIL MEMBER LEVIN: Thank you
21 Mr. Chairman. Thank you Deputy Chancellor and
22 your team. My first question is there's been a
23 lot of discussion about the air quality and the
24 measure meant of the air quality and how much the
25 measure would be for that to be harmful. Are

1 there any instances of children coming into direct
2 contact with PCBs as was mentioned it could be a
3 million parts per million. Is there any
4 documentation of any kind, or is there a
5 possibility that a child could come could direct
6 contact with a PCB?
7

8 DEPUTY CHANCELLOR GRIMM: Not that
9 I'm aware of, anything is possible PCBs are not
10 just existing in our schools they're throughout
11 our total environment.

12 COUNCIL MEMBER LEVIN: Let's say
13 it's a million parts per million and it's dripping
14 and it gets on the kids hand they eat a sandwich
15 then they're ingesting it.

16 DEPUTY CHANCELLOR GRIMM: There is
17 probably more PCBs in his sandwich depending on
18 what their eating. [laughter]

19 COUNCIL MEMBER LEVIN: Are there
20 instances of it coming.

21 DEPUTY CHANCELLOR GRIMM: There are
22 no instances. And I-

23 COUNCIL MEMBER LEVIN:
24 [interposing] Is their risk? Is there a risk that
25 is what I want to know?

DEPUTY CHANCELLOR GRIMM: I think that greater risk is in the air which is why-

COUNCIL MEMBER LEVIN:
[interposing] Is their risk of ingestion? Is there a risk of ingestion?

JEFF SHEAR: That is why the protocol to inspect all of the light fixtures periodically wasn't just a one-time effort, but is going to be repeated on a regular basis so that that will lessen the chances. Keep in mind-

COUNCIL MEMBER LEVIN:
[interposing] Is there a risk, though? What is the health risk of a child in direct contact? Can anyone answer that?

JEFF SHEAR: The other thing I should say is well is that where you would more likely find exposure, you know, for ingestion would be in dust, and we have conducted dust wipe samples of all of the schools and there's been very, very, very, you that have been over guidance. And I have to say EPA's guidance is 10 μg per 100 cm^2 we haven't exceeded that but once and the Department of Health has a more stringent standard and we've rarely seen it over that.

COUNCIL MEMBER LEVIN: But the trip we have seen be much higher than that, but I'll move on to my next question.

My next question are there other school districts around the country that have not in terms of scale but I know we have the largest school district in the country, the largest city in the country the largest tax revenue in the country, where the largest. So are there any other school districts that have faced similar issues and if they have then, it is my understanding that's they are school districts and Massachusetts and California that had to replace PCB emitting ballast and EPA came up with a plan, or a recommendation and they followed it, is that true?

DEPUTY CHANCELLOR GRIMM: To our knowledge, no other district has a district-wide plan. I know there are individual situations around the country where particular schools were addressed, but-

COUNCIL MEMBER LEVIN:
[interposing] I have, according to our counsel of the Environmental Committee there seems to their

districts in Shrewsbury, Massachusetts, but will follow up on that.

DEPUTY CHANCELLOR GRIMM: We'll follow up on that. We would be interested in pursuing it.

COUNCIL MEMBER LEVIN: Let me see, on Council Member Fidler's line of questioning before, the question of timing in five years or 10 years. From my perspective it seems as if the only consideration that leaves the city to opt for a 10 year plan vs. a five year plan but is budgetary.

The EPA looks at it and they looked at it strictly from an environmental and health perspective. They are the Federal government, they don't, and for good reason they don't really care about our budget concerns. But is there any consideration other than budget concerns why we would be opting for tenure as opposed to a five year and I just what Council Member Fidler like to reiterate this. We say that on the back end. To then Deputy Mayor Walcott, or Chancellor designee \$35 million a year just from the lights, just from the lights. It's \$95 million a year overall and

2 the whole plan but 35 from the lights. So it does
3 pay for itself the sooner we do it the sooner we
4 get the savings.

5 DEPUTY CHANCELLOR GRIMM: But there
6 are additional considerations. This is a
7 comprehensive plan to address several issues
8 including compliance with local law 87. As I
9 mentioned earlier going back into twice is a
10 disruption to a school, and our experience is that
11 it would drive the cost up.

12 COUNCIL MEMBER LEVIN: I just one
13 add one thing before-

14 CO-CHAIRPERSON GENNARO:
15 [interposing] Quickly.

16 COUNCIL MEMBER LEVIN: Is that to.
17 I'm wondering why it would be disruption to the
18 school to replace all boiler during the time of
19 year word time of year the boiler is not needed
20 it, spring and summer the ones using the boiler
21 why would that be a disruption to the school?

22 DEPUTY CHANCELLOR GRIMM: It
23 depends on the individual school. But the other
24 thing to keep in mind is that there is fourth
25 point of I'd like to make. That is the asbestos

in terms of the time table. So far we expect to find it.

COUNCIL MEMBER LEVIN: Thank you Mr. Chairman. Thank you Deputy Chancellor. - - .

CO-CHAIRPERSON GENNARO: Thank you. Thank you Council Member Levin. I recognize Council Member Greenfield for questions. Pardon me.

CO-CHAIRPERSON JACKSON: Council Member Greenfield, before you begin let me just say for the record we received testimony for the record from State Assembly Member Linda Rosenthal of Manhattan that is in the record, and for the record we received testimony from a parent by the name of Naomi Duvall [phonetic] her children attend PS 178 in Northern Manhattan, I believe that's huge Ydanis Rodriguez's district. And we receive the testimony from John Mazzeola [phonetic] for the record concerning a parent and PS 36 on Staten Island. Council Member Greenfield.

COUNCIL MEMBER GREENFIELD: Thank you Mr. Chairman I want to thank you for your leadership on this issue I also want to thank the

2 Chair for Environmental Protection Chair Gennaro.

3 I believe you the only scientist in our body and

4 so we value that perspective and of course my good

5 friend of Vinnie Ignizio, who know the Republicans

6 cared about the environment. [laughter] I mean

7 we're learning something new here every day, but I

8 think-

9 COUNCIL MEMBER IGNIZIO: Teddy

10 Roosevelt did.

11 COUNCIL MEMBER GREENFIELD: I think

12 that we're going back I think Vinnie more than any

13 other single member of this Council have been

14 leading this fight and, I think, we're all

15 grateful for that thank you Council Member.

16 Deputy Chancellor, I'm want to thank you as well

17 for coming out here and putting together this fine

18 group of people to answer our questions.

19 I think part of the challenges

20 that, you know, our Chairman scientist and we're

21 not scientists so as parents when we send our kids

22 to school, you know, our concern is always getting

23 them safely two and from school. I mean the last

24 thing you one of worry about is in school

25 something will happen, right. So when we hear

2 something like this it gets as worried. So I'd
3 tell you in my personal case for example, I have
4 those compact fluorescent bulbs in my home and a
5 few months ago I managed to break one of them and
6 I thought bringing in a HazMat team because I
7 looked online and their stuff in there and I was,
8 like, freaking out and I throw my clothes out.
9 I'm serious by the way, because I was serious
10 because I have little kids at home in the last
11 thing I want is for something to negatively impact
12 my child.

13 So I think the question is
14 therefore are legitimate and to me that's one of
15 thing I really don't understand I would like to
16 have some clarity is that there's no level from
17 the panel there's no level at which you get
18 concerned and say hey we've got too much or too
19 many particles so whenever the technical term is
20 in the classroom. If that's the case then why are
21 we undergoing in this effort, right. So is there
22 a point where you say hey, you know, we've reached
23 that point and what would that point be? Would it
24 have to be, would every single ballasts have to be
25 the king, for example, for school to reach that

point? Just so we have, sort of, the frame of reference shall we say.

DEPUTY CHANCELLOR GRIMM: Well the commitment here is that all PCBs have to go in our lighting ballasts. That's what this whole plan is about. The earlier question is about what if you tested, is there a magic number around which you were evacuated school. We don't have that number, we don't expect that there is such a number, because the test results we have.

That said, what we want to do is remove all of these ballasts and any possible ballast that might have to use these PCBs.

COUNCIL MEMBER GREENFIELD: So, Deputy Chancellor, I think that's what honestly what concerns us a little bit, right. I'm not saying that it's anyone's fault for this, but, right, the idea that there isn't that number and that we're lacking the data. It is of a serious concern.

And when it comes to the EPA, I have to tell you personally I am very skeptical of the EPA. These are the folks that told us the air on 9/11 was safe to breathe, so I think, if they

2 give us five years I wonder if we even have,
3 honestly, less time than that. Because, you know,
4 when it comes to these types of issues I think all
5 of us are concerned, and I think that's really our
6 concern. If you can get more clarity, if your
7 folks can do more research, if you can get back to
8 us on a more concrete level and say, "here's safe
9 here's unsafe, here's a spread." I seem to think
10 that you have some reassurances. I see the
11 scientist is this I smiling I don't know if that's
12 doable or not but I think that's something we
13 would like to see. Perhaps that is something you
14 can try to do?

15 DEPUTY CHANCELLOR GRIMM: I think,
16 we made a commitment. We talk to all the experts
17 we know. As you say, I don't think the science as
18 they are, but let us explore it.

19 COUNCIL MEMBER GREENFIELD: Even
20 that would be reassuring, honestly. If you can
21 say, hey listen here is the science. This is the
22 level that is too much. And if we're not at that
23 level I think more parents will be able to go to
24 sleep that night not having that concern.

25 Because I'm running out of time, I

1 want to focus also on the cost factor. It seems
2 just and I'm looking at your slides, \$840 million
3 of the next 10 years. It seems like this is a
4 pretty good deal, right. Taking way just the
5 signs, if we're going to save \$95 million a year
6 forever, right, and we have to spend \$850 million
7 over the next 10 years to do so I would say this
8 is good business, right. We can fit in with the
9 Mayors model of cost savings businessman, that
10 kind of stuff, on the merits alone wouldn't this
11 be a good idea to fast track this.
12

13 DEPUTY CHANCELLOR GRIMM: Yes. The
14 problem is I'm not going to sit here and promise
15 something I'm not certain I can deliver. We are
16 skeptical of the size and scale and scope. And we
17 just want some experience before we tried to
18 accelerate this.

19 COUNCIL MEMBER GREENFIELD: So, and
20 I leave it with this question specifically. When
21 it comes to this RFP that you been out, two
22 questions. One, are you going to allow people to
23 offer you the possibility to do it for free,
24 right, based on the cost savings will be that,
25 which a lot of private companies to. And we've

2 seen in the media that there have been reports.
3 And I noticed before that you're skeptical of
4 that, but at least let them have the opportunity
5 to make that case.

6 And my second question on the RFP
7 is are you planning to have an RFP that would be
8 open to many multiple vendors, right, which case
9 you maybe get so many qualified vendors from
10 across the country with the biggest, the most, the
11 largest city in the United States that maybe we'll
12 have enough vendors to come in and do it perhaps
13 do it on a faster basis.

14 DEPUTY CHANCELLOR GRIMM: Well on
15 your first question the city has made the decision
16 that it prefers to issue the bonds and fund this
17 more cheaply up front itself. On the second
18 thing, we're going to be as flexible as we can on
19 the RFP, for example, I think many of the
20 companies that have spoken up are actually
21 relatively small companies, so we will invite
22 companies to join together, for example, to meet
23 the qualifications. We will be as flexible as we
24 can recognizing that we have to oversee all of
25 this work.

COUNCIL MEMBER GREENFIELD: Thank you Deputy Chancellor.

CO-CHAIRPERSON GENNARO: Thank you, thank you Council Member Greenfield. We just have a few-. Council Member Barron was here before he was listed up for wanting to pose questions has come back right in time. So, I recognize Council Member Barron for questions.

COUNCIL MEMBER BARRON: Thank you Mr. Chair. You know of course I support the two year plan not the ten not to five. There are people who say they could do it in two. And I think we should really do that because we are playing Russian roulette here this is very serious. And I want to ask for those groups, schools that have over a million ppm is there a way that's an alternative learning can occur why the school's shuts down period and complete the work in those schools that are in that a high dangerous level.

In some of our neighborhoods it is very scary to say will do it on the weekend will do it after school and children are running around here exposed to something that could be extremely

1 dangerous. So, I think sometimes when you look at
2 money how much stuff will cost the, how much time
3 will it take, we lose the danger, even though we
4 know it in a sense intellectually. I think we
5 lose the danger of exposing our children. That's
6 the first question that I have a follow up.

8 DEPUTY CHANCELLOR GRIMM: Well I
9 think that we might not agree on the outcome here.
10 But what we tried to do with this plan, is to
11 balance safety, finances, educational
12 requirements.

13 There is no immediate danger to any
14 of the children or the staff in schools.

15 COUNCIL MEMBER BARRON: But how do
16 you know this for so certain?

17 DEPUTY CHANCELLOR GRIMM: Based on
18 on what the experts are telling us.

19 COUNCIL MEMBER BARRON: Would you
20 have your child, based upon what you have heard
21 about a million ppm as we do have your child,
22 would you believe that, you know, all right for
23 your child to go to the school, that there's no
24 danger. 'Cause I've been involved with so many
25 things with the experts said it wasn't dangerous,

and people, their safety and their health was in danger. I mean, why take that risk?

DEPUTY CHANCELLOR GRIMM: They're people at this table that have children in our schools. But, when you talk about the specific instances that have been found I want to assure you that we are, have undergone visual inspections where we're found these leakages.

COUNCIL MEMBER BARRON: Right.

DEPUTY CHANCELLOR GRIMM: We have replaced them. We will continue to do those inspections for out this plan. And if we find leaks, that school will be moved to the top of the list. And we will address it immediately.

COUNCIL MEMBER BARRON: What about the disturbance that you've mentioned in our testimony, the disturbance of asbestos in the middle of that. Because that could be very dangerous as well while you're trying to get one thing you are disturbing the asbestos and that's another issue. And you can only-

Suppose you disturb it after school? On a day would be doing the work after school, what happens the next day?

DEPUTY CHANCELLOR GRIMM: That is one of the reasons why we have a 10 year time line. We will not be able to do asbestos containment and removal overnight. It is not possible.

COUNCIL MEMBER BARRON: That is one of the reasons you need to have a two year time line more you can complete it, so we're not protecting ourselves from asbestos and killing ourselves or potential endanger from the other major problem.

And another concerned that I have is how can we be so certain that the caulking is not really an issue? I don't trust that myself, 'cause I know that caulking would be a major, major fiscal challenge. Because there's so much caulking, so why not say so we don't have to spend the money caulking does not issue, let's just get the fixtures. I am concerned about the caulking because I don't believe. I can only go by the beliefs because I am not an expert and I go by beliefs because I know how the system works. I am an expert on that, what the system prioritizes often money over people. But the caulking I am

very concerned about that being dismissed because it's expensive to deal with.

DEPUTY CHANCELLOR GRIMM: It is not. We're not being dismissive of the caulking we will continue working with the EPA on the pilot program that we have in place. Where I think we did three schools this summer and two more next summer, and actually is out of that pilot that we'd learned about the ballasts so what it's been a very, very productive pilot for us, and we hope to out of the additional work that we do work with the EPA and figure what the best particles are for the caulking.

COUNCIL MEMBER BARRON: One of the issues that we have been one of the schools in my district, you know, even when you do work on the weekend, and when you do work after school, we don't have enough workers. We don't have enough people actually doing the work. So even if you take the weekend and only come there with a couple of workers on that weekend, it's going to take 50 years at that pace. So I think that one we should increase the amount of workers triple fold quadruple fold we have to increase that because

2 the issue is that serious.

3 And I still think we should
4 determine if children are in danger that may be
5 that school days to shut down for a minute and
6 alleviate the danger before we have our children
7 are going back to any school that is that
8 dangerous. And I do believe that some of them are
9 that dangerous. So I support the two year
10 program, and I think we should expedite it because
11 this is very serious and the DOE will be held
12 accountable for whatever happens in are our
13 children in this process. But even holding you
14 accountable is not satisfactory because if a child
15 is injured, whether you are held accountable if
16 not, we still have an injured child.

17 DEPUTY CHANCELLOR GRIMM: Thank
18 you.

19 COUNCIL MEMBER BARRON: Thank you
20 Mr. Chair.

21 CO-CHAIRPERSON GENNARO: Thank you.
22 Thank you Council Member Barron. I was, I was
23 going to have two follow-up questions and then
24 return it to Chairman Jackson I'm going to give up
25 one of my questions 'cause Council Member Levin.

2 I'm going to give mine up to him.

3 COUNCIL MEMBER LEVIN: Thank you
4 Mr. Chairman. Sorry. Just a follow up with
5 regards to the actual physical substance of the
6 PCB drip, there has been instances where it has
7 fallen on desks correct? It has been found on
8 desks and it has been found on floor areas for
9 children sit is that correct?

10 MR. HOLDEN: That is correct.

11 COUNCIL MEMBER LEVIN: So what is,
12 there is a risk of there, what is that risk? What
13 is the risk of the children? In terms of that
14 contact.

15 DEPUTY CHANCELLOR GRIMM: Nancy.

16 DR. CLARK: No, you're right.
17 Contact with PCB material can be a child or person
18 who touches it there's a potential for absorption
19 through the skin. There's always a potential of
20 hand to mouth, so you are right, the scenario of
21 having children have contact with the material
22 could in fact be a risk.

23 What we believe is that coupled
24 with the inspection protocol that schools are
25 doing I think the school communities have been all

learned as you've heard today about reporting potential leaks or suspected leaks so they could be addressed very quickly.

But from the Health Department, we look at the, as Ross Holden mentioned, I don't know the number but many, many dust wipe tests that have been taken in schools, and we have been reassured that in fact the schools are being maintained in a way that we are not finding PCB dust on services.

COUNCIL MEMBER BARRON: Okay and dust acts differently than trip, but okay thank you. Thank you very much. Thank you Mr. Chair.

CO-CHAIRPERSON GENNARO: Thank you. Thank you Council Member Levin. I'll ask my last question which is maybe not so much for an answer but something that I think it needs to be done.

You talked about, of course, you folks have the best knowledge of your system and all of the operational issues, and what this would take, and why you would believe, like, that a 10 year timetable is what would be necessary, but you failed to win over EPA. It is your contention at some level that they just don't understand. And,

2 you heard the Speaker here today calling for five
3 years.

4 I kind of think what needs to be
5 done and I'd like to make this request, is for you
6 to, you know, lay out these operational concerns,
7 and just make your case perhaps in a way that was
8 better than what was made to the EPA, because they
9 didn't buy into it. Because we've also heard in
10 the hearing today that there are other members
11 like Council Member Levin, Council Member Lander,
12 Council Member Fidler, about the payback that we
13 would get financially in decreased energy costs by
14 doing it sooner rather than later. So, I think we
15 need a white paper or something that says
16 notwithstanding. I'm not going to tell you what
17 to say, but I'm just saying that we're looking at
18 your entities like the Speaker and the EPA and all
19 the members of this Council calling for five years
20 and in some case less. And I think, you need to
21 articulate that notwithstanding the fact that we
22 feel better about getting it out as soon as
23 possible notwithstanding, you know we would say
24 this amount of money and costs or whatever. We
25 just don't think we can do it because of XYZ and

then that case could be, looked at others than. I just think that needs to be done. And I'd like to ask you folks to do that, that is my request you can get that to Council's staff. You think that something you be willing to do?

DEPUTY CHANCELLOR GRIMM:

Certainly.

CO-CHAIRPERSON GENNARO: Okay.

Thank you for that and that's all the questions that I have I certainly thank you for being here today. I'm going to turn over to Chairman Jackson he'll have some follow-up, sort of, an close out questions. And I just like than likes witness know Borough President Ruben Diaz would be the next witness he's officially on deck to keep going with the baseball jargon here. Chairman Jackson.

CO-CHAIRPERSON JACKSON: Thank you.

First let me correct for the record I submitted my opening statement and I read it many people have copies of it. It's dated April 29, 2008.

Obviously today is not April 29, 2008 today is April 13, 2011 select the record so state.

