

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PARKS AND RECREATION

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February 9, 2009

Start: 10:25am

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HELD AT: Council Chambers
City Hall

B E F O R E:
HELEN D. FOSTER
Chairperson

COUNCIL MEMBERS:
Gale A. Brewer
Alan J. Gerson
Eric N. Gioia
Public Advocate Gotbaum
Vincent Ignizio
Letitia James
Jessica S. Lappin
Melissa Mark-Viverito
James S. Oddo
Helen Sears

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

Liam Cavanaugh
First Deputy Commissioner
City of New York Parks and Recreation

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

John Shea
Chief Executive Officer
Department of Education, Division of School Facilities

Christian De Palermo
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Molly Bedell
Representative
Assembly Member Deborah Glick's office.

Jane Cook
Executive Director
American Society of Landscape Architects

Doug Rowan
Vice President
Bayside Raiders Youth Football Team

Anna Clark Baker
Soccer Player

Stavros Zumopolis
Soccer Player

Robert Herzog
Zog Sports

Dana Deprima
Commissioner
Westside Soccer League

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

Bill Armstrong
Fields Director
Manhattan Soccer Club

James Dowell
President
Riverside Park Fund

Walter Nestler
Landscape Architect, Member of
Community Board Planning Board Number Nine, Parks
Committee

Christabel Gough
Member
Society for the Architecture of the City

Marty Sergi
President
PermaLife Products

Steve Prestiani
Representative
The Earth

Vince Coleman
Baseball/Softball Director
Harlem RBI

Rich Cassen
Father of William Cassen, burn victim

Geoffrey Croft
President
NYC Park Advocates

Bill Crane
Professor
City College of New York

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

Sal Rapaglia
President
Eastern New York State Soccer Association

Eric Butte
Representative
Cosmopolitan Soccer League

Rusty Papalanako
Representative
Spanish American Soccer League in Staten Island

Anne Cassen
On behalf of Rahan Marhan

Marina Ortiz
Resident
East Harlem

Harry Burns
Representative
Friends of Brook Park

Lin Seltzer
Fields Coordinator
Manhattan Kickers Travel Soccer Program
Representative for Cosmopolitan Junior Soccer League

William Bialaski
President
Downtown Manhattan Youth Soccer League

Jonathan Levy
Director of State and Local Programs
Institute of Scrap Recycling Industries

Marty Lyons
Representative
LandTeK Plus Field Turf

Tonya Murphy
Soccer mom and volunteer

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

Rich Caccappolo
President
Greenwich Village Little League

Joel Kupferman
Attorney
New York Environmental Law and Justice Project

Deborah Kling
President
West Side Little League

Savannah Tchaikovsky
Representative, Player
New York Metropolitan Women's Soccer League

Michael Blumenthal
Vice President
Rubber Manufacturers Association

Ian Walker
President
Metro Soccer New York

Carol Tweedy
Executive Director
Asphalt Green

Henry Bunch
President
Metro Kids

Mitchell Cohen
Representative
Brooklyn Greens and the Green Party

Walter Garcia
Citizen
Queens Soccer Referee
(Translated by Thelmo Cordones)

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

Thelmo Cordones
Youth Baseball Coach
Queens CB4

CHAIRPERSON FOSTER: Good morning, I'm Council Member Helen Diane Foster, chair of the Parks and Recreation Committee. We are going to get started. I apologize for the delay. We are going to do some things a little different this morning. First let me introduce members of the committee and members of the council that are here today, starting with Helen Sears coming in, we have Helen Sears from Queens who's a member of the committee; Eric Gioia from Queens who is not a member of the committee, but has an interest in this and a bill in; Jessica Lappin who also is not a member of the committee but is interested and has a bill; and my Staten Island crew over here, we have Council Member Oddo from Staten Island and Council Member Ignizio from Staten Island. Before we get started, let me make a note that Council Member Bill DiBlasio called and emailed me and actually sent a statement for the record that he unfortunately cannot be here today, but one of the bills that we'll be discussing was introduced by Council Member DiBlasio, and he, about signage, and the need for safety, and we look forward to hearing the testimony from everyone that is here,

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2 to testify on these very important issues. Just a
3 few ground rules, sometimes discussions get
4 heated. If we can remember to disagree
5 respectfully, it will help the meeting proceed.
6 We have been joined by, I'm sorry, Public
7 Advocate, you were behind me, I forgot to
8 introduce you. Public Advocate Betsy Gotbaum, and
9 that's it. We will start with the opening
10 statement from the Public Advocate Betsy Gotbaum,
11 and then to Jessica Lappin. Thank you.

12 PUBLIC ADVOCATE BETSY GOTBAUM:

13 Good morning, everybody, and thank you Council
14 Member Foster and members of the Committee on
15 Parks on Recreation for holding this hearing.
16 Good morning Parks Department officials and
17 Department of Health officials. In December of
18 2007, the committee, this committee, met to ask
19 the Parks Department how they planned to
20 investigate the health and environmental effects
21 of synthetic turf. Today, although the testing
22 has now been completed on existing fields,
23 questions remain about the health and
24 environmental risks that artificial turf may pose.
25 For two years, my office has been part of a

1 coalition, which includes Natural Resources
2 Defense Council, New Yorkers for Parks, and New
3 Yorkers for the Public Interest. That we have
4 raised repeated concerns about the use of
5 synthetic turf in our city parks. During this
6 time, I have focused on several issues, but the
7 major issue associated with synthetic turf is the
8 potential health risk of crumb rubber infill, made
9 from recycled tires, the material used in certain
10 types of synthetic turf. In April of 2007, I
11 first called for an independent testing of this
12 material, because recycled tires do contain
13 toxins, mixed with some serious health problems.
14 Rather than confirm that this material was safe,
15 Parks proceeded with its plans to install new
16 synthetic turf fields made with this type of
17 infill. In February 2008, the Coalition wrote a
18 letter to the Parks Department and Department of
19 Health--of Hyg--Health, demanding an immediate
20 moratorium on the further installation of
21 synthetic turf, until tests were done. The letter
22 also asked Parks to create a schedule for existing
23 fields to be replaced after a certain period of
24 time, and urged Department of Health to expedite
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2 its review of existing literature on the health
3 effects of crumb rubber fill. The City agreed
4 only to the literature review, arguing that the
5 turf was safe and did not need testing. As
6 evidence, it cited a study, sponsored by the Tire
7 Recycling Management Association of Alberta--
8 hardly an objective third party. Department of
9 Health dragged its heels, taking nearly a year to
10 complete its literature review. And while the
11 city continued to insist that in-field style turf
12 made the recyc--made with recycled crumb rubber
13 was perfectly safe. Parks eventually made the
14 decision to stop ordering it. Had the city
15 listened to our coalition and taken stronger
16 action earlier, it could've avoided wasting money,
17 and a potentially hazardous product. Even though
18 Parks has stopped ordering turf made of recycled
19 crumb rubber infill, there are existing fields
20 made from this material in our parks, and there
21 are still unanswered questions and concerns about
22 synthetic turf in general. A number of recent
23 developments have occurred that I find somewhat
24 troubling. Last January, the State of New Jersey
25 had to shut down a nine year old artificial turf

1 field in Newark, after lead contamination in
2 surface dust on the field was found to have
3 originated from the fibers of the field's
4 artificial turf. And just weeks ago, December
5 22nd, the Parks Department abruptly closed a
6 synthetic turf field at Thomas Jefferson Park in
7 East Harlem, after it detected elevated lead
8 levels. This field was an in-field style made
9 with recycled tire crumb rubber. The EPA's
10 standard for lead that was used for testing is 400
11 parts per million. Some samples collected from
12 Thomas Jefferson had levels of almost five times
13 that EPA standard, almost 2000 parts per million.
14 It came as news to me, and to the coalition, that
15 the Department of Health and Parks were testing at
16 all, having been told that they were not going to
17 test, despite the claims that it wasn't necessary.
18 They have since gone on to test almost every other
19 field in Parks, and while no other fields have
20 been closed, the results of the tests are to be
21 released, were released to the Coalition last
22 week. But the City has not announced the full
23 results to the general park. And as I've often
24 said, if it is shown that these fields have, are
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2 in no danger whatsoever, I will be the first to
3 get up there and say, "Hurrah, hurrah!" The fact
4 is that neither Department of Health nor Parks can
5 identify with certainty the source of lead
6 contamination at Thomas Jefferson Park. And there
7 are many similar fields which are still open. I
8 have renewed my call for a moratorium until the
9 City institutes a comprehensive policy on
10 synthetic turf, that includes a schedule for
11 periodic testing over the life of each field, and
12 a schedule for replacing turf as it ages,
13 demanding that the City disclose to the public the
14 full results of all the tests that were conducted
15 by the Department of Health and by the Parks
16 Department. There are still many questions about
17 the health and environmental effects of synthetic
18 turf. It's time for the City just to cooperate
19 and demonstrate that the City, that the parks in
20 New York City, are 100 percent safe. There are
21 few issues, fewer issues of greater importance.
22 Thank you very much for taking time today to focus
23 on this issue. Thank you. Thank you, Helen.

24 CHAIRPERSON FOSTER: Thank you.

25 Council Member Lappin?

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2 COUNCIL MEMBER LAPPIN: Thank you
3 Madam Chair. And I wanted to thank you for
4 holding this hearing on a number of very important
5 topics that all relate to the safety of children.
6 I introduced the piece of legislation with Council
7 Member Bill DiBlasio that deals with the black
8 rubber mats in parks. And the way I became
9 interested and involved with this issue is simple:
10 I have constituents who are here in the audience
11 today, who--the Cassens, who on a mild summer day
12 in May of 2007, took their 18 month old son to the
13 park to play. And after playing in the sandbox,
14 he took off his shoes and ran across the rubber
15 mats in the park. Within five seconds of touching
16 those rubber mats, he burned the bottom of his
17 feet so badly that he had to spend four days in
18 the hospital in the burn unit. I have seen the
19 photos, and it is horrifying. Some of you may
20 have seen the coverage that it received on some of
21 the morning talk shows. I have a son, I take him
22 to the park, too, on summer days. And really,
23 frankly any day that we can get him out of the
24 house to run around a little bit. And the
25 response we received from the Parks Department in

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2 the, in the aftermath of that incident, was just
3 that common sense should dictate that when you're
4 in the park, you should be wearing shoes. And
5 that's just not an acceptable answer, for me or
6 for the Cassens. The truth is, these are supposed
7 to be safety mats, and they're not safe. The
8 temperatures on those mats can reach 165 degrees,
9 and cause burns not just on feet, but on hands;
10 and the other equipment in the park that can be
11 unshaded and reach very, very high degrees of
12 temperature can also harm these children. So, I
13 think common sense dictates that we should do
14 something about it. Ideally, we should replace
15 the equipment that reaches those temperatures and
16 can burn these children, and certainly until we do
17 that, we should make sure that parents understand
18 the dangers that this equipment poses to them.
19 When they're there for recreation, and then they
20 end up having to spend four days in the hospital
21 in the burn unit, obviously the City is doing
22 something wrong. So, I thank you Madam Chair for
23 holding this important hearing and look forward to
24 working with you and the committee to passing this
25 legislation.

2 CHAIRPERSON FOSTER: Thank you. We
3 are going to jump right into our testimony, we
4 have a lot of people to testify, and we must be
5 out of this room at 1:00 o'clock. Welcome Deputy
6 Commissioner Liam Cavanaugh. Thank you, you can
7 get started, introduce who's with you, and we'll
8 get going.

9 LIAM CAVANAUGH: Good morning,
10 Chair Foster and members of the Council. I'm
11 joined today by Assistant Commissioner Nancy
12 Clark, from the Department of Health and Mental
13 Hygiene, who will actually be giving the first
14 testimony. And--

15 CHAIRPERSON FOSTER: Oh, I see it,
16 I'm sorry.

17 LIAM CAVANAUGH: That's okay.

18 CHAIRPERSON FOSTER: We've been
19 joined by Assistant Commissioner Nancy Clark.
20 [laughs] So we'll, we'll start with you. And
21 this gentleman is--?

22 JOHN SHEA: I'm John Shea.

23 CHAIRPERSON FOSTER: Into the mic,
24 just for identification purposes.

25 JOHN SHEA: I'm John Shea, being

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2 from--John Shea, from the Department of Education.

3 CHAIRPERSON FOSTER: Thank you.

4 NANCY CLARK: Okay, I hope I'm
5 adjusted here. Okay. Good morning, Chairperson
6 Foster, and the members of the Parks Committee.
7 My name is Nancy Clark, and I'm the Assistant
8 Commissioner for Environmental Disease Prevention,
9 for the Department of Health and Mental Hygiene,
10 the Health Department. Also with us today is Liam
11 Cavanaugh, First Deputy Commissioner of the Parks,
12 of the Department of Parks and Recreation, and
13 John Shea, Chief Executive Officer of the
14 Department of Education, Division of School
15 Facilities. Thank you for the opportunity to
16 discuss health and safety issues related to
17 synthetic surfaces used in playground and playing
18 fields. I will begin by describing health and
19 safety concerns related to synthetic turf
20 materials. What the Health Department has done to
21 address these concerns, and what steps the city is
22 taking to provide safe play areas in parks. I
23 will also provide specific comments on Intro 918.
24 Deputy Commissioner Cavanaugh will provide
25 comments on the bills introduced on synthetic turf

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2 and provide more details on actions taken by the
3 Parks Department. Understanding the risks and
4 benefits of using synthetic materials in playing
5 fields and playgrounds, is important to assure
6 safe use of public parks, and to promote
7 opportunities for children and adults to
8 participate in healthy physical activities.

9 Physical exercise, along with good nutrition,
10 promotes a healthy weight and combats obesity.

11 The key benefits of synthetic turf fields and play
12 areas are more safe playing time than grass, dirt
13 and asphalt surfaces, low cost maintenance, and no
14 need for chemical fertilizers, fungicide,
15 herbicides, or fuel powered maintenance equipment.

16 Over the past two years, the Health Department has
17 assisted the Parks Department in gaining a fuller
18 understanding of potential health and safety
19 issues, related to synthetic materials used in
20 playing fields and playgrounds. In May 2008, we
21 issued a comprehensive report titled, "A Review of
22 the Potential Health and Safety Risks from
23 Synthetic Turf Fields Containing Crumb Rubber In-
24 Field," prepared for the department by TRC an
25 environmental consulting firm. This report,

1 available to the public on our website, reviewed
2 scientific studies from researchers in the United
3 States and Europe, and focused on the chemical
4 components of crumb rubber infill, made from
5 recycled automobile tires, and potential health
6 and safety risks associated with crumb rubber
7 fields, including heat related illness, physical
8 injuries, and bacterial infections. The report
9 concluded that though certain chemical
10 contaminants, such as volatile organic compounds,
11 VOCs, polyaromatic hydrocarbons, PAHs, and heavy
12 metals, may be found in crumb rubber. The degree
13 of exposure is likely to be too small through
14 ingestion, dermal or inhalation, to increase the
15 risk of any health defect. The studies that were
16 reviewed were conducted using very conservative
17 approaches, and accounted for special
18 vulnerabilities of children. In addition, the
19 report also found that neither bacterial
20 infections nor physical injuries were
21 significantly related to synthetic turf playing
22 fields. The report, however, did determine that
23 the primary health concern with the use of
24 synthetic turf fields is potential for causing
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1 health defects related to heat stress and
2 dehydration. The Health Department recommended
3 that the Parks Department and other field
4 operators, assess feasibility of adding shaded
5 areas and easy access to drinking water near
6 field, and to educate field managers, coaches and
7 users on the potential for and prevention of heat
8 related illness. In follow up, the Health
9 Department has provided input to the Parks
10 Department on the content and posting of signs
11 near synthetic turf fields, as well as at
12 playgrounds, with heat retaining surfaces. These
13 signs are posted, which are posted, warn park
14 goers to wear appropriate shoes and clothing. The
15 report also identified a lack of available
16 information on potential airborne exposures
17 related to outdoor synthetic peels. To follow up,
18 the Health Department conducted an air quality
19 survey with the assistance of the Parks Department
20 and an environmental consultant. This survey was
21 designed to assess potential inhalation exposures
22 to volatile organic chemicals, fine particulate
23 matter, and lead and other heavy metals in the
24 breathing zones of young children, three feet
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1 above the ground at an older synthetic turf field,
2 a newer turf field, and at a natural grass field.
3 The survey showed that there were no significant
4 inhalational exposures to chemicals, metals, or
5 fine particulate matter. The air quality study's
6 most important finding was the identification of
7 an elevated lead level in the crumb rubber infill
8 of the artificial turf and Thomas Jefferson park
9 in Upper Manhattan. The lead level found at this
10 field exceeded 400 part per million, the EPA level
11 for lead in bare soil in children's play areas.
12 The EPA level is set to protect children from
13 adverse health defects associated with ingestion
14 of lead in soil from hand-to-mouth contact that
15 young children engage in during normal activities.
16 As a result of the elevated lead level, the Parks
17 Department closed the field and is replacing it
18 with a new surface. The Parks Department, with
19 assistance from the Health Department, has also
20 tested the crumb rubber infill for lead in the
21 remaining synthetic fields that contain crumb
22 rubber. Elevated lead levels were not found in
23 any of the other crumb rubber fields tested. The
24 source of the lead contamination at the Thomas
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2 Jefferson Park field is not known, but it is
3 mostly likely due to external contamination. Lead
4 is a persistent environmental pollution from its
5 former use in gasoline, paint and other products.
6 Over the past year, concerns have been raised
7 about lead content in the grass blades in
8 synthetic turf fields. This problem had been
9 associated with older generation nylon carpet
10 style fields, that do not contain crumb rubber
11 infill. Lead pigments were identified in the
12 grass blades of the nylon carpets. If grass
13 blades are damaged or deteriorated, lead dust can
14 be created on the surface of the carpet. The
15 Parks Department had two older carpet style nylon
16 fields that were inspected last spring. The
17 carpet fibers were found to be intact and no lead
18 dust hazards were identified. The Health
19 Department advised the Parks Department to
20 continue monitoring these fields in accordance
21 with Federal Centers for Disease Control
22 Recommendations to inspect the condition of
23 artificial turf carpets and test those that showed
24 deteriorated or damaged condition. The Parks
25 Department continuously monitors the condition of

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2 its turf fields, and out of an abundance of
3 caution is testing all carpet style fields and
4 play areas, those without crumb rubber, for lead.
5 These results will be available over the coming
6 weeks. The Health Department report on synthetic
7 turf fields also recommended that the Parks
8 Department and other field operators adopt
9 purchasing protocols for the selection and
10 purchase of synthetic turf products. Such
11 protocols should contain requirements for
12 suppliers and manufacturers to provide information
13 on the chemical contents, heat absorbency
14 properties, injury factor and other relevant
15 health and safety information. The Parks
16 Department has incorporated this recommendation
17 into its purchasing guidelines and has developed
18 model specifications. As synthetic turf
19 technologies evolve, continuous review of product
20 properties is necessary to assess the health and
21 safety aspects of the products used in the city's
22 fields and playgrounds. I would now like to
23 address Intro 918, which would require the Health
24 Department, along with the Parks Department, to
25 review all playground and playing field surfaces,

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2 and to assess health and safety risk. In addition
3 Intro 918 would require the two agencies to submit
4 recommendations on the most appropriate surfacing
5 materials. The Health Department and the Parks
6 Department have established a solid rela--a solid
7 partnership around the assessment of synthetic
8 materials used in city parks and playgrounds. The
9 proactive measures taken by the two agencies are a
10 direct reflection of this partnership. As noted
11 earlier, the Parks Department has already
12 developed model specifications which reflect
13 expert input from parks, health and environmental
14 experts across several agencies. The Parks
15 Department evaluates synthetic turf products for a
16 range of health and safety concerns, some of which
17 hare outside the expertise of the Health
18 Department. Legislating the relationship between
19 these two city agencies would be counterproductive
20 and likely to result in a duplication of effort,
21 Requiring Health Department review of turf
22 materials could impede flexibility needed to
23 design site specific field installations for both
24 parks and other agencies. Finally, developing
25 static recommendations for a synthetic turf

1 material would be challenging, given how quickly
2 technology changes and new products emerge. For
3 these reasons, the Department opposes Intro 918.
4 Both the Parks and Health Departments participate
5 in ongoing meetings and share information with the
6 other agencies in New York State and other
7 localities concerned with synthetic turf issues.
8 The two agencies have participated in research
9 activities sponsored by the Health Department, the
10 United States Environmental Protection Agency and
11 the New York State Department of Environmental
12 Conservation, to promote better understanding of
13 health and safety issues of these materials.
14 Opportunities for active recreation and physical
15 activity have never been more important in our
16 city. Over the past 20 years, obesity levels have
17 doubled in the United States, and in New York
18 City, obesity is epidemic. More than half of
19 adult New Yorkers are overweight or obese, and
20 nearly half of all elementary school children in
21 New York City are either overweight or obese.
22 Unhealthy weight gain, even during childhood, is
23 related to diabetes, heart disease, asthma and
24 depression. As you are aware, New York City leads
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2 the nation in addressing healthy lifestyles, and
3 has taken bold actions to improve the availability
4 of healthy foods and restaurants, and in the
5 community. Supporting the city's strategies to
6 continue to improve nutrition and extend physical
7 exercise opportunities is the best way to promote
8 healthy weight and prevent chronic health problems
9 related to obesity. I thank you for the
10 opportunity to discuss this important issue. We
11 look forward to continuing our work with the
12 Council towards the goal of making New York City a
13 better, safer and healthier city. I'd like to
14 turn it over to Commissioner, Deputy Commissioner
15 Cavanaugh, and we'll take questions all at, at the
16 end. Thank you.