But let me just as that we've talked about priorities for mediating the

2 conditions that exist depending on what is most
3 important, as far as, so. So where's that list
4 that is an online can parents look at it? Did you
5 send us a copy of it? Where's that list at?

6 DEPUTY CHANCELLOR GRIMM: Could you
7 just clarify, what is this a list of?

8 CO-CHAIRPERSON JACKSON: A list of
9 schools in order of priority in order to do the
10 repairs remediation where's that?

11 DEPUTY CHANCELLOR GRIMM: We had
12 it, if you don't have that it's in the plan gave
13 it to you. It was actually I believe the order of
14 priority was suggested to us by the EPA. We will
15 first you of course the schools where we, that
16 we've already identified by the walk through other
17 DCAS and EPA. We will then look at schools built
18 between 1950 and 1966, because the EPA suggested
19 that the ballasts are slightly different-

20 CO-CHAIRPERSON JACKSON:
21 [interposing] Right, I understand, I believe that
22 even our briefing document we have, I guess the
23 order of priority, but I wanted to know, where is
24 your actual list-

25 DEPUTY CHANCELLOR GRIMM: Oh the

schools.

CO-CHAIRPERSON JACKSON: I could look on the list and PS 187, what we're up this high, or that low or this is long are we need to contact DOE to say this is incorrect. We need to be up to the top, and so forth and so on.

DEPUTY CHANCELLOR GRIMM: We can provide that list based on the priorities, yes.

CO-CHAIRPERSON JACKSON: Let me ask you the question of how soon? Realistically, and I'm saying realistically because one of the things that I said I'm a parent of 1.1 million school children and so are you Deputy Chancellor and parents want to know where does this school fall on the list.

DEPUTY CHANCELLOR GRIMM: We can have that by next week.

CO-CHAIRPERSON JACKSON: Okay. That's good. My second question is. Let see, okay. How does the SCA plan to track the work that has been completed or that is in the works. Who is going to track it? How? And is that couldn't be available for parents or other activists in their kids' school to understand?

2 And that's on transparency.

3 DEPUTY CHANCELLOR GRIMM: Yes. We
4 plan actually to have a special web page created
5 to track this work.

6 CO-CHAIRPERSON JACKSON: Okay.
7 Could someone if not you give me an example of how
8 you plan on tracking it and what. And say to me
9 let me understand visual point of view what I can
10 see if I go there is it hasn't been established
11 they're ready.

12 DEPUTY CHANCELLOR GRIMM: We'd be
13 happy to work with you in terms of what you think
14 is important to us to address.

15 CO-CHAIRPERSON JACKSON: Okay. But
16 you plan on saying that this is what the issues
17 and concerns are at the school and this is our
18 remediation plan. Is that it's going to be
19 available?

20 DEPUTY CHANCELLOR GRIMM: Well we
21 will, and we're kind of in a way making a because
22 we have a lot of work. But I would suggest what
23 we would be looking at is what is the timetable
24 just as you want to know which schools are going
25 to be sort of up first. And then we would want to

reflect what the findings are of the audit the energy audit.

CO-CHAIRPERSON JACKSON: And the energy audit will be online too I assume so everyone can see.

DEPUTY CHANCELLOR GRIMM: Yes. With the proposed work is what the timetable is for that work. As you know in the schools that we've been in we've tried to be as transparent as possible. Will be arranging meetings with the parents and with the school communities and tried to keep them informed as we moved along through the process. The one I suggest is that we arranged meeting with staff in terms of what the actual web site will look like.

CO-CHAIRPERSON JACKSON: That is what I was going to ask you from a parent's perspective how are you going to deal with communicating and keeping parents of the respective school in school community up to date as far as everything that's going on.

DEPUTY CHANCELLOR GRIMM: We will model what we do on what we have done in terms of the schools that have already been involved.

2 We've done, we've reached to the principals,
3 drafted letters to the principals that will go to
4 the parents. We've arranged meetings that the
5 school communities with the parents of the
6 teachers with all of the people in the school who
7 were obviously concerned. And I think all of us
8 here have been out there some of those meetings
9 are challenging because people are nervous and
10 scared and is not a lot of science here, and we
11 want to work as closely as we can and be as
12 transparent as possible because we know those
13 concerns exist.

14 CO-CHAIRPERSON JACKSON: As far as
15 from a school, I guess the question I have this
16 timeframe. So, if the principle kits notice that
17 they're going to do work that letter coming from
18 example SCA easy coming from the principal his or
19 herself or is it a boilerplate language in letters
20 that you use previously, and you know, how soon
21 can I go out so on and so forth, if you know.

22 DEPUTY CHANCELLOR GRIMM: No, I
23 mean I think we have protocols in place to handle
24 this. We'll be building on those protocols.
25 Happy to share them with you and your staff, and

any suggestions you have I'll be happy to work with you.

CO-CHAIRPERSON JACKSON: I'm sorry I don't have knowledge of your protocols that you've used so far in communicating and all letters so what have you, so if you have that it would be great to get it to the staff.

DEPUTY CHANCELLOR GRIMM: Sure.

CO-CHAIRPERSON JACKSON: So we can see it. How long does it take, for example, for a letter to go out about parents for that condition of their school?

DEPUTY CHANCELLOR GRIMM: Well, at least with a 10 year plan we will have time to plan all that. With schools we have already done we've had to work very, very quickly. The outreach includes going to the principle, drafting a letter for her to send out to the parents, reaching out to the parents, reaching out to the UFT, the SCA who are our partners in all of this, arranging meetings at the school itself for the entire school community. And that's what we'll continue to do.

CO-CHAIRPERSON JACKSON: Well as

2 you know, the 10 year time frame is totally
3 unacceptable so that I hope that the next time you
4 come here and a couple of weeks as far as the
5 executive budget that DOE and the mayor office
6 have agreed that EPA finding no more than five
7 years is the standard and the time from that
8 you're working with.

9 DEPUTY CHANCELLOR GRIMM: A capital
10 budget.

11 CO-CHAIRPERSON JACKSON: Say what

12 DEPUTY CHANCELLOR GRIMM: The
13 capital budget.

14 CO-CHAIRPERSON JACKSON: Let me see
15 here. So, five years down the road we've
16 completed all the work that needs to be done so
17 will somebody be able to. I assume that there
18 would be a computerized record, in inventory, so
19 if I wanted to know what was happening in PS 357
20 right here Chamber Street in this building 3 1/2
21 years ago to remediate it would that be online
22 when any then be able to just go to the record to
23 say that this school was for a mediated it took
24 the year and half and these were the things that
25 were done in this particular school. Let's say

2 that they replace the whole of the trickle system
3 or the lights the boiler this that the other would
4 there be a record of everything that is done so
5 that anyone can go online and see what happened at
6 a particular school and so forth and so on. And
7 the cost factors and involved.

8 DEPUTY CHANCELLOR GRIMM: [off mic]
9 [to colleague] Do we have that are ready and
10 facilities web site? [to Council] Yes we had that
11 now for every single school.

12 CO-CHAIRPERSON JACKSON: So give
13 me-

14 DEPUTY CHANCELLOR GRIMM:
15 [interposing] So, that will be added to it.

16 CO-CHAIRPERSON JACKSON: Give me
17 one are two example where that is the cake so I
18 can go on and look at. I'm not really asking you
19 asking your staff.

20 DEPUTY CHANCELLOR GRIMM: Know what
21 we'll have to send you is the link to the webpage
22 school has a facilities page which shows what work
23 has been done what work is planned to be done in
24 the capital plan and we will incorporate the work
25 from this plant into that web page.

2 CO-CHAIRPERSON JACKSON: Okay. And
3 I guess finally we talked about cost factor. And
4 what point in time does DOE feel that there is a
5 break even mark in this particular matter knowing
6 that based on your estimates what you said in your
7 opening statement. That you said that is going to
8 cost about \$850 million and this is over 10 year
9 time frame but I'm not even considering a 10 year
10 time frame but at what point in time does DOE
11 feel, if you looked at that already, that you're
12 going to break even where all of the energy
13 efficiency matters are now at a point where you're
14 breaking even.

15 DEPUTY CHANCELLOR GRIMM: I don't
16 think we have any numbers for the, specific
17 numbers for the 10 year time frame. I think we
18 have an estimate that at the end when all the work
19 is completed we have an estimate of saving \$95
20 million a year.

21 CO-CHAIRPERSON JACKSON: Let me
22 thank you and your representatives for coming in
23 and answering questions obviously I hope that you
24 and or other representatives state to hear from
25 the Borough President, experts that have come here

to testify, from parents and others so that you're not just, you know, you hearing yourself talk the you are hearing others also.

DEPUTY CHANCELLOR GRIMM: Staff will be here, absolutely.

CO-CHAIRPERSON JACKSON: Thank you very much for coming in.

DEPUTY CHANCELLOR GRIMM: Thank you.

CO-CHAIRPERSON GENNARO: Thank you. thank you very much for coming forward with us today. And the next witness which is my pleasure to bring forward Borough President Ruben Diaz of the Bronx who once upon a time worked at the New York City Council.

And the panel that will come on after the Borough President, representatives of the UFT, SCA say and 32 BJ that will be the next panel after the Borough President. Thank you.

BOROUGH PRESIDENT DIAZ: Is that on? Okay.

CO-CHAIRPERSON GENNARO: Yes you're on now.

BOROUGH PRESIDENT DIAZ: There we

2 go. Good afternoon Mr. Chairman to you to
3 Chairman Jackson. It is a pleasure to be here
4 today I just want to-

5 CO-CHAIRPERSON GENNARO:

6 [interposing] It is a pleasure to have you.

7 BOROUGH PRESIDENT DIAZ: I want to
8 thank you for calling this a joint and sponsoring
9 this joint hearing of your respective committees.
10 I also want to thank all the other City Council
11 members who were here or who were here earlier in
12 committing themselves with their attendance.

13 I have some written testimony but
14 for the sake of time and the fact that I see so
15 many individuals that are here today who want to
16 testify as well. I just want to paraphrase I just
17 want to get some points in.

18 I think we can all agree that
19 there's nothing you more important than educating
20 our children in a safe environment one where we
21 would not be, they would not be in harm's way
22 because of PCBs. It is my sincere hope that this
23 hearing will prove useful to you the City Council
24 and lead to the comprehensive actions required to
25 eliminate this is threat.

As you will hear from environmental experts, I know that the previous panel talked about some of the experts that they've heard from, but you would hear from later today after my testimony some of the expert says a PCBs of the most toxic chemicals ever created by man.

In fact we all know how they were banned by Congress back in 1978. As part of the ban materials containing PCBs in the amounts greater than 50 parts per million and are not completely enclosed must be immediately reviewed it. PCBs accumulate in human tissues, we know that and blood and that are linked to cancer and damage of the reproductive, neurological, endocrine and immune systems.

Moreover the risk associated PCB exposures are for more severe in our children. Scientific studies show us that have links such exposures to PCBs to be a permanent and irreversible reduction in IQ to our children are shortened attention span, an increase in disruptive behavior in children and effects that are antithesis to it a productive school environment. There is no excuse Mr. Chairmen or

1 explanation that anyone could make that would
2 justify exposing our children and school staff to
3 this poison.
4

5 We also know that PCB laced
6 caulking can emit to vapors and crumble into dust
7 particles that contaminate the air and ventilation
8 systems that our children and our school workers
9 are exposed to everyday through breathing, oral
10 ingestion ,or skin contact.

11 In addition lighting ballasts leak
12 PCB oil onto the lamps which can then vaporize the
13 PCB in the air. We also know that there's no
14 doubt that our schools have a serious problem with
15 PCB contamination. We know that. In fact every
16 battery of test conducted on our schools looking
17 for PCBs have shown contamination that greatly
18 exceeds the 50 parts per million ban.

19 In 2008, and we have to give credit
20 where credit is due. I'm not a big fan, but
21 sometimes we can look to a media but The Daily
22 News deserves credit because The Daily News
23 conducted and independent tests of schools of
24 window caulking and at nine schools and found
25 serious problems in six of them.

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1 Bloomberg and his administration to this extremely
2 serious health threat? Denial and refusal to
3 provide for a timely solution to the problem.
4 Since the publication of the Daily News article,
5 in 2008 my office also working with, and I'm glad
6 you gave of recognition Assemblywoman Linda
7 Rosenthal, and many of the Congress Members in the
8 city like Jerry Nadler, Joseph Crowley, Jose
9 Serrano. We have been pushing for the Bloomberg
10 administration and the EPA to deal forthrightly
11 with this problem.
12

13 At first DOE denied there was a
14 problem at all with PCBs that our schools. Now
15 after overwhelming evidence has proven that
16 there's serious problem does exist, DOE wants
17 parents and school workers to believe that there
18 is quote "no immediately health threat posed by
19 the serious PCB contamination." That's hard to a
20 step that a steady refuses to commit to a timely
21 comprehensive testing of all of the 750 city
22 schools built between 1950 and 1980. We have no
23 idea how serious a problem is in each of those
24 schools that were built during that period of
25 time. So, how could the DOE say there is no on

2 media threat when they have no idea? And I know
3 that was a question that was posed earlier.

4 I asked each of the members of
5 these committees, what you say to the parents
6 whose children were all potentially be exposed to
7 toxic PCBs fumes, and dust for 8 hours a day, 5
8 day out of the week, the 10 months ended the year.
9 Or two teachers are maintenance workers with
10 already been working in the schools for 20 or more
11 years at a time. Don't worry there is no
12 immediate health threat? Or there could be PCBs
13 in the sandwiches if you eat at lunch time?
14 [laughter] which you heard earlier. And what you
15 say to the environmental experts some better here
16 today the real experts that tell us that we have a
17 serious problem that needs to be taken care of
18 immediately. Do we just tell them that they're
19 wrong? This is what DOE is doing which is simply
20 a travesty.

21 DOE needs to implement a program
22 that deals with PCB contamination with the
23 seriousness that it deserves the city should and
24 must execute the following program:

25 They need to replace all lighting

1 fixtures in the school buildings known or assumed
2 to contain PCBs within the next 2 to 3 years. I
3 say two but we give them an extra year if they
4 need it.

5
6 And do not allow for the city or
7 the DOE to limit their testing and or remediation
8 to just lighting fixtures. The need to develop
9 and execute a plan that test all windows and door
10 caulking and other necessary building materials in
11 city schools built between 1950 and 1980 for PCB
12 contamination within the next two years utilizing
13 test and standards no less strict than applicable
14 EPA standards.

15 Buildings where PCB contamination
16 is found, test for air and particle contaminations
17 in rooms containing contaminated materials.

18 PCB contamination in brick and
19 mortar. We seen them and tiles; we know that
20 there and tiles and soil adjacent to any
21 contaminated materials and PCB contamination in
22 school central heating and ventilation and cooling
23 systems also need to be addressed.

24 And they also need to develop a
25 remediation plan to remediate any PCB

2 contamination found in a school building within
3 six months of its discovery utilizing at
4 applicable EPA cleanup standards.

5 A comprehensive and timely program
6 of testing in remediation is the only proper
7 solution to this problem. What is more troubling
8 to me is that the Bloomberg Administration
9 response to this problem seems to be based
10 primarily on money. Had you put a price tag on
11 the health and safety of our children and the men
12 and women that work in our school buildings. We
13 should not. While it is established without any
14 doubt that the lighting fixtures in the school
15 propose a grave threat in the schools could be
16 replaced within two years. We've known that
17 companies have come to us. The city was to take
18 10 years that is unconscionable. Why 10 years,
19 again even though the EPA has put forth this five
20 year plan. 10 years is far too long and I think
21 that they're just making this based it on their
22 financial impact to the city. In the long run
23 with the energy savings in the long run with what
24 the save in terms of health costs to those who may
25 be exposed, I think that the city will wind up

saving money.

Let me just say that the reason that I'm here also as Borough President is because one of the schools that was tested by the EPA for PCB contamination in lighting fixtures with PS 68 in the Bronx. In January the EPA testing lighting fixtures in 11 rooms at PS 68 and announced that they have found leaking ballasts in nine of those rooms. And some other fixtures pools, pools of PCB late in the oil were found outside the ballasts being cooked by the light. That goes into the air. And let me just finish by saying this is given that the Bloomberg Administration utter failure to properly deal with this problem I strongly encouraged to City Council, the members of the City Council to ratchet up your pressure on the Bloomberg Administration until it agrees to replace lighting fixtures and tests and remediate all of the schools and I've mentioned between 1950 and 1980. It is imperative we owe it to our children we owe it to the men and women that teachers who have dedicated decades of their life in the school buildings. And I will continue, and I promise, I will continue this fight with you and

2 hopefully we will have an environment where our
3 kids can learn without their parents' or them
4 being concerned about as city is environment and
5 quarters that they're learning in.

6 I want to thank you once again for
7 allowing me this opportunity and I look forward to
8 your leadership of this extremely important issue
9 as you can see for the people were here today.
10 Thank you.

11 [applause]

12 CO-CHAIRPERSON GENNARO: Thank you
13 Borough President Diaz. I greatly appreciate your
14 presence here today. Council Member Greenfield
15 has a question for you. I just as the Councilman
16 to be mindful of the many, many scores of
17 witnesses we have to follow.

18 COUNCIL MEMBER GREENFIELD: I'll
19 just limited to one question. Thank you Borough
20 President for your testimony and for your advocacy
21 on this important issue. I think you briefly
22 touched on it but as the DOE what they thought
23 about private contractors who want to come in and
24 basically do the work for free. In their
25 responses they're not interested when you think

2 about that?

3 BOROUGH PRESIDENT DIAZ: There's a
4 number of school of thought I mean we've been
5 approached by a private contractor as well and
6 they will do in upfront and whenever the energy
7 savings costs are that would then offset whatever
8 they've done going to borrow or what they would
9 have borrowed in order to do the actual
10 remediation. But that is one school of thought we
11 should examine that.

12 But we also need for the DOE to
13 understand that we should not put a price tag on
14 our children and they're going to have to increase
15 the amount of people they're going to send out or
16 teams are going to send out to inspect. They
17 could borrow the money at a lower rate than a
18 private contractors they could borrow money and
19 help pay for the cost of a lower rate.

20 Nonetheless I think there are number of innovative
21 ways that we could fix, change the lighting
22 fixtures the we could remediate all of the school
23 buildings that need to mediated and test them and
24 do so in a way where we don't have to take 10
25 years we can do this all during the summers,

breaks, weekends and we shouldn't be concerned so much but the price tag as we should be concerned with the health of the children and the men and women who work in our school buildings.

COUNCIL MEMBER GREENFIELD: I agree with you I think they can have it both ways. Realistically if money is the problem than we have a way to do them for free if the DS not the problem than do it right away. Thank you very much

BOROUGH PRESIDENT DIAZ: Thank you.

CO-CHAIRPERSON GENNARO: Thank you thank you Borough President, and Chairman Jackson and has a comment.

CO-CHAIRPERSON JACKSON: Borough President Ruben Diaz Jr. let me thank you for coming to our hearing, our joint hearing on behalf of not only the children of the borough of the Bronx but our entire city.

It is clearly appropriate as President of your borough you gave a very heart wrenching testimony about the conditions at PS 68 in the Bronx. And for me, to hear you give testimony that EPA went in and did tests in 11

rooms and found in nine of those rooms above the 50 parts per million to the point where oil was on top and the seats and seating that oil to the extent that any time you have oil that is being heated up is going in the air. And that air is being taken in by all of it children and staff in that classroom. And in the final sentence of this paragraph where use a lighting fixtures have not been replaced and three other schools were the EPA found PCB contamination and give the reason here because the shortage of lighting replacements teams. That is absolutely totally unacceptable in my opinion.

If the issue is that we don't have enough trained staff and teams to do this this could be a citywide project in order to train appropriate staff that are people that are unemployed right now, so they can get certified and use this as a project in order to meet the deadline of the two with three year time frame. I'm sure, absolutely sure, that I can take 1000 people that will wind up tomorrow to be trained and even if the training takes three months of classroom training and let's assume it costs \$1000

per person. Like you said the most important thing is that health and safety of the people of New York City and especially our children were still growing.