17 LIAM CAVANAUGH: Once again, good
18 morning Chair Foster and Committee members. I'm
19 Liam Cavanaugh, First Deputy Commissioner of the
20 Department of Parks and Recreation. And on behalf
21 of Commissioner Benepe, thank you for allowing me
22 the opportunity to testify before you this morning
23 on Introduction 739, 896 and 918. As you know, it
24 is the Parks Department mission to provide clean
25 and healthy spaces for New Yorkers to get exercise

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2 and enjoy the outdoors. Across the city, parks
3 are havens for New Yorkers who use playgrounds, go
4 for a swim, walk a dog or play their favorite
5 sports. To achieve our mission, we have to look
6 for safe and creative ways to build, operate and
7 maintain the myriad number of facilities and
8 resources the public demands. To that end, I am
9 happy to be here today to speak about
10 Introductions 739, 896 and 918. I also want to
11 thank Nancy Clark from the Department of Health
12 and Mental Hygiene for her introduction. The
13 Parks Department works closely with the Health
14 Department on a variety of public health issues
15 impacting parks, and most recently on studying the
16 safety of synthetic turf fields. First I'll
17 address Intro 739. Synthetic turf has become
18 widely, a widely used alternative for city sports
19 teams and universities across the country. While
20 we consider New York City to be at the forefront
21 of urban open space management, we are not alone
22 in using synthetic turf as a tool to increase
23 fitness opportunities for park users of all ages.
24 There are at least 6,000 synthetic turf fields in
25 the world, and three thousand fields in North

America. In 2008, 700 fields were installed worldwide. In New York State there are over 200 fields. Locally, these types of fields can be found at Giants Stadium, Rutgers University, Columbia University, and Fordham University, and at a number of other colleges and universities in the metropolitan area, along with public, private and parochial schools in the region. They're used by 21 NFL teams, 74 NCAA division one teams, many more division two and division three teams, three major league baseball teams and three major league soccer teams. Obviously, from the breadth and scope of installation in 2008 alone, many have found synthetic turf to be a tremendous benefit, opening and expanding at recreational opportunities and access for our youth and athletic minded park users. These fields provide New Yorkers of all ages with greater access to places where they can exercise, which of course helps fight obesity. Additionally, improved safety, increased versatility, higher durability to support more field use, and no required weekly mowing, watering, fertilizing, seeding or other time intensive maintenance tasks make synthetic

1 turf an asset to our users and staff.

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3 Additionally, they are usable year round, can be
4 played on after heavy rain and wear out much more
5 slowly than a natural turf field. A synthetic
6 turf field is expected to last eight to ten years;
7 whereas a heavily used natural grass field wears
8 down quicker, without adequate rest, reseeding and
9 extensive care. These new fields have had a major
10 impact on our system. They can fill a critical
11 shortage of available ball field space in New York
12 City. With population growing both in size and
13 diversity, New Yorkers need more field space,
14 because more sports are being played than every
15 before. While many New Yorkers still play
16 baseball and football, soccer has become extremely
17 popular. And cricket, rugby, ultimate Frisbee and
18 lacrosse are also growing in popularity. These
19 sports also tend to be high impact games and
20 create a great deal of wear and tear on field
21 services. To fill these critical shortages, we
22 have been able to provide more fields by
23 converting asphalt yards to synthetic turf fields.
24 Conversions of asphalt to synthetic turf, have led
25 to the single biggest increase in usable field

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2 time. We have been able to increase access to
3 fields in neighborhoods like East and Central
4 Harlem, that did not have many available fields.
5 Young people and adults can now play their
6 favorite sports right in their own neighborhood,
7 and thanks to Mayor Bloomberg's Plan YC, we will
8 be converting 20 more, 25 more asphalt fields into
9 new playing fields. Parks takes great efforts to
10 ensure that we're installing the safest materials
11 at all of our sites throughout the city.

12 Synthetic turf has existed in some form or fashion
13 since the 1950s, and has evolved into the current
14 sophisticated technology we use today. These new
15 fields are designed to protect against all sorts
16 of sports related injuries. Very often, when
17 we've chosen a certain type of field to install at
18 a particular site, based on the specifications and
19 needs of that field, we know that new emergent
20 technologies are always coming to the market that
21 will provide safer, more cost effective protection
22 to our park users of the future. In December
23 2007, at an oversight hearing of this committee,
24 Commissioner Benepe discussed the safety benefits
25 of synthetic turf fields. He noted how synthetic

1 turf fields are tested by an independent party to
2 ensure compliance with consumer product safety
3 commission standards, which address serious
4 potential head and fall injuries. However,
5 knowing that our fields protect against head
6 trauma is not enough. We need to know that our
7 fields are non-toxic and provide a safe and
8 chemical free playing environment. That is why
9 Parks has continued to work closely with the
10 Department of Health and Mental Hygiene on a
11 number of projects involving synthetic turf
12 fields. Last May, Department of Health and Mental
13 Hygiene issued a comprehensive literature review
14 of existing scientific research into the health
15 impacts of synthetic turf field, funded by a grant
16 from the New York Community Trust. The report
17 found that exposure to crumb rubber is likely to
18 increase the risk for any adverse health impacts.
19 Parks has adopted a number of recommendations from
20 the review, including the establishment of a new
21 procurement protocol requiring testing of all
22 synthetic turf materials prior to their
23 installation in a park. The report noted that
24 elevated heat levels associated with synthetic
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1 turf fields could increase the risk of heat
2 related illness among field users. Parks has
3 since posted signs that all synthetic turf fields
4 cautioning the public about heat related illnesses
5 eliminated the use of black crumb rubber from
6 recycled tires in new products, and is increasing,
7 and is using a number of new infill materials that
8 retain less heat than crumb rubber. We are adding
9 new technologies that are safe and better for the
10 environment, including carpet style turf and
11 alternative infill materials. Some, such as
12 thermoplastic granules, a virgin rubber product
13 known as EPDM, ground coconut or walnut shells,
14 and sand coated with acrylic or food grain
15 elastomers. We've also started to install water
16 misters near the benches of fields that may get
17 hot, in an effort to allow players to cool down
18 more easily. In fact, we have approximately 34
19 included in our new projects that are in the
20 design or construction cycle, and continue to look
21 for ways to reduce the summertime temperatures on
22 or around synthetic turf fields. The Department
23 of Health report also found that there was little
24 research into air concentrations of chemicals of
25

1
2 potential concern, above outdoor synthetic turf
3 fields. The Department of Health agreed to
4 conduct some of those tests at two Parks
5 Department fields, Thomas Jefferson Park in
6 Manhattan, Mullally Park in The Bronx. While
7 establishing background levels for chemicals of
8 potential concern at both fields, a sample of
9 crumb rubber from Thomas Jefferson Park was found
10 to exceed the EPA standard for lead in outdoor
11 playgrounds. None of the other chemicals of
12 potential concern were found to exceed EPS
13 standards. While there is no EPA standard for
14 lead levels in crumb rubber, we adopted the EPA
15 standard for bare soil as an appropriate and
16 protective for assessing lead in crumb rubber. To
17 test these fields, Parks and DOH adopted the soil
18 standard as the closest possible equivalent. At
19 the request of, of the Department of Health, Parks
20 conducted a series of tests which confirmed the
21 elevated lead levels found by the Department of
22 Health. The average lead content for the 31
23 samples taken was 502 parts per million, with 15
24 samples falling below the 400 parts per million
25 standard, and 16 coming in above that level. The

1 field was closed due to the elevated lead levels
2 and will be replaced this winter. We expect to
3 have the field open for play by the end of April.
4 Using protocols developed by the Department of
5 Health and Mental Hygiene, Parks is currently
6 testing all synthetic turf fields for lead
7 content. To date we are placed to report that all
8 fields with crumb rubber infill have tested
9 negative, with the exception of Thomas Jefferson,
10 for elevated lead levels. We are continuing to
11 test all carpet style fields, and turf and carpet
12 play areas, and we will share those results, which
13 we expect to complete testing by the end of
14 February, weather permitting. Intro 739 bans the
15 use of crumb rubber infill material, calls for a
16 moratorium on new synthetic turf installation, and
17 replacement of existing synthetic turf fields over
18 a 12 month period. However, given the benefits of
19 synthetic turf and absent substantial data
20 supporting legitimate health or safety issue, a
21 replacement program as currently outlined in Intro
22 739 is not in the city's best interest. The total
23 ban on crumb rubber infill material appears to be
24 overly broad. The Department of Health and Mental
25

1
2 Hygiene literature review mentioned earlier did
3 not find evidence of an elevated human health risk
4 due to chemicals contained in crumb rubber infill.
5 A moratorium on new synthetic turf installations
6 will only delay needed renovations, leaving the
7 public with fewer opportunities to use safe, high
8 quality playing fields. Similarly, replacing all
9 synthetic turf fields over a 12 month period would
10 disrupt, would disrupt the schedule of hundreds of
11 youth and adult leagues. Safety is and will
12 remain the Parks Department's highest priority at
13 our playgrounds. Thankfully, New York City's
14 playgrounds are the best and safest in the
15 country, due in large part to the protective
16 safety servicing that meets all industry and
17 regulatory codes. Complimenting the quality of
18 our equipment, we have an extensive signage system
19 that promotes safety. Throughout the city, over
20 2000 signs are posted at playgrounds reminding
21 patrons to wear shoes and appropriate clothing,
22 especially when it gets hot. And we will continue
23 to ensure that signs are posted at every
24 playground, in different languages where
25 appropriate. We have some examples of the slides

1 that we use with us here today. As we mentioned,
2 ensuring the safety of Parks users is a primary
3 concern when designing parks and playgrounds. The
4 rubber safety mats that are used in playgrounds
5 are considered safe and have presented many
6 serious injuries, particularly those from, those
7 to heads from fall trauma. We inspect all play
8 equipment regularly, using the most comprehensive
9 playground and parks inspection system in the
10 country, and have been nationally recognized for
11 safety. All play equipment complies with rigorous
12 safety standards established by the
13 American Society for Testing and Materials, and
14 the U.S. Consumer Product Safety Commission. We
15 recognize that when temperatures rise, outdoor
16 services get hot. Where possible, we are
17 proactively provi--building roofs over play
18 equipment, and planting trees to provide shade.
19 Some have questioned if different colors other
20 than black were used on our safety surface, if
21 there would be a different reduction, if there
22 would be a significant reduction in temperature.
23 We are not aware of evidence of significant
24 benefits coming from a change in color, but we
25

1
2 continue to track new technologies to be
3 implemented. Should we see benefits that would be
4 implement--should we see benefits to health and
5 safety for our users. We appreciate the
6 thoughtfulness put into crafting introduction 896,
7 and while we think our work in this area renders
8 the bill duplicative, we hope we can continue to
9 work with you on these issues, and address the
10 concerns that you have. Lastly, I'd like to thank
11 my colleague from the Department of Health and
12 Mental Hygiene for addressing Introduction 918.
13 We support their analysis and articulation on this
14 position, and look forward to continued, to a
15 continued great relationship on these and many
16 other important issues. We're happy to answer
17 questions that the committee may have.

18 CHAIRPERSON FOSTER: Thank you.

19 Let me just introduce the council members we've
20 joined by: Council Member Letitia James from
21 Brooklyn, who is a member of the committee;
22 Council Member Gale Brewer from Manhattan, who is
23 not a member of the committee; Council Member
24 Melissa Mark-Viverito from Manhattan who's not a
25 member of the committee; and Council Member Alan

1
2 Gerson from Manhattan who's a member of the
3 committee. I have just a few questions, and then
4 I'm going to go into my colleagues, 'cause there's
5 a long list. Let me just deal, and I'm going to
6 go through the testimony and work backwards.

7 Commissioner Cavanaugh, with, with 896, now that
8 we, you know, are seeing the effects of global
9 warming--and it's much hotter than, I guess years
10 ago it had been--do we know of other jurisdictions
11 that are usually a hot place, like maybe Florida,
12 Miami, where mats are used that address the heat
13 concerns in terms of not just the color of them,
14 but what can be done to make sure they're cooler?

15 LIAM CAVANAUGH: We are in touch on
16 a regular basis with the manufacturers of these
17 products. We are not aware of any product that is
18 substantially cooler, even in places that are
19 substantially hotter than New York City, like down
20 South or out in the West.

21 CHAIRPERSON FOSTER: And are there
22 independent, you know, as a manufacturer, it's,
23 it's self-serving to say, you know, we've got it
24 figured out. Do you know if there are independent
25 groups that are looking into this, this heat with

1
2 the mats, because I, I would assume that if other
3 jurisdictions are using this, we're not the only
4 one affected by heat issues. Do you know of an
5 independent group that's looking into this, and
6 it's not the manufacturer? And if not, maybe that
7 is something we need to, to look into.

8 LIAM CAVANAUGH: We were contacted
9 by a company called The Magnolia Corporation, that
10 has a product which they claim can help reduce the
11 surface temperatures of safety matting. We worked
12 with them to install it on a test basis in a
13 couple of locations in Manhattan, and we are going
14 to review those results over the course of the
15 next summer, to see if it does, one, stand up to
16 use in New York City parks; and two, reduces the
17 temperature of the mats.

18 COUNCIL MEMBER LAPPIN: And when
19 you conclude that, please keep the, the committee
20 informed. Let me go to the signage. Where
21 appropriate you say you have different languages,
22 the signs in different languages, I would assume
23 to coincide with the neighborhoods in the
24 communities, yes?

25 LIAM CAVANAUGH: That was our

1
2 intent, but as I'm sure you're aware, the Mayor's
3 Language Access Task Force is going to promulgate
4 new rules for providing language in a vari--for
5 providing text in a variety of languages, that'll
6 become standard in all of our facilities.

7 CHAIRPERSON FOSTER: Do you have,
8 and I don't know what the proper wording for it,
9 but do you have, you know, when they do the stick
10 figures, when, for--

11 LIAM CAVANAUGH: Yes, we, we--We
12 make extensive use of universal symbols on all our
13 signage in parks and playgrounds.

14 CHAIRPERSON FOSTER: Okay. And--On
15 page three of your testimony, when--paragraph one,
16 two, three--top three, talking about the study
17 and, and the, the levels, it says the average lead
18 content for the 31 samples taken, that sentence,
19 you have 16 came in above that level. What was
20 the highest level?

21 LIAM CAVANAUGH: It was
22 approximately 1900 parts per million.

23 CHAIRPERSON FOSTER: [sneeze in
24 audience] God bless you. [pause] What--How do we
25 deal with the synthetic turfs with the other

1
2 concerns, in terms of storm water drainage or
3 gases that may come off of that? I notice we've
4 talked about specific concerns, but what about
5 storm water and what grass can do? And then to
6 take it further, how, if we had more maintenance
7 or upkeep from natural grass or real grass, would
8 we be able to kind of keep up with the cycle? And
9 I'm just thinking, you know, many years ago when I
10 was in high school, was a soccer player, and we
11 played on grass. And so when it rained, we played
12 in mud bowls, but we played nonetheless. And the
13 worst thing to play on for us was synthetic turf.
14 The ball moves faster, the injuries, you know,
15 you--You don't, it doesn't give. So, what, is
16 there any way that we could, if we allocated more
17 money to maintenance, or more money to the Parks
18 Department, to upkeep real grass, could we then
19 replace some of these synthetic turfs?

20 LIAM CAVANAUGH: Let me talk from--
21 The end, maintenance alone is not the, the issue.
22 Yes, you know, additional funds to maintain
23 natural turf fields would allow them to be
24 available, you know, at a much higher quality
25 level. But the fact of the matter is that in

1
2 order to preserve a natural turf field, you have
3 to close it for substantial periods of time,
4 particularly during the winter. And yesterday it
5 was a prime example of some of the benefits of
6 synthetic turf fields. We had a 50 degree day,
7 thousands of New Yorkers wanted to get outside due
8 to cabin fever, they were in the parks, they were
9 on the synthetic turf fields. Natural turf fields
10 would be substantially damaged if they were used
11 in the same way synthetic turf fields were used
12 yesterday. And you know, our great natural turf
13 fields in places like Central Park and Prospect
14 Park and other places around the city, are still
15 closed. And we don't permit, we try to limit
16 activity on them during this time of year, and
17 there's, there's just no way around that,
18 regardless of the amount of maintenance that
19 you're able to perform. With storm water, there
20 are two issues. You mentioned leachate and things
21 like that. There are a number of studies that
22 have either been done or are under way. There was
23 a study issued, that was issued by a private
24 organization in Connecticut, late last year, which
25 determined that there was no significant Leachate

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2 in the run off from the fields. The Department of
3 Environmental Conservation is conducting a study
4 on that very subject. They used, also used Thomas
5 Jefferson Park and Mullally Park in The Bronx as
6 their, as their, for their study. We assisted
7 them in, in making the fields available, and
8 providing some support for that effort. So, based
9 on that, and I'm sure there are, there are other
10 studies going on in the country on that same
11 subject. There does not appear to be an issue of
12 leachate from these fields, contaminating either
13 groundwater or other water bodies. In terms of
14 air quality, it is an area that the Department of
15 Health identified as being lacking in research,
16 when they issued the report last May. That's why
17 they, they committed to conducting some of that
18 research, which they did at Thomas Jefferson and
19 Mullally. And as Assistant Commissioner Clark
20 mentioned, they didn't find any levels or
21 measurable levels of contaminants in the air when
22 they did those tests. Similarly, the Connecticut
23 study that I mentioned, also, arrived at the same
24 conclusion, but I expect there will be more
25 testing of that particular area as, as things, you

1
2 know, progress. This is an, an evolving industry,
3 there's a lot of scrutiny on it. We are committed
4 to making sure that all of our installations are
5 safe and we are committed to making, being current
6 with all of the developments in the industry. As
7 for the last point, storm water run off, we are
8 designing as many of our synthetic turf fields to
9 capture and retain storm water on site, and not
10 deposit it into the city sewer system. It is part
11 of the overall goal of the Mayor's sustainability
12 issues, to, you know, reduce storm water run off
13 wherever possible. So, yes, synthetic turf
14 fields, in and of themselves, don't absorb water
15 the way a natural turf field, but there are ways
16 you can design them to prevent the storm water
17 from flowing into the city sources.

18 CHAIRPERSON FOSTER: When the air
19 quality was measured, was it measured at different
20 temperatures? So, you know, a summer day when it
21 was 100 plus or 98, versus--

22 LIAM CAVANAUGH: I'll have to defer
23 to the--

24 CHAIRPERSON FOSTER: Yes, I'm
25 sorry.

1
2 LIAM CAVANAUGH: Assistant
3 Commissioner Clark.

4 NANCY CLARK: The, the air studies
5 - - Oh, sorry. Okay. The air survey and our
6 report, by the way, will, being finalized, and
7 there's a lot of data that needs to be reviewed.
8 So that will be released shortly, I hope, in the
9 coming weeks. But yes, we did, all of the air
10 monitoring was performed on a hot summer day. In
11 fact, our criteria was that it be done in the
12 hottest part of the day. So, because our
13 hypothesis was that if there were air emissions
14 coming off of the turf, they would most likely
15 occur when the field was hot, heat had built up,
16 even over the, the week's time, so yes we
17 performed the, the sampling in, in August on very
18 hot days.

19 CHAIRPERSON FOSTER: How did we
20 arrive at the two parks, Jefferson and Mullally?

21 NANCY CLARK: Those were part of
22 the study design, which the Health Department was
23 a lead on, along with an environmental consultant.
24 And I might also add, with input from other agency
25 personnel, and a lot of people in other

1 jurisdictions are also looking at it. So we're,
2 we reach out to, to others to get the best
3 information that we can. We very much wanted to
4 look at a newer field, because that's a field
5 that's newly installed, and you might expect one
6 set of conditions, if there's any off gassing, you
7 might capture those on a newer field. We're
8 interested in the older field because you might
9 want to consider that, well, all the off gassing
10 occurred during the first year, but what does it
11 look like at the end of the, you know, at a later
12 time. And we also wanted to look, we also
13 measured find particulate matter, the same as an
14 air pollution particulate. And we also wondered,
15 "Well, under the use, you know, some of these
16 fields are used heavily. Does the material grind
17 down and create an even finer particle that could
18 become more readily airborne?" So we measured
19 that, both in the newer field and again in the
20 older field. I also want to add that we also took
21 similar measurements at a natural grass field, as
22 well as some upwind locations at both of the
23 synthetic turf fields. Taking these kind of
24 measurements can be challenging in an urban
25

1
2 environment when many of the things we're looking
3 for may be associated with other sources.

4 CHAIRPERSON FOSTER: And in your
5 testimony, you said that on page three the
6 elevated levels at Jefferson Park were most likely
7 due to external contaminations. How did we come
8 up with that?

9 NANCY CLARK: Well, we've, in the
10 course of the work that we've done, and the review
11 of many scientific papers that we've looked at,
12 led, although it's been identified in crumb
13 rubber, generally at, at levels well below a level
14 of concern. It's also not used historically in
15 the manufacture of rubber. So, it posed a, you
16 know, we were confounded by it, where what was the
17 source? And we don't have a good answer for that.
18 We're certainly very curious to try to understand
19 what was the source of that contamination. We're
20 doing further studies to see if we can actually
21 identify the particular lead compound or that was
22 in the rubber, and is it bound into the rubber, or
23 is it separate from the rubber? These are
24 important questions and we hope we'll be able to
25 get some of those answered. But to answer your

1
2 question perhaps more directly, lead is a very
3 persistent pollutant in our environment. We would
4 very much like to have no lead in our environment,
5 and no lead in a child's environment. But the
6 United States and New York City and New York State
7 have used vast quantities of lead in the past,
8 both in paint, that's been used in homes, in
9 gasoline, and in other products. Unfortunately,
10 lead does go away, once it's in your, the
11 environment, it's persistent and it stays there.
12 So, when we say that somewhere along the line, the
13 material was contaminated. And unfortunately we
14 can't pinpoint that, but you can just look at the
15 lifespan: did it happen during the manufacture of
16 the tire? Probably not, because that we've not
17 been able to identify information that identifies
18 lead as an additive. So then did it become
19 contaminated during the processing of the crumb
20 rubber? Well, perhaps. But we've also looked at
21 and spoken with colleagues about the way that's,
22 the way that process occurs, and it's not, lead's
23 not added into the process. So but then the lead,
24 then the crumb rubber is transported, there's
25 another opportunity. And it was installed,

1
2 another opportunity. And then it's been used,
3 it's been in place for four years. And so, the
4 answer to your, after a long answer, the real, our
5 real response is that we don't know, but we do
6 believe that's most likely an external
7 contamination from some source.

8 CHAIRPERSON FOSTER: Well, before I
9 turn the questions over to my colleagues, I think
10 it's important that we do this research and--

11 NANCY CLARK: Totally.

12 CHAIRPERSON FOSTER: --do it
13 honestly, with the expectations. I think it's no
14 accident that where the levels were high, where
15 the park is located, and when we look at the
16 realness of environmental racism, and how specific
17 areas tend to be inundated with compounds,
18 development, refurbishment, whatever we want to
19 call it, that are going to generate those levels.
20 And I would be interested that when we do these
21 tests, especially now that we've done Thomas
22 Jefferson, that now we go back somewhere, like
23 Mullally, where you have seen the construction of
24 two just horrific developments, that I am sure
25 will generate, between Yankee Stadium and the

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2 Gateway, that will generate, if not lead, some
3 other type of toxin that is not healthy for the
4 community. And then as not only Parks and DOH,
5 but as a city, then we have to be willing to say
6 at what point do we make sure development across
7 this city is done equally, so that one area, one
8 neighborhood, one group of people, don't bear the
9 burden of it. That's very important. And so,
10 it's important that with all the studies, with
11 Department of Education, as we build schools over
12 dumps that we later find out about, things like
13 that, we've got to be willing to be honest with
14 what our findings are, and do whatever it takes to
15 remediate it, and much, very much so, before the
16 fact, and not after the fact. That being said, we
17 have, the first questions are by Council Member
18 Gioia.

19 COUNCIL MEMBER GIOIA: Thank you
20 very much, Madam Chair. Along with my colleagues,
21 Ms. Mark-Viverito, and Council Member James from
22 Brooklyn, and Council Member Baez from The Bronx,
23 I am the author of legislation to ban the crumb
24 rubber fields in New York City. And I want to,
25 before I begin my question, I want to say a few

1 things. I spoke to a number of people here before
2 the hearing began, who have started leagues--
3 football leagues, soccer leagues, baseball
4 leagues--and I have a tremendous amount of
5 respect, I want to thank them for doing that. I
6 actually am the founder of a youth baseball
7 league, the first ever youth baseball league in
8 Queensbridge Houses. And in addition to combating
9 obesity, having young kids out there playing
10 sports I think is vitally important to their
11 development from, from getting them healthier to
12 developing their leadership skills, to learning
13 how to work as a team, and just so many of the
14 values that team sports bring to young people, I
15 think it's vitally important. So thank all of you
16 for doing that. I think every kid in New York
17 City should have access to a park where they can
18 go out and play competitive team sports. My
19 concern here is with the long term impacts of
20 crumb rubber. You know, growing up, I played on
21 turf fields. I was never a particularly good
22 athlete, so I spent most of my time laying on my
23 back, I suppose, on the, on the turf fields, or
24 laying on my stomach at the bottom of a pile,
25

1
2 about, you know, an inch or two away from the
3 turf, rather than three feet away, where you
4 tested. And I'll get to that in a second. But,
5 when I heard that what we were doing was taking
6 old tires from trucks and busses and cars,
7 grinding them up, and letting our children play on
8 top of them, it struck me as a phenomenally bad
9 idea. And I don't have a degree in science, but
10 it just seems to me, I mean, I'm a dad, and I
11 won't, my daughter will go to put a rubber ball in
12 her mouth, and I say, "Take that out of your
13 mouth, that's dirty," because I know there's
14 chemicals in there. I'm hard pressed to think of
15 something dirtier than an old tire. And I'm
16 certain that they have been scrubbed, and
17 recycled, but it just seems to me that we can find
18 better things to put underneath fields to let our
19 children play on. And so, I begin by asking, how
20 many crumb rubber fields are there in New York
21 City? I guess this is to Commissioner--yeah.

22 LIAM CAVANAUGH: Approximately 89
23 athletic fields that use crumb rubber infill.

24 COUNCIL MEMBER GIOIA: How was the
25 decision made to put these old tires underneath

1
2 fields?

3 LIAM CAVANAUGH: Recycled tires has
4 a crumb rubber material developed over the last, I
5 think ten years or so, within the industry. As
6 Commissioner Clark mentioned, the research that
7 was available at the time indicated that there
8 were, that the levels of chemicals in the tires
9 did not exceed levels of concern, and it was an
10 innovation that actually provided a recycled use
11 for a product that was clogging landfills.

12 COUNCIL MEMBER GIOIA: Well, you
13 know, that reminds me, about ten years ago someone
14 had the bright idea to take old subway cars and
15 drop them into oceans to create new barrier reefs.
16 And it actually succeeded in creating barrier
17 reefs, but the problem was all the chemicals in
18 the subway killed all the fish. And so, when I
19 hear the idea that it's taking something that was
20 going to be a landfill, taking it out of the
21 landfill and putting it in a park, the logic
22 escapes me. So you're telling me that that was
23 part of the logic, was that we're taking stuff out
24 of landfills?

25 LIAM CAVANAUGH: It wasn't part of

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2 the logic, but it was part of the environmental
3 benefits of using a recycled product. As I said,
4 the available, research indicated that the
5 material did not have chemicals at a level that
6 was a concern or would have an adverse impact on
7 human health.

8 COUNCIL MEMBER GIOIA: So this was
9 an idea that the City came up with?

10 LIAM CAVANAUGH: The City adopted
11 the innovation and the industry, yes.

12 COUNCIL MEMBER GIOIA: Who's idea
13 was it?

14 LIAM CAVANAUGH: It was developed
15 within the synthetic turf industry.

16 COUNCIL MEMBER GIOIA: So, I guess
17 my question is, did someone, was this, over the
18 past seven years, this administration, someone in
19 the Parks Department had the idea, "Let's put the
20 old recycled tires under the fields," or did the
21 industry come to the City? What was the genesis
22 of this idea?

23 LIAM CAVANAUGH: The exact genesis,
24 I don't think I can answer right now. But the
25 product was available on the market in probably,

1
2 at the beginning of late 1998, 1999. I think our
3 first installation of a crumb rubber field was in
4 2001.

5 COUNCIL MEMBER GIOIA: What were,
6 what was the alternative?

7 LIAM CAVANAUGH: I'm sorry?

8 COUNCIL MEMBER GIOIA: To crumb
9 rubber, because there's a misconception out there.
10 And I was talking to one of the folks who runs the
11 league, and they said to me, and I really
12 understand this point, they said, "You know, Eric,
13 it's not, it's not a choice sometimes between
14 grass and turf. In a lot of neighborhoods it's a
15 choice between mud and turf, and I understand
16 that. But you guys made a decision at some point,
17 that crumb rubber, these old tires, were the fill
18 we wanted to have underneath the turf, and I want
19 to know what the alternative was.

20 LIAM CAVANAUGH: The alternative
21 was a natural turf field that would likely
22 deteriorate very quickly over time.

23 COUNCIL MEMBER GIOIA: But hold on
24 a second, there's another alternative. I mean, I
25 certainly played on turf growing up, and it didn't

1
2 have crumb rubber underneath it. Were there,
3 could you have used sand?

4 LIAM CAVANAUGH: Sand based
5 products have come onto the market in the last
6 couple of years, and we're using them. They were
7 not available, as far as I know, back at the
8 beginning of the this century.

9 COUNCIL MEMBER GIOIA: But there
10 was something available, right, I mean there were
11 turf fields that had something other than old
12 tires underneath them. What was the alt--So, what
13 I'm, what I'm asking is this, is, I want to know
14 how the city goes down this road. It seems to me,
15 the City of New York rushed out to use an untested
16 material that we now have concerns about, that
17 we're now spending a lot of money, potentially
18 millions of dollars examining. Potentially we're
19 going to spend millions more ripping up these
20 fields and putting down new fields. And so I want
21 to know how the decision was made and what the
22 alternatives were to the old tires. Certainly,
23 there was an alternative, it wasn't mud or turf.
24 There had to be something else. And if there
25 wasn't an alternative, did we put out an RFP that

1
2 just said, "Who can give us the best crumb
3 rubber?" I mean, what was the decision making
4 process. Walk me through it.

5 LIAM CAVANAUGH: I cannot tell you
6 what the full range of products that were
7 available on the market at the time. The choices
8 primarily were between asphalt; natural turf; a
9 carpet style synthetic turf field, such as the
10 earlier generations of AstroTurf and things like
11 that, one of which was the field in Newark that
12 was closed because of the high lead levels; and
13 fields with infill material made out of crumb
14 rubber from recycled tires that more closely
15 simulated the effect of a natural turf field. And
16 there were, there were studies available at the
17 time, indicating, as I said before, that the
18 material did not pose any particular danger to
19 human health.

20 COUNCIL MEMBER GIOIA: Do you have
21 the studies the City relied on?

22 LIAM CAVANAUGH: I don't have them
23 here.

24 COUNCIL MEMBER GIOIA: Do you know
25 the studies the City relied on?

1
2 LIAM CAVANAUGH: There are studies
3 available, yes.

4 COUNCIL MEMBER GIOIA: I'm--No, but
5 do you know the specific studies the City relied
6 on?

7 LIAM CAVANAUGH: I could not tell
8 you what they are right now.

9 COUNCIL MEMBER GIOIA: But do,
10 could someone, it's okay, you can tell me right
11 now, but does someone know what we relied on?

12 LIAM CAVANAUGH: Yes.

13 COUNCIL MEMBER GIOIA: And you'll
14 make that publicly available?

15 LIAM CAVANAUGH: Yes.

16 COUNCIL MEMBER GIOIA: Why is the
17 City no longer using crumb rubber fields?

18 LIAM CAVANAUGH: As part of the
19 review and the study that the Department of Health
20 conducted, they identified heat levels as being a
21 potential human health concern. And as a result
22 of that, we stopped using crumb rubber from
23 recycled tires in our fields.

24 COUNCIL MEMBER GIOIA: Would you
25 admit, then, it was a mistake to install these in

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the first place?

LIAM CAVANAUGH: No.

COUNCIL MEMBER GIOIA: Why not?

LIAM CAVANAUGH: It is a material that has, as I said in my testimony, made many fields available for use that had not been previously available for athletic play; they have been safe fields--

COUNCIL MEMBER GIOIA: Let me ask you - -

LIAM CAVANAUGH: [interposing] People have enjoyed them on a year round basis.

COUNCIL MEMBER GIOIA: Let me ask you a - -

LIAM CAVANAUGH: [interposing] There are improvements in the marketplace that we're adopting to make sure that the fields meet with the current standards.

COUNCIL MEMBER GIOIA: Knowing-- Sorry to interrupt you. Knowing what you know now, would you have installed these fields?

LIAM CAVANAUGH: If there, if there was an other alternative on the market at the time, perhaps not, but as far as I know, there was

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not.

COUNCIL MEMBER GIOIA: Well, great, well that's, at least the heart of my question, I'd like to know what the City looked at as alternatives, because I don't believe that it was either mud or old tires. And, and this brings me to the studies that we've done. And first I will say that the Health Department has really been at the forefront, cutting edge, of public health in this city; far ahead of the federal government. And one of the reasons I think it's helpful that we're doing this today, is because, because you're part of the same administration, I think there's a collegiality that might make it difficult, somehow, to cross regulate each agency. We're talking about a Health Department that has banned trans-fats and is on its way towards dramatically limiting the availability of salt. And so I have a hard time believing that on their own, they would say that any level of lead is acceptable in a child's playing field. And so, the question I'll ask is, the study you were doing, it was done at three feet high. Why so high?

NANCY CLARK: The purpose of the

1
2 air quality study was to evaluate what was in the
3 breathing zone of young, of a young child. We
4 took a three foot level because that's really kind
5 of our youngest child that would be on the field.
6 And that typically, the way one evaluates, if you
7 want to do an inhalation study, you look for what
8 the breathing zone, if it's a larger person, you
9 may evaluate it at different levels. Other
10 researchers, as you, have you at four foot levels
11 or five foot levels.

12 COUNCIL MEMBER GIOIA:

13 Commissioner, I would suggest, and I'm wondering
14 if this is now possible in the fields we move
15 forward with, if you ever watch little kids play
16 soccer, you know, they spend most of their times
17 on their belly and on their back. You know, if
18 anyone's ever coached soccer, you've seen a lot of
19 that. Whether they're stretching or whether
20 they're just getting knocked around, that's the
21 way they do it. And sometimes, actually when
22 you're breathing the deepest, I'll take a, go
23 watch a Pop Warner football league. When the kids
24 are practicing, when they're breathing the
25 deepest, it's when their face mask is right up

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2 against the grass, or the turf. I mean,
3 literally, three inches away, and they're sucking
4 wind pretty hard. I would suggest that to get an
5 accurate reading, and to accurately assess the
6 risk to our children, that the air quality, the
7 particulates are tested at a much lower level.
8 And I, I understand that maybe normally,
9 especially with adults, in dealing with, with
10 fugitive dust and other things, it might be at
11 height level, but I suggest for kids--And is that
12 possible to continue testing?

13 NANCY CLARK: Well, on whether--
14 It's an interesting thing to take into
15 consideration. There are exposure measurement,
16 guidelines, that, because as you mention, there
17 are many variabilities amongst children, amongst
18 people, uses, how many hours, positioning, so the
19 best way for us to do a study, or for anyone to do
20 a study, is to use some standardized approach.
21 And that's exactly what we do, is very standard
22 way that children's inhalation exposures would've
23 been evaluated. But it's an interesting point
24 that you raise, and I do believe that the New York
25 State study did look at air levels closer to the

1
2 turf. Their issue was not a human inhalation,
3 because again that would be standardized at a more
4 upright position, but also just as a, as an
5 emitter. So, we don't have, we're not, they've
6 not released their results yet, but we'll all be
7 very interested in that.

8 COUNCIL MEMBER GIOIA: Well, yeah,
9 that's what I was going to ask you about. And I'm
10 going to wrap up here.

11 CHAIRPERSON FOSTER: Please.

12 COUNCIL MEMBER GIOIA: The, in
13 terms of the testing, what--Did you test for
14 pthalates? Did you test for other toxins, other
15 heavy metals, other pollutants in this crumb
16 rubber?

17 NANCY CLARK: The study that we did
18 was an air quality study. So what we were
19 interested in what was what airborne. We tested
20 for over 60 volatile organic compounds that could
21 be present in crumb rubber, and some, especially
22 one material, benzothialozate [phonetic] that is
23 almost a marker for crumb rubber. That was an
24 interesting thing for us to measure. We also
25 measured several different metals, not, lead

1
2 wasn't the only one, chromium was another one. I
3 don't have the whole list in front of me. We also
4 did find particulate because at the Health
5 Department, where, as you said, we're, we do
6 consider ourselves on the forefront, and looking
7 very seriously at environmental concerns. And air
8 pollutant is an important one, especially fine
9 particulate, and its relationship to long term
10 health. So we did do those measurements, as well.

11 COUNCIL MEMBER GIOIA: Are all,
12 pardon me, are all of your studies available
13 online?

14 NANCY CLARK: The, it will be,
15 we're just finishing, as I said, there are many,
16 many constituents that were measured and we're
17 frankly just finalizing our final review, and we
18 hope to release our air study shortly.

19 COUNCIL MEMBER GIOIA: Well, I
20 think it's important that all the data the City
21 has, the Parks Department, the Health Department,
22 that we put this online, you know, immediately, as
23 soon as you have it available. If it's available
24 for the staff to be reading, it should be
25 available for the public, because I think that's

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2 where, you know, when you give this sense of, of
3 Google or a Wiki government, you allow, you
4 empower the citizens to actually be able to find
5 out what's on these fields. You allow scientists
6 to have peer review of the work we've done. I'm
7 not in a position to criticize you on which metals
8 you looked for. I just, you know, I went to law
9 school, and not medical school or, you know, I
10 don't know what even school you'd go to, to find
11 that out. But the point is somebody out there
12 would know that. And so I hope you put it out
13 there.