So I concur with you, and I thank you for taking the time out of your busy schedule to come here and to give testimony in this extremely important issue.

BOROUGH PRESIDENT DIAZ: Thank you Mr. Chairman I appreciate that, and if I'd made I just want to say that we continue to see the insult from the folks across the street when it comes to this issue. PS 68 these tests were done by the EPA last year they did not start replacing the lighting fixtures until the middle of March of this school year. This whole time knowing our children be exposed to that and that may not be finished until sometime next month, they said. That's number one on the PS 68. Number two on the second half of your comments with regards of training and the lack of teams, again they want to put a price tag on it and we know how many contracts to the tens of billions of dollars that go to who knows what are given out by DOE across

2 the street. We can use money wisely in this case
3 so that we can train folks so we could put them
4 out there is so ultimately secure the city of the
5 health of our children. I want to thank you for
6 your leadership and the Bronx thanks you both
7 Chairmen for your leadership and the City Council
8 and alternately I know that you will as a body to
9 the right thing for our children and I look
10 forward to working with few from this day forward.
11 Thank you.

12 CO-CHAIRPERSON GENNARO: Thank you
13 thank you very much. [applause] I appreciate that
14 up and although I have called the next panel as
15 the UFT, SCA say and 32 BJ. I was not aware at
16 that time because it was my understanding that
17 this would be the extent of testimony from elected
18 officials. It has been brought to my attention
19 that there are some representatives of elected
20 officials so this is kind of an extension of the
21 elected officials' panel, so to speak Congressman
22 Jose Serrano, and it looks like Ana Vincenty it
23 looks like, Erin McGill representing Manhattan
24 Borough President Scott Stringer, we have two
25 people assorted signed up to set up Jerry Nadler

2 will take one please either Rob Gottheim or Celine
3 it looks like Mizrahi, so it's just one
4 representative of Jerrold Nadler, if we can do
5 that.

6 Thank you very much for being here
7 today in which every order you would like you can
8 start with your testimony I just want to let you
9 know that you have a 3 minute clock. Okay so if
10 you could operate within that that would be
11 terrific and whoever wishes to commence please
12 state your name for the record and begin your
13 statement.

14 ANA VINCENTY: Good afternoon, my
15 name is Ana Vincenty and I'm here representing
16 Congressman Jose Serrano from the Bronx. I'd like
17 to first of all extend our gratitude for allowing
18 us to be here as one of the invitees to both chair
19 people. He unfortunately, of course, is in
20 Washington doing his thing out there and could not
21 be here but one of the things he wanted me to say
22 so I'm going to read what it was that he put on
23 the testimony was that he'd like to thank you're
24 kind invitation to submit testimony for today's
25 City Council hearing on the PCBs that have been

found in our public schools. This is an important hearing on the subject that he cares very deeply about and is very pleased that the Council is taking the time to explore this issue in greater depth. And he regrets that because of his responsibilities in Washington, he is not here personally to which is what he would've wanted to be since motive you wanted to be he has been in very several press conferences in regards to this.

The problem with the PCB latent in windows caulking and light fixtures in the schools and the danger that it possesses to our children is a matter that he has been working very hard through Federal legislation and other efforts. Among other action he has written to the administrator of the EPA Ms. Jackson, and he has included language that in appropriation in regards to this. He is constantly urgent the EPA take direct action to protect their children and those from of course from these dangerous chemicals. It is his understanding that the purpose of today's hearing is to specify and discuss that the Board of Education its plan because he does not believe that this plan should take 10 years he solely

believes that this plan should not take more than two years to make sure that it is done there is no reason.

And I'm going to piggyback on everything else that's been said here with others that have set it with the Borough President and so on and so forth that it should not take two years to clean up the schools in order to safeguard our children. And when you have individuals that are willing to work and do the work for free and you have, like the Chairperson Jackson said we can hire and educate people to do the work that needs to be done. Then there isn't any reason why they should continue to occur and not be done as quickly as possible.

I'm not going to take any more time because I know I only have 3 minutes and there are others who would like to speak and you already have the testimony that he sent forth. Thank you very much I appreciated.

CO-CHAIRPERSON JACKSON: And to the other representatives we do have the testimony on the record so if you can summarize that would be really, really great because obviously we have it

on the record so you go next whoever is next. And of course the ladies first.

ERIN MCGILL: Thanks my name is Erin McGill. I'll be presenting testimony on behalf of Manhattan Borough President Scott Stringer. Summarizing is not my strong suit, but I tried to keep it short to the best of my ability. The Borough President I want to extend his thanks to Chairperson Jackson and Chairperson Gennaro.

We know that prolonged exposures to PCBs results in a broad range of health problems including infertility, cancer, immune system impairment, diminished IQ. These chemicals have no place in buildings where children spend more of the third of their lives each day. In recent months Borough President Stringer has stood with New York City public school family's representatives and the EPA advocates and other elected officials demanding that New York City immediately remove light fixtures in the 772 school buildings where we know PCBs exist.

And after months of pressure from the community the city finally agreed to address

the problem by its energy deficiency environmental quality plan which calls for PCBs remediation over the course of 10 years and also outlines a plan to upgrade boilers and 287 schools that for number four and six heating oils which recent research suggests may cause genetic mutations in offspring and increase the risk of asthma and children whose mothers that had exposure to heating oils.

I'm very pleased that the city is filing agreed to take action to protect students and staff in schools but the proposed time frames are too long for remediation. Assembly Member Linda Rosenthal proposed legislation which would require replacement of all light fixtures in five years is much more prudent time frame. And it bears repeating that the decision to replace lighting fixtures originally emerged from the need to guard children's health and safety from toxins not nearly from the desire to go green and it's relevant because the EPA's original testing for PCBs in five pilot schools focused on identify toxins and caulk which is not included in the city's plan of environmental efficiency and energy efficiency plan. And it's unclear what plan is in

place to remediate a problem with caulk. It is also unclear what the plan is for replacing boilers with danger in heating oil's at the additional schools not in this plan.

Borough President would recommend that DOE explore alternatives to its current 10 year a mediation process including the cost cutting measure developing up ride that public partnership with independent contractors who would complete necessary remediation at their own cost for an exchange of a percentage payout of the city's energy savings over a set number of years.

This was proposed first to Vincent Ignizio by a company called TM Bier and Associates. There are several advantages to this model one that it protects our kids faster second it will save the city millions in upfront costs which can be diverted to other crucial capital needs such as desperately building desperately needed seats and reducing class sizes. And also create new jobs in green collar economy were electricians currently face a 30 percent unemployment rate as reported in Cranes in February.

1
2 Finally the plan to replace boilers
3 with four or six heating oil should be extended to
4 all schools and not just the ones in the plan and
5 remediated as quickly as possible we cannot wait
6 another 10 years to allow poisonous materials to
7 be removed from our schools. Thank you.

8 ROBERT GOTTHEIM: Thank you very
9 much my name is Robert Gottheim and I'm here
10 representing Congressman Jerrold Nadler who also
11 couldn't be here today because he is in
12 Washington. So first let me, on his behalf, thank
13 you for this joint hearing both Chairman Gennaro
14 and Chairman Jackson. It's very, very good that
15 you're taking a leadership role in this and
16 helping us safeguard our children. I've read his
17 testimony which is going to be within the 3
18 minutes. This is a shortened version.

19 In February of this year, the city
20 of New York announced a comprehensive plan to RE
21 mediate PCBs from 772 public schools throughout
22 the five Boroughs. This was a major progress in a
23 yearlong campaign that I have been part of from
24 the beginning together with a coalition of
25 parents, advocates, union members, and along with

other elected officials.

Along with securing active oversight from the U.S. EPA, I led the New York City congressional delegation in calling for increased testing and prompt remediation of our schools. The subsequent tests carried out by our EPA produced incontrovertible evidence that hundreds of schools have contaminated at levels drastically above Federal guidelines.

I am pleased that were funny taking a first major step towards addressing this danger in the city schools. In agreeing to a comprehensive remediation the city has at last it knowledge that health threat posed by PCBs latent light ballasts and school children, teachers, and staff, and has affirmed that inaction is no longer an option.

Unfortunately the city's plan proposes replacing the life ballasts in an astounding 10 years. Ten years as an intolerable window for exposure for children and I have called repeatedly for a maximum time of the frame of 2 to 5 years to complete the remediation. The EPA the nation's foremost authority of PCB contamination

and remediation is firmly on our side. Judith Enck the EPA regional administrator for New York has plainly asserted that 10 years is too long and as publicly called for a five year time frame. 10 years falls far short of treating to health risks with the seriousness of an urgency that our school kids deserve.

We simply cannot allow class after class to sit in these classrooms for the next decade. Every month we have seen more tests pools tested to reveal staggering numbers of PCBs. In one of those schools PS 306 in Brooklyn test of several rooms revealed PCBs over one million parts per million which makes this sample pure PCBs.

I'm just going to finish up my testimony there. We've been working with Congressman Serrano and Congressman Crowley on legislation in Washington to try to address this but what the Council can do is force the DOE and for City Hall that the 10 year time frame is just unacceptable. We must have a timeframe of 2 to 5 years. So, again thank you for your leadership on this issue.

CO-CHAIRPERSON JACKSON: On behalf

2 of all the members of the City Council and our
3 Speaker Christine Quinn, let me thank your
4 respective principals Jose Serrano Congress Member
5 from the Bronx, Manhattan Borough President Scott
6 Stringer, and of course Congress member Jerry
7 Nadler.

8 Let me thank all of you for coming
9 in and giving their testimony and let them know
10 that we appreciate the fact that they're involved
11 in this just like we are to try to make sure that
12 our children are safe and trying to move those
13 timeframes up where everyone can agree that there
14 doing the best it can. Right now as you said 10
15 years is not enough. EPA says no more than five.
16 A New York Lawyers for Public Interest and parents
17 a two. As I said before you may have been here
18 I'm not an expert but clearly the 10 years is
19 inappropriate anywhere from 2 to 5 seems more
20 reasonable and obviously we'd like to see it
21 sooner rather than later.

22 So thank you coming in and giving
23 testimony on behalf of your principals and let
24 them know that we appreciate it very much. Thank
25 you.

CO-CHAIRPERSON GENNARO: Thank you.

CO-CHAIRPERSON JACKSON: For the record testimony from Valerie Watnick she is of former Co President of the PTA at PS 199 and for the record Michelle Ciulla Lipkin President, a district three presidents council, and Co President of PS 199 PTA for the record.

CO-CHAIRPERSON GENNARO: Thank you and the next panel will have representatives of the UFT. It says here can the UFT wishes to be represented by Chris Proctor and Ed Olmsted. If there's any way to have to UFT represented by one person that would be preferable, if that weren't for them. CSA is a Herman Merritt. And from 32 BJ Ahmed Cumberbatch.

And we're going to be continuing on with the 3 minutes up clock of with the exception of a medical expert panel people who have flown from very, very long distance to come here that will be the panel right after this. We are going to give them a little more time they have great perspective to bring to this and make travel a little latitude. But this and the other panels will be 3 minutes just to prove that there's

2 nothing the fair in life.

3 And so, with that we welcome this
4 and all the panel's we're grateful for your
5 patience we'd ask you to introduce yourself for
6 the record and in whenever ordered you wish to
7 speak in the command. Okay I tell you what how
8 about ladies first if I could say that, is that
9 okay? You have to turn the microphone on.

10 CHRIS PROCTOR: Can you hear me?

11 CO-CHAIRPERSON GENNARO: Yes, I
12 can.

13 CHRIS PROCTOR: Okay. First of all
14 I want to say good afternoon and thank you
15 Chairman Gennaro, Chairman Jackson, Speaker Quinn,
16 and Council Member Ignizio and distinguished
17 members of these two committees. I am Chris
18 Proctor, Director of the United Federation of
19 Teachers, Safety and Health Department. I'm here
20 today with Ed Olmsted, Industrial Hygienist the
21 UFT and we thank you for this opportunity to
22 testify before you today.

23 The officers in the members of the
24 United Federation of Teachers believe that a safe
25 and healthy school environmental is a fundamental

right. It is this reason that we devote health and safety and resources and dedicates health and safety staff in each borough to school communities citywide. We underscore our commitment to this effort by working closely with our colleagues, with the Department of Education, the School Construction Authority, the Department of Health, and a number of other agencies to provide a safe learning environment for all our school communities.

The idea that hundreds of our schools may have elevated levels of PCBs is a considered for us and we take this very seriously. We're also concerned about the pollutants created by the use of number four and number six burning boilers, and we have some recommendations today that we hope the City Council will support.

The EPA established air borne exposure levels what we refer to as health guidance levels to protect students and staff from long-term chronic exposure to PCBs. And of great concern is the fact that PCBs you've heard how toxic, they are can accumulate in the body, so the goal is to eliminate PCBs to make exposure as low

2 as possible. When the SCA conducted the pilot
3 study in three schools this plan summer air borne
4 levels exceeded the EPA's Health guidance levels
5 under various conditions. And what a merged was
6 leaking PCBs containing light ballasts were
7 significant problem. And when the SCA removed and
8 replaced these light fixtures we saw substantial
9 reductions in air borne levels. So as soon as the
10 union became aware of this, we met with the DOE
11 and SCA in the Department of Health, and we urged
12 them to immediately implement an expedited plan to
13 remove and replace these fixtures. We were told
14 that there was no such funding for the plan and
15 furthermore it was necessary to complete the pilot
16 project the next phase which would be taking place
17 this summer 2011.[timer sounds] Is that me?

18 CO-CHAIRPERSON GENNARO: Yes it is
19 actually. But if you could summarize that would
20 be great I give you the opportunity to summarize
21 the gist of your comments.

22 CHRIS PROCTOR: I got 60 seconds?

23 CO-CHAIRPERSON GENNARO: I'm in a
24 good mood, sure.

25 CHRIS PROCTOR: All right so we

were very pleased when the city prepared a plan in February but we're not happy with the timeline and some of our concerns are already we have the light fixtures that are 40 to 60 years old in the schools. We know from the inspections that the EPA and SCA have done that a number of these light fixtures are leaking and continuing to leak and it's often not obvious just from a visual inspection. Of those who haven't leaked since they've exceeded their lifespan it's a given that they will fail within the next 10 years.

And we're also concerned about the exposure when you actually have a burning ballast you going to have an elevated levels and then you're going to continue to have air borne PCB levels until that light fixture is removed and replaced. So, imagine your kindergarten students starting school this year were concerned that that student will be in school for 10 years where you have PCBs containing light fixtures that are leaking.

CO-CHAIRPERSON GENNARO: Ms.

Proctor, that will be it.

CHRIS PROCTOR: Okay, all right but

I just say.

CO-CHAIRPERSON GENNARO: I gave you an extra minute I have a lot of people here I can't do it. Okay thank you. Yes please state your name for the record and commenced testimony

HERMAN MERRITT: Good afternoon my name is Herman Merritt. I am a former New York City principal, and currently I'm the Director of Government and political affairs at the CSA. As you know CSA represents 6,100 principals and assistant principals, supervisors, administrators, and daycare directors in New York City. I'm just going to read the introduction and conclusion I hope I can understand what our points or from this.

I want to thank you for the leadership you have shown by holding this hearing on an issue of critical importance to the students and staff of New York's the public schools. Nothing is of more concern to a principal of the health and safety of students and staff. When parents drop off their children at the school they are counting on principles to protect their health safety and well-being of their sons and daughters.

Staff has the same expectation about their own well-being when they pass the doors every morning. Principals know that teaching and learning is difficult and sometimes impossible if the school environment is unsafe. Principals take many steps to protect the health and safety of students, teachers, and other staff. They develop safety plans with procedures for any conceivable emergency. The building maintenance plan is developed with cleaning protocols including regular cleaning events to protect air quality. Principals even sample the food in the cafeteria daily as a measure of quality control. All of this is done to provide a safe and healthy environment for all students and staff.

How distressing it is when principals discover that despite their good efforts many schools are not safe because they have contaminated with PCBS is.

In conclusion we feel that it's clear that the city's 10 year plan is inadequate to safeguarding human health project leave the health of children. As one parent said, you don't send your child to school thinking my kid is going

to be exposed to a chemical that is toxic enough that the banned it in building materials.

Intuition alone tells us that no member of the school community can tolerate the kind of link the exposure to PCBs a this city's plan allows.

Neither the emotional stress of the nor the physical risks are tolerable.

The CSA supports the proposed legislation of Assemblywoman Linda Rosenthal A85374. This bill requires the replacement of lighting fixtures ballasts in the schools within five years. As other people have stated that groups like, companies like TM Bier that a stated that they can resolve this problem in two years of possibly one year with the right support. I just one to conclude by saying I think I'm the first person to testify that has been exposed to these chemicals as of doing the research for this project I realize that the school where I was principal for 13 years is high on the list and the school where I was assistant principal for seven years, they're on the list as well. So one of the councilman of mentioned before intellectual exercises. We hear a lot we think a lot and we go

2 on to the next thing to think about other things
3 Councilman Jackson when you see me I want you to
4 think PCB that it's the real thing up and think
5 about what it's like for children parents and
6 staff to walk into a building that they know that
7 nothing will probably happen that depending on
8 your individual body and what you reviewed systems
9 like it could have some very bad effects of the
10 future.

11 CO-CHAIRPERSON GENNARO: Thank you.

12 HERMAN MERRITT: Thank you very
13 much.

14 CO-CHAIRPERSON GENNARO: Thank you

15 AHMED CUMBERBATCH: Good afternoon
16 good afternoon City Council members, ladies and
17 gentlemen in the audience. My name is Ahmed
18 Cumberbatch and I'm the of representative for the
19 city's public schools cleaners of 32 BJ the
20 nation's largest property service union and we
21 represent over 120,000 workers in eight states
22 including 5,000 members in the public school as
23 public school cleaners. Having to work in these
24 schools as school cleaners for over 13 years and
25 my grandfather of children's enrolled in the

public school system I know firsthand what it is at stake to adequately address this issue.

Leaking light fixtures ballasts and caulking link to PCB contamination are prevalent in the classrooms that I cleans decades ago.

While the toxicity these PCBs have been deliberated, we should all be clear at this point that the students and the teachers and the school workers in our city school buildings risk exposures to carcinogens and immune and reproductive system disorders from PCBs. 32 BP applauds the process that the city has made to address this prevalence of PCBs in our schools; however, we remain concerned about the scope and the timeframe of this city's PCBs abatement program.

We believe that cost effective and comprehensive solution can be achieved to avoid any potential health risk to our children, faculty, and cleaning staff we urge the city to consider the following adjustments to the proposals with a light fixture replacement.

First, the 10 year implementation, excuse me, schedule place and of light fixtures

1 leaves intact sources of PCB contaminants for
2 prolonged periods experts in the industry have
3 suggested that the city can replace these lights
4 within two years and that the lower cost that is
5 estimated \$708 million. The sooner the city acts
6 the closer we will be to the goal of PCB free
7 energy efficient learning environments for all
8 students within the buildings that they go to.
9

10 Secondly, over stressing the
11 contamination from light fixtures is a partial fix
12 for the problem that is also linked to the
13 caulking.

14 I'm not going to continue that much
15 more because my time is running out, but I would
16 like to say from reading my testimony you will see
17 that what we need to do it's like the Borough
18 President Ruben Diaz has said and that is our
19 children is our most important thing to us. That's
20 our future. When I was a young man growing up
21 during the days my parents other the people used
22 to say the future is in your hands. We are
23 destroying the future for many of our children if
24 we don't address this. And I know we're going to
25 address this because this is something that does

2 not talk about dollars and cents this is about
3 human lives in our future which is our children.
4 Robert Jackson, thank you brother I know me and
5 you go back to high school days, you still look on
6 your same track running form; me, I have no
7 excuse. Thank you very much ladies and gentlemen.