14 NANCY CLARK: Sure.

15 COUNCIL MEMBER GIOIA: And I'm
16 happy the City is no longer using crumb rubber.
17 But I think the City has made a mistake here, and
18 I think that, I think we should own that mistake,
19 and I think we should take up the crumb rubber
20 fields. No parent should have to wonder what lies
21 beneath a playing field, and it shouldn't take
22 Erin Brokovich to go out there and drag the
23 information out of the City. And with that, I
24 thank you all for your testimony. Thank you.

25 CHAIRPERSON FOSTER: Council Member

1
2 Lappin, next. Let me just remind my colleagues
3 and everyone, we have to be out of here by 1:00,
4 so if we could get right to our questions, I'd
5 appreciate it. Thank you.

6 COUNCIL MEMBER LAPPIN: Thank you,
7 Madam Chair, and I apologize for coming in and
8 out. I'm chairing a meeting next door of the Land
9 Use Subcommittee. So, I've always enjoyed working
10 with you, Mr. Cavanaugh, and with the Park
11 Department in the past. And we have been able to
12 work on legislation together. But I want to start
13 by saying, in terms of your testimony, I don't
14 believe that what we're trying to do here is
15 duplicative. At all. And you know, I have, I
16 have three questions, and I want to start with,
17 you talked a lot about regulations that are out
18 there. And my understanding is that the
19 regulations that exist don't deal with the heat of
20 these safety mats in playgrounds. Is that
21 correct?

22 LIAM CAVANAUGH: Yes.

23 COUNCIL MEMBER LAPPIN: Okay. So
24 that's a big problem. I mean, I understand that
25 maybe those guidelines were designed with other

1 factors in mind, but when they do reach 165
2 degrees, that's a hazard. And just because it's
3 not part of the existing guidelines, doesn't mean
4 that we shouldn't do something about it. So, you
5 mentioned that there are Magnolia test sites out
6 there that are looking at different kinds of
7 material. Could you tell me where they are?

9 LIAM CAVANAUGH: I think it's
10 primarily in Vesuvio Playground, in Manhattan on
11 Thompson Street. We have a--several different
12 colored mats in that playground, and we wanted to
13 see if there was a difference between both the
14 colored mats and the material that we're, coating
15 material we're placing on top of them.

16 COUNCIL MEMBER LAPPIN: Is it just
17 the color that's different, or is the material
18 different as well? Or both?

19 LIAM CAVANAUGH: No, the material
20 is not different, the material is actually a clear
21 material. We have different colored mats than
22 that. There is some sense that lighter colored
23 mats are, become less hot, and might be
24 preferable. But from what we've seen, and
25 admittedly there isn't a lot of research out

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2 there, but from what we've seen, even the lighter
3 colored mats still get into the 140 degree range,
4 during, when exposed to direct sunlight, as does
5 asphalt, and from what we know, that you know, any
6 temperature surface above 120 degrees, depending
7 on circumstances, could lead to burns. So, you
8 know, we're not sure--

9 COUNCIL MEMBER LAPPIN: But these
10 may be better, but not the ultimate solution.

11 LIAM CAVANAUGH: Exactly.

12 COUNCIL MEMBER LAPPIN: Okay.
13 Better is good, but we want to find--

14 LIAM CAVANAUGH: Better is good.

15 COUNCIL MEMBER LAPPIN: --the
16 ultimate solution. Do you, you mentioned in terms
17 of the Astroturf, the synthetic fields misting.
18 Do you mist the mats in the playgrounds when they
19 reach these extreme temperatures?

20 LIAM CAVANAUGH: We don't have
21 misters in playgrounds for that purposes, but
22 almost every playground has a water source that
23 can be used to, to hose down--

24 COUNCIL MEMBER LAPPIN: And there
25 are typically Parks employees who, even if they're

1 not in the playground all day, are in and out.

2 Would they be able to mist these mats?

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4 LIAM CAVANAUGH: They'll be able to
5 wash them down, I wouldn't say "misting" them,
6 that's--

7 COUNCIL MEMBER LAPPIN: Right, but-

8 -

9 LIAM CAVANAUGH: Yes.

10 COUNCIL MEMBER LAPPIN: --do
11 something to use water to cool them off.

12 LIAM CAVANAUGH: Yes.

13 COUNCIL MEMBER LAPPIN: And is that
14 something that you do? That these Parks--

15 LIAM CAVANAUGH: We do wash, we do
16 wash off mats, periodically, when situations call
17 for it. From what we've seen, the water effect,
18 particularly on mats, is not long lasting. You
19 know, once it dries out in the heat, and the mat
20 is exposed to direct sunlight, the temperatures
21 can increase quickly.

22 COUNCIL MEMBER LAPPIN: Do you have
23 a policy within the Parks Department that on a day
24 when the temperature reaches X degrees, the Parks
25 employees are directed to water down the mats?

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2 LIAM CAVANAUGH: No, we don't have
3 a policy of that nature.

4 COUNCIL MEMBER LAPPIN: I would
5 suggest maybe there should be a policy. If that,
6 I mean, if that's going to cool these mats down,
7 and it's something that is pretty easy to do,
8 you've got a water source in the parks already, we
9 should do it. Right?

10 LIAM CAVANAUGH: I don't disagree.

11 COUNCIL MEMBER LAPPIN: So does
12 that mean you're going to put a policy into
13 effect?

14 LIAM CAVANAUGH: Yes.

15 COUNCIL MEMBER LAPPIN: Great,
16 thank you, that's good progress. You know, I
17 think the heart of our disagreement, and I see the
18 sign down there, that says that footwear must be
19 worn at all times, is adequate. And I just don't
20 think that it is. I see a sign like that, and I
21 think a lot of different things. That my son
22 should be wearing shoes when he goes outside,
23 maybe there's broken glass, whatever, there are
24 other reasons why he should be wearing shoes to
25 protect himself in the park. I don't see that

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2 sign and think to myself, "Oh my god, these mats
3 are 165 degrees, and I better make sure that when
4 he steps out of the sandbox he has shoes on." And
5 so, I think until we get to this solution, and I,
6 we're going to keep pushing on that, we really do
7 need to change the signage. And I think it's
8 important, we can go back and forth over the
9 specific language, and I'm not going to do that
10 today in the hearing, but we've already had some
11 back and forth prior to the hearing. But you
12 know, I would really like to get a commitment from
13 you today that you will work with us to revise
14 this signage. Because I just don't think it cuts
15 it.

16 LIAM CAVANAUGH: You have our
17 commitment to do that. In addition to this sign,
18 which is posted on fences throughout playgrounds,
19 where it's easily to be seen, we did develop a
20 more detailed informational bulletin about heat in
21 playgrounds. In fact, we developed it with, in
22 cooperation with one of the nurses from the
23 Cornell Burn Unit. It is posted in playgrounds on
24 bulletin boards. It's a longer sign, it doesn't
25 lend itself to this type of application, but it

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2 does explain the importance of being aware of heat
3 related issues both in surface temperatures and in
4 ambient air temperatures, and how it can affect a
5 young child playing in a playground. And we'll be
6 happy to share that with you as well.

7 COUNCIL MEMBER LAPPIN: Okay. And
8 I wanted to, I mentioned this photo in my opening
9 statement, and I'm going to pass it down. And I
10 don't know if you can see it from here, and if the
11 members of the committee can see it, but this is
12 the 18 month old child who burned his feet in the
13 playground in my district. And it's pretty
14 gruesome, but important for us to really realize
15 what we're talking about here. It's serious, very
16 serious. And you know, last summer, the Parks
17 Department issued--and I'd be happy to pass this
18 down--issued summonses, or at least threatened to
19 issue summonses, in the parks for parents who's
20 children weren't wearing shoes. I want to say
21 very clearly that that is not the answer. Writing
22 tickets to children under the age of two, is not
23 the answer. So, is that part of your plan for
24 this summer?

25 LIAM CAVANAUGH: No, it is not. We

1
2 had never had any intention of issuing tickets to
3 parents, or children, who were not wearing shoes
4 in playgrounds. And let me just say that, you
5 know, the--it is a complicated issue. The picture
6 is horrific, I've seen it before, I've spoken to
7 the, to the nurse at the burn center who treated
8 the child, and you know, she told me in great
9 detail about the injuries. And it's something
10 that, you know, we don't want to see happen to any
11 child. Safety surface was developed to protect
12 children from fall injuries, and it has been
13 tremendously successful in reducing and almost
14 eliminating injuries of that nature in
15 playgrounds. The alternatives that meet the
16 Consumer Products Safety Commission standards, or
17 the ASTM standards, are either sand or wood chips,
18 neither of which are practical for New York City
19 playgrounds. They both migrate too easily, they
20 both are too easily contaminated with other
21 materials, and we could not possibly maintain the
22 safety levels required by the ASTM or the Consumer
23 Products Safety Commission, using those materials.
24 There aren't a whole lot of alternatives on the
25 market, to the safety service that use. Even the

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2 lighter colored materials do get very hot. We, if
3 there are things that will reduce it, to the point
4 where you, we will never have another burn, we're
5 certainly interested in looking at that, and
6 adopting it. Until then, we will continue to
7 stress the need for wearing footwear in the
8 playgrounds; educating parents and caregivers
9 about the importance and the potential danger of
10 heat related surfaces and heat related injuries;
11 adopt things like you suggested, to washing off
12 play--safety surfaces on very hot days; and
13 continue to work with the industry to find ways to
14 eliminate this particular problem as well.

15 COUNCIL MEMBER LAPPIN: Good. I,
16 this sounds like a positive change in attitude,
17 I'm very appreciative, and I mean, not necessarily
18 from you, but certainly from the top. The Mayor
19 was dismissive last summer when these issues first
20 came out in the press. So, I'm very appreciative
21 and I look forward to working with you.

22 CHAIRPERSON FOSTER: Thank you.
23 Council Member Mark-Viverito?

24 COUNCIL MEMBER MARK-VIVERITO:
25 Thank you, Madam Chair. Where do we even start?

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2 You know, my questions are going to be
3 specifically regarding Intro number 739, of which
4 I'm a sponsor. Good morning, First Deputy
5 Commissioner. You know, Jefferson Park is in my
6 district, and also probably my district, with
7 regards to Randall's Island, and on the use of
8 artificial fields there, and installation of
9 artificial fields probably has their largest
10 number of artificial fields in the City of New
11 York. Is that safe to say?

12 LIAM CAVANAUGH: Yes.

13 COUNCIL MEMBER MARK-VIVERITO: Most
14 probably. You mention, and it's going to, it's a
15 little difficult, 'cause there's a lot that's been
16 mentioned. I think the health concerns that were
17 raised by my colleague, Gioia, are very real ones,
18 and clearly that is from where I start in terms of
19 my concerns about the installation of these
20 fields. You mentioned that there are 89 crumb
21 rubber fields in New York City. Would the other
22 fields that are artificial or synthetic, that are
23 no crumb rubber, what is the infill? Is it
24 different materials? No infill, in some cases?

25 LIAM CAVANAUGH: It's largely no

1
2 infill. There is what they, what is know in the
3 industry as a "carpet style" synthetic turf.

4 COUNCIL MEMBER MARK-VIVERITO: So
5 those are the older fields, probably?

6 LIAM CAVANAUGH: Some of them are,
7 some of them are not older fields, some of the
8 are newer fields.

9 COUNCIL MEMBER MARK-VIVERITO: Is
10 it safe to say that now the public policy moving
11 forward is to install fields that use infill of
12 one type or another.

13 LIAM CAVANAUGH: We--We will
14 continue to use both the carpet style and infill
15 style, depending upon the, you know, the
16 particular application.

17 COUNCIL MEMBER MARK-VIVERITO:
18 Okay, now, I just want to clarify something that
19 you mentioned in your testimony with regards to
20 our Intro. You indicated, and I know we've
21 already started to receive emails from
22 constituents and from community residents. You
23 mentioned that we're asking for the replacement of
24 existing synthetic turf fields over a 12 month
25 period. That's inaccurate. We're specifically

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2 stating that we want to replace the infill in
3 those artificial turf fields that use infill.
4 Now, again I'm a layperson, but my understanding
5 is that in terms of those synthetic fields that do
6 have infill, there is a way of replacing it
7 without having to basically reinstall the
8 artificial turf with a synthetic field, as a way
9 of removing the infill, and then just--We're not
10 replacing the whole field, per se.

11 LIAM CAVANAUGH: It would depend
12 upon the condition of the turf itself. But there
13 would be a period of time when the field had to be
14 closed in order to remove and replace the infill
15 material.

16 COUNCIL MEMBER MARK-VIVERITO:
17 Right, and I would hope that those individuals
18 that are writing to us would have the same concern
19 with regards to the health impact, and what, that
20 the replacement of the crumb rubber infill in
21 particular, because of the concerns you've raised,
22 is something that we're requesting and requiring
23 in that Intro, and I think that we're going to
24 stick really firmly to that. And there are some
25 additional considerations that we may have and

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2 some changes to the legislation as well, that
3 would be additional. So, so that was important.
4 The other things I wanted to raise, and I'm going
5 to raise it more from like an environmental
6 perspective, 'cause I know that time is limited.
7 But what is the average temperature on an
8 artificial field? And what is the average
9 temperature on an natural field?

10 LIAM CAVANAUGH: It depends upon
11 the amount of direct sunlight either surface
12 receives, but if I remember correctly, a synthetic
13 turf field in direct sunlight can be as much as 40
14 to 50 degrees higher hotter, the surface that is,
15 than the surface of a natural turf field.

16 COUNCIL MEMBER MARK-VIVERITO: Now,
17 what is the ratio, in terms of Department of Parks
18 installation of fields, what is the ratio of
19 installation of artificial fields versus natural
20 fields? Are you leaning more towards installation
21 of artificial fields as a policy?

22 LIAM CAVANAUGH: Our approach to
23 artificial turf fields is, to use them primarily,
24 for fields that are used exclusively for field
25 sports, such as football and soccer; and to

1
2 convert asphalt fields to a synthetic playing
3 surface.

4 COUNCIL MEMBER MARK-VIVERITO: And
5 you mentioned in your testimony and very happily
6 that New York City installed over 200 fields in
7 2008. Is that what you testified in your, in
8 your--

9 LIAM CAVANAUGH: I think that was
10 New York State.

11 COUNCIL MEMBER MARK-VIVERITO: New
12 York State. Okay, what, what's the ratio, then,
13 with regards to artificial versus natural fields?

14 LIAM CAVANAUGH: Off the top of my
15 head, it's probably three to one natural turf to
16 artificial.

17 COUNCIL MEMBER MARK-VIVERITO: One
18 artificial turf field for every three that you
19 install natural.

20 LIAM CAVANAUGH: Yes.

21 COUNCIL MEMBER MARK-VIVERITO:
22 Okay. 'Cause the other concern, obviously, is,
23 and we have a letter that we've, that we've
24 written, to the colleagues that are sponsoring
25 this legislation, with regards to also the fact

1
2 that in the installation and using of artificial
3 fields, we are actually contributing to a negative
4 impact in terms of the heat island effect in the
5 City of New York. I mean I've just seen, it seems
6 to me to be a real contradiction to the mayor's
7 Plan YC in terms of really opening up green
8 spaces. I understand the importance of
9 recreation, but I really do not like artificial
10 fields, I'd rather natural fields. And I
11 understand that there is a cost involved. What's
12 the cost with regards to maintaining a natural
13 field?

14 LIAM CAVANAUGH: It's, there are
15 various estimates for that. I think the basic
16 rule of thumb is \$14,000 a year, to maintain a
17 natural turf field, at a high level.

18 COUNCIL MEMBER MARK-VIVERITO:
19 Okay. And then you're saying that--when was the
20 installation of a artificial field?

21 LIAM CAVANAUGH: Excuse me?

22 COUNCIL MEMBER MARK-VIVERITO: The
23 installation cost of an artificial field?

24 LIAM CAVANAUGH: It varies
25 depending upon the size of the field of course,

1
2 but it's in the range of, you know, \$800,000 to a
3 million dollars.

4 COUNCIL MEMBER MARK-VIVERITO: And
5 what's the installation of a natural field?

6 LIAM CAVANAUGH: Again, depending
7 on the size and complexity of the installation, it
8 probably runs in the \$300,000-\$400,000 range.

9 COUNCIL MEMBER MARK-VIVERITO:
10 Okay. Now, just the last thing. We--looking at
11 other cities, there are many other cities that are
12 doing moratoriums and bans on the installation of
13 artificial fields, based, you know, taking into
14 account the health concerns that we're now
15 indicating and we're expressing. Are you familiar
16 with other cities and what, what measures they're
17 taking with regards to artificial fields?

18 LIAM CAVANAUGH: As Commissioner
19 Clark mentioned in her testimony, we are part of a
20 study group formed by the federal Environmental
21 Protection Agency. It combines state, county and
22 municipalities, as well as some academic
23 institutions that are looking at the issues
24 surrounding synthetic turf fields. I am not
25 familiar with any specific moratoriums or

1
2 legislation that other cities have taken, but we
3 are part of a group that is looking into, and
4 sharing, information on synthetic turf as it
5 emerges.

6 COUNCIL MEMBER MARK-VIVERITO:

7 Well, New Jersey, California, Connecticut,
8 Minnesota are introducing legislation to ban the
9 installation of new fields until completion of
10 comprehensive health and environmental studies.
11 In New Jersey, we have Montville that specifically
12 says that children under seven are not permitted
13 to play on artificial turf fields, that have
14 registered unsafe lead levels, pending further
15 study. You have California that is doing
16 extensive studies, and even a State Attorney
17 General is getting involved, as well. I mean,
18 these are really serious, I mean we should really
19 be looking at this. And you're saying that
20 there's a study group that has been set up. It's
21 a study group, it's studying the issue. There has
22 been no conclusion, and yet we continue to move
23 forward on what I believe is very, very bad public
24 policy as a city. In your statement, my last
25 point, in your statement, you indicate that

1
2 basically there's no substantial data supporting a
3 legitimate health or safety issue. So we're going
4 to proceed and move forward and then deal with the
5 repercussions when we do get any sort of alert, or
6 any concerns. I mean, I think it's very bad
7 public policy when we're just jumping into
8 something really carelessly, and then deal with
9 the repercussions later, which has serious health
10 implications, one, but also cost implications,
11 two. We're really facing a very serious economic
12 downturn, and these decisions can really end up
13 costing us, both in health and economically.
14 What's the cost of the, the replacement for Thomas
15 Jefferson Field?

16 LIAM CAVANAUGH: \$751,000.

17 COUNCIL MEMBER MARK-VIVERITO: And
18 what was the original estimate? Was that the
19 original estimate?

20 LIAM CAVANAUGH: The original
21 estimate was actually higher, it was in the
22 \$950,000 range. I don't remember exactly.

23 COUNCIL MEMBER MARK-VIVERITO:
24 Well, thank you Madam Chair, but I just want to
25 say on the record, because I did speak to

1
2 Commissioner Benepe, that I would like to ask and
3 demand that we not have an artificial field in
4 Jefferson Park. I would rather explore the
5 options of having a natural field. And I
6 understand that [applause] there are cost
7 implications, but again, considering the concerns
8 that have been raised, I would rather err on the
9 side of caution. And so I would like to further
10 discuss that, and I would hope that I have a
11 commitment on your end to explore that further, as
12 well. Thank you.

13 LIAM CAVANAUGH: I would just like
14 to say that Thomas Jefferson did have a natural
15 turf field--

16 COUNCIL MEMBER MARK-VIVERITO:
17 Understood, he explained that to me, as well.

18 LIAM CAVANAUGH: That was, that was
19 worn down and became such a problem for the
20 neighbors across the street, due to the dust, that
21 we had to close it and prevent people from using
22 it.

23 COUNCIL MEMBER MARK-VIVERITO:
24 Because we were not investing the money in keeping
25 the field. Considering, again, if you're saying

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2 that the underlying, and you've indicated DOH has
3 as well, that there's possibly underlying issues
4 on that field, then I would want to introduce the
5 least amount of chemicals possible. If anything,
6 you would want to, you know, perhaps, a natural
7 field, as a way of trying to really to really
8 contradict and ameliorate the problems that may
9 exist already and are underlying, which are
10 greater concerns that we may have to address in
11 the future. But I really would like to have a
12 further discussion. Again, I reiterate, I really
13 do not want to see an artificial turf field in
14 Jefferson Park. Thank you, Madam Chair.

15 CHAIRPERSON FOSTER: Thank you.

16 Council Member Gerson?

17 COUNCIL MEMBER GERSON: Thank you
18 Madam Chair, good morning, still. Ms. Clark, you
19 stated that elevated lead levels were not found in
20 any of the other crumb rubber fields tested. What
21 is the status of the testing? Have all the other
22 crumb rubber fields been tested at this point? If
23 not, what percentage? And what is the status of
24 any ongoing testing by the Department of Health,
25 of both crumb rubber and non-crumb rubber fields?

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2 LIAM CAVANAUGH: I, I think I'll
3 answer that. The testing is being--

4 COUNCIL MEMBER GERSON: But who is,
5 which agency is doing the testing?

6 LIAM CAVANAUGH: We're conducting
7 the testing. The Parks Department--

8 COUNCIL MEMBER GERSON: You're
9 conducting the testing.

10 LIAM CAVANAUGH: --is conducting
11 the testing based on protocols that have been
12 developed by the Department of Health.

13 COUNCIL MEMBER GERSON: Okay.

14 LIAM CAVANAUGH: We have completed
15 the testing for the lead levels of crumb rubber in
16 all of our sports fields, all of our athletic
17 fields, approximately 89. There are--

18 COUNCIL MEMBER GERSON: Has every
19 crumb rubber field in the City of New York under
20 the jurisdiction of the Parks Department been
21 tested as of today?

22 LIAM CAVANAUGH: Not as of today.
23 There are a number of fields that are not sports
24 field, they are small, informal play areas, that
25 exist in parks and playgrounds around the city.

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2 They are still--they will be tested, they have, we
3 have not completed the testing yet. The sample
4 collection is very dependent on whether--and as
5 you know we've had a lot of snow and ice over the
6 last few weeks--

7 COUNCIL MEMBER GERSON: Okay, so
8 the plan is to test everything.

9 LIAM CAVANAUGH: The plan is to
10 test everything.

11 COUNCIL MEMBER GERSON: What about
12 non-crumb, non-crumb rubber?

13 LIAM CAVANAUGH: The plan is to
14 test all synthetic turf surfaces.

15 COUNCIL MEMBER GERSON: And when
16 will that be complete?

17 LIAM CAVANAUGH: Again, it's
18 dependent on weather. We hope to have all of the
19 testing completed by the end of February.

20 COUNCIL MEMBER GERSON: The end of
21 this month, depending on weather, every field,
22 crumb and non-crumb rubber.

23 LIAM CAVANAUGH: Yes.

24 COUNCIL MEMBER GERSON: And after
25 the completion of testing, what will be the time

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2 lag for the, what is the projected time lag, in
3 other words, when will the committee receive the
4 final analysis of those test results?

5 LIAM CAVANAUGH: We will prepare a
6 report and have it available on our website as
7 soon as possible after the testing is complete.

8 COUNCIL MEMBER GERSON: A few
9 weeks, months?

10 LIAM CAVANAUGH: I would say a few
11 weeks, at most.

12 COUNCIL MEMBER GERSON: And the
13 testing to which you referred, is that strictly
14 now for lead or will that encompass the full
15 range, which Commissioner Clark testified to?

16 LIAM CAVANAUGH: It is for lead.

17 COUNCIL MEMBER GERSON: Just for
18 lead.

19 LIAM CAVANAUGH: It's for lead
20 content.

21 COUNCIL MEMBER GERSON: So, okay.
22 Now, have--have any, has any sub-sample of these
23 fields been tested other than the two testified to
24 by Commissioner Clark, for non-lead potential
25 toxins?

2 LIAM CAVANAUGH: No.

3 COUNCIL MEMBER GERSON:

4 Commissioner Clark, from the Health Department,
5 from a perspective in terms of professional public
6 health, would it make sense to test a
7 statistically significant sub-component of these
8 fields, for non-lead hazards?

9 NANCY CLARK: There, there have
10 been a number of tests done on crumb rubber fields
11 in general, as well as--

12 COUNCIL MEMBER GERSON: In the City
13 of New York?

14 NANCY CLARK: In the--in, some in
15 the City of New York, and certainly across the
16 nation and in parts of the world, actually. Based
17 on that information, and on the study that we did
18 on the Mullally Field and Thomas Jefferson, lead
19 was the only element that was identified that was
20 of concern.

21 COUNCIL MEMBER GERSON: So, you
22 don't--from a health professional standpoint,
23 you're testifying that there's no reason to test
24 for anything else?

25 NANCY CLARK: From a health, from a

1
2 public health point of view, we don't think that
3 there's a need to do further testing on different
4 elements at this time. If we learn of more
5 information--

6 COUNCIL MEMBER GERSON: How would
7 we learn if we don't test?

8 NANCY CLARK: Well, the, how do we
9 learn if we don't test? We do test, we have
10 tested, and we've tested. Other people are
11 testing. We look very closely at not only at our
12 results, but at our--We've tested the crumb rubber
13 at both Mullally and Tom Jeff for over 60 organic
14 chemicals. I don't know, I don't remember how
15 many metals, but also fine particulate, so we did
16 a pretty--

17 COUNCIL MEMBER GERSON: So those
18 two are sufficiently statistically significant so
19 that he sample to--

20 NANCY CLARK: I think they're
21 pretty representative of both the new field and an
22 older field. And, and I just want to add that of
23 the other tests that have been reported by other
24 researchers, that confirms what we have found as
25 well.

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2 COUNCIL MEMBER GERSON: So one
3 other question to the Health Department, then
4 briefly back to Parks. You testified that the
5 major concern is the heat effect of many of these
6 fields. Has the Health Department issued any
7 health advisory recommendations in terms of heat
8 time relationships? What the maximum amount of
9 time any field at particular temperatures should
10 remain open? What, in looking for new fields
11 going forward, what heat standard should be
12 applied by the park, by the Parks Department, or
13 for that matter any other city departments, like
14 the Department of Education and NYCHA, which
15 purchases this stuff? Have you issued or do you
16 plan to issue any advisory as to kind of maximum
17 heat emission over periods of time?

18 NANCY CLARK: We have a brief
19 public fact sheet on our website that does address
20 heat and advises people who use fields to be very
21 aware of the potential for--

22 COUNCIL MEMBER GERSON: My question
23 is never mind, I understand you're advising the
24 people who use it are, you are advising or
25 directing the city agencies who purchase and

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2 maintain it, that they should not allow heat above
3 a certain level over a period of time, and in
4 purchasing new products, they should apply any
5 cert--particular heat standards so that the new
6 product does not generate heat above a certain
7 temperature over a period of time.

8 NANCY CLARK: We don't have that
9 specific recommendation to parks. We've certainly
10 advised them to review the materials that they
11 consider for purchasing for their heat absorption
12 properties. You're asking specifically are we
13 setting a heat standard?

14 COUNCIL MEMBER GERSON: Yes.

15 NANCY CLARK: There are many that--
16 it's somewhat complex and you're probably somewhat
17 aware 'cause it was a good question to ask. The
18 heat exchange dynamics, like how does a person
19 exchange heat with their environment. And it's,
20 it's dependent on many aspects in the environment,
21 including wind, humidity, radiant sources. So we
22 know that people can sustain and be active at a
23 variety of different temperatures, when there's
24 heat sources around, to design a heat stress
25 standard which there, there are some recommended

standards around which of course require some complex ongoing monitoring. We think that a very practical and good way to protect people from heat is to, as the City does, not just the City, but other states and, and even on the national level, advise people when there are heat advisories. Make sure that there's shade available, that drinking water is available, and that people who use fields. And in this case we've been very adamant with Parks Department that they also educate coaches who may be working with young children, so that they recognize the possibility of any heat related illness.

COUNCIL MEMBER GERSON: I would just urge further consideration be given, given your testimony, that this is a major impact, and the fact that the City is going to be investing significant resources in acquiring new material. You who are the protectors of our health, you now, I think we should look to you to advise the rest of the city government. Again it's not just the Parks Department, it's those other departments as well, to, you know, as to what standards in making purchases. And then on operating, you know, this

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2 is parallel to the outstanding suggestion by my
3 colleague, Council Member Lappin, which the
4 commissioner agreed to. The flipside of the coin
5 is having standards set by health experts, so we
6 know when to intervene, when the purchase and not
7 to purchase, and when to apply the misting. So I
8 would ask that, you know, you take that back and
9 consider you've done far, you've done wonderful,
10 outstanding work in far more complicated areas,
11 and I, I bet you could come up with something
12 that'll work. Just very briefly, Commissioner,
13 you test--Commissioner Cavanaugh--you testified
14 that we are exploring new technologies that are
15 safe and better, etc. Who is the we? I mean, is
16 there a special taskforce set up within the Parks
17 Department? Is it an intergovernmental working
18 group? Is--Who is the we? And when do you expect
19 the results of your explorations to be concluded?

20 LIAM CAVANAUGH: We have a
21 specifications unit in our capital projects
22 division, which looks at new products that come
23 onto the market and assesses their, their
24 suitability for use in public parks. We've
25 developed testing protocols in cooperation with

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2 the Health Department that we apply specifically
3 to these new synthetic turf products, so that they
4 are tested before they're installed in the parks.

5 COUNCIL MEMBER GERSON: So there's
6 no like special, I'm just trying to wrap this up.
7 There's no like special unit that is like
8 undertaking this mission with the charge to kind
9 of report back in a matter of months. This is
10 just part of the regular, normal product
11 acquisition process that you review on a product
12 by product basis, as new products for anything
13 become available. Is that what you're saying?

14 LIAM CAVANAUGH: I can say that we
15 have focused a lot of attention on synthetic turf
16 products over the last year.

17 COUNCIL MEMBER GERSON: Well, my
18 point is, given the concerns, given the fact that
19 in truth, in many parts of our city, it is correct
20 that there are no feasible alternatives to
21 synthetic material for kids to play. It's either
22 they play on some synthetic material or they don't
23 play at all, in many parts of our city. I mean,
24 that's the reality. So, given that, it seems to
25 me, we as a city should, should make every

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2 concerted effort to find and implement the best
3 possible material, the safest material, the least
4 heated material, and we should be proactive and we
5 should lead the effort, given the recent science
6 and the concerns that we've heard testified. Now,
7 actually, as I hope you know, an effort along
8 these lines is being undertaken by the Battery
9 Park City Authority with respect to fields under
10 its jurisdiction, to come up with the greenest
11 synthetic turf possible. They haven't finished
12 their efforts, but it's a working group with a
13 concerned mission, and with the time table set to
14 come up with recommendations. I would think,
15 whether it's doing something in collaboration, or
16 an independent effort, and this is why, this is
17 the benefit of Intro 918, which you know, we could
18 tweak it to, to take into account some of the
19 technical concerns raised. But I think at this
20 point in time, we should have not just a concerted
21 working group, working to set perhaps a new
22 industry standard, to come up, whether with heat
23 and with the other concerns expressed, with the
24 best possible, the safest, or to determine that it
25 doesn't exist, but the best indications are that

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2 it does exist, and all of our children in all
3 parts of the city should have the benefit of that.
4 So I urge that this be done in a more
5 concentrated, concerted effort, not as part of the
6 normal new product capital, you know, capital
7 acquisition review process. And again, I would
8 request you take that back to the Department and
9 get back to us with a response on that. And if
10 not, we'll have to revisit 918 because that, I
11 think, is the intention of what 918--and I would
12 hope we could do that, it wants to accomplish, and
13 I would hope we could do that cooperatively.
14 Thank you Madam Chair.

15 LIAM CAVANAUGH: I just want to
16 say, those are our goals. We take them very
17 seriously. We think we are actually leaders in
18 this industry, but we're open to discussing any
19 other innovations or ideas that people who use and
20 even criticize synthetic turf have about the use
21 of this product.

22 COUNCIL MEMBER GERSON: But if it's
23 done in a reactive responsive way, rather than a
24 proactive leadership way, where we're, we're
25 leading the investigation, we're looking--I mean,

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2 establishing a working group to, to look into this
3 six months, go around to all the companies, come
4 up with the standards in the industry, that will
5 solve the problem. Responding, you know, as you
6 would to kind of regular new products that are
7 put, you know, that are available for the full
8 range of park use, is not going to address a
9 health issue, which, and concern, which has been
10 raised here, whether it's heat or otherwise.
11 Again, I would urge you to take that under
12 advisement. Thank you very much, Madam Chair.

13 CHAIRPERSON FOSTER: Thank you. My
14 colleagues, we have three more council members, we
15 have an hour, there is a meeting scheduled to be
16 in here, we have 60+ people signed up. So I'm
17 going to again, as much as possible, ask that we
18 ask questions and whatever we don't have answered,
19 or aren't addressed, we can follow up in writing,
20 'cause I would like to hear from the people that
21 have taken the time to come down here. We've also
22 been joined in the chambers by the CEO of
23 Univision, Joe Uva, and the Executive Vice
24 President, Cesar Conde. Thank you for coming.
25 Our next--and there will be no one else signing

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2 in, we're, we're shutting that down. So, if you
3 have a testimony and you haven't signed up, put it
4 in writing and submit it to the committee. Next
5 we have Council Member Sears, followed by Council
6 Member James, concluding with Council Member
7 Ignizio.

8 [off mic]

9 CHAIRPERSON FOSTER: You're not
10 recognized and we won't do this. Council Member
11 Sears, thank you.

12 COUNCIL MEMBER SEARS: Thank you,
13 Madam Chair, and I shall be very quick. I thank
14 you for holding the hearing, because a lot has
15 been said. And I commend the Parks Department for
16 recognizing crumb rubber, and stopping the use of
17 it. So my question is, for those areas that have
18 crumb rubber, is there a plan to replace all of
19 that? And how long a period of time do you figure
20 that to be carried out? I may have missed that in
21 your testimony, so I'm sorry if you did. But just
22 repeat it again.

23 LIAM CAVANAUGH: As we stated in
24 the testimony, we have tested all the crumb rubber
25 infill athletic fields for lead content.

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COUNCIL MEMBER SEARS: I know.

LIAM CAVANAUGH: None except for the field at Thomas Jefferson were found to have elevated lead levels. We do not have a plan, a specific plan to replace the crumb rubber, absent the normal field reconstruction and renovation cycle.

COUNCIL MEMBER SEARS: Or the deterior--

LIAM CAVANAUGH: Which is usually, which is usually on an eight to ten year basis.

COUNCIL MEMBER SEARS: How many other fields need to be tested?

LIAM CAVANAUGH: Approximately 15.

COUNCIL MEMBER SEARS: 15. And, and I guess based on the 88 that you did, that's negative, you might assume, that those 15 may also have a negative--?

LIAM CAVANAUGH: We don't make any assumption before testing.

COUNCIL MEMBER SEARS: Assumption, good, I'm glad to hear that.

LIAM CAVANAUGH: To those specifically.

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2 COUNCIL MEMBER SEARS: [laughs] I'm
3 very glad to hear that. The, my
4 question really is now for the DOE, if I
5 can shift from you and Health to the
6 DOE, so that you don't feel you're left
7 out. The mayor's plan to have all of
8 these playgrounds in the schools that
9 he's identified for having a ten minute
10 walk to a playground; now it is well-
11 known that my district is the only
12 district anywhere that does not have a
13 park. So of course I'm very sensitive
14 to that issue, and I'm very extremely
15 sensitive to playgrounds, because that's
16 what we have: overcrowded concrete
17 playgrounds. So with the mayor's plan,
18 and I have several schools in my
19 district that, in 2010, will absolutely
20 be converted to that. In light of what
21 we've heard today, and there's been some
22 good testimony, and also from my
23 colleagues, I think the mist suggestion
24 is probably a very good one. My
25 question really to you is that, because

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2 there's money attached to, to really
3 converting these outdoor areas, how
4 small they are, to be used by the
5 public, when the school recesses, and
6 they'll be used on weekends. Which
7 means that there's going to have quite a
8 few children in them, that's the whole
9 purpose of this. So how are you working
10 as these plans develop, and I have them
11 in my office, working with the Health
12 Department and the Parks Department, as
13 to exactly what it is that you're
14 putting in, and what kind of synthetic
15 turf you're using? And is there any
16 idea for misting, which I think is a
17 good one? And also, and this is a lay
18 question, I'm not an engineer, or a
19 painter--I live on the top floor in my
20 small co-op. And I know that once or
21 twice a year, that roof is painted with
22 a silver material--excuses me. It
23 reduces the heat in my apartment by 15
24 to 20 degrees. And we know when that's
25 wearing out, because you can tell it

1 gets a little bit hotter. So that is
2 directed to the Parks Department, when
3 you said that it was raised the question
4 of lighter colors. It works very well
5 on roofs, and I think maybe that might
6 be something you might want to explore,
7 as to how effective that is. I also
8 feel that we as parents need to watch
9 our kids when they get into playgrounds.
10 So if I can go back to you in terms of
11 are there any plans for the cost of
12 perhaps readjusting the plans, for what
13 may be necessary by not using crumb
14 rubber any more? And exactly what you'd
15 do in terms of synthetic turf.

17 JOHN SHEA: Surely, it's an
18 excellent question. I can't give you a direct
19 answer. I come representing the Division of
20 Schools Facilities, new installations for fields
21 and playgrounds is done by the School Construction
22 Authority, so the details of what the new
23 installations would look like, I do not have at my
24 fingerprints. We can bring that information back
25 to you. I can tell you that the Department of Ed,

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2 including the School Construction Authority, is
3 working closely with Parks and with the Department
4 of Health, as these new standards develop. We are
5 committed to moving forward with whatever we are
6 all in agreement with, is a safe and effective new
7 installation, whether it's a field or a
8 playground.

9 COUNCIL MEMBER SEARS: So then, I
10 can take that for those new playgrounds, that are
11 of the school playgrounds, that you will be
12 working very closely to consider? Which I know is
13 not considered now, nor is it in the cost, for the
14 refurbishing of those playgrounds. And that's why
15 I raise that issue.

16 LIAM CAVANAUGH: Council Member
17 Sears, if I may interject.

18 COUNCIL MEMBER SEARS: Yes.

19 LIAM CAVANAUGH: The, the design
20 and construction of the Schoolyards Playground
21 Initiative is being done by the Parks Department.

22 COUNCIL MEMBER SEARS: Oh, okay.

23 LIAM CAVANAUGH: In cooperation
24 with the Trust for Public Land, they're helping us
25 with the design process. We have a collaborative

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2 process where we work with the school, both the
3 students, the parents, and the teachers, to come
4 up with the design. All of the elements that will
5 be constructed conform with the School
6 Construction Authority standards. There are some
7 installations that will use a synthetic turf play
8 area as a flexible play surface. As I mentioned
9 in my testimony, all synthetic turf will be tested
10 before it's installed in parks and anything that
11 is installed as part of this program will be part
12 of that. One of the goals we have in all of the
13 Schoolyards Playground projects is to add water to
14 the playground.

15 COUNCIL MEMBER SEARS: Okay.

16 LIAM CAVANAUGH: I can't speak to
17 the specifics of all the designs that you've seen
18 in your district, but we want to get water into
19 the playgrounds, for drinking purposes, and you
20 know, to provide a way to cool people off in the
21 hot summer.

22 COUNCIL MEMBER SEARS: I appreciate
23 that, and maybe as we move along, we can be
24 better, we'll be better informed on that. Thank
25 you very much, thank you Madam Chair.