8 CO-CHAIRPERSON GENNARO: Council
9 Member has a question.

10 COUNCIL MEMBER IGNIZIO: More of a
11 statement that I want to be very clear for the
12 record that first of all thank some of the
13 expertise that was lent to my office from many of
14 you and when the Department of Ed had their sides
15 there was other side's those requirements of some
16 scientific knowledge that I was not privy to until
17 the partnership I had with many of you.

18 But I want to be clear for the
19 record for anybody who's going to be watch for
20 testimony that is going to be recorded. Prior to
21 January there was no plan to remediate PCBs in
22 schools in the lighting. The response I initially
23 got the Department of Education was, we were await
24 the findings of the EPA pilot study which is going
25 to go on for another is, I think that the point

2 was another 16 months. This whole thing of
3 jumping in front of a parade and pretending like
4 you're leading it is fine and I'm always happy
5 when people join the fight for good reasons but is
6 important to recognize the reality that there
7 wasn't a plan prior to this the plan is a good one
8 in terms of what they're going to do but the
9 timeline that we were going to work on and we're
10 happy that everyone is currently on the same page
11 of removing them from our schools, but it's
12 important to recognize the reality for how it is
13 and not have we want it to be, thank you.

14 CO-CHAIRPERSON GENNARO: Thank you
15 Council Member. Council Member Greenfield had a
16 question as well.

17 COUNCIL MEMBER GREENFIELD: Have
18 you guys considered perhaps filing a lawsuit on
19 this issue, obviously there's some serious
20 consideration here in terms of safety of your
21 members? Anybody can take that question.

22 CHRIS PROTOCOL: We haven't gotten
23 to that step yet.

24 HERMAN MERRITT: Neither have we
25 put something to consider.

AHMED CUMBERBATCH: I am told that New York City Lawyers for Public Interest possibly are going to explore that, and I guess we at 32 BJ will probably go along with them to see what we can do on that topic.

COUNCIL MEMBER GREENFIELD: I appreciate that testimony I just want to reiterate the Chair Jackson than I had what I thought was a good idea in a time when we have such high unemployment in the city what a phenomenal economic development plan it would be for the city of New York to say we'll get this done two years instead of 10 will train people will give them jobs will use city money will clean it up and by the way even quoting their very own numbers will save \$95 million a year. So you can imagine thousands and thousands of jobs thousands of people with new skills money well spent and clean it all up with the same time I think it's terrific.

And I think that Council Member Ignizio makes excellent point that thanks to his leadership and the leadership of the chairs and others like yourselves the city's finally

2 knowledge responsibility. So I think it's
3 perfectly with in our role to make these
4 recommendations to impress the city to take
5 quicker and more effective action and not simply
6 just to accept what they think that face value.
7 Thank you.

8 AHMED CUMBERBATCH: Thank you.

9 CO-CHAIRPERSON GENNARO: Thank you
10 counsel of the green film and thank you very much
11 of this panel I appreciate you being here thank
12 you for your patience and I'm sorry about the 3
13 minute limit.

14 And next we have the medical and
15 scientific panel I have four slips. I've been
16 informed by counsel that there is a fifth witness
17 that is going to be telephoning by some hookup
18 that we have, but let me call the panel. David
19 Carpenter on behalf of SUNY Albany Medical School.
20 Jamaida Galvez on behalf Mount Sinai Medical
21 Center. Alice Freund on behalf of NYCOSH.
22 Professor Jack Caravanos on behalf of Hunter
23 College School of Public Health. What is the
24 status of the person is calling and by phone and
25 we have that? Okay so and the person that we hope

2 will be calling in Dr. John Tharakan Professor of
3 Chemical Engineering Howard University in
4 Washington. And as said before we have people on
5 the three minute clock, we tried minute of 5
6 minute clock to see if you guys to see if that
7 works we apologize for that we as parents we need
8 to testify and other folks but the Co-Chair and
9 myself are prepared to give a little added to the
10 because of the great weight of your scientific
11 knowledge and you travel long distances to be
12 here. So what does apologies I would ask that in
13 which ever order we start the panel on my left
14 which is your right. This gentleman and if you
15 could state your name for the record and start
16 your good testimony we'd be grateful for that.

17 DR. CARPENTER: For I thank you
18 very much for the opportunity to testify today. I
19 am David Carpenter. I'm the director of the
20 Institute of Health and the Environment at the
21 University of Albany. I was previously Director
22 of the New York State Department of Health
23 Laboratories following that I was the Dean of the
24 School of Public Health at the University of
25 Albany. And step down from that position a few

years ago. I have been studying human health effects of PCBs for 25 years, and have been particularly concerned with the health effects of inhalation as a root of exposure. Inhalation has not been as well that knowledge to by EPA has in my judgment, the evidence suggested should be.

I found it absolutely appalling that everybody that's added this table earlier today denied that there were immediate health hazards from being in a school with PCBs in the air. That is totally untrue and to have people from the New York City Department of Health endorse that view is either ignorance or denial.

There is a huge body of evidence that demonstrates that children exposed to PCBs have reduced learning ability. And if there's anything you do not want in a school is having children freed in contaminants that reduce their ability to learn. PCBs do essentially the same thing led to its, but in a school setting the primarily get them from breathing in the air. They can also be absorbed from the skin. And the idea that fewer PCB oil dripping from the ceiling and dropping on a kid's head on their hands are

even on their desk is an issue not to be concerned about is almost criminal, in my judgment.

Now let me say something about standards. Because we've learned a lot about 50 ppm and today, 50 ppm is the standard EPA has for wastes that has be put a special landfill. The standard for PCBs in dirt in your backyard is 1 ppm, the standard for an industrial facility is 25 ppm, and we are those people are arguing that that 50 ppm is no big deal you got to cut out that carpet and take it to a secure landfill.

And let me talk a little bit more about the other health effects of PCB exposure. I've already said that PCBs in the air at low concentration reduce learning ability. They'd shortened attention span the increased are dropped its behavior they like a lead are implicated in attention deficit disorder, in antisocial behavior. They cause problems in the classroom, all the things that you don't want in a learning environment.

Now, there's also another short term the effect, and this we have demonstrated my colleagues and I. PCB exposure to young girls

PCBs acts like Estrogens so girls reach puberty at a younger age. Now is that a disease, know that's not a disease, but it is a perturbation of a normal physiological function. PCBs cause an increase in the risk of a host of chronic diseases that you normally see in older people. Cancers been mentioned many times. Now those cancers EPA standards are set at preventing cancer not preventing learning deficits, which is an important point. I don't mean to minimize cancer cancers important but PCBs also increase in the risk that you'll develop diabetes, they reduced your thyroid function, they increase the risk of heart disease.

My most recent study has been in people living around the plant in Alabama where the PCBs were manufactured, we find PCBs levels and blood are the largest risk factor other than age for hypertension. Said they do lots of very bad things. The teachers, but the janitors, but also the students are going to be at risk for both short term diseases and long-term diseases. And I think this is appropriately considered to be an emergency. Ten years is ridiculous. Five years

in my judgment is much too long. You know, the thing should have been removed yesterday the leaking ballast are against the law and there needs to be a sense that this has to be dealt with it has to be dealt with quickly and children should not be in schools where there are high levels of PCBs in the air, certainly not with a dripping down on their desk and the carpet. Thank you very much.

[applause]

CO-CHAIRPERSON GENNARO: Thank you Dr. Carpenter we are very, very grateful for your for your very revealing in comprehensive testimony. It is great value to the committee for you to opinion today, thank you.

DR. GALVEZ: Good afternoon Chair Gennaro, Chair Jackson, Council Members. We appreciate the invitation from legislative counsel Samara Watson [phonetic] to discuss hazards of PCBs.

My name is Dr. Maida Galvez. I'm a board certified pediatrician and I direct the federally funded Region 2 Environmental Pediatric Health Specialty at Mount Sinai School of Medicine

in New York City. The testimony that I am presenting today reflects my views and those of my colleagues at Mount Sinai which includes Dr. Philip Landrigan our chair in Preventive Medicine and the Director for Research at Mount Sinai in Environmental Health, Dr. Mary Wolff. Both are internationally recognized experts in PCBs.

In the face of growing economic challenges an area which they can be no compromises children's health. There's an urgent need to invest in primary prevention strategies that ensure the help of future generations to come. It is the children who bear lifelong neurotoxic effects from PCB exposures. We therefore urge the City Council Committee on the Environment to support a swift and timely removal of PC containing light fixtures from the New York City School Systems as soon as this feasibly possible. The body of evidence is clear. PCB exposure during development the sensitive when does such as pregnancy has long lasting effects on developing baby's brains. While this is not a medical emergency there is no reason to delay the removal of this neurotoxin. We have the ability

to prevent the exposures to this toxic chemical the places that children, expectant mothers, and women of childbearing age spend a significant period of time.

PCBs made over 40 years ago are still in the environment and humans and animals are continually exposed. Currently low levels of PCBs are present in most Americans including young children. What I will focus my testimony on today is the population that were most concerned about children throughout the life span which includes unborn children who are uniquely vulnerable to PCB exposures.

We have heard from Dr. Carpenter that exposure can occur in three ways than inhalation, absorption to the skin, and ingestion. Younger children are more likely to have this last type of exposure because they spent a lot of time crawling and playing on the ground where PCBs may have settled. Also, younger children often put their hands or toys in their mouth and then swallowed the dust. These PCBs are not easily broken down or passed from the body, levels of certain PCBs congener accumulate over time and

half-lives range from month to decades.

Developing babies in utero may be exposed to PCBs if pregnant mothers breathe eat or touch things that contain PCBs they readily passed from mother to the developing baby via the placenta. PCBs may also concentrate in the mother's breast milk. Mothers likely already have an existing body burden, but exposure to leaking light fixtures can increase its burden. The body of evidence is clear. Well conducted highly credible epidemiological studies demonstrates that babies born to mothers with high levels of PCBs in their bodies have decreased intelligence measured by IQ and motor delays.

While a number of other health outcomes have been associated with PCBs this is where the strongest body of evidence exists with respect to PCBs exposures. A Mount Sinai and study led by Dr. Mary Wolff looked at the health effects related to the body burden, related to the capacitor explosion in a Midwestern city, period were children later played with the debris and then covered their bodies with the debris that then had to do that dermal absorption of the PCBs.

1 And she demonstrated that those children actually
2 had elevated PCB levels in their body and chief
3 all those levels over time and demonstrated that
4 not only did those PCBs persist, some of them
5 declined 11 months, but many of them were at the
6 same level. So this raises the concern that young
7 children are vulnerable and have direct absorption
8 through the skin.
9

10 This may exist in this particular
11 scenario that we're talking about today which is
12 faulty light ballasts. Protecting the health of
13 New York City school children's, school teachers,
14 and staff is critical that PCBs the levels found
15 in New York City to date will not make any child
16 or teacher acutely ill tomorrow in fact in
17 compared with air levels that some of the other
18 studies limited air levels reported thus far in
19 New York City have actually been comparatively low
20 so in this instance we wouldn't say keep your
21 child from school that's an important message to
22 give to parents, because they are very worried.

23 The benefits of going to school far
24 outweigh any risk from PCBs in a school
25 environment. But now that PCBs have discovered in

leaking light fixtures in school it's clear that a faulty fixtures need to be removed to prevent further exposures of children, teachers, and school staff.

There is no reason to delay interventions there are no safe thresholds for chemical exposures, especially during pregnancy. To best protect the health of children, staff, families of New York City schools we advocate for swift and timely removal. As soon as is feasibly possible. A prompt cleanup will minimize exposure and the goal is to keep environmental exposure to a minimize risk.

Just a final comment is that
CO-CHAIRPERSON GENNARO: Feel free to summarize, feel free to summarize.

DR. GALVEZ: The basic summary is that we don't also want to rush we don't want to rush through and create unnecessary hazards by rushing for this job this time for careful methodical action but we also think there's no reason to delay and an important part of this recommendation is that the work should not be done when children pregnant women and women of

2 childbearing age are present in the buildings. We
3 appreciate the opportunity to testify and we thank
4 you for your thoughtful consideration of these
5 complicated issues.

6 CO-CHAIRPERSON GENNARO: Thank you
7 Dr. Galvez. I really appreciate your being here
8 and Dr. Landrigan is a frequent flyer of this
9 committee and we're very grateful to him and all
10 the good people at Mount Sinai, like yourself who
11 give us such great insight to these complex
12 issues. Thank you for being here today. Sir
13 please continue.

14 PROFESSOR CARAVANOS: Yes. My name
15 is Professor Jack Caravanos and I think the
16 council for having me here in addressing the
17 issues I'm not going to talk about health affects
18 you have two outstanding people here, world
19 experts on the issue. I want to talk more about
20 some environmental issues.

21 You have my testimony in your
22 possession so I'm going to talk to you may be
23 lecture level, because I heard a lot of
24 misinformation or clarification confusion, some
25 good take this opportunity to address some of

these points.

Environmental health industrial hygiene starts with identifying the problem. Further assessing the risks to the population and then finely controlling. So this is exactly what has happened so far. The problem wasn't identified. We now know where those hazards are into the extent to which they need to be remedied and it's a control strategy. So think no one in this room is going to argue leave it alone though I do agree perceived with caution because we don't want workers getting sick and these been removed.

Air samples that start there. You want high numbers I can get too high numbers you want low numbers I can get too low numbers I'm a Professor of Environmental Chemistry I know how to sample I know how to get any numbers you want so we need to be very careful not to do more air testing for decision-making.

In many ways this is the same model as asbestos there was no regulation that said when asbestos gifts of this pointed the air we must do XY and Z. If it's damaged we fix it, if it's not damaged we keep an eye on it so this is

eccentrically the same thing if the ballast is leaking and is visible evidence of that it must be replaced expeditiously or as an EPA says in a timely manner. And clearly 10 years is not time.

Let me just say there is no direct reading instrument we don't have a little black box that can spit out a number constantly so don't even go there one could possibly be designed but it's absolute not worth it can cause over \$1000 to take one air sample in one room for PCBs which as you heard is many different compounds.

I also want to maybe disconnect the PlanNYC link with this remediation plan. I'm a believer in the sustainability and a green New York and a healthy New York, but I am concerned that if we link this to energy efficiencies and ballasts and saying let's wait so we can do it all together I must say I don't have a lot of faith in that ever getting done on time. I realize there may be expensive if we bifurcate to these but I'm a believer in separating these two activities.

It's a big job, 772 schools is 154 schools of the year 13 a month it into three per weekend I'm not sure we can't do that after hours I don't see this

as being that complicated.

It is not an asbestos project I respect if we disagreed with Deputy Chancellor that she's linking this to an asbestos project. It is not. Frankly, I do all the training for asbestos inspection for New York City Asbestos Control Program in LeFrak City. I know everybody there, I am there trainer year after year I am very confident DEP can work with a solution where these can be simply removed and bag. Whether it's PCB waste and asbestos waste combined. These are not enclosure asbestos projects. Stop right there.

Finally, in just a word or two, I do believe the number two heating oil combustion particulates are probably a bigger risk in the long-term health of New York. There are some risk with PCBs where it's difficult to quantify them but I think moving away from oil burners is a very, very bright thing to do. We left coal behind, and now we need to leave oil. And let that go. And I would like to see that happen. If you want to say Caravanos, which is more likely to affect the public health of New York, I would have

2 to say the burning of fuels, fuel oil. Not to
3 prioritize, we need to do both at the same time.
4 I think that's all-

5 CO-CHAIRPERSON GENNARO:
6 [interposing] When you say that that is number six
7 in number four or are you including number two and
8 that is well?

9 PROFESSOR CARAVANOS: Oh, I'm
10 sorry, number six. The diesel fuels.

11 CO-CHAIRPERSON GENNARO: So six and
12 four? Not so much two?

13 PROFESSOR CARAVANOS: Right, the
14 more dense the material the more particulates.

15 CO-CHAIRPERSON GENNARO: Residual
16 flows foreign substance.

17 PROFESSOR CARAVANOS: DOH is
18 wonderful air monitoring on that so we're very
19 fortunate.

20 CO-CHAIRPERSON GENNARO: okay. I
21 actually now owe you a little time.

22 PROFESSOR CARAVANOS: Thank you.

23 CO-CHAIRPERSON GENNARO: All you're
24 done. okay.

25 PROFESSOR CARAVANOS: I was born

and raised in New York, so I know.

CO-CHAIRPERSON GENNARO: A New York minute good for you Professor thank you. And Alice Freund?

ALICE FREUND: Yes. On behalf of the New York Committee for Occupational Safety and Health, NYCOSH I'd like to thank the committees for the opportunity to testify on the city's plan to remove PCB containing light fixtures from the public schools. I'm going to focus the light fixtures and the PCBs issue. And I do have to written testimony that is much longer than my oral presentation which I'm afraid might be a little longer than my colleagues here.

I'm a certified Industrial Hygienist with a master's degree in Public Health and a member of NYCOSH, which is an independent nonprofit union based health and safety organization made up of over 200 local units health and safety advocates and concerned citizens. Among the union's we work with are those representing the school teachers, school custodial staff, and private remediation workers.

My testimony today will address in

support the following issues with regard to PCBs in light fixtures. First PCBs in schools constitute a significant health risk for the following reasons: they cause serious chronic health effects, they have been found in air and on services at levels above health based guidelines, and in less room staff and students, will inhale them ,ingests them, and absorb them through their skin for many years where they will continue to accumulate.

The tenured timeframe proposed by DOE for removal of the ballasts and the light fixtures is an adequate in terms of the women eating more reducing exposures to PCBs. From a public health perspective, a two year expedited time frame is more in line with the seriousness of the health risks involved. Staff for students who may become pregnant are particularly at high risk. Maintenance and remediation workers would be expected to have the highest exposure levels because the routinely handle and disturbed materials that contain PCBs. The contribution of other potential sources of PCBs including, caulks paints, and PCB contaminated materials such as

mortar, brick, and soil must be addressed and assessed to properly.

In general that PCBs in school issues could be addressed in a similar fashion as asbestos, there are some major differences, but basically we need to inventory the locations concentrations and conditions of PCB containing materials in schools and establish a plan for removing or managing these materials in place. Attention must be paid to the training and protection of the workers who are performing the remediation, hopefully Dr. Caravanos will train them.

Finally public health agencies need to evaluate the risks to the public of PCBs in other commercial institutional and residential buildings besides the public schools. So just how serious is this problem. That has been asked. The seriousness of a chemical exposure depends on several factors among the most two important things on the relatively toxicity of the chemical and the dose to the person that is exposed. As far as the toxicity of concerned, PCBs have well known short and long-term health effects on

animals and humans. They concentrate in lipid rich tissues like fat and in breast milk and they also readily crossed the placenta and reach the developing baby.

My colleague Maida Galvez has focused on the adverse first developmental effects from exposure in the womb which is probably the most sensitive and serious of the defects that we are facing.

But I just want to say that there has been hundreds of animal studies and also many studies in humans and the studies of adults and children humans have specifically been associated with childhood leukemia, non-Hodgkin's lymphoma, liver cancer in workers, lower immune response, effects on hormone levels, and liver disease. They've been associated with elevated blood pressure, elevated serum triglycerides, and serum cholesterol in humans. And as chemicals go PCBs are highly toxic compared to other chemicals when you compare the long-term effects of PCBs. So yes they're toxic so the next question is what is the dose that's dangerous. [timer sounds] do you want me to cut everything short?

CO-CHAIRPERSON GENNARO: If you could yeah that's a nice way of saying yes.

ALICE FREUND: Okay. All right in terms of the dose it depends on how you get it. And I want to say that in terms of the air levels at least the EPA is using a health based guideline what I'm concerned about is the surface contamination PCBs get into the air because they evacuate their called semi volatile chemicals. Their waxy liquid the stuff that you that the rates in the air and then what happens a condensed back onto surfaces, onto walls, and onto floors.

And although EPA has said that the levels are below the EPA guidelines which they talked about today. That guideline is not a health based guidelines. That is based on the 1977 regs that came from a cleanup criteria that was not based on health.

The health base guidelines that have been proposed safe for the World Trade Center, those guidelines are below levels being found now, according to them and a results, in the schools. So I am concerned about the surface exposure and as happy to hear Nancy Clark say that

2 they're using a different surface guideline. That
3 was the first thing I've heard of it and I'd like
4 to know the criteria they are using. On the
5 subject of ingestion.

6 CO-CHAIRPERSON GENNARO: Ms. Freund
7 we're really going to have to really, really try
8 to summarize. Please.

9 ALICE FREUND: Okay. So ingestion
10 is not a big, congestion of dietary sources,
11 unlike what has been kind of said here today is
12 small compared to what the children are expected
13 to get by inhalation in the schools and also skin
14 contamination. We're worried because I did like
15 that turn there's no immediate with I disagree
16 with it as long as you're exposed to PCBs you're
17 going to continue to accumulate PCBs. And we know
18 that a lot of students and workers have already
19 been found to show higher levels of PCBs in their
20 blood.

21 CO-CHAIRPERSON GENNARO: Okay how
22 about we leave it there Okay.

23 ALICE FREUND: Okay. That's fine
24 thank you.

25 CO-CHAIRPERSON GENNARO: And then

actually for the last member of this panel I asked the panel to stay in place until was last witness has testified. We have some via high tech phone hookup that we have Dr. John Farrakhan from Howard University Professor of Chemical Engineering. Professor Tharakan, I hope I'm saying you're been right. First of all can you hear us?

DR. THARAKAN: [over phone] Yes I can.

CO-CHAIRPERSON GENNARO: Okay terrific I can ask you to, I guess for the record state your name even though I've said it already maybe he'll say it properly and that proceed with your good statement.

DR. THARAKAN: [over phone] How much time do I have?

CO-CHAIRPERSON GENNARO: How about 5 minutes?

DR. THARAKAN: [over phone] Okay very good. [break] I'm not sure [break] to come here and test [break] for the council. Regarding the problem [break] in New York City public[break]. I'm not sure [break] Howard University has been involved in the fundamental

research [break] on the biologic [break] A [break] contamination. As a professor of engineering and science [break] not in the actual [break] health [break] it is rather in the engineering side [break] transformation [break] PCB compound [break] totally being released into our environment [break] by these [break] as you've heard before from [break] panelist about [break] about the exposure multi fold [break] carcinogenic [break] cancer and melanoma [break] logic [break] causing immuno- [break] together effects causing reduce birth rate and unwanted abortions. They can also affect [break] systems debilitating neurological functions and affecting short term memory.

Finally they have demonstrated serious endocrine system disruption in effects and perhaps the most terrible and most important piece of evidence from the statistical analysis of the public health data is that these adverse health effects are seen as levels as low as 2 µg per milliliter almost found ubiquitously humans breast milk. It is not clear the protecting the young school going population. [break] Am I still on

the line?

MALE VOICE: Yes you are.

DR. THARAKAN: [over phone] Okay, thank you. from such a pervasive and diverse family of chemicals compounds PCB levels that our children are exposed to should be targeted not just for reduction or minimization but for elimination. This should be done as fast as is possible with the best possible removal and remediation technologies at our disposal. And in the safest and most contained in controlled [break]

I came here to testify in April 2009 and at that time I was dismayed at their testimony that first there's would suggest that there were no PCB problems in New York City public schools and second that if there was a problem it was probably too low to be harmful. I'm glad to have heard testimony now that suggests that more likely the truth is otherwise. The Department of Education and the New York City schools have now acknowledge the problem and work with EPA to develop and remediation and cleanup plan and are working to implement this.

However, the comprehensive plan for cleaner healthier schools is well developed except for one thing the timeline for 10 years for complete implementation is too slow but specifically when it comes to the PCB levels. The New York City Green Plan claims that PCB air levels are quote "in General low and even where found to be above EPA guidance level remain well below the levels of lifetime exposure found to be associated with health concerns" unquote. The New York City green plan further claims that quote "published medical opinion and environmental testing confirmed that levels of PCBs identified in New York City's public schools do not present an immediate health risk to students and to staff" unquote. I wish this were true in the absolute sense. Unfortunately the most recent data that I have seen the one from February 28, 2011 testing of the lighting ballasts shows PCB levels well above permissible limits. While it is true that these are in the lighting ballasts such high levels and especially in the surrounding air will lead to high levels of PCBs that do that has been emphasize before and volatilize. And I must

2 emphasize that this volatilization increase with
3 temperature and lighting fixtures tend to get
4 pretty hot.

5 So the leaking light ballasts that
6 the EPA has rightfully and justifiably expressed
7 concerns about look quite possibly lead to net PCB
8 exposures to affected children that may be well
9 above permissible limits over the next 10 years.
10 This would be especially harmful for children's in
11 the schools that will be remediate it at the
12 propose tail end of this plan.

13 Furthermore even if there might be
14 published medical opinion that quote "confirms"
15 unquote that PCB levels in New York's kitty
16 schools do not present an immediate health risk.
17 We can find published medical evidence that would
18 quote" confirm" unquote that these PCB levels in
19 some of the schools that some of the children are
20 exposed to do in present an immediate health risk.
21 Without addressing the problem, that New York City
22 public schools face in a comprehensive manner that
23 covers all affected schools in a safe and
24 efficient and timely manner we will be definitely
25 be placing this find city's public schools

children at possibly elevated and unnecessary risks of multiple adverse health impacts from PCBs exposures.

In summary I would affirm the recommendation of the EPA's regional administrator when she stated that 10 years is too long. New York City public schools and the Department of Education should be able to get it together and to make New York City public schools safe for all children, staff, and teachers in half that time. Thank you very much.

CO-CHAIRPERSON GENNARO: Thank you. Thank you Doctor We very much appreciate you being available to talk to us remotely as is the case with everyone on this panel your statement was very, very helpful to the committee and to the council and hopefully to the Bloomberg Administration as well.

I only have one statement or comment for the entire panel, and we still do have Ross from the SCA who was here in the room and I would just states that based on the testimony Jack Caravanos with regard to the asbestos component of this whole initiative was that the statement of

2 the administration that this is like a full
3 containment kind of situations which precluded any
4 kind of quick work like overnight or whenever
5 because you have to do the containment you have to
6 do the work and you have to, like, you know, deep
7 contain test or whatever and I would ask that in
8 the administration's white paper that's going to
9 be prepared that you, you know, speak to the issue
10 of whether or not this is indeed one of those
11 kinds of situations, because we have a professor
12 now who says that know what isn't.

13 So, if you can speak to that and to
14 go one step further we have a, you know, good
15 testimony from this panel scientific and medical
16 of nature and to the extent that the
17 administration can speak to the points that are
18 made that each of these five witnesses make that
19 would be helpful if you can speak to some of the
20 points that they make. Maybe you don't see it
21 quite the way they do and I'll give you the
22 opportunity to kind of speak to the points and
23 they make.

24 I did need to come here today and
25 get out a lot of homework up, but it is what is

2 and that's, but I think, the best use of this
3 panel so we have a little debate going they make
4 their statements and be that you guys are doing a
5 white paper anyway you can talk to the statements
6 that were made by this panel and the various ways
7 that they made. That's all I had for this panel.
8 Robert if you don't have anything else? Oh yes we
9 have Council Member Greenfield who has a question
10 or comment.

11 COUNCIL MEMBER GREENFIELD: I have
12 two quick questions I'm the last thing from a
13 scientist all right but so all this information is
14 like swimming around in my head and I got to tell
15 you I think it's very complicated and so I'm going
16 to ask you if you don't mind at a simple question
17 if you can, so to give me a yes and no answer to
18 the clear.

19 We had a panel of six folks here
20 from the city of New York. We had people from
21 Health and DCAS and DOE and we ask that question
22 after question, and they all levels are not
23 unsafe. We have tested the levels and the worst
24 levels that we found are not unsafe no problem
25 with the levels that are here. Are they incorrect

yes or no?

DR. CARPENTER: In my judgment they are very incorrect.

COUNCIL MEMBER GREENFIELD: Okay.

PROFESSOR THARAKAN: [over phone]
You [break] incorrect.

COUNCIL MEMBER GREENFIELD:
Incorrect, what about you?

DR. GALVEZ: I am concerned is that the light ballasts our presence and schools and this could present a problem. I think there are two questions than yours that's why it's not a direct hits and no I think it's an issue that the light ballasts can cause an exposure.

COUNCIL MEMBER GREENFIELD: They were very clear that even in the light ballasts they were very clear that he did not find up until now many levels that they had any problems were so were the correct and incorrect?

DR. GALVEZ: I think the light ballasts are problem.

COUNCIL MEMBER GREENFIELD: You should have my job. What about you?

PROFESSOR CARAVANOS: I'm going to

2 say assuming a hypothetical that you have the
3 highest levels in the room eight years exposure
4 for child going through the usual course of his
5 study that there is elevated risk of disease. But
6 that was only in a few areas, so it's hard to say
7 1.2 million kids are at risk of X.

8 COUNCIL MEMBER GREENFIELD: But
9 some kids?

10 PROFESSOR CARAVANOS: Some kids at
11 that level for that term, yes. Oh, Professor Jack
12 Caravanos.

13 ALICE FREUND: Alice Freund,
14 NYCOSH. They are incorrect. Above the U.S. EPA
15 guidelines, they are over those guidelines and
16 those guidelines they say are based on a 300 times
17 safety factor that's an incorrect term.

18 COUNCIL MEMBER GREENFIELD: Got it.
19 Thank you final question I have to tell you by the
20 way as a layman this is like mind blowing right
21 you guys of the experts you get up here you have
22 the DOE they were here they've been running
23 through circles and studies and slides and you
24 just say the bottom line is they are incorrect
25 when they say that there's no harm.

So the final question for you Dr. Galvez pregnant women who are working in classrooms or schools where there is some PCB exposure would you perhaps recommend that they should not work there?

DR. GALVEZ: That's a very good question I think that what we need to do is identify those schools where there are problems in places where they are pregnant women something must be done immediately. That's my-

COUNCIL MEMBER GREENFIELD:

[interposing] That's not my question I appreciate the answer the but my question is pregnant women this is a very serious issue you just testified about this issue. Pregnant women who are working in a location where it is known that there's PCBs the we all know that there are several locations they haven't gotten around to fixing it. Is it in your judgment that they should not be working in those locations.

DR. GALVEZ: The bottom line is that there's no safe level of exposure in pregnancy, period.

COUNCIL MEMBER GREENFIELD: So your

answer would be yes?

DR. GALVEZ: If there is a leaky light fixture I would not want a pregnant woman in that classroom I would want something to be done and the immediately.

COUNCIL MEMBER GREENFIELD: yeah, I think that's a very eye opening piece of testimony as well. The reality is, I can tell you my wife was a public school teacher and she was pregnant at the time that she taught in public school and I imagine that we probably have hundreds if not more pregnant women who are teaching in our public schools and I think we missed a chairman have an obligation to ask the DOE to immediately notify us if there are pregnant women who are working in public schools and to remove them from those classrooms. I was talking to another Chairman but I will take Chairman Gennaro.

CO-CHAIRPERSON GENNARO: Yeah your statement is on the record as a result of this hearing were going to be contemplating what we're going to be telling the Administration and that will be one of the items that we will perhaps speak to.

COUNCIL MEMBER GREENFIELD: I tell you what Mr. Chairman I will personally see to write a letter to the Department of Education asking them to notify teachers who are pregnant based on this Medical Data and to request that they remove them from that we know for fact that you're not questioning that they are leaking PCBs based on the testimony you today. So at the very least of about one simple level I thank you all for coming here today and hopefully we'll see the immediate impact. Thank you very much.

CO-CHAIRPERSON GENNARO: Thank you Council Member Greenfield. I recognize Council Member Levin.

COUNCIL MEMBER LEVIN: Thank you Mr. Chairman. I mean, I find the testimony of this panel to be jarringly different from the testimony of department of education. And I just almost impossible to reconcile them and just from- I share Council Member Greenfield lack of expertise in this stuff in this world. One question that I have and I'm kind of going back to the quick and then I asked if you're following up on Council Member Greenfield's point with exposure

2 of women who are pregnant, you know, I think Chair
3 Jackson mentioned a school that was part of the
4 study were 9 out of the 11 classrooms were found
5 to have a leaking ballasts. Clearly this is
6 clearly this is the thousands of schools in New
7 York City, this is happening more than we know.
8 They're as leaky ballasts that we don't know
9 about, obviously. They're pregnant women teaching
10 in a lot of schools and New York City it's almost
11 a guarantee there are pregnant women in rooms with
12 leaking ballasts that were not necessarily
13 catching. Agree anyone can answer is that if a
14 serious, serious about and that's beyond that
15 ought to be almost in and of itself that should be
16 a reason to fast track this, would you agree to
17 that?

18 PROFESSOR THARAKAN: [over phone]
19 Absolutely.

20 PROFESSOR CARAVANOS: I would like
21 to say it's not just pretty woman from the
22 toxicology that I'm familiar with it's also women
23 of childbearing age. So even someone who is
24 considering it in may it be accumulating these
25 toxins, so it's clearly a good idea to maybe get

these women out, our first term pregnancies out of the class while this is cleaned Up. It becomes a bigger reproductive health issue.

COUNCIL MEMBER LEVIN: Right. It almost makes it- it the most creates a situation, I think, we're a pregnant woman teaching and New York City schools are at risk. That is essentially that, I don't know how else to say it. It creates that condition which is I think just a condition which is I think is a condition that we can't allow. We can't not allow pregnant women to teach a New York City public schools.

DR. CARPENTER: I agree with that point is that these things stay in the body for years, so if a woman is teaching at a PCB environment gets pregnant three years later she still going to have maintains some of those PCBs. So it's not just a simple was removed the pregnant women but it also would more likely to become.

COUNCIL MEMBER LEVIN: I guess another question, I used to work with lead poisoned children and there's a level and as a level that the city whether it be the first law that we had in 1999 on second one we had 2004

where we considered an unsafe low blood lead level
it 50 µg per deciliter 20 µg per deciliter if this
later. What's the is there a blood level of PCB
that is considered safer or unsafe or less a
factor or more factor.

DR. CARPENTER: I don't think
anyone some level. The study that my colleagues
have done in adolescence, so this is not prenatal
exposure. The higher the PCBs level, and this is
was in the same range as in the normal population.
The higher the PCB level poorer they did on
cognitive function tests. So I think like lead
there's no safe level of lead but the higher level
of PCBs poorer you're learning and ability and
cognitive function.

COUNCIL MEMBER LEVIN: And doesn't
I imagine that the younger the child is from
prenatal on the greater the impact.

DR. CARPENTER: That is probably
correct. It does appear that this is the reversal
increments that makes it even more serious.

COUNCIL MEMBER LEVIN: I don't have
any more questions Mr. Chairman but I'm just kind
of at a loss because just the great disparity. Oh

2 wait one last question, have you been consulted by
3 the Department of Education have any of you had
4 any conversations with them or have they have you
5 reached out to them and has there been a dialog at
6 all because it seems like you guys are in
7 different planets. [laughter] Has there been any
8 contact whatsoever? Have they reached out to
9 professionals, you guys as professionals?

10 PROFESSOR CARAVANOS: I have not
11 been contacted we are in a different world. We
12 don't manage the properties are not our buildings
13 were always there for advice and usually gratis.
14 Just to let us know.

15 COUNCIL MEMBER LEVIN:
16 Scientifically it is worlds apart in terms of what
17 I'm hearing from them. And what I'm hearing from
18 you

19 DR. GALVEZ: And are federally
20 funded pediatric environment is a wholly separate
21 you that has been in conversation Department of
22 Health on this issue.

23 ALICE FREUND: and I did let them
24 know a couple years ago that there's PCBs, there
25 were PCBs in the cities paint some point in time

and in that they should be aware that.

COUNCIL MEMBER LEVIN: Thank you very much. Thank you Mr. Chairman

CO-CHAIRPERSON GENNARO: Thank you thank you Council Member Levin. I think this panel before that are here the one witness from the remote location we will certainly it has been a very, very compelling testimony.

We're going to be asking the administration to reply directly two it, which does not preclude us from coming back to you with their responses, so we can get a little debate going and we very much appreciate you being here and I'd like to thank the council to the committee Samara Swanston for organizing this panel I'm grateful to you all.

Thank you very much and I'm going to call the next panel. The Natural Resources Defense Council Eric Goldstein. Mary Barber from the Environmental Defense Fund. I am going to stay for as much as I can of this panel but I will be turning over the chairman's gavel from the Environmental Protection Committee side to my fellow Environmental Protection Member Steve Levin

2 so Steve Levin will you come forward and take the
3 gavel. Says Steve will be Chairing from the
4 Environment Protection side Chairman Jackson will
5 continue to Chair from the Education side the time
6 to say enlistment as panel for as much as I can.

7 So in my last act is chairing this
8 committee that we welcome this panel were grateful
9 to have year. We're very grateful your patience
10 and patience for those still waiting to testify
11 that Reiner will move through as fast as we can.
12 We're going back to the three minutes o'clock so I
13 would ask Samara to set the clock. Thank you both
14 for being here and why don't we start with Eric if
15 you can state your name for the record and proceed
16 with your good testimony that get caught said 3
17 minutes and there we have.

18 ERIC GOLDSTEIN: Thank you Mr.
19 Chairman it is unfortunate that the board of
20 education and the Department of Education panel
21 did not have the opportunity here from the medical
22 panel that just preceded us. As we heard earlier
23 that EPA the expert agency has concluded that
24 there is a prevalence of PCBS ballasts in this
25 city's school system and that is based on both the

2 EPA and on the city's own pilot study.

3 So let me turn right to the
4 remedies and skip over much of my repair
5 testimony. The Bloomberg administration announced
6 in February at comprehensive plan to replace the
7 outdated school lighting ballasts and to implement
8 a range of energy efficiency improvements and
9 replace the antiquated fuel oil burners at the
10 same time in many of these schools. This is an
11 excellent program and it promises to reduce energy
12 use, curb global warming emissions, improve the
13 environmental quality and address the problem of
14 PCBs in schools. Unfortunately the timetable
15 proposed is, in our view, way too long.

16 Evaluating the environmental risks and comparing
17 risks is a very tricky business. Suffices to say
18 that their health risks from the PCB ballasts,
19 their health risks from the antiquated fuel oil
20 burners number four and six oil. And their health
21 risks from climate change in excess of energy
22 consumption. That's why we believe that all three
23 elements of the Department of Education's proposed
24 comprehensive program are important and that they
25 all should move forward expeditiously.

NRDC believes that 10 years, taking 10 years to replace the outdated PCB lighting ballasts in our public schools reflects the urgency of the situation. At the same time a two year schedule will not in our view provide enough time to design plans scale up and implement a comprehensive program throughout the school system. For those reasons NRDC has concluded that a five year timetable for completing the entire program ballasts the health imperative established by EPA with the practical realities of implementing the administration's comprehensive lighting and energy efficient program in the nearly 800 school buildings. We hope that the administration's forward with this comprehensive program on a five year timetable or shorter and cooperates with you in making those plans and with EPA. We also believe that is essential that EPA's carefully monitored the status of the PCB containing lighting ballasts in the city's progress and should EPA determined cleanup measures, additional measures, were a more rapid implementation schedule were warranted we would expect the city to act accordingly. Should the

2 Department of Education choose to stick with its
3 10 year timetable; however, we would urge the
4 council to consider legislative action that would
5 advance Speaker Quinn's insensible five years are
6 less proposal which follows the recommendations of
7 the experts agency the U.S. Environmental
8 Protection Agency. We thank you and Chairman
9 Jackson for holding this hearing.

10 CO-CHAIRPERSON GENNARO: Thank you
11 Eric I appreciate that Mary. [timer sounds] Oh,
12 Eric as perfect timing as always. I don't know
13 how to reset this so I let Samara do that. Okay.
14 Please.