2 COUNCIL MEMBER JAMES: Thank you.

3 Mr. Shea, just a follow up on your question. The
4 School Construction Authority, and the Department
5 of Education, I recognize utilize synthetic turfs,
6 as well as New York City Housing Authority. Do
7 you know whether or not they are going to
8 discontinue using crumb rubber?

9 JOHN SHEA: I believe that is the
10 determination that has been made in conjunction
11 with--We're taking the lead from the Department of
12 Health and Parks on that.

13 COUNCIL MEMBER JAMES: So all city
14 agencies will now discontinue using crumb rubber?

15 JOHN SHEA: I can speak for the
16 Department of Ed and say yes.

17 COUNCIL MEMBER JAMES: Yes, for the
18 Department of Education. Do you know about NYCHA?

19 JOHN SHEA: I do not.

20 COUNCIL MEMBER JAMES: Do you know
21 whether or not there's one agency that has
22 jurisdiction over this issue? DCAS, perhaps, the
23 Office of Sustainability? As far as, do you know,
24 if anyone on the panel, are you aware of one
25 agency basically coordinating this effort in the

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City of New York?

LIAM CAVANAUGH: The Mayor's office has coordinated the City's approach to synthetic turf surfaces, and that's why the Department of Education is here. Frankly, I was unaware that there are synthetic turf installations at NYCHA properties. But we will certainly reach out to them as well.

COUNCIL MEMBER JAMES: You know whether or not NYCHA is at the table as part of this discussion?

LIAM CAVANAUGH: I'm not aware of that, no.

COUNCIL MEMBER JAMES: It's my understanding that in California, the California Attorney General, the Los Angeles City Attorney and the Solano County District Attorney, in 2008, filed a suit against three turf producers. Do you know what the basis of their lawsuit was? Is there something that they know that we do not?

LIAM CAVANAUGH: I'm not familiar with that suit, no.

COUNCIL MEMBER JAMES: And my last question is: Was durability and cost a factor in

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our decision in using turf, synthetic turf?

LIAM CAVANAUGH: Yes.

COUNCIL MEMBER JAMES: It was.

LIAM CAVANAUGH: Yes.

COUNCIL MEMBER JAMES: Thank you,
no further questions.

CHAIRPERSON FOSTER: Thank you,
Council Member James. Council Member Ignizio?

COUNCIL MEMBER IGNIZIO: Yes, thank
you very much. Let me first by saying thank you
to the Chairwoman for the lengthy questions we all
have. And I will keep mine brief. That being
said, it seems like there was progress made here
today with regards to those who singed onto the
bill and that crumb rubber will be taken off the
table, which I think is a good thing. But from
what I am continuing to hear is a solution in
search of a problem. What's been testified by the
agencies is that of all the fields that were
tested, only one had come back with a higher level
of lead, is that correct?

LIAM CAVANAUGH: Yes.

COUNCIL MEMBER IGNIZIO: Is it
possible, and I don't know, I'm not a scientist,

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2 I'm not going to proclaim that I am, but is it
3 possible that the underlying cause wasn't in fact
4 the turf, but that which was underneath the turf,
5 or for prior usage of that site, whatever went on
6 there that we don't know about, and not the actual
7 turf itself?

8 NANCY CLARK: It could, you know,
9 it could be possible. We think not, because
10 there, the way the turf, the way we understand,
11 the installation is layers. There's fabric on, on
12 the dirt level, there's a drainage system, there's
13 a filtering system, there's matting, there's a
14 carpet, and then there's crumb rubber.

15 COUNCIL MEMBER IGNIZIO: Right.

16 NANCY CLARK: Lead as a material,
17 when it's in soil, or any loose matrix, is, it's
18 heavy, it's one of the heaviest elements that we
19 have. And it would tend to sink.

20 COUNCIL MEMBER IGNIZIO: Right.

21 NANCY CLARK: So I wouldn't expect
22 it, we wouldn't expect, I'm not a soil geologist,
23 but we expect that lead would seep up through all
24 of those layers.

25 COUNCIL MEMBER IGNIZIO: Right.

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2 NANCY CLARK: It seems more
3 possible that there was some kind of deposition.

4 COUNCIL MEMBER IGNIZIO: Okay. And
5 in terms of synthetic turfs overall, in my
6 district, I'll just speak to Bloomingdale Park,
7 and I'll speak to Staten Island Tech, two fields
8 which were redone with grass. And only a year
9 later, you now, they were completely destroyed.
10 So the benefit or the net benefit, so long as
11 there is testing, and there ought be testing to
12 say, "Okay, this is now safe for children to play,
13 the lead levels are not there beyond the level,"
14 at which case synthetic turf, in my view, ought be
15 embraced. Because think of all the time that
16 children won't be playing, won't be able to run on
17 fields, and the benefit to their health, I've
18 played on every synthetic turf there is, from
19 field turf to the Astroturf from way back when,
20 and which people are talking about almost in this
21 form as if that was great. That was awful. It
22 was dangerous, when you fell and there was
23 concrete and a carpet. And that was, that, you
24 know, for anybody to be advocating for that, I
25 would strongly, you know, encourage them to not

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2 think of that again, because of the injuries which
3 were sustained to people throughout, in using the
4 AstroTurf. The current fields that we have, I
5 welcome them in my district, so long as they can
6 provide a documentation that they are safe. And I
7 believe from what you're testifying is they are.
8 Is the, is the Department of Health awaiting their
9 study to come back before they determine the, the
10 statement that they believe that there is not a
11 threat to public health on synthetic turf fields
12 in the City of New York? Are they willing to make
13 that statement, or are they not willing to make
14 that statement as yet?

15 NANCY CLARK: Well, I think we've
16 already made a statement of our, after we've
17 looked at a lot of scientific information
18 regarding potential exposures on crumb rubber
19 fields. We determined that there, although that
20 there was contaminant levels found in synthetic
21 turf fields, that the levels in fact aren't great
22 enough to offer significant exposure that would
23 result in a health defect. So, I think we have
24 said that. We, we're very concerned, we were very
25 concerned when the high lead level was found at

1
2 Thomas Jefferson, and we were, for us it was very
3 important that a fast action be taken to remove
4 that field from play.

5 COUNCIL MEMBER IGNIZIO: And I
6 agree, I just think the wholesale approach of
7 doing away with synthetic fields is, is
8 shortsighted, when in fact that, there is a net
9 benefit to both children and to the Parks
10 Department, and to have existing and continuing to
11 expand our parks and recreation system with
12 synthetic fields. And I think that policy ought
13 be continued, especially in the light that we are
14 removing crumb rubber from the process where I've
15 played on those, and they do get very hot in the
16 summertime, and you know, I think that my
17 colleagues should be provided with the scientific
18 documentation that proves that there is no public
19 health for having synthetic fields. And should
20 that be the case, ought be embraced by my
21 colleagues. Grass fields just won't be able to do
22 the job [applause]. The, the reality is [booing]-
23 -

24 CHAIRPERSON FOSTER: No, no, no,
25 no, no. Please! I--Wait, wait, wait. See, I

1
2 asked at the beginning, we're going to get
3 everybody to testify, please, this is just taking
4 more time. Sorry, go ahead, councilman.

5 COUNCIL MEMBER IGNIZIO: I'm just
6 about done, and I'm sorry, Madam Chair, but the,
7 the fact is that grass fields, I don't believe can
8 accommodate the needs of New York City,
9 particularly in my borough of Staten Island where
10 we have 6500 soccer families that use Miller Field
11 day in and day out. There is no rest time, there
12 is no reseeding time, there is no days off. So
13 grass fields I don't believe are sufficient. We
14 need to prove to the public, to this council, and
15 to everyone else that synthetic fields are safe.
16 And should that not be the case, then we should
17 discontinue it. But upon the proof and scientific
18 documentation, not council members speaking, then
19 we ought go forward with a policy on synthetic
20 fields. Thank you very much, Madam Chairwoman.

21 CHAIRPERSON FOSTER: Thank you.

22 [applause, booing] We have a follow up question--

23 [off mic] MALE VOICE: There's no
24 clapping and no booing.

25 CHAIRPERSON FOSTER: Thank you. We

1
2 have a follow up question by Council Member
3 Viverito.

4 COUNCIL MEMBER MARK-VIVERITO: And
5 thank you Madam Chair, and with all due respect to
6 my colleague, if you really carefully read the
7 legislation, it's not a wholesale ban, it's a
8 moratorium for six months until we do get the
9 information that has been denied or that has not
10 been made completely public, to some extent. So,
11 it is not a wholesale ban on the installation of
12 artificial fields; although, personally, that
13 would be preference.

14 CHAIRPERSON FOSTER: Follow up
15 question, please.

16 COUNCIL MEMBER MARK-VIVERITO: Yes.
17 With regards to, my understanding is, that the
18 mayor, in his submission of documents, with
19 regards to what the city would like from the
20 federal stimulus package, there is mention of \$40
21 million towards the replacement of artificial
22 fields. Is that correct?

23 LIAM CAVANAUGH: No, that is not in
24 the, in the official submission that the City made
25 to Congress in support of the federal stimulus

package.

COUNCIL MEMBER MARK-VIVERITO: Was there any mention or any point about wanting to use stimulus money for the replacement of fields?

LIAM CAVANAUGH: It was part of the planning exercise that the Parks Department conducted in developing a scope for potential projects that could be funded by a federal stimulus package.

COUNCIL MEMBER MARK-VIVERITO: So there is some document that indicates that.

LIAM CAVANAUGH: Yes.

COUNCIL MEMBER MARK-VIVERITO: Now, I understand that in those documents, it clearly is also stated that it would be towards the removal of crumb rubber infill to eliminate risk of inhalation during play. So, there is concern that has been expressed within your own documents, and if you can make that public, we really would appreciate it, that there might actually be mention within your own documents as to the potential health risks of the inhalation of crumb rubber infill. So, if that, if I'm misstating it, if it's not accurate, then if you show us the

1 documentation, then maybe we can clarify that.
2
3 But it's my understanding that there is some
4 indication and some of your own analysis or
5 paperwork with regards to the use of federal
6 stimulus money to replace artificial fields, that
7 there may be concerns about the inhalation risks
8 on crumb rubber infill. That was my question, if
9 you could provide the documents, Mr.--

10 LIAM CAVANAUGH: I will provide the
11 document. I don't remember that language in it,
12 but we will rely on the results of the Health
13 Department's study to determine whether there is
14 any risk of inhalation exposure from, from rubber
15 infill fields.

16 COUNCIL MEMBER MARK-VIVERITO: I
17 under--I understand that you're going to rely on
18 the DOH study, but if you yourself are putting
19 some information out there, that may really just
20 continue to reaffirm our concerns, then I think
21 it's important that the public knows about that,
22 as well. Thank you.

23 CHAIRPERSON FOSTER: Thank you very
24 much. We are going to follow up in writing with
25 some questions that, additional questions that I

1
2 have that I just, time constraints, I think it's
3 only right that we hear from the people that have
4 taken the time to come down here and sign up to
5 testify. So, thank you very much, and thank you
6 Commissioner Benepe who's in the back, that was
7 here for a little of the testimony, who just got
8 here. And we will follow up in writing. Thank
9 you. Our next panel is Sheela Feinberg from New
10 Yorkers from Parks, and Molly Bedell from Assembly
11 Member Glick's office. Christian is--Christian
12 del Palermo is testifying for Sheela, Executive
13 Director of New Yorkers for Parks. What I'm going
14 to ask you to do is instead of reading, summarize.
15 We're going to give everyone two minutes, and
16 whatever you have in writing to submit, we will
17 take and read. So, we can start with you, M--
18 Yeah, I was going to Ms--

19 MOLLY BEDELL: Okay, my name is--My
20 name is Molly, and I'm representing Assembly
21 Member Deborah Glick, today. I'll try to
22 summarize as best I can. So, as you know, this is
23 a hotly debated issue. At the heart of this issue
24 is the dearth of park and recreation space in New
25 York City, the limited number of athletic fields,

1
2 combined with the increased demand for playing
3 space, has proved and continues to prove to pose a
4 challenge to the city. We've heard about the
5 benefits of natural grass fields. Actually I'm
6 sorry, we've heard about the benefits of
7 artificial fields. So in the late 1990s, when the
8 City began installing artificial turf, it was
9 lauded as a way to meet the need for more playing
10 space, at a time when the Department of Parks and
11 Recreation maintenance budget for natural grass
12 fields was dwindling. At that time, City and Park
13 officials believed there was not proof of the
14 health and environmental risks posed by artificial
15 turf. Unfortunately, new research is increasingly
16 suggesting that exposure to artificial turf may
17 have negative effects on people's health, and the
18 environment. I think some of the negative effects
19 of crumb rubber infill have actually already been
20 spoken about, as well as the high temperatures
21 that are registered on synthetic fields. So, in
22 light of the increasing evidence against crumb
23 rubber, legislation that seeks to protect the
24 public from the dangers that may be associated
25 with it is prudent. I feel strongly that the DPR

1 cannot ignore the health questions that are
2 increasingly being raised by research studies
3 about synthetic surfaces. For this reason, I
4 strongly support Intro 918, which would require
5 the Department of Health, in conjunction with DPR,
6 to review the surface areas of the City's
7 playgrounds and playing fields, to determine the
8 most appropriate materials to be utilized to
9 minimize health risks. I also support measures to
10 safeguard the public from elevated temperatures of
11 playing--playground mats and other equipment. In
12 one study, summer temperatures of playground
13 safety mats were found to reach 165 degrees. I
14 think somebody spoke about this off, already about
15 the severe burns that can occur at those
16 temperatures. To ensure that caregivers are
17 sufficiently notified of this danger, Intro 896
18 requires that signs be posted at the entrance of
19 all city playgrounds utilizing rubber mats,
20 warning of the elevated surface temperatures and
21 requiring visitors to wear shoes. While signs to
22 this effect may currently be posted, the mandates
23 of Intro 896 will ensure that the postings are
24 easily understood, of sufficient size and visibly
25

1 posted. I also support Resolution 1782's calls to
2 the Department of Rec conduct, to conduct
3 temperature tests of all equipment installed in
4 city parks and playgrounds. The question of how
5 to meet the increased demand for athletic fields
6 and playgrounds, while also mitigating the health
7 and environmental concerns associated with
8 synthetic turf and mats, is not an easy one.
9 Foremost in the resolution should be protecting
10 the health; however, while any replacement of
11 fields must be done as expeditiously as possible,
12 simultaneously--

14 CHAIRPERSON FOSTER: Ms. Bedell,
15 you don't need to read, just talk.

16 MOLLY BEDELL: Oh, okay.

17 CHAIRPERSON FOSTER: Talk what you
18 have, and--

19 MOLLY BEDELL: So, our concern is
20 that, that people really depend on the athletic
21 fields and playgrounds for recreational use, so
22 that any change or replacement of that needs to be
23 thought of carefully and planned with the
24 communities who use those fields, so that there's
25 a limited amount of time where there's disruption

1
2 in those fields. Okay.

3 CHAIRPERSON FOSTER: Thank you.

4 MOLLY BEDELL: Mmhm.

5 CHRISTIAN DE PALERMO: Hi, my
6 name's Christian De Palermo, Executive Director of
7 New Yorkers for Parks. New Yorkers for Parks has
8 been studying artificial turf issue for close to
9 five years. In 2006, we issued a policy report on
10 synthetic turf, basically asking the department to
11 proceed with caution. As know, and you probably
12 heard in earlier testimony, there's something like
13 365 acres of synthetic turf now, either in or
14 being planned to be put into our neighborhoods.
15 And really, the lesson that we've learned out of
16 this is that we need a citywide policy for turf.
17 You're talking our schools, our housing, and our
18 parks are all being affected here. And I see that
19 the Council does support that, which is we really
20 look at this not just as a parks issue, this is
21 really a citywide issue that has to be studied.
22 And it has to be tested. And testing's not good
23 enough just when we're installing it. You know,
24 Tom Jefferson field was put in five years ago. We
25 have to test, how does this stuff wear? It's not

1 just a question of how it looks on day one, it's a
2 question of how it looks after five years, and
3 what effects it's having on our community. And
4 there are health risks, and we've talked about the
5 lead, but there are also environmental, there are
6 environmental risks which are, like the storm
7 water runoff, and we have to study that. So
8 really what we're calling for is a general
9 environmental impact statement. We think it
10 should be done, we do it for development. I mean,
11 this is a city that does environmental reviews for
12 development. We list calories at Burger King. I
13 mean, why can't we test every other year to make
14 sure that these, that he turf is safe, and that
15 it's not hurting our environment. We're so far
16 ahead of other cities in so many issues on the
17 environment, let's not get behind 'em on this one,
18 let's be proactive and get ahead with it. So
19 that's what we're calling for today. We don't
20 really think that a moratorium necessarily is the
21 answer. Really the answer is a citywide policy.
22 And that's what we support. Regarding safety
23 surfacing, one of our board members, Ann - - of 40
24 years ago, her and Evelyn Lauder actually paid for

1
2 the first safety surfacing. And they did this
3 because there were tons of injuries that were
4 filling up our emergency rooms. And so safety
5 surfacing should definitely continue, we should
6 work on different colors, and we definitely have
7 to post signs. Thank you.

8 CHAIRPERSON FOSTER: Thank you very
9 much. Council Member Brewer has a question.

10 COUNCIL MEMBER BREWER: Christian,
11 I'll be quick. Because I know time is of the
12 essence, I didn't ask before. But my question is,
13 has, have you or your board members done any
14 review of the scientific surveys? Because
15 generally, I--no, generally, I do agree with
16 everything that you said, I am, we need the space,
17 we need the playing space, and we are concerned
18 about safety. So, do you think that the testing
19 would satisfy some of the scientific concerns?

20 CHRISTIAN DE PALERMO: I think so.
21 We've worked with Mt. Sinai and we've also worked
22 with Natural Resource Defense Council. I think
23 they're going to also submit testimony on this.
24 Obviously, a lot of the environmental issues we
25 deferred to Environmental Defense Council. The

1 science, we haven't asked all the questions, has
2 not been addressed by the Health Department.
3 Remember they did a literature review. It's not
4 like they went out and tested this stuff. They
5 just started testing it. And they were receptive
6 to us pushing them. And we have, they have gone
7 out now, tested the fields. But this is a moment
8 in time. What's it going to be next year, what's
9 going to be the year after? And there's new turf.
10 You know, we're talking about the crumb rubber
11 right now, but there's going to be another
12 development, and there's going to be another
13 development. So we just--And, the big issue that
14 we always have to remember, is we're the largest
15 purchaser in the country. We set environmental
16 policy, you do it in this chamber. Let's do it
17 going forward with artificial turf.

18
19 COUNCIL MEMBER BREWER: Thank you.

20 CHAIRPERSON FOSTER: Thank you.

21 Our next panel, Jane Cook, American Society of
22 Landscape Architects; Doug Rowan, Bayside Raiders
23 Youth Football Team; and Clark Baker, Soccer
24 Players; and Starvos, Starvos help me. Say it
25 again, Ze--Zemopolis. Thank you.

[crosstalk]

MALE VOICE: Do you have any written copies of your statements? Please have them open.

CHAIRPERSON FOSTER: I barely know my name by now.

JANE COOK: Thank you. My name is Jane Cook. I'm the Executive Director of the American Society of Landscape Architects, New York chapter. The board of the NYASLA urges the City Council to support a balanced view toward the use of artificial turf in public spaces throughout the five boroughs. Use of artificial turf in the proper ecological and social context to the city provides great public benefit. The ASLA, founded in 1899 by Frederick Law Olmsted is a national association representing the interests of over 14,000 landscape architects. As part of the larger organization, the New York chapter advocates for the concerns of landscape architects and allied professionals from down state Long Island and the New York City region. Important to our mission is responsible decision making regarding public health and safety. We would not

1
2 advocate for the use of artificial turf if we felt
3 that it posed a great danger to the public. The
4 issue is complex and has many nuances. Arguments
5 can certainly be made on both sides, suggesting
6 enhanced environmental performance. But given the
7 extreme conditions that often exist in areas where
8 turf is proposed, we feel that it's use should be
9 continued. This statement is not to say that
10 every lawn or landscape should be recreated in
11 plastic and rubber, but rather that turf is among
12 the many elements that should be made available to
13 park designers to help manage maintenance in
14 heavily impacted outdoor spaces, replacing asphalt
15 and other hard or compacted surfaces. We have
16 enclosed for your reference two charts that list
17 specific data relating to the issue, to help
18 clarify many of the realities, as well as many of
19 the urban myths. Thank you for your
20 consideration. Thank you, Madam Chair.