15 MARY BARBER: Good afternoon. My
16 name is Mary Barber, and I'm with the
17 Environmental Defense Fund. And I've cut short
18 also I want to agree with Eric's comments about
19 appreciating, sort of, the DOE whole approach the
20 school's. We also agree with that looking at the
21 whole system and the many environmental as well as
22 physical issues schools are faced with. According
23 to the planned their 772 schools that potentially
24 contain lighting ballasts with PCBs. We've heard
25 all about that.

According to the DOE, there are 405 schools that burned highly polluting number six and number four heating oil that emits high levels of soot and nickel pollution which aggravate asthma can cause heart and lung disease increases the risk of certain cancers and could even cause premature death. Overall the buildings in New York City that burn dirt heating oil generate more soot pollution than all the cars and all the trucks and the city combined so I won't continue to go into all the aspects of the dirty heating oil. But there are many, the negative aspects.

So the plan 10 years time line to change her out the lighting fixtures in order to remove any threat of PCB contamination also includes upgrading 287 of those 772 schools that have the number six and number four dirty heating oil in them. The heating oil upgrades represent huge progress as the city's soon to be released the EPA rule phasing out number six in number four heating oil use in building includes a compliance agreement to process that could allow schools and some buildings to burn dirty heating oil potentially for decades.

2 The EDF appreciates the enormous
3 management and financial challenge the city must
4 undertake to make our schools help the year and
5 efficient, 10 years is a long time. But again in
6 10 years in the context of the dirt heating oil is
7 better than the decade's long which seems to be
8 what's happening. So, given the extraordinary
9 health benefits from fast action we ask if
10 sufficient funds were available: the city move
11 more quickly to do it sooner than 10 years and so
12 we're all levels of government to work together in
13 accelerate the upgrades and develop a five year
14 plan. With sufficient funding in place to make
15 this happen it would be a good way to start to
16 address these multiple health issues more quickly
17 than we originally planned. However, it will not
18 be in the best interest of the city school
19 children or our neighborhoods if an accelerated
20 PCB removal schedule green it's that creates
21 logistical challenges that results in longer than
22 10 year phase out of the number four and number
23 six heating oil those 287 schools. So, I'm just
24 going to close on that there are few other things
25 that are in my testimony. Thank you.

2 CO-CHAIRPERSON GENNARO: Thank you.
3 Thank you that is something I'm kind of concerned
4 about too. We make sure we have to get those
5 boilers done. I know that the DOE and the
6 Bloomberg administration generally is very, very
7 concerned about that. There a major player on six
8 as everyone knows and of course four and two as
9 well so your concerns are duly noted and very much
10 in my mind. And maybe in my mind more than some
11 of the other, you know folks who deal with these
12 issues because I was so deeply involved in it.
13 But thank you for that in that perspective and
14 Chairman Jackson.

15 CO-CHAIRPERSON JACKSON: sure, let
16 me just comment I think in your summary you said
17 if sufficient funds are available. Sufficient
18 funds are available we have the money that's the
19 question of choices and priorities and in fact we
20 have, we expect to have three billion dollar
21 surplus as of June 30, we have in reserve over
22 \$1.5 billion that's moving forward to deal with
23 are expected to deficit, the bottom line, it's
24 about priorities. So we have the money. The
25 question is, are whether we're going to use it?

2 MARY BARBER: And that's part of my
3 testimony that I did and read was allocates the
4 capital funds toward these projects and you the
5 council clearly has a great wall to play in that.

6 CO-CHAIRPERSON JACKSON: I want to
7 think both of you for coming in and obviously it
8 is about choices and priorities and just give you
9 one example. During my tenure as a member of the
10 City Council maybe 782 years ago I went to sunset
11 part Brooklyn and there was a big rally in front
12 of the school about building Sunset Park High
13 School. And someone asked me, as a member of the
14 education committee. I'll believe as Chair the
15 time why isn't our school being built when we've
16 been trying to get it for 25 years. And what I
17 said to them, "It's not a priority." Bottom line
18 how much did it cost at that time the estimate was
19 \$94 million. When you're dealing for a city's
20 budget of 63 billion, and when you dealing with
21 the Department of Education's current budget of 23
22 Billion let's assume that the time it's only 20
23 billion or 19 billion. \$100 million you round the
24 94 off to 100 million it's about priorities that's
25 what it's about. They can get it done and as I

2 said we're going to follow up on this if there's
3 not enough, you know, contractors to do the job
4 and then do what they did and I guess in the
5 thirties the public works projects. Put people to
6 work; train them, and make sure that they are
7 supervised when the job is being done that switch
8 we should be doing. So I thank you both for
9 coming in its about choices and priorities. The
10 next panel

11 ERIC GOLDSTEIN: Thank you.

12 MARY BARBER: Thank you.

13 CO-CHAIRPERSON JACKSON: So, New
14 York Communities to Change. I'm sorry the parents
15 and there but. My bosses are telling me no , no,
16 no. I know that. Jean Sassine IS 61 for New York
17 Communities for Change, Richard Barr public school
18 officer in Manhattan. Miranda Massie New York
19 Lawyers for PI. New York NYCC, and Regina Castro.
20 Why are we having so many Communities for Change?

21 Are you different parents and
22 school as I see here three Communities for Change?
23 I guess my question is what we go back to my
24 question is even my colleague from the various
25 panels came up and there were two people from the

2 various union we were asking one to give
3 testimony. So my question is the New York City
4 communities for change the individuals that are
5 here representing are you parents of children in
6 different schools are you here representing the
7 organization and that's really my question is?

8 RICHARD BARR: We are parents of
9 different schools.

10 CO-CHAIRPERSON JACKSON: OK very
11 good. Okay cool ladies first. Whichever lady you
12 want to go first it is to you guys. Identify
13 yourself you can say that you are with the
14 organization but identify yourself as a parent and
15 what school. Pull your mic up closer to you
16 please if you don't mind. Bring it up to you;
17 there you go. Press it again Regina please.

18 REGINA CASTRO: Okay. Got it. My
19 name is Regina Castro and I'm a parent of the
20 district's 75 student and a lifelong resident of
21 Brooklyn an a Parent Leader with a New York
22 Communities for Change. Today and speaking on
23 behalf of the members of communities for change
24 who live in all five Boroughs since last August
25 the parents, members of your communities to change

2 have been asking, baking, demanding that New York
3 City do the right thing. Replaced the PCB
4 containing lights in our schools right away and
5 test our schools for PCBs now. As parents we know
6 how quickly our kids grow up right before our eyes
7 and we know that we can't wait a few years to find
8 out what our children are being exposed to. We
9 need those answers now before any more damage is
10 done. We called we sent letters we signed
11 petitions, but the city did nothing just sat on
12 their hands and told us that they're going to wait
13 till next summer to test two more schools, and
14 then they would get around to making the plans and
15 testing the other 700 plus schools. This is just
16 too much. We had no choice but to take matters
17 into our own hands. We get trained in how to take
18 courts apples each sample was sealed labeled and
19 then taken and tested by a certified lab. We
20 found 12 schools that tested way over the EPA
21 limit of 50 parts per million. 6,000, 98,000, and
22 325,000 parts per million PCBs in the caulk that
23 we sampled. These are very disturbing results in
24 light of the long time health hazards for our
25 children, our teachers, are custodians the entire

2 school community. And then when the EPA sampled
3 the lights and some schools every school tested
4 over the 50 amounts per million limit. The EPA
5 found hazardous conditions in every school that
6 was spot tested. Schools with 660,000 parts per
7 million and even one million parts per million
8 fewer PCBs can you imagine how profoundly
9 disturbing that is?

10 Learning disabilities, asthma, and
11 cancer are associated with long-term exposure to
12 low levels of PCBs. Can you imagine the anger of
13 our membership when you heard that our city plan
14 to take 10 years to replace those lights? It
15 makes no sense. Kids should be our priority
16 period. They're our future; we're supposed to
17 protect them. Learning disabilities, asthma, and
18 cancer are associated with a long-term exposure to
19 low levels of PCBs but we want to thank the City
20 Council for listening to the pleads of parents and
21 holding and this important hearing. And we
22 especially thank the 41 courageous City Council
23 members who sent the letter asking that the lights
24 be replaced within two years at most. We praise
25 EPA administrator Judith Enck and Speaker Quinn

2 calling on the City Council on these ridiculous 10
3 year plan that's pushing forward a shorter time
4 frame. But our kids' needs those lights out of
5 the school's right now. As a matter of fact
6 today. Thank you.

7 COUNCIL MEMBER LEVIN: Thank you.
8 Who's next.

9 RICHARD BARR: Good afternoon and
10 thank you to all of the council members who held
11 this hearing today my name is Richard Barr in IE
12 18th and final year of public school parents and
13 my daughter of my younger daughter previously went
14 to a middle school in a building that has been
15 referred to today we learned after shoes already
16 out of it there was one of the ones that having
17 the PCB problem, so I started looking into things
18 about the high school that she's in now, which was
19 built in the PCBS period. And when the parent
20 association asks through the principal that the
21 DOE test we got a reply back from Deputy
22 Chancellor Grimm, to echo Council Member Ignizio
23 there was no plan. Her answer was no because we
24 were the EPA are going to test one school per
25 borough for the of five schools the year so who

2 knows in may take 40 years before they got to it.
3 So, New York Communities for change arranged up
4 for a test to come to our school you could
5 encounter the city to do that. And frankly, it's
6 ironic that you have a mayor here that talks about
7 saving people from tobacco and high salt and sugar
8 drinks in obesity, but when it comes to PCBs young
9 children and pregnant or women of childbearing age
10 adults working in the schools that something that
11 can wait 10 years. The handwriting was on the
12 wall I think about their casual attitude about
13 PCBs when the mayor took over the school system
14 appointed Joel Klein Chancellor. And Klein asked
15 Jack Welch the former CEO of General Electric to
16 run the Leadership Academy training principals.
17 After he on 60 minutes when he was still at GE,
18 when was asked why does and GE take the PCBs the
19 out of the Hudson. He said bring me a glass of
20 water filled with PCBs of drink it down right in
21 front of you. So that was his attitude, but that
22 didn't disqualify him the training principals for
23 our schools system. I don't know.

24 Anyway as far as the money lookup
25 and no bid, cost overruns contracts for

2 Information Technologies that the DOE, specific
3 and the city in general, tolerates. The amount of
4 overruns just on the city time contracts would be
5 enough to pay for removing all of these and we've
6 had these offers from people will do it at no
7 cost, your idea about the jobs training program
8 within the city may be the EPA could be asked to
9 talk to the Obama administration about a jobs
10 training program, which could bring in to do in
11 the remediation here and have the Federal
12 government pay for it. I think that that the 40
13 council members who asked that this be done within
14 two years I applaud you and I don't think the EPA
15 counter idea, [timer sounds] of give me a couple
16 more seconds, of five years should be taken as a
17 valid alternative. The EPA is not the final
18 arbiter of anything at is pointed out. They told
19 people that after 9/11 they can go back to ground
20 zero the air was good. And if you read the three
21 part series in the times recently about their
22 abysmal performance in regulation hydro fracking
23 the EPA who is not beginning and the end here.
24 Stick to the two years I applaud you for it, and
25 we can't waste any more time.

2 COUNCIL MEMBER LEVIN: Thank you
3 very much.

4 MIRANDA MASSIE: Hello, Mr.
5 Chairman. It's a pleasure to be here the
6 afternoon has been a bit like a snapshot of this
7 campaign. My name is Miranda Massie. I am the
8 Legal Director of New York Lawyers for the Public
9 Interest. We have been involved with this for
10 three years and I just wanted to remind you and
11 your colleague Council Member Gennaro that it was
12 the two of you who held a hearing that was one of
13 the kickoff events of the campaign in April 2008.
14 We have come a very long way since then and I
15 think we all can agree have a very, very long way
16 to go. I wanted to what the council know about a
17 development that happened today. We are very,
18 very proud. We have been very proud to work with
19 New York Communities for Change coalition partners
20 over the last months. And we've now entered the
21 attorney client phase of our relationship, and
22 we're pleased about that, too. We filed a notice
23 of intent to see you this morning over the leaky
24 ballasts with the EPA and as you recall as at
25 least some of you will recall it is the filing of

litigation in the first place that's it took that to get the city to stop saying and I do quote, "there is no exposure pathway" at the PTA meetings. The DHMH spokesman at the first PTA meeting that I ever went the person is now left the room so I don't want to personalize, said that there is no exposure pathway repeatedly to parents of that meeting. They said that for the full year until the notice of intent to sue was filed on caulk, that brought about the pilot study, that gave us the insight we now have about the leaky ballasts. And now because parents, the thousands of parents, in New York Communities for Change those kids across the district. And we know there's 772 schools with PCB lighting across the district. We know that those ballast date before 1978, by definition that's when PCBs were banned. A lot of them are leaking. You guys of the quoting Regional Administrator Enck language about the pervasiveness of the leakage problem. We know that as a matter of science we can't always see the leakage. At PS 199, there were more than 100 leaking ballasts some of them in very high concentration of PCBs not one visible leak. So

2 the ballyhoo about visible leaks, visible leaks
3 are important, and there's another exposure
4 pathway the associated them, not just inhalation,
5 but also touch. We're not saying don't go after
6 visible leaks but they are shaving off the tip of
7 the iceberg. So in short, parents don't trust the
8 city if I could be blunt to either be transparent
9 with them or to do this quickly enough, and so in
10 or to get a transparent process that the unions
11 and the community and parents can be involved in
12 which makes them feel confident that their
13 children won't spend even an extra day in the
14 classroom with this the speediest possible removal
15 of this lighting, parents have had to resort with
16 litigation again. And I want to see something on
17 the two years, we base that on advice that we
18 trusted and if we were wrong we want to know
19 about. We want to sit down and we want to sell
20 each other the math and figure out what makes
21 sense. What is the fastest responsible way we can
22 switch this lighting. If it turns out some of the
23 people here today say the asbestos is a big
24 problem that it slows everything down. If that's
25 true that it's true and we need to deal with that,

2 if that's a fairy tale designed to slow things
3 down into be yet another pretext then that's what
4 is. I don't know the answer but what we want is a
5 transparent process that the community could be
6 involved in. That's the only thing with this
7 administration being blunt again think is this any
8 confidence that will get the right outcome. Thank
9 you.

10 COUNCIL MEMBER LEVIN: Thank you
11 Miss Massie. Yes sir, go ahead.

12 JEAN SASSSINE: Good evening. My
13 name is Jean Sassine. I'm a Board Member and
14 Chairperson of the Queen's chapter of New York
15 Communities for Change. I'm also a parent that PS
16 195 in Queens with 1/4 grade son and a second
17 grade daughter. I've always thought of our school
18 is well taken care of them as staff is always on
19 the move cleaning and making repairs. So when I
20 heard about the PCBS issue I figured my school was
21 probably okay are at least I hope there were no
22 problems. Then I heard that Doe was refusing to
23 test PCBs don't they want to know? That gave me
24 cause for concern to check things for my own peace
25 of mind into the sake of my children. The only

2 choice was for parents to do what testing we
3 could, we got a small sample of caulk and had it
4 sent to a certified lab. Having done that I was
5 shocked to find out that the caulk had such a high
6 level of PCBs 276,000 parts per million the third
7 highest of all the schools we manage to test on
8 our own. I reported to the parents at the PTA to
9 our school and the other parents couldn't believe
10 it. We were all pays tossed and wondering why the
11 DOE want to test our schools thoroughly and
12 guarantee and healthy space for our kids. After
13 all kids spend 8 hours a day in this building and
14 why what our kids have to sit another 10 years of
15 building full of PCB contaminated lights to
16 change. It is curious to think that the mayor
17 thinks 10 years is okay. Kids could have
18 permanent damage to their health because of
19 continual exposure. The deputies and more PCBs in
20 a sandwich? She might as well has said that birth
21 control is a solution. Well me and my family and
22 the parents of PS 195 in Queens are calling the
23 DOD to take action now get the contaminated lights
24 out within the two years because it is feasible
25 and a lot of experts say can be done thoroughly

2 test every school air samples caulk and the like.
3 I think the City Council from listening in taking
4 up a children's health seriously we need the
5 Department of Education to treat our children the
6 same respect and compassion the DOE needs to stop
7 stalling and act quickly to make up for lost time.
8 After all quarter of the work could already been
9 done in the time that we've wasted. Thank you.

10 COUNCIL MEMBER LEVIN: Thank you
11 sir and I want to thank the entire panel for
12 staying all afternoon and for waiting for your
13 thoughtful testimony. I have one question for
14 about. Just a practical question about you
15 mentioned, a lawsuit Miss Massie that has been
16 filed today, that's against the City of New York?

17 MIRANDA MASSIE: Yes it's against
18 the DOE and the SCA and just to both small and big
19 point at the same time in a way it's not a
20 lawsuit, it's a notice of intent to sue which the
21 Federal statues were suing the under the requires
22 we file first.

23 COUNCIL MEMBER LEVIN: Thank you.

24 MIRANDA MASSIE: Sure.

25 COUNCIL MEMBER LEVIN: Chairman

2 Jackson

3 CO-CHAIRPERSON JACKSON: I wanted
4 think all of you for coming in obvious to you here
5 all day. It is important because you've got to
6 hear the Department of Education you got to hear
7 some of my colleagues I think Peter Vallone Jr.
8 Jumped on it first at what point in time is it
9 dangerous and obviously, you know, I jumped on it
10 also basically they're saying that summarizing,
11 that no level is really dangerous to the children
12 you hear the experts say that is in essence. This
13 is my words the experts say that either there,
14 stupid or crazy and those are my words because the
15 experts said that he's an M.D. an expert in the
16 field that it is dangerous and it is, you know,
17 harmful for our children. You know one thing, one
18 thing that I've learned that you have to stay the
19 course imported to hear the different testimonies
20 because if you truly believe in what I think we
21 need to start swearing in every if you truly
22 believe the Department of Education you are not
23 here at the p preliminary budget hearings where I
24 ask them well the beginning teachers earn \$51,000
25 they said no no and then they consulted and booked

2 and a beginning teaching earns between a response
3 and Dennis Walcott the deputy mayor of education
4 the chancellor designee between 42 and \$43,000 for
5 a beginning teacher they had here on the education
6 committee and staff from my office then did some
7 research with them within 15 minutes and Dennis
8 Walcott turn to a couple of people staff people
9 were Ross is sitting right now and they nodded
10 like yes yes. No of beginning teachers with a
11 bachelor's degree no experience \$45,500. In
12 essence approximately 22500 100 to 3500 dollars
13 more than what they said to begin a beginning
14 teacher earns. A beginning teacher with a
15 master's degree with no experience earns \$51,000 a
16 year, so I was right as far as beginning teachers
17 with a master's but not with a BA. They were
18 absolutely incorrect and don't you think that the
19 Department of Education and the people that were
20 there a in the office should know what a beginning
21 teacher salary is I would say absolutely yes. So
22 I'm glad that you came I'm glad to stay the course
23 and listening. And I'm happy that you had the New
24 York lawyers the public interest has your
25 attorneys to represent you in whatever manner you

choose to pursue.

RICHARD BARR: And they should also know that PCBs are probably the more dangerous than shepherd soft drinks.

CO-CHAIRPERSON JACKSON: Thank you all for coming in.

VAIROUS VOICES: Thank you.

COUNCIL MEMBER LEVIN: The next panel that we're going to call up Shana Marks-Odinga, Laura Haight. Shana Marks-Odinga is from CEJ, Laura Haight from NYPRIG, and Rob from Center on Environmental Justice, and Annie Wilson from the Sierra Club, Mike McGuire Mason and Sanders district council, Edison Severino from LiUNA local 78. If I can ask to come up. Five out of 6. Okay I am going to ask you all to state your name before you testify, and in the interest of time there'll be 3 minutes per witness, thank you.

SHANA MARKS-ODINGA: Good afternoon my name is Shana Marks-Odinga, and I am a high school parent. Thank you to the committee for holding this important hearing my son attends leadership and public service high school in Manhattan. A visual inspection of our building

2 was done and our principle was informed that the
3 only locations for T12 fixtures are in the
4 stairwell our students use those stairwells. Our
5 school has not been tested for PCBs.

6 I am an Organizer for the Alliance
7 for Quality Education, a statewide educational
8 justice organization and a member of the New York
9 City Coalition for Educational Justice, CEJ. CEJ
10 is a parent lead coalition of eight neighborhood
11 organizations throughout the five Boroughs of New
12 York City. CEJ fights for excellent schools for
13 all of our children and that includes health the
14 safe school buildings. Our members have children
15 in many of the affected schools. I am here today
16 speaking on behalf of CEJ and of behalf of all
17 children to implore you to find a speedy year
18 process for testing and removing PCBs from our
19 schools. It is hard to believe what we've heard,
20 that the mayor thinks 10 years is a reasonable
21 time frame to replacing contaminated light
22 fixtures. He would not allow his children to be
23 in a school with high levels of PCBs. Why does he
24 think it's okay for our children? We know that
25 this is a bad economic times, but our children's

2 health has to be a priority otherwise what kind of
3 city do we live in. Ten years means another whole
4 generation of children exposed and therefore
5 facing all kinds of negative effects respiratory
6 issues like asthma, leukemia, and even lower IQ.
7 We thank Speaker Quinn and the Environmental
8 Protection Agency for stating that it has to be
9 done in less than five years. We joined with
10 parents across the city to demand that light
11 fixtures get replaced in all 800 schools in two
12 years. This feels like a reasonable amount of
13 time that still gives us a sense of urgency. Once
14 lights are replaced there will be cost savings,
15 because they will be more energy efficient. This
16 is secondary to the health of our children, but it
17 is an added bonus. And it is true that there is
18 no plan to test all schools citywide for PCBs? I
19 certainly hope not this should start immediately.
20 And parents in every school must know when the
21 testing is happening what the results are and what
22 the plans are to address any high levels of PCBs.
23 Again I think the council for taking the time to
24 listen on this very important issue.

25 COUNCIL MEMBER LEVIN: Thank you

Miss Marks-Odinga. Next up.

Good evening Chairman Jackson
Council Member Levin and a dedicated and
hardworking staff of the City Council. My name is
Laura Haight. I am Senior Environmental Associate
for the New York Public Interest Research Group.
NYPIRG has a long history of working to protect
the public from exposure to toxic chemicals such
as PCBs. Thank you for this opportunity to share
our concerns about the city's plan. While we
applaud the city's goal of greening the city's
schools to be healthier and more energy efficient,
we believe the proposed timetable and
approach for placing light fixtures that contain
PCBs is dangerously deficient. The EPA is found
alarmingly high levels of PCBs and all the schools
that they've tested so far. We disagree with the
city's view that the PCB exposures did not pose an
immediate health threat. In 3/4 of the wipe
samples that the EPA has taken so far PCB
concentrations have exceeded Federal taska
[phonetic] levels prolong exposures to PCBs an air
even at low concentrations can have a range for
the adverse health impacts, particularly for

1
2 younger children and for pregnant workers in those
3 schools, and also for pregnant students. And I
4 like to add dermal exposure since we have the
5 sandwich conversation earlier.

6 In the course of preparing my
7 testimony I realized that I myself have had it
8 exposure I organized an event in environmental
9 event in a church hall several years back and when
10 we returned from our break there was black gooeey
11 oil splattered all over the floor, all over the
12 posters, and the banners that were destroyed and
13 it was hard to wash our hands. And the church
14 sexton was mopping this up. And has only just
15 really, literally, in the past two days, that was
16 PCBs.

17 While the city proposed
18 comprehensive plan to retrofit the city's 772
19 schools has a great deal of merit, it is
20 fundamentally flawed because it fails to recognize
21 the urgency of the health threat posed by PCBs.
22 We cannot wait 10 years to remove these dangerous
23 and leaky fixtures from children's classrooms.
24 These are not merely in efficient lighting
25 fixtures that need to be replaced at some point to

2 save energy. This is a serious health threat that
3 needs to be fixed as soon as possible. And now
4 that the city's aware of this problem, it has a
5 responsibility to address it as a health threat
6 not as mere building maintenance and upgrades.

7 Many of the Council Members have
8 asked the same questions we have, we do not
9 understand why the city refuses to delink two
10 things. Why the refuse to first going replace
11 these light fixtures and then proceed with the
12 other upgrades that they proposed. This will save
13 them money. Council Member Fidler to the back of
14 the envelope count relations that this would
15 practically pay for itself and solve the urgent
16 health threat and the city's response is that this
17 is would cost money when we haven't prepared that
18 analysis, or this would be too disruptive. I
19 don't think parents or teachers are gonna think
20 this is too disruptive they'll be glad that the
21 city came in fix this problem. I don't have time
22 to mention the MTA situation as we've all seen
23 their approach of upgrading all the stations
24 hasn't worked so well. So anybody thinks that the
25 city can do all this building by building and 10

2 years should look and MTA. So thank you again
3 support the city's plan if it separated in two
4 phases first replacing the light fixtures and been
5 proceeding to the comprehensive retrofits, and we
6 believe this can be done in 2 to 3 years if the
7 city gets going right now which is what they
8 should do. Thank you.

9 COUNCIL MEMBER LEVIN: Thank you
10 Miss Haight. Thank you very much for your work on
11 this issue.

12 ANNIE WILSON: I good afternoon.
13 I'm Annie Wilson. I'm representing a Sierra club
14 and and or York City group which has approximately
15 10,000 members and am going to comment on the PCBs
16 specks of the issues this afternoon. Yesterday I
17 spoke with Trudy Silver [phonetic] she is a music
18 teacher at PS 112 in east heart. She expressed
19 Julie describing the new lighting system recently
20 installed in her classroom over the past few
21 weekends all the lighting has been replaced with
22 and the three floors of that school the EPA PCBs
23 sampling summary had reported that two other three
24 samples taken from PS 112 exceeded the Federal
25 limit of 50 parts per million. At present time

2 the students and staff feel that they are in a
3 safe lighting environment, also the lighting
4 quality has improved. All schools must have PCB
5 lighting ballasts lighting systems removed and
6 replaced as quickly as possible. The PCB ballasts
7 are antiquated and dangerous the EPA has banned
8 the use of PCBs from 1979 these ballasts were
9 designed for 10 to 15 years or 50,000 hours of use
10 these ballasts they've been phased out between
11 1984 to 1989 as ballasts age they degrade and leak
12 the ongoing use of PCBs ballasts in the
13 fluorescent mounting fixtures in New York City
14 schools is the health and fire safety threat to
15 children and school personnel.

16 The Sierra Club requests that the
17 City Council will pass a bill that would require
18 the Board of Education to remove the PCB hazard
19 from all schools as expeditiously as possible
20 within two years. Thank you for your
21 consideration of these comments.

22 COUNCIL MEMBER LEVIN: Thank you
23 Miss Wilson.

24 ANNIE WILSON: You're welcome.

25 ANNE RABE: Good afternoon. I'm

2 Anne Rabe, and I work for national environmental
3 organization, the Center for Health and
4 Environment Justice headed up by Lois Gibbs. Well
5 known for her work in the Love Canal toxic waste
6 dump in Niagara Falls over 30 years ago.

7 And for 30 years our group has been
8 working in New York State with communities that
9 are exposed to toxic acids including dozens and
10 dozens of community groups concerned about schools
11 impacted by air pollution and nearby superfund and
12 other toxic waste sites. And I and Stephen
13 Lester, our Science Director and Toxicologists,
14 that dealt with the number of school toxic
15 hazards. We appreciate the opportunity to testify
16 at this hearing of this new toxic hazard which
17 really raises the whole issue of a national
18 problem in our organization is going to be going
19 to other states in working with other groups and
20 school districts and state education departments
21 to really investigate this. And we commend the
22 York City even though it's taken too long to
23 address this problem in New York City from moving
24 forward in the last couple of years. Our
25 organization's position is that the interest of

1 preventing children and school personnel from
2 being exposed to an especially hazardous chemical
3 PCBs that the Department of Education should amend
4 its plan to institute a two year time frame for
5 removing and replacing all PCB containing light
6 Dallas including an aggressive plan to test all
7 schools for both the old toxic lights up and the
8 caulking. And we bases recommendations two year
9 time frame on some key facts one is that children
10 are much more vulnerable and sensitive to toxic
11 exposures this is an established fact by the EPA,
12 the Agency for Toxic Substance Disease Registry.

14 They consume more food and water
15 and breathe more air per pound then do adults and
16 their growing. Their immature systems are less
17 able to handle toxic exposures. For example,
18 children absorb 50 percent of the lead that they
19 are exposed to while adults absorb only 10 to 15
20 percent of that lead. Secondly, environmentally
21 diseases linked to children on the rise in America
22 and every effort should be made to eliminate toxic
23 exposure to children to turn around this
24 disturbing trend. Cancer is the number one
25 disease related cause of death in children.

2 Childhood learning disabilities, hyperactive
3 behavior, and asthma has soared nationwide. Now
4 the medical panel talked about in great detail how
5 the PCBs posed a serious health risk so I won't go
6 have to that in my testimony but I did want to
7 address some of the points in terms of what is
8 action level that has been debated earlier for
9 PCBs. The 50 part per million is not help based,
10 you know, it is an industrial standard. But if
11 you look at state superfund and Brownfield state
12 programs in New York State administered by the
13 department of environmental conservation they have
14 soil cleanup standards for commercial and
15 restricted residential one part per million for
16 PCBs. As Dr. David carpenter mentioned earlier,
17 but he forgot to mention that for under restricted
18 use soil cleanup standards is 0.1 part per million
19 and that is what we call the child help protect if
20 soil standard. So basically we feel that PCBs
21 there's no safe level they are probable carcinogen
22 and that any exposure you'll are at increased risk
23 of getting cancer and we need to get these toxic
24 light ballasts out of the school's within two
25 years subjecting children's in teachers to eight

2 more years of exposure to a chemical that is
3 substantially increases cancer risks and can cause
4 many other injuries is irresponsible on the part
5 of DOE. Thank you.

6 COUNCIL MEMBER LEVIN: I'm sorry
7 but could you repeat the portion about the 0.1
8 what was that?

9 ANNE RABE: Sure, I can give you
10 the document here from the DEC web site. The
11 state superfund and Brownfield soil cleanup
12 standard for unrestricted use is 0.1 part per
13 million for PCBs. For commercial and restricted
14 residential, it's one part per million.

15 COUNCIL MEMBER LEVIN: but for
16 unrestricted use its 0.1. Got it. Thank you very
17 much Miss Rabe. For your Mr. Severino?

18 ELI KENT: My name is Eli Kent.
19 Edison Severino could not be here today.

20 COUNCIL MEMBER LEVIN: Okay.

21 ELI KENT: So I'm giving his
22 testimony. Edison is the business manager of
23 local, LiUNA Local 78. Chairman Jackson I have
24 some good news for you in this testimony, so.

25 LiUNA local is the union of 4200

environmental professionals we are the union that represents the workers in the environmental cleanup industry here in New York. Every day and every night are signatory contractors and members go to work in buildings across the city safely removing asbestos, lead, PCBs, and multiple other types of contaminants. I just one let you know our history with days of the attacks on the Twin Towers over 2/3 our members responded many working double shifts. We cleaned the buildings around ground zero of the hazardous soup that rained upon them making downtown Manhattan livable and workable space again. When the steam pipe exploded at 42nd street over 500 local 78 members were there they were worked day and night cleaning the surrounding buildings of the asbestos and toxic dust that cover the area. So we have a history of doing big projects and getting it done quickly. Alright.

The first thing our members do upon arriving at work is to put on time that suit that put on respirators and other protective gear to make sure their safe they must do this for their own safety, and yet their children and over a

million other children are going to, attending classes every day with PCB contaminated ballasts, many of which have a history leaking and even if they don't they still pose a danger as you heard today, and the PCB caulking which is well poses a danger without any protection at all, no mention that. The children with no protection and in members of our union who going fully seated up wearing the mask protecting themselves fully from these dangerous chemicals, so we call on the city to remove this hazard from the schools with all due haste and using the highest of all safety standards.

So, Chairman Jackson this is the part you why. So far over 1400 local 78 members have been trained specifically in the professional and safe handling of PCBs. And that number grows every week. Alright. So we have the work force to do this work and that trained workforce which is essential, trained and experienced. Are nearly 200 signatory contractors are environmental experts. They all have the experience to know exactly how to remove PCB contaminated materials in a manner that ensures the safety of the school

2 children and the staff, and if anything happens to
3 go wrong during the removal process our members
4 and contractors know just how to respond and to
5 resolve any problems to avoid contamination and to
6 ensure that the school room is clean and safe and
7 ready for use immediately. That's my testimony,
8 that is Edison's testimony, I should say. Thank
9 you.

10 COUNCIL MEMBER LEVIN: Thank you.

11 Very good to know. And last and certainly not
12 least, Mike McGuire from Mason Tenders. Mr.
13 McGuire.

14 MIKE MCGUIRE: Thank you Council
15 Member. I'm glad Eli testified before me because
16 he made some very important points. I submitted
17 my testimony in writing I'm not going to do the
18 written testimony there's some things I heard here
19 today that frankly upset me to a certain degree.
20 Chairman Jackson and I know each other for
21 probably a dozen years now that I don't think
22 you've ever seen the particularly upset. I would
23 classify myself as right now is upset. I'm pissed
24 off. You had a panel of experts, so called
25 medical experts appear two panels ago and the

2 gentleman sitting in the middle of the panel in
3 use and we want to get this cleaned up as quickly
4 as as we can,, but in his zeal to get the PCBs out
5 of the school's actually advocated for the removal
6 of protocols on asbestos even when there was
7 definitely asbestos in the classrooms. I have
8 worked, I have been in the construction industry
9 for 31 years I've worked with a lot of good men in
10 my early days before there was protocols on
11 asbestos man who I respected men who I enjoyed
12 working with who died from white lung disease.
13 And to have a so called medical experts get up
14 here and say we can combine PCB the protocols and
15 dispenses but a calls and we don't need to do
16 containment. We don't have to worry about
17 asbestos is absolute nonsense. Because I've
18 looked at the protocol on PCBs and the protocols
19 say wear gloves and minimize exposure to your
20 skin. There are no actual protocols on PCBs and
21 for this clown to get up up here a member of the
22 panel that you people have charged with writing a
23 white paper about this absolutely reprehensible
24 what he said. And if such a white paper is
25 produced with such a recommendation in it I will

2 line up expert after expert after expert to pick
3 it apart as the dispurious nonsense. Instead it's
4 going to be and will be a big waste of time and
5 effort. So I suggest you raining you're so called
6 panel of experts before they do something stupid
7 like that. Thank you.

8 COUNCIL MEMBER LEVIN: Thank you
9 Mr. McGuire thank you Chairman Jackson.

10 CO-CHAIRPERSON JACKSON: First let
11 me thank the panel for coming in and Mike maybe I
12 wasn't listening so intently at that particular.
13 I heard Hamill but I don't know which one he
14 specifically talking about were you talking about
15 the gentleman in the middle.

16 MIKE MCGUIRE: I believe the
17 gentleman in the mail identified himself as a
18 professor. A professor of what I have no idea.

19 CO-CHAIRPERSON JACKSON: Okay. So
20 we'll look at his testimony to see exactly what he
21 said because as you know this is reported so we'll
22 look at it transcript, but I would based on
23 everything I know you have to follow the protocols
24 you know and haggling asbestos and toxics
25 materials and so to me the protocols in handling

2 that isn't given-

3 MIKE MCGUIRE: [interposing] It's
4 law it's not just a rule it's a law. And that
5 gentleman got up here advocated doing away with it

6 CO-CHAIRPERSON JACKSON: a look at
7 that if he said that I would've heard that I would
8 have commented that that ludicrous if that's the
9 case in my opinion. Let me thank you all for
10 coming in but let me go back to the points that I
11 raise because clearly I get the impression that
12 DOE feels that it needs to take so long. One of
13 the reasons why is 'cause you don't have, I guess,
14 licensed contractors enough of them to do the job,
15 and so it's going to take longer. That's one
16 thing I sort of her doubt there, so I guess the
17 comments to anyone knows are there enough licensed
18 contractors to do all of the retrofitting and all
19 the stuff that needs to be done.

20 FEMALE VOICE: [off mic] We are
21 really going to answer that in our next panel.

22 CO-CHAIRPERSON JACKSON: Okay. But
23 what I am really asking of the union people more
24 so than anything ounce or should we do a public
25 works project were betrayed several 1000 people

2 trained them so that they are license for that
3 maybe a company or they have so many which you may
4 call, organizations that are affiliated with the
5 city and basically they're doing the work of city
6 employees. I want to know whether or not in your
7 opinion of their move employees right now to get
8 the job done within a 2 to 3 year. Or should
9 there be more training and more employees to do
10 this or do they need to be several more employers
11 that have hundreds of.do this. You can comment if
12 you can.

13 ELI KENT: Certainly. Local 78
14 like I said has 4200 members 1400 of wits who have
15 trained specifically in removal of PCBs and
16 remediation of PCBs and we're training more every
17 week, so, we have over 200 signatory contractors
18 who are experts in the environmental industry and
19 the environmental professionals they carry the
20 asbestos lead and PCB Insurance, which I know is
21 actually the SCA provides insurance for all types
22 of construction work and lest it involves asbestos
23 and lead and PCBs so all of our signatories
24 contractors carry that insurance. We can get the
25 job done.

2 CO-CHAIRPERSON JACKSON: So I
3 assume that these 200 companies that you were
4 talking about which employ all of the local seven
5 before the brewers, I would assume that they are
6 in contact the SCA and the city of New York about
7 doing the job that had been described needs to be
8 done?

9 ELI KENT: Well, let's see.

10 CO-CHAIRPERSON JACKSON: because if
11 not, why not?

12 ELI KENT: Right.

13 CO-CHAIRPERSON JACKSON: If in fact
14 they are licensed contractors and employees are
15 trained in order to do this, in my opinion, they
16 should be linked to SCA and DOE right now in doing
17 that, is that correct?

18 ELI KENT: I absolutely agree with
19 you-

20 CO-CHAIRPERSON JACKSON:
21 [interposing] You would agree with the right?

22 Yeah, the SCA is the on the drive
23 the agenda because they would be declined in this
24 case. So in this case, action the SCA's Request
25 for Qualifications and Interest was put out I

would say to the ESCos or to big organizations. Because if you remember our contractors are specifically many of them are environmental experts, right, so a niche market. They would do the removal any PCBs contaminated materials. They would not, in generally, do the electrical installation.

CO-CHAIRPERSON JACKSON: said the FDA may be hiring a company that could handle all of the aspects of it is that correct?

ELI KENT: That was my sense by their request.

CO-CHAIRPERSON JACKSON: I would hope that those companies are New York-based and on that so we employed New Yorkers and not people from California or Texas or are Ohio. I don't mind people from other states, but quite frankly I'm more concerned about people and New York City and in New York State, quite frankly.

MIKE MCGUIRE: If I may Robert. I mean, the people that they're talking to like Eli says the talking to ESCos. And this is kind of disturbed us-

CO-CHAIRPERSON JACKSON:

[interposing] They are talking to what?

MIKE MCGUIRE: ESCos, these are the energy service companies. We have been concerned because the administration has framed this ad is in energy conversation issue and not a remediation issue. And it's sort of like we will peripherally clean up the PCBs by pro actives a whopping of the light fixtures. The ESCos all the biggest ESC as are actually multinational corporations and I believe the one they're talking to most is Siemens I did the research that was the only one that was actually on lobbying reports of having spoken to the administration. They would in turn they don't have in house people to do this they would in turn most likely subcontract the electrical work and a remediation work to local contractors. It takes me back to my point again however on the asbestos requirement as they stated the people from DOE stated and as our own contractors tell us about 80 percent of the light fixtures contain asbestos. To do asbestos abatement work in New York City you have to hold a New York City and a New York State asbestos handler's license. So if you do away with that requirement your opening the door for

2 people from others bates to do this work. You
3 keep the asbestos requirement in there and the
4 asbestos protocols and you're guaranteeing local
5 hiring.