21 CHAIRPERSON FOSTER: Thank you.

22 DOUG ROWAN: Good morning, my name
23 is Doug Rowan. I'm Vice President of the Bayside
24 Raiders Youth Football. This is American
25 football, not soccer. I was going to discuss

1 injuries that have been reduced since we received
2 our synthetic field. The issues of heat, it's, we
3 play in August and July. It's 95, 100 degrees.
4 You modify your activities, you double, triple up
5 on the water breaks, that's just common sense.
6 Councilman Ignizio, I think hit the nail on the
7 head. I don't think people realize the amount of
8 traffic the fields do see. You can't maintain a
9 grass field. Grass is non-existent. It's rocks
10 and glass we're playing on, we used to play on.
11 We're there from 8:00 o'clock to 6:00 o'clock,
12 Saturdays and Sundays, from July to December. We
13 get there at 8:00 o'clock, there's a group of
14 adult soccer players that were there from 6:00.
15 We get off at 6:00 o'clock, there's two groups
16 running on to split the field. It's the same
17 thing on Sunday. You really have to, of course,
18 find the safest material to make the fields from.
19 But grass is not the solution, you can't maintain
20 it. It would be a daily process. Thank you.

21
22 CHAIRPERSON FOSTER: Thank you.

23 ANNA CLARK BAKER: My name is Anna
24 Clark Baker. I live in Fort Green. And [laughs]
25 I play with about seven or eight different soccer

1
2 groups, international football--

3 CHAIRPERSON FOSTER: Right.

4 [laughter]

5 ANNA CLARK BAKER: And I know a lot
6 of my teammates have written letters, I'm just
7 here to speak. I think there are three points:
8 access, heat and environmental concerns, or health
9 concerns. And I think in terms of access, most of
10 the people I play with, just, there is so much
11 traffic and so much demand, and the synthetic
12 fields support that. And the ones that are grass
13 turn into mud and dust. And we appreciate access
14 to fields that are synthetic because they're
15 accessible year round. And when a huge storm
16 happens, we can still play on it a few hours
17 later. In terms of heat, it seems like maybe
18 there should be some kind of guidelines set up for
19 providing shade, also providing some way to deal
20 with the storm water that is applied to all of the
21 sites where the fields happen. And in terms of
22 the health concerns, we just want access to all of
23 the scientific data that everyone else seems to be
24 asking for, too. So, public access. Thank you.

25 CHAIRPERSON FOSTER: Thank you.

1
2 STAVROS ZUMOPOLIS: Hi, my name is
3 Stavros Zumopolis and I'm a coach and player of
4 international football/soccer, with various ages,
5 from under 12s to college, all the way to the
6 adult leagues. I've been playing in the area for
7 more than 12-13 years. And I can tell you that
8 the artificial turf has changed our lives, and the
9 availability, or the opportunity for kids of all
10 ages to become active. Without it, and before it,
11 I can also testify that we played in dust bowls,
12 sand bowls, very dangerous conditions, that I
13 would not let my kid play in. Parks like McCarron
14 Park where they had exposed pipes, gravel that
15 could tear up legs. And now that, now that with
16 artificial turf, kids of all ages have been able
17 to access it and play, and I think it would be a
18 catastrophic change if the ban or moratorium
19 happened. Even for a college time like us, which
20 is City University of New York, without the access
21 to this new generation of turf, we wouldn't be
22 able to have an athletic department. Simple as
23 that. There wouldn't be the fields, we wouldn't
24 have the access to it year round that we need.
25 And I will also like to make a statement based on

1
2 the, what Representative - - said about the old
3 type of turf. Anybody who's played on it knows
4 the amount of injuries and how bad it is for
5 people to, using it, so I think that, there's no,
6 there's no way you could go back to that. And
7 that's all I have to say.

8 CHAIRPERSON FOSTER: Thank you very
9 much. Our next panel is Robert Herzog, Dana
10 Deprima [phonetic], Bill Armstrong, and James
11 Dowell. And as soon as you get situated, you can
12 start.

13 ROBERT HERZOG: Council Member
14 foster, my name's Robert Herzog and I represent a
15 group called Zog Sports. And we're, we're a very
16 active user of many of the city's outdoor fields,
17 both grass, artificial turf, crumb rubber, all the
18 different surfaces. I'm also the father of two
19 children, ages two and age four. So I wanted to
20 just give you some really quick feedback. A lot
21 of what has, what I was planning to say and what's
22 in my letter to you, has already been said. My
23 group represents over 60,000 young professionals
24 in New York City and there's very, they're very
25 heavy users of New York City Parks Departments, as

1 well as State, Department of Ed, fields, private
2 facilities, etc. And we're actually planning to
3 launch youth programming in 2010. Just to give
4 you a sense of some of the demands, in an average
5 week during the weekends, during the summertime,
6 spring/summer/fall, we are able to provide 10,000-
7 15,000 young professional with access to playing
8 in these outdoor facilities. The one number I
9 wanted to give you is the cost benefit analysis.
10 One turf field actually equals four grass fields.
11 The calculation goes something like this. Five
12 months of the year, a grass field can be open,
13 versus 12 months of the year. Six days a week for
14 a grass field, versus seven days a week for a turf
15 field. And only 70 percent of the games actually
16 get played on a grass field because of rain and
17 closure, versus 100 percent of the games on a turf
18 field. So it makes a huge difference to people
19 who participate. And finally, I just wanted to
20 say as a, you know, the, from an exposure
21 standpoint, again, I'm not a scientist, but the
22 exposure is generally limited to one to two hours
23 per week sort of per person, and you know, I know
24 that I bring my kids down to Riverside Park to
25

1
2 play, and they're generally not lying on the
3 ground sort of, you know, eating the, you know,
4 the crumb rubber infill. So, I appreciate all the
5 tests and things that have been proposed, but
6 we're strongly in favor.

7 DANA DEPRIMA: Hi, thanks for
8 having us. My name is Dana Deprima, I'm the
9 Commissioner for Westside Soccer League. I
10 represent 8,000 parents and over 4,000 children
11 who play soccer on fields, including Thomas
12 Jefferson, as well as in Riverside Park, as far
13 north as Dykeman, and as far south as 70th Street.
14 So we play in a lot of different conditions, we
15 play on a lot of different kinds of fields, and we
16 contribute to the maintenance of those fields
17 financially, and also the creation of those
18 fields. In talking to the body of west side
19 soccer, I'm sure you've gotten a lot of emails
20 from them. The, there are a few concerns, I mean,
21 certainly first and foremost where there's an
22 issue such as the one on Thomas Jefferson, I think
23 we're all, you know, glad that it's closing and
24 that it will be dealt with because of the lead
25 levels. That seems like a very rational approach.

1
2 But to say that that one bad apple is going to
3 then contaminate the entire bushel of turf fields
4 that we have around the city that we play on, that
5 did not test with high levels of lead, really
6 seems very reactionary to us, and we're very
7 concerned about that. We think that the science,
8 and you know, the testimony that you have here
9 today from, you know, the Health Department, all
10 of those numbers will, you know, we hope really
11 guide you in making decisions about what is
12 possible. We need so many more fields to
13 accommodate the kids who want to play, and if we
14 are closing down fields, even temporarily, we're
15 turning around a good portion of our league. And
16 more fields will mean more kids. And I think one
17 of the, one of the biggest challenges that we face
18 is that we have fields in certain areas. And as
19 we are spending a lot of time considering what's
20 going on in those areas, you know, it doesn't have
21 high lead levels, but we should get rid of it
22 because, you know, it's gotten a lot of press.
23 There are, there are spaces in fields and
24 neighborhoods without a whole lot of attention
25 that really need to be considered for a grass

1
2 field or a turf field, and so we just feel like,
3 you know, maybe we're, we should leave the ones
4 that are okay as they are, and then consider
5 making additional fields, with rational decision
6 making process based on the science. Thank you.

7 BILL ARMSTRONG: This on? Yeah.

8 Hi, I'm Bill Armstrong, I'm the Fields Director
9 for the Manhattan Soccer Club, and I'm here to
10 read a letter from our president, Rich Corvino.
11 The club currently is home to 47 youth soccer
12 teams and academies. It's one of the preeminent
13 travel soccer clubs in the New York area,
14 comprised of over 800 boys and girls, ranging from
15 eight years old to 19 years old. I'm testifying
16 now to counter the attempts of people who would do
17 great harm to youth sports in New York City, by
18 mandating the destruction of field turf playing
19 surfaces in order to convert them back to grass
20 and dirt fields. I strong feel that the
21 destruction of turf fields would be a disaster for
22 any persons in the city who enjoy playing team
23 sports outdoors. It would be difficult to
24 overemphasize the positive effect that the new
25 artificial turf fields have had on the quality,

1
2 enjoyment and safety of youth soccer the past few
3 years. Having been involved with youth soccer
4 since the mid-1990s, a time that predates the
5 existence of most field turf surfaces, I am all
6 too aware of the atrocious conditions that
7 children were forced to endure ten years ago to
8 simply practice and play a game of soccer. Back
9 then, grass and dirt fields in the city were in
10 disrepair, and in some cases were outright
11 dangerous places to play soccer, with ruts, holes,
12 debris, littering the playing fields, and mud and
13 water pooling on the surfaces for days and even
14 weeks. Grass and dirt soccer fields are almost
15 impossible to maintain satisfactorily, even with
16 major effort. Additionally, grass and dirt
17 surfaces were unusable for significant periods of
18 time, even when the weather was fine, due to the
19 fact that grass and dirt surfaces often remain
20 negatively affected by the elements long after
21 rain and snow have ceased. With the advent of
22 field turf surfaces, tens of thousands of children
23 around the city have been able to play on safe and
24 clean surfaces. And this has been a huge boon to
25 the physical fitness aspects and enjoyment of

1
2 youth sports. I strongly appeal to you to help
3 defeat any effort to remove these turf fields from
4 the city. Thank you.

5 JIM DOWELL: My name is Jim Dowell,
6 and I am President of Riverside Park Fund, the
7 non-profit conservatency organization for
8 Riverside Park, which stretches along the Hudson
9 River in Manhattan from 59th to 158th Street. While
10 we work closely with the Parks Department, we are
11 an independent membership organization of over
12 5,000 families who care enough about Riverside
13 Park to volunteer in it, and to give personal
14 financial support for it. We work with a very
15 diverse population along those 99 blocks, and the
16 children and youth and adults who use the park's
17 playing fields are very important to us. We know
18 the significant health benefits of recreational
19 activity on our fields, for organized leagues, for
20 school classes, for informal use, and we have
21 worked hard to help develop exemplary facilities
22 that encourage an active lifestyle. Some utilize
23 synthetic turf, some are natural grass. We have
24 helped to fund both. Before our first artificial
25 turf project in the park, we sought out experts

1
2 and asked many questions about any potential
3 health hazards or safety risks. Certainly such
4 hazards would be completely inconsistent with our
5 goal of fostering good health. We found nothing
6 that was even close to providing valid scientific
7 evidence of dangers. As you know, field space in
8 New York City is precious. We at Riverside Park
9 Fund certainly believe that it is the City's
10 responsibility, as well as ours, to keep health
11 and safety concerns uppermost, and to stay abreast
12 of new information in that respect. In the
13 absence of such concrete, verifiable, scientific
14 information, however, to mandate the removal of
15 artificial turf surfaces we believe would be very
16 ill-advised. We respectfully urge you to study
17 rigorously and to evaluate specific facilities
18 based on pertinent facts, rather than to mandate
19 action. Please move judiciously. Thank you.

20 CHAIRPERSON FOSTER: Thank you very
21 much. Council Member Brewer.

22 COUNCIL MEMBER BREWER: I have a
23 quick question.

24 CHAIRPERSON FOSTER: She has a
25 question, just a minute.

1
2 COUNCIL MEMBER BREWER: For either
3 Robert or folks from the Westside Soccer League.
4 One of the questions I have is, I thought that
5 Christian gave a good example of a balanced view,
6 which is continue all of the league spaces because
7 we absolutely need the playing space; and then
8 ongoing testing. Does that seem something that
9 would make sense to you?

10 DANA DEPRIMA: Absolutely.

11 ROBERT HERZOG: Yeah, I agree.

12 COUNCIL MEMBER BREWER: Okay, thank
13 you.

14 CHAIRPERSON FOSTER: Thank you very
15 much. Our next panel is Walter Nestler,
16 Christopher, oh Christabel, I'm sorry. Who?
17 Christabel Go, Marty, I think that's a G, maybe,
18 Marty Segal. Sergi, that's S-E-R-G-I? Hm, must
19 be a doctor. And Steve Prestontini. Thank you,
20 you can get started.

21 WALTER NESTLER: Thank you. My
22 name is Walter Nestler, I'm a landscape architect
23 in Bronx, a member of Community Board Planning
24 Board Number Nine, and serve on their Parks
25 Committee. For those who are not aware of this,

1
2 we have over 350 undeveloped acres of parkland yet
3 to be developed. And I would only request that
4 the board, the City Council, and Chairperson,
5 please recommend to the Parks Department to
6 install real grass fields at this point in the
7 Capital Project Program, and not to continue in
8 artificial turf, as we do already, to my
9 knowledge, have two artificial turf fields at two
10 of our high schools. Secondly, these parks, these
11 undeveloped parklands, are primarily landfills.
12 So we do have some contamination issues, which
13 we've been working with. And we certainly don't
14 want to exasperate any of those conditions. Thank
15 you.

16 CHRISTABEL GOUGH: Hello. I'm
17 Christabel Gough from the Society for the
18 Architecture of the City, which, a first for this
19 hearing is an historic preservation advocacy
20 group. We are here to thank the sponsors of Intro
21 739 and to support it. Clearly, the most
22 important issue is health. We feel that the Parks
23 Department has studied this issue and come to the
24 wrong conclusions, shuffling the deck in many
25 ways, to argue that not all the products are the

1 same and not all critical studies are reliable.
2 Nevertheless, the safety and healthfulness of this
3 product are not established. It is not what any
4 reasonable person would want children playing on
5 today, if they look at the larger picture. I'm
6 going to abbreviate my testimony, obviously I need
7 to. I would just like to say that we see this as
8 an example of a very destructive general policy of
9 the Parks Department, which has been going on for
10 years, that is the policy of eliminating landscape
11 jobs, and punting what should be routine
12 maintenance into the capital budget. And it has
13 gone too far, this is the most extreme example of
14 trying to find a product which is no maintenance,
15 and cutting out jobs, and the pleasure for
16 children. I am hearing children have to play all
17 the time, all the time. The pleasures of playing
18 on grass are tremendous. I as a child played on
19 gravel and dirt, and I didn't find it to be a
20 problem. It, we're going in the wrong direction.
21 It, children deserve real playing fields. It's,
22 it's--Juniper Park Civic in Maspeth Middle
23 Village, have arranged to do the upkeep of their
24 own grass fields because they can't get the help
25

1
2 from the Parks Department and the parents do it
3 and it's a huge success, everyone loves it.
4 That's the model we should be looking at. Thank
5 you.

6 MARTY SERGI: Hi, I'm here on
7 behalf of the synthetic Turf Council, an
8 association that provides the public with
9 information and resources about synthetic turf.
10 My name's Marty Sergi, I'm the President of
11 PermaLife Products. My company has recycled over
12 100 million truck and auto tires, and we make
13 hundreds of products that you use in your car,
14 your home, your kid's school, and your local
15 athletic field. I'm joined here by Stanley Green,
16 he's one of the board members of the Synthetic
17 Turf Council, and a leading builder of safe,
18 synthetic turf fields. First, I want everyone to
19 understand that plants that manufacture this
20 material are regulated. Here, my local plant, the
21 New York DEC, regulates OSHA, and the U.S. EPA.
22 There's been a lot of discussion about crumb
23 rubber infill here today, and I want you to
24 understand first the reason why it's used, it's
25 very resilient, and it improves the safety for our

1
2 kids and our community. From playgrounds to
3 running track, the crumb rubber has been used for
4 over ten years, and even much longer than that in
5 playgrounds. Most of think of crumb rubber as
6 something that we don't' encounter in everyday
7 life, but we do. I want to bring in context not
8 only the safety of crumb rubber, but also how
9 often we come in contact. First, crumb rubber,
10 which is made from car and auto tires, is made
11 with SBR rubber. Okay? SBR rubber is styrene
12 butadiene rubber. By the way, it's also used in
13 chewing gum, it's used in parts for children's
14 toys, it's used for sanitary products and surgical
15 gloves, it's used in food packaging. No one has
16 ever questioned the use of any of these products
17 of danger, that there's any danger with the use of
18 SBR rubber. For years, it's been safe to use in
19 our everyday life, and it's no different with the
20 SBR that's used in synthetic turf fields. Also,
21 we've heard a lot about PAHs, about crumb rubber
22 having a gaseous effect coming off, and that there
23 might be something that would happen. I want you
24 to understand that at your neighborhood's
25 barbecue, just one grilling of a hamburger has

1
2 three times the amount of PAHs as crumb rubber in
3 a soccer field. So you have much more exposure at
4 your local neighbor's barbecue than you do at a
5 soccer field, at a game at the soccer field.

6 It's--

7 CHAIRPERSON FOSTER: If you'd just
8 sum up for me, please.

9 MARTY SERGI: Yeah, I will. And,
10 and what I, what we'd like--

11 CHAIRPERSON FOSTER: And we have
12 your written testimony, so--

13 MARTY SERGI: And what we'd like,
14 what we'd like, the Synthetic Turf Council wants
15 to make sure you have all the safety data. It's
16 been done around the world, it's been done in
17 Norway. By the way, California, California
18 provides tremendous grants to use this, for this
19 exact purpose. We have a plant there. And I
20 could tell you that there is clear, for 40 years,
21 the EPA has said this material is safe, and used,
22 and used for this purpose. And what we'd like to
23 make sure is that if anyone could, to go to our
24 website, which is www.syntheticurfCouncil.org,
25 and look at all the data. Please look at the

1
2 data. I think you will find that you need to have
3 all the information. And once you have all the
4 information, I think you can make the proper
5 decision. Thank you.

6 CHAIRPERSON FOSTER: Thank you.

7 STEVEN PRESTIANI: yes, my name is
8 Steven Prestiani, and I am simply representing the
9 Earth. Maybe we should eat less hamburgers in
10 response to the barbecue question. There's the
11 concept that has been promoted for the last few
12 years, called "Going Green." And it's become a
13 catchphrase. Going green does not mean a color,
14 going green is a concept and a relationship that
15 we have with the earth. The keyword is
16 sustainability, which also relates to sustenance,
17 that which is life giving. Okay? I've been
18 hearing a lot about obesity and the necessity for
19 these fields to prevent obesity. As these fields
20 have been coming in, there's been more obesity.
21 So I think that these are, you know, lame
22 arguments. I'll keep it at that. Thank you.

23 CHAIRPERSON FOSTER: Thank you very
24 much. Our next panel is Gary Rizzo, Michael
25 Fendaza, Vince Coleman, and Julio Fererras. Thank

1
2 you. Sir, you are? Vince Coleman. Gary Rizzo?
3 Michael Fendaza? Julio Fererras? Okay. Richard
4 Cassen? Jeffrey? William Crane? Thank you. You
5 can get started, Mr. Coleman.