6 ELI KENT: Meanwhile upwards of 90
7 percent of our members live in New York City.

8 CO-CHAIRPERSON JACKSON: Great.
9 Thank you very much.

10 COUNCIL MEMBER LEVIN: Thank you
11 all very much for your patience and sitting
12 through the entire hearing and we really do
13 appreciate everything that you have brought to the
14 hearing and I look forward to working with all of
15 you as we move forward on this. Thank you very
16 much. Mr. McGuire I hear you 100 percent. I
17 think that that bear noting.

18 Next panel that will be calling up
19 Joseph Mugivan representing Vesta Energy
20 Consulting, Rivera representing IDL Electric,
21 Donald Magechee representing Donald Magechee
22 Electric. Michael Cali representing Calico
23 Electric Supply, and Maureen Fritch representing
24 Fritch Construction Incorporated.

25 CO-CHAIRPERSON JACKSON: Anybody

else needs to testify come on down.

COUNCIL MEMBER LEVIN: We are also going to call Glenn Buchholz and Willard Warren.

CO-CHAIRPERSON JACKSON: This is our last panel. Last but not least. We are very, very attentive at 23 minutes after 6 so as you can tell by my energy of my voice, I am read for you. You have to have a sense of human when you sit here all day, you know.

COUNCIL MEMBER LEVIN: Council Member Jackson has internal springs of energy.

CO-CHAIRPERSON JACKSON: So please go ahead will start on that end and work their way down house that.

COUNCIL MEMBER LEVIN: And if there is anyone else that would like to testify please come up to the front.

MAUREEN FRITCH: Okay. Good afternoon. My name is Maureen Fritch. I'm the President of Fritch Construction and founder and President Emeritus Women Builders Council as well as the member of the New York City Department of Small Business Services M and WBE advisory board. I also served on a steering committee for the

2 United Nations for women's empowerment for global
3 initiative. I am here of concern that the work
4 that is related to PCB lighting replacement is to
5 be removed from the supervision of the New York
6 City schools construction authority and given out.
7 I have been a contractor working at the SCA now
8 for proximately 18 years. The SCA has been a
9 leader in not just to meeting the goals set forth
10 for MWBEs but has surpassed the goal year after
11 year SCA puts tremendous effort and bringing their
12 projects in on time under budget and most
13 importantly safety. Contractors that work the
14 School Construction Authority go through a
15 rigorous prequalification process ensures that
16 they've had qualified an expert contractors
17 performing in their city schools. Not to mention
18 numerous classes to ensure that the requirements
19 for working inside the schools are met to the
20 standards and the professionalism that has come to
21 be expected. With that being said I speak with
22 the knowledge of 18 years of experience working
23 inside the city's schools it is imperative for a
24 contractor to understand the dynamics which takes
25 place within the schools. Contractor must be able

to not only perform their project on time under budget and safely that must be able to understand the needs and concerns of the principals, custodians, UFT, and various community boards. The delicate ballasts that takes place during the project's duration is crucial and essential to the harmonious success of each project. The SCA MWBE with a pre qualified contractors have this experience they understand the landscape restrictions safety issues and processes that allows the project to be done in a timely and most importantly safely manner. The MWBE contractors community has felt this economic downturn probably more than any other business sector if the City Council boats to remove this work from the SCA and outsource it it will further impede the growth and sustainability of the MWBE the firms that are pre qualified and at the SCA; thus, taking the mayor's initiative three steps backwards. As you are well aware through the New York City disparity study New York City small business services along with mayor have been working hard to increase minority and women on business participation in the construction industry. I know the City Council

looks to support those initiatives that is why I'm asking you to date to ensure that PCB lighting replacement projects staying with the experts the contractors that are already trained at the School Construction Authority those of the minority and the WBE firms. This will help in preventing herding that the MWBE contractor community during this severe economic recession as well as ensuring that only pre qualified in WBE contractors will work on our city schools be limiting any possible turmoil in our schools. In closing if you want to ensure that these projects are completed in a speedy and safely and timely and under budget manner while maximizing MWBE participation than these projects should be completed by the SCA. Thank you.

COUNCIL MEMBER LEVIN: Thank you
Ms. Fritch.

MICHELE CALI: Good afternoon. My name is Michele Cali I'm the only of Calico Electrical Supply. We are certified minority women home and entity and are based instead Staten Island I have been in the industry for 20 years I began my career working for an electrical

contractor who obtained the majority of its work from the School Construction Authority. This experience set the foundation for me to venture on my own as an electrical supplier. My clientele includes the Parks Department, the Department of Corrections, the DDC, Department of Sanitation, the MTA, and etcetera.

Over the years the School Construction Authority has shown its commitment to the MWBE community the School Construction Authority in my opinion runs most efficient minority participation program is their bids solicitation are assessable through their web site which allows my company the opportunity to pinpoint leads necessary to acquire contracts. With regard to these fixture projects I feel that the School Construction Authority would be best suited to before these jobs. Their experience and protocols are tailored to the children's faculty custodian and parents means. Their safety environmental procedures are second to none. There can controlled inspections and sign of Sari soaked - - thorough beating the end user with a product that will meet everyone's expectations.

2 For these reasons I believe the School
3 Construction Authority can produce the highest
4 quality and most cost effective solution a program
5 of this magnitude will ensure the minority
6 community a viable path to acquire the work
7 necessary to help our companies get through these
8 hard economic times. Please consider this
9 testimony when you're making your final decision
10 and I thank you for listening to my testimony.

11 COUNCIL MEMBER LEVIN: Thank you
12 very much. Thank you.

13 DONALD MAGECHEE: Councilman my
14 name is Donald Magechee [phonetic] and I represent
15 Donald Magechee Incorporated. We are a licensed
16 electrical contract the company which started in
17 1980 and has been in New York City since then and
18 we're presently located at 341 east 90th street
19 over the last five years I've worked for years as
20 a mental contractor for the School Construction
21 Authority over which time I have been doing work
22 for the school we have been able to complete
23 somewhere about 10 jobs and we've brought them in
24 on time at the budget price and we've over this
25 time we've learned how to work with a custodian

2 the principal, and the teachers we've achieved
3 restricted asbestos handlers license for some of
4 our workers which enabled us to when we're working
5 on fixtures which requires asbestos handling we're
6 able to cut wires that are asbestos, did and allow
7 them to remove the fixtures and so forth. At this
8 time I think that if this work to remove the PCB
9 fixtures from the schools. If this work was given
10 to anybody except the mentors and graduate mentors
11 that the School Construction Authority has taken
12 the time to teach us school us and we have
13 performed exemplary over the period. I think it
14 would be just terrible to take this work away
15 these MWBE's contractors which I am one of them.
16 Thank you.

17 COUNCIL MEMBER LEVIN: Thank you,
18 thank you Mr. Magechee. Next up.

19 PAUL RIVERA: Paul Rivera with IDL
20 Electric. In this pairing of not sounding
21 repetitive I heard a number of statements
22 pertaining to training can we train staff or care
23 which real work force to go out and perform this
24 task. I think that one of the message is that we
25 would like to bring to you this evening is the

2 fact that there's a staff already trade for
3 electrical standpoint. I'm a union contractor in
4 New York City and we hire all New York City union
5 employee. And so, the staff is already trained to
6 handle this type of situation with regards to ESC
7 a regards to the school and so instead of asking
8 the question if there's a trading staff or for
9 training issue I think we'd need to look a little
10 further as to what the SCA has to in regards to
11 supporting the effort. So, I didn't take much of
12 your time I just want but you know that there is a
13 component of folks that are already out there
14 that's already trained and already equipped to go
15 out there and to handle this issue and that some
16 of which will stand point. As far as handling the
17 fixtures handling the wires and so forth.

18 COUNCIL MEMBER LEVIN: Thank you.

19 Yes sir.

20 JOSEPH MUGIVAN: And knowledge of
21 the New York City council it is the pleasure to
22 return to testify before your candies after a long
23 absence I regularly give testimony to this council
24 issues relating of school indoor air quality over
25 the years due to my experiences as teacher and

witness to the hidden consequences of environmental exposure in the school system. I have assisted and participated with the Council Members on identifying possible dangerous toxic situations relating to school construction and questionable sightings of schools in various neighborhoods including my own since 2004. At the same time and became involved in my own municipal energy consulting company more I brought LED lights Nassau Community College and worked with New York Power authority to cover the campus with solar panels. I'm affiliated with the Illuminating Engineering Society and a member of the Federal Energy Department Municipal Solids State Lighting Consortium. While we meet today to address the serious issues of removing PCB Dallas from the public schools, we also recognize the exciting potential for the latest technology on energy savings. My main concern about the PCB lighting and removal is that we do not make a bad situation worse. We cannot just hand over their project to the lowest bidder who promises to complete the contract within a few years. There are many variables standards and accounting

requirements the issue of subcontracting needs to be transparent with long-term oversight. I have assembled potential consortium of companies that will be here tomorrow and are widely recognized as possible for coordinating such a Manhattan project such a consortium could assist in coordinating all of the city and state agencies involved with bearing agendas may exist. I have reached out to these companies for their support Philips lighting and financing Phillips's volunteered to finance this entire project. Jacobs Engineering, Johnson's Control, Lou Tronic Electronics [phonetic], various environmental service companies the Illuminating Engineer Society. We've come to the issue of cost for this project their original estimate for this project by the city was one billion dollars and then was reduced to 700,000,000 with the timeframe of 10 years Phillips financing is just completed a school in Texas and the energy savings will cover the project costs in 30 months if we move back to the original estimate by the city of one billion dollars we can estimate then that the dish and no 10 months would be required it would seem like

2 we're moving going from 30 months to 40 months
3 would be a prudent way of removing the PCBs in
4 less than five years for the safety of the
5 children of New York City. For the sake of
6 brevity have crossed out a part of my testimony
7 but in light of theories testimonies, I feel I
8 should give it out the issue of relating toxic
9 exposure to children's health is difficult as I
10 experienced when I was a terminated as a teacher
11 will try to get air quality testing in my
12 classroom and in my school. My school had been
13 built on a toxic waste site without any
14 environmental impact statement and workers at the
15 site will permanently disabled the put intrusion
16 barriers and never turn on following my
17 termination the City Council men's calls for
18 complete whistle blowing investigation in this
19 case. The chancellor indicated the Environmental
20 Protection Agency inspected a suspected source
21 but recent FOIL request to the EPA indicated
22 that no such inspection of occurred and the agency
23 had no knowledge of the situation one more
24 paragraph such of record of pour environmental
25 vigilance where the health and safety of teachers

2 and children are at stake lead me to the opinion
3 that the New York City agencies need to follow the
4 lead of a private consortium reporting directly to
5 the EPA. This is why I'm looking to create a
6 private consortium for this project feel free to
7 contact me. Thank you very much

8 COUNCIL MEMBER LEVIN: Thank you
9 can you please just make sure you state your name
10 for the record

11 JOSEPH MUGIVAN: Joseph Mugivan

12 COUNCIL MEMBER LEVIN: Okay.

13 JOSEPH MUGIVAN: Thank you

14 COUNCIL MEMBER LEVIN: You can
15 please state your name for the record.

16 GLENN BUCHHOLZ: Absolutely. Glenn
17 Buchholz. I didn't think I would win a lot of
18 friends with this 7:00 PM PowerPoint, so all
19 district and copies for you all to reviewing your
20 leisure if that's okay.

21 COUNCIL MEMBER LEVIN: Much
22 appreciated, thank you.

23 GLENN BUCHHOLZ: No problem I'm a
24 Director representing Lutron Electronics. We
25 design manufacture and sell lighting controls

2 products, and what I wanted to discuss this
3 evening was an idea to help you part of the
4 solution that I think we'll add to the wing wind
5 factor both cheese chairs students and the ongoing
6 school operating budget.

7 I've worked in the lighting and the
8 lighting control industry for 16 years I
9 specialize in applying light controls solutions
10 that improve the function already of spaces
11 increase occupant comfort and reduce energy
12 consumption all of the same time which is a big
13 deal. Not a lot of things do that. This is a
14 unique and complex project we've heard today
15 because all the school buildings and classrooms
16 involved on different as you change the light
17 fixtures and remove the PCB ballast in the spaces
18 it's a huge opportunity that wise to force all to
19 provide the right lighting for each individual
20 space. Proper lighting can have the ability to
21 facilitate learning by making students more
22 comfortable studies have shown that. A key to
23 doing this is making the lighting controllable so
24 that you can set the right light levels for the
25 white students do the right tasks at the right.

2 Two light control strategies specifically for this
3 project that should be considered and should be
4 started apart from any RF P's our occupancy
5 sensors and daylight harvesting. Occupancy
6 censoring turns the light off when nobody's in the
7 space so can easily be implemented throughout this
8 project and as for the lighting most classrooms
9 are built today with daylights to enhance
10 students' performance, so as a result of presence
11 of this daylight reduces the need for electric
12 light so that the light sensor could adjust the
13 lights in the space to maintain a target light
14 level in any classroom. These controls can be
15 combined with beginning ballast to allow put
16 control on a light fixture somewhere, anywhere
17 between been a 100 percent down to 1 percent
18 which is P otherwise you are stuck with 150 year
19 old lights switch just turn the lights off and on.
20 So the time to implement light control in our
21 schools is when the lighting is changed to
22 minimize the cost. A small incremental cost
23 additionally many of these controls utilize
24 Wireless Technology today which makes the
25 installation cost effective and won't slow this

project down and also reduces the likelihood of us having asbestos type concerns from adding controls to this. The day lighting typically results in 15 to 20 percent additional energy savings even beyond energy efficient light fixtures at full on. And occupancy sensing often results in 20 to 25 percent energy savings in these applications the sixth in August 2010 we installed eight of these classrooms wireless occupancy sensor PS 371 in Brooklyn and it had nothing but excellent feedback to this point. In closing it is my recommendation that lighting controls are an integral part of this project as they're one of the few energy savings initiatives that will actually make students and teachers more comfortable to facilitate learning why other state energy. Thank you.

COUNCIL MEMBER LEVIN: Thank you very much Mr. Buchholz. I just had one question actually for Mr. Mugivan. You mentioned in your testimony that Phillips had offered to finance the entire project of one billion dollars.

JOSEPH MUGIVAN: yes I spoke to their Dave Ingram their bank is on the information

2 I gave you Deloitte of London [phonetic] it's a
3 major bank in the Netherlands and they're
4 interested and they feel they could finance this
5 project probably around 4 percent they would pay
6 all the cost of a labor everything that would go
7 with it and I said the school in taxes in 30
8 months the school was paid off that was at \$1.5
9 million school to Seoul for looking at 3/4 billion
10 dollars and people are feeling uncomfortable go
11 with a billion bring in these major engineering
12 companies and they'll team up together it'll be
13 like a Manhattan project. And then rather than
14 the school be paid off in 30 months to go with the
15 full million,000 you might be paid off and 40
16 months but there you have enough people to come in
17 if enough workers to get this job done as quickly
18 as possible in possibly under five years.

19 COUNCIL MEMBER LEVIN: suggests
20 more practical perspective. Have you brought that
21 has that been brought to the attention of School
22 Construction Authority and the department
23 education.

24 JOSEPH MUGIVAN: No, I'm working
25 and I've been an advocate now that this point and

an independent consultant I should say was an advocate.

COUNCIL MEMBER LEVIN: I very much appreciate that and that is something going to follow up on. And obviously if that is a cost issue, you know by a major player.

JOSEPH MUGIVAN: With all the funding can see the teachers' jobs that are being challenged.

COUNCIL MEMBER LEVIN: Absolutely. I'm sorry, I just recognize Chair Robert Jackson.

CO-CHAIRPERSON JACKSON: so go ahead sir, just say, identify yourself please

PAUL RIVERA: Paul Rivera from IDL Electric. See one of the things that we were trying to address is that an issue like this, because you have companies that want to come into New York City and if they do than what happens to the MBE community as far as participating in this type of project, you see. That is the type of question that needs to be addressed because you may have the Phillips of the world's he may have that Johnson Controls of the world you may have the Siemens of the world they may come in and

2 finance the project like that that those companies
3 aren't friendly WMBE and LBE basically minority
4 firms in New York City. They're not.

5 CO-CHAIRPERSON JACKSON: let me
6 just say clearly I appreciate all of you coming in
7 and giving testimony I do think so that the last
8 gentleman that testified as far as, you know,
9 licensing using as much as the natural light
10 outside and not going at 100 percent. I was just
11 thinking to myself and my house, you know, I've
12 used these energy like all is I've used and that's
13 what with those energy light bulbs you can use
14 dimmer-

15 DONALD MAGECHEE: [interposing] Not
16 true anymore.

17 CO-CHAIRPERSON JACKSON: Not
18 anymore, okay

19 DONALD MAGECHEE: You have these
20 dimmers that

21 CO-CHAIRPERSON JACKSON: I'm just
22 saying I need to make sure that I try to use is
23 less energy as I can in my household in order so I
24 can save some money out of my pocket, you know
25 what I mean.

2 DONALD MAGECHEE: with the fact
3 that they want to use those fixtures and those
4 tight controls we're not saying that they can't
5 use that were saying that we are the electricians
6 and were capable of putting in whatever they
7 produce or they suggest. We're capable of doing
8 the work we are ready and we're willing.

9 CO-CHAIRPERSON JACKSON: I
10 understand that loud and clear and quite frankly,
11 you know, as I said earlier I want to see the
12 people in New York City, New York State get to
13 work. I Care about the people living in
14 California and Ohio and Michigan and other states
15 but quite frankly I'm more concerned about people
16 in New York City and New York State getting the
17 work because that is who I represent.

18 DONALD MAGECHEE: Definitely.

19 CO-CHAIRPERSON JACKSON: and I do
20 understand the necessity four and WBEI do
21 understand the issue of past discrimination
22 especially as a black man myself let me just say
23 loud and clear, but I say to all of you that when
24 people are communicating with each other and if
25 you talk and we can all come together where I

2 think someone said its own win-win situation. And
3 that's what I'm looking for and I just hope that
4 SCA the mayor's office and all those involved are
5 looking at a clean win situation in order to
6 ensure that our children, our children receive the
7 best light of this environment not exposed to any
8 toxins and if they are get rid of them immediately
9 not 10 years not 19 years for number six for fuel
10 boilers. Because when New York one did a little
11 pieces said that their boilers that they're using
12 number six oil which is victory its oil and that
13 some people are getting sick and dying just some
14 breathing that stuff and that the Department of
15 Education and for SCA I'm not sure which one they
16 said they have a plan in place to get rid of all
17 of the number six burning fuel furnaces by the
18 year 2030. You know my am a student I said what.
19 That's 19 years from now that's totally
20 unacceptable and I quite frankly is totally
21 unacceptable. And money is not the issue the
22 issue is whether or not it's a priority of how
23 we're going to spend our resources and protect our
24 young. That's really the issue. I want a thank
25 you-

DONALD MAGECHEE: [interposing]

That's why we want the New York contractor so we can circle like the money and spend it 10 times over.

CO-CHAIRPERSON JACKSON: I hear you and one of the things that I ask Kathleen Grimm is to, I saw earlier that the Department of Education government affairs staff were here for a large part of the hearing, but SCA Ross Holden is still here listening to the testimony and I'll be glad to make sure that SCA gets the testimony of the experts if you don't have it so that you can look of all the testimony in writing so I'm going to make sure to ask my staff to sit death of the environmental committee and the staff of the education committee to get copies of all the testimony to make sure that SCA and DOE have all the testimonies especially of the experts. So with that I want to thank everyone for testifying I would think all of the staff involved I wouldn't think all of the sergeant of arms, and all the communications people, the camera people at WNYC, and all the people for staying with us the course and would that. This joint hearing of the

2 environmental committee and the education

3 committee is hereby adjourned at 6:47 PM.

C E R T I F I C A T E

I, Amber Gibson 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

Date April 21, 2011