6 VINCE COLEMAN: Okay. I'm going to
7 summarize my testimony.

8 CHAIRPERSON FOSTER: Thank you very
9 much.

10 VINCE COLEMAN: My name is Vince
11 Coleman, the Baseball/Softball Director at Harlem
12 RBI. And basically our organization over the
13 years has grown since 1991. And basically without
14 the use of the Parks Department, we wouldn't
15 really have a lot of use, or enough baseball and
16 softball fields for our 700 kids to play, learn
17 and grow. A lot of talk has been about the
18 weather and so forth, and how the fields hold up.
19 I know as far as turf field is concerned, these
20 fields drain water much faster than natural grass
21 fields. This means that the fields are available
22 to play more quickly than natural grass fields,
23 and they allow our youth to get back on the field
24 for the game that they love the most. Turf fields
25 are also much less costly to maintain. I know

1
2 because Harlem RBI owns, Harlem RBI's own field of
3 dreams on East 100th Street is a natural grass
4 field. It's upkeep is extremely expensive and
5 time consuming, requiring a significant investment
6 of staff, equipment and labor. Don't get me
7 wrong, we love having a natural grass field of our
8 own, but the costs are significant, and the work
9 is never ending. If we had to take care of more
10 than one field, we'd not be able to afford much of
11 the other good work that we do. By contrast, turf
12 fields much, require much less maintenance and
13 save the city significant amounts of money, and we
14 know how important that fact is, especially during
15 the time of financial fiscal crisis. Finally,
16 it's worth noting that turf fields are often much
17 safer than a natural grass counterparts. While
18 our Harlem RBI field of dreams is pristine, many
19 other natural grass fields around the city that do
20 not have the benefit of significant maintenance
21 budgets have rocks, glass and other, and water,
22 that can cause injuries. And in summary,
23 basically, Harlem RBI has had a positive
24 experience with the city's turf fields and
25 supports their continued use.

CHAIRPERSON FOSTER: Thank you.

RICHARD CASSEN: Good morning, my, my name is Rich Cassen, I'm the father of William Cassen, who's the burn victim from May of 2007. You saw the picture of his feet. I'm here to support Resolution Bill 896 regarding playground safety, because of the use of black vulcanized rubber mats as a safety surface has no place in city playgrounds. After our four day stay in the burn unit for these burns, we've learned that this is an ongoing issue. There are approximately six children admitted to the Cornell Burn Unit every year for burns to their feet and their hands. And prior, two weeks prior to our admission, a toddler was there for hand burns. So it's just not a shoe problem. Despite numerous requests, we've been unable to speak with the City to address the problem. We are not against safety surface, we realize the benefit they provide, the injuries they prevent. We are against a specific smooth black vulcanized rubber safety surface, which if you'll do research you'll find that all the burns that we're aware of have occurred on this one specific surface. The City's known about this for

1 years and actually this committee held a hearing
2 on October 24, 2005 to discuss this same issue.
3 To answer a previous question Chairperson had, in
4 the transcript from that meeting, you'll find that
5 certain hot weather states have banned the use of
6 black vulcanized rubber mats. I believe Florida,
7 Texas, Arizona and California, and it's detailed
8 in that, in that, in that transcript. So, and
9 despite recommendations in this hearing, and also
10 after intense media coverage, only were signs
11 placed in the parks recommending or stating "No
12 bare feet" or "Footwear must be worn." However,
13 signs advocating no bare feet and footwear will
14 never help prevent burns to toddlers' hands. Any
15 surface that heats to 167 degrees and burns
16 toddlers' feets and hands in other five seconds is
17 dangerous and has no place in city playgrounds.
18 We know of at least children who, of at least
19 eight children who have been severely burned since
20 our son was burned. We ask the Council to act
21 immediately to begin warning signs with the proper
22 verbage, and investigate alternatives to these
23 safety surfaces. Thank you.

25 CHAIRPERSON FOSTER: Thank you very

1
2 much. I'm sorry to hear about your son's burn.

3 How is he now?

4 RICHARD CASSEN: He's fine.

5 CHAIRPERSON FOSTER: Thank you.

6 GEOFFREY CROFT: Good afternoon, my
7 name is Geoffrey Croft, I'm the President of NYC
8 Park Advocates. I'm just going to say a couple
9 things about the, first of all we support
10 strongly, all four of the Resols and the Intros
11 being introduced today, for a number of reasons.
12 I just want to say a couple things about the mats.
13 Here's a photograph that's never been seen in
14 public. This happened last summer, and this is a
15 quote after we raised this issue last year, and
16 did our investigation, this is a quote from the
17 Parks Commissioner, from CNN, "There's a
18 relatively simple solution to this, which is to
19 wear shoes." So here is a child who's apparently
20 supposed to be wearing shoes on her hands. Shoes
21 just, as everyone knows, only covers about five
22 percent of a child's body. So we fully support
23 this resolution, and working with the parents for
24 all of these, well almost two years now, it's just
25 been horrifying listening to their, their stories.

1
2 Regarding the artificial turf, I guess
3 unfortunately there's some misconceptions,
4 including--Well, to be very clear, this is not
5 about removing artificial turf fields. Don't know
6 where that rumor started from. The resolution
7 deals with removing crumb rubber infill. And in
8 six months, during the moratorium, we would like
9 to study this. This is just basic common sense.
10 So you can get your spin from the Synthetic Turf
11 Council, and from whoever else. Lead is only one
12 chemical, out of dozens of chemicals that are in
13 this surface. So, no one wants more opportunities
14 for recreation than the people who feel very
15 strongly about this. And I would like to thank
16 the numerous soccer--

17 CHAIRPERSON FOSTER: Geoffrey?

18 GEOFFREY CROFT: Yes?

19 CHAIRPERSON FOSTER: I just want to
20 remind you that you are addressing us.

21 GEOFFREY CROFT: Sure. Oh, I'm
22 sorry, I'm sorry.

23 CHAIRPERSON FOSTER: That's
24 alright.

25 GEOFFREY CROFT: I would like to,

1
2 you know, to thank the numerous soccer folks who
3 have written letters about this. Thank them.

4 This is a very important piece of legislation, and
5 again all we want to do is test this. And create
6 protocols with doctors and with healthcare
7 professionals, that's all this is about. The
8 infill can be vacuumed out, and so that's what we
9 are strongly, strongly, strongly advocating for.
10 And I would like to thank all of you for your
11 help on this.

12 CHAIRPERSON FOSTER: Thank you.

13 BILL CRANE: Good afternoon, I'm
14 Bill Crane, a professor at the City College of New
15 York. I'm a co-author of the first, I think, and
16 I think the only peer reviewed article in a
17 scientific journal on synthetic turf. It's in the
18 journal of Exposure to Science. We found that if
19 the rubber granules in the polyethylene grass
20 fibers, the plastic grass fibers, that it's very
21 likely that the lead in these will get into the
22 body. So, it's very important to note that. This
23 is called the bio-accessibility, and this is the
24 first study of this kind, and it's in a peer
25 reviewed journal. I'd also like to point out,

1
2 whereas the standards that the Health Department
3 is using in calling things safe or unsafe, are
4 really, are really unrealistic because the
5 scientific evidence is that any level of lead, any
6 lead at all placed in an environment where
7 children play is dangerous. There is no, let me
8 repeat, there is no safe level of lead. Any lead
9 at all causes IQ loss, causes cognitive damage.
10 And the standards of 400 parts per million, 600
11 parts per million, 300 parts per million, are
12 going to have to be revised. The CDC has already
13 acknowledged that, that they just maintain it
14 because they don't know where to set a standard.
15 But this is going to be revised so please us
16 caution when you consider these points. The bill
17 before you, 739, to remove the granules is good,
18 but there really should be a moratorium on all
19 installations, because we don't know what else is
20 in there. We don't know how bio-available the
21 PAHs are, we don't know about the zinc, how bio-
22 available that is. We don't know, there's a whole
23 lot that's not known. I urge you, we are dealing
24 here with our children. With so many unknowns, so
25 many roots, exposure roots that are unknown, don't

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2 take any more chances. Do the right thing, do the
3 cautious thing, and put a moratorium on further
4 installations, take up the synthetic grass
5 wherever possible. Finally, I'd like to make a
6 point. Besides the toxicants in the synthetic
7 turf, I'd like to say a word for the natural
8 environment. Children need natural soil and grass
9 to develop in the healthy ways. Natural
10 environments give them a calming effect, they
11 improve their attention, they reduce attention
12 deficits. The research is mounting, pointing out
13 the benefits of this. They give them a sense of
14 being part of life, the larger part of life.
15 Birds and wildlife need these, need every bit of
16 nature that they can get. We have removed so much
17 of the natural world, in our city, look around and
18 it's pavement, pavement, pavement. Children yearn
19 for natural settings, the wildlife yearned for it,
20 nature is crying out. It's time to say we've done
21 enough, we've smothered enough earth with
22 synthetic turfs, with synthetic surfaces, let's
23 take care of the natural soil and vegetation
24 that's in our care, let's stop damaging the earth
25 in our city. Thank you.

2 CHAIRPERSON FOSTER: Thank you.

3 Professor, you're a professor of what, what's your
4 field at, at CUNY? Is it CUNY? Yes.

5 BILL CRANE: I'm a professor
6 psychology, but I've been working with chemists,
7 and as I say I'm the author, I'm an author of--

8 CHAIRPERSON FOSTER: No, no, I got
9 that, I just wanted to know your field.

10 BILL CRANE: Yeah, I'm a professor
11 of psychology, who's practically taken a post-
12 graduate degree in chemistry.

13 CHAIRPERSON FOSTER: Okay. Thank
14 you very much. Our next panel is Dewey Thompson,
15 Sal Rappiella. Did I say that close? Oh, gosh,
16 Rapaglia. Eric Butt. Butte, sorry, see? If it's
17 not Foster, I'm clearly not good at it. And
18 Rusty--Rusty, Mr. Rusty. [laughter] Thank you.
19 You can get started, just say your name for the
20 record and your testimony.

21 SAL RAPAGLIA: Just first I'm Sal
22 Rapaglia, President of the Eastern New York State
23 Soccer Association. We had in the, you know,
24 Brooklyn College, in the '70s, they did, they - -
25 field. We played there about, I say about 16

1 years, never had, never no injury, and nothing so,
2 the thing work. In 1998, there was a, they built
3 a field, they call it field turf, it was the first
4 field turf in New York City, in Queens, at the - -
5 pit. They call it - - . Today, still is--it's
6 very good, the kids are playing there, for five,
7 four years or five years old or six years old.

8 They play day and night. Nobody gets hurt.

9 Probably the problem that we had that I see, that
10 which is not good for the baby to get hurt. We

11 have fields in Brooklyn which we take care of
12 fields, but for grass. It's tough, tough, tough
13 to do it. To see a green, you know, we got to

14 watch the games, 'cause you cannot put six-seven
15 games a day by--by Saturday/Sunday you put eight
16 games, on Monday you need a, you need a repair,

17 \$5, \$1000 of work. So you, I would believe the
18 synthetic field turf is the answer, like the

19 gentleman said from the football, it's, there is
20 the real, the answer. I have, talking about the

21 dangers of the, of the fields, I'm, I had seven
22 grandchildren, four of them play soccer--sixteen
23 years old, seven, nine and thirteen. You really

24 believe that if I know, and I'm in the game 50
25

1
2 years now, over 50 years, I've been president of
3 the this Association for 26 years, you really
4 believe that, sometimes they play at the St.
5 Joseph in Staten Island, they play all over the,
6 all over - - field turf. You really believe that
7 if I know there be something bad, I would allow my
8 own blood to play? So, please, stop the
9 moratorium, stop, because it's going to create so
10 much chaos in the football, baseball and soccer
11 family, tremendously. Thank you.

12 ERIC BUTTE: My name is Eric Butte.
13 I represent the Cosmopolitan Soccer League. We
14 are a organization of 1,600 players in and around
15 New York City. I also am a native New Yorker. I
16 grew up in Brooklyn. I was a, I'm a product of
17 the Parks Department's fields, and back when I was
18 playing, they were dirt, rock, glass, bottle caps,
19 and I know see the kids today walking onto field
20 turf fields, as if the way we did back, when we
21 got to go to Long Island for a game, with just
22 ecstatic about going to play on a field that is
23 such in great, in such great shape. It's, it's
24 really important that there's no kneejerk
25 reactions to lots of rumors, and I think that a

1
2 moratorium based on no scientific fact is a
3 kneejerk reaction. If you allow this bill to go
4 through, and fields are not continued to be
5 developed, you will potentially put out of
6 business, and we're not a business, we're a
7 charity, the Cosmopolitan Soccer League, we've
8 been around since 1923, we will very seriously
9 have to consider whether or not we're viable.
10 Because we have nearly 100 teams, and we won't be
11 able to play anywhere. And that's a very
12 significant outlet for a lot of New Yorkers.
13 People really need to get out and get a little bit
14 of de-stress from the New York City life. It's a
15 tough place, and if you take the way of fields
16 from the adults, it's, I can't imagine what would
17 happen. And from the kids' standpoint, I ended up
18 going on to Columbia University and played for
19 Columbia University's soccer team, we went to the
20 division one finals, and that's only because the
21 people around me, when I was a kid, made those
22 fields available, even in their terrible state.
23 So, today with the, with the advent of synthetics,
24 you can make fields available to kids so much more
25 prevalent, I would urge you to do so, and halt

1
2 this moratorium, or this bill before it even gets
3 started. Thank you.

4 RUSTY PAPLANAKO: Hello, my name is
5 Rusty Papalanako [phonetic]. I'm from the Spanish
6 American Soccer League in Staten Island and - -
7 Soccer Club. And to me, artificial turf is
8 awesome. You know what I mean? Because
9 artificial you don't cancel games, we get to share
10 the games with the football league, because on
11 Staten Island the football league is big, and they
12 use a lot of time, like we do. So we try to share
13 the fields together. For every game that's
14 canceled, we cannot make it up. So by going, you
15 know, to grass fields, every time it rains the
16 Parks Departments closes the fields, injuries and
17 stuff. So artificial turf is the answer, and
18 please do not close the fields down because of
19 that. Thank you.

20 CHAIRPERSON FOSTER: Thank you very
21 much. If anyone is here for Economic Development,
22 it is moved next door until we finish. So
23 Economic Development is next door, this is Parks
24 and Recreation. Our next panel is Anne Clauson,
25 Erica Doreno, if that's a O, Erica. Erica?

1
2 Marina Ortiz. Harry, are you still here? Harry
3 Bubbin, yeah, Harry's here. [pause] You can get
4 started, thank you.

5 ANNE CASSEN: Hi, my name is Anne
6 Cassen, and I'm testifying on behalf of Rahan Mar-
7 -

8 CHAIRPERSON FOSTER: I said your
9 name wrong, I'm sorry.

10 ANNE CASSEN: That's okay, that's
11 my writing. I'm testifying on behalf of Rahan
12 Marhan [phonetic] who cannot be here today, and
13 she strongly supports Bill 896, regarding
14 playground safety and temperature of mats.
15 Rahan's 14 month old son was severely burned on a
16 black rubber mat in Brooklyn in 2004. She states
17 products that reach extreme, extremely high
18 temperatures on normal sunny days have no place in
19 our city's playgrounds. Maximum contact
20 temperature standards must be promulgated and
21 testing required for all materials installed in
22 outdoor playgrounds where they can be exposed to
23 direct sunlight. I was stunned to learn that such
24 requirements, which exist for products that adults
25 may be exposed to in work settings do not exist

1
2 for products that children are exposed to in parks
3 and playgrounds. My family has spent over four
4 years trying to persuade the city to make simple
5 changes to protect the most vulnerable users of
6 our city's parks and playgrounds. Families of
7 children who were burned in the years prior to my
8 son's injuries have been working at this task even
9 longer. We are trying, we are still unable to
10 understand why the Parks Department would not
11 immediately test and replace materials that they
12 know is severely burning children in playgrounds
13 every summer. There's no excuse for this. These
14 materials must be removed and alternatives be
15 placed. Until hazardous materials are replaced,
16 we support the interim measure to immediately
17 install adequate signage that clearly indicates to
18 caregivers which services our concerns. Signs
19 should be placed adjacent to specific equipment
20 that are known to be hazardous, since many
21 playgrounds include a mixture of both safe and
22 unsafe playground equipment. Signage that is
23 hazardous is not limit--signage needs to specify
24 that playground equipment, which includes mats,
25 are of concern when exposed to direct sunlight,

1
2 and this hazard is not limited to hot days. Signs
3 reminding park users to wear shoes are woefully
4 inadequate. Hands, faces and knees are just as
5 susceptible to burns.

6 CHAIRPERSON FOSTER: Alright, thank
7 you. Mr. Ortiz?

8 MARINA ORTIZ: Hi, I live and work
9 in East Harlem. Anyway. New York City leads the
10 nation in almost every field, except the natural
11 kind. Instead, the Parks Department promotes heat
12 absorbing, high lead, rubber play mats with zero
13 environmental and short term benefit effects.
14 This is what Plan NYC looks like for our children.
15 It is a plan that not only fails to adequately
16 address climate change, but rather contributes to
17 it. And Commissioner Benepe should be ashamed of
18 himself for falsely promoting artificial turf as
19 more cost and energy efficient and therefore
20 somehow better than real grass, and for snidely
21 ridiculing the concerns of parents and
22 environmental advocates, and the scientific data.
23 Upper Manhattan has the highest concentration of
24 waterfront public housing with playgrounds built
25 alongside heavily trafficked bridges and major

1 highways, all of which contribute to the
2 astronomical asthma rates in these communities.
3 We also have some brown fields and less and less
4 green ones. Artificial turf is not an acceptable
5 replacement for asphalt, and should have no place
6 in our schoolyards and parks. If it costs too
7 much for us to truly go, to truly go green in East
8 Harlem, then at least give us plain, old-fashioned
9 dirt, to go with those million trees that have
10 been promised. The solution to the high asthma
11 and obesity rates in our communities is as simple
12 as a walk in, a barefoot walk in the park, and the
13 passage of these bills. Thank you.

14
15 CHAIRPERSON FOSTER: Thank you.

16 HARRY BURNS: Hello, thanks, I'm
17 Harry Burns with Friends of Brook Park. And I've
18 been in the game since the '80s, I played at PSAL,
19 and little league baseball, and no one I knew
20 preferred artificial turf, it was like a
21 substitute for natural grass. And I hope the
22 people who testify in support of artificial
23 surfaces would really look at the matter. It's
24 taken years and the leadership of this committee,
25 which we look forward to even more moving forward,

1
2 to even get them to test it. We were talking
3 about this five years ago, and they're removing a
4 field. I mean, we know what it takes, all the
5 hearings you've been having on this, to even get
6 them to act on it, imagine what's really going on.
7 So, is there artificial turf in Central Park, I
8 wonder? I was kind of insulted the landscape
9 architect person, who doesn't represent all
10 landscape architects, said it was adequate to put
11 this in certain communities in the city, and I
12 wonder what she meant by that. There's no
13 artificial turf in Central Park, and I imagine
14 there won't be. Is it true, it's not true, also,
15 that they're putting just turf on asphalt, as
16 everyone knows. In Randall's Island they've cut
17 hundreds of trees, they've decimated wildlife, and
18 still the bridge to East Harlem is closed where
19 Harlem RBI and others could be playing more, if it
20 was open. Lots of people don't testify because
21 they're afraid of losing permit access. That's a
22 fact that I'm hearing prominently in the city.
23 Also, there's more and more serious injuries on
24 artificial turf, that's scientifically proven, as
25 well. There's no green turf, it's kind of odd to

1
2 hear about somebody mentioned painting it silver
3 or something, that's kind of weird. And the cost,
4 as we heard in the testimony, it's twice as much
5 to install fake turf than natural grass, and it
6 has a lifespan of less than ten years, so we're
7 reinstalling it, and we've eliminated the
8 maintenance jobs if, which, with a minimum
9 maintenance investment would have more jobs and
10 greater lifespan of natural turf fields. We need
11 to look at the investigative journalists, who
12 makes this stuff and how is the city purchasing
13 and from whom, and why is there such a persistence
14 to install this stuff? And finally, I played on,
15 we don't have to play on rocks and grass, there's
16 new technology called earth, and I encourage us to
17 use it and pass these bills. Thank you.

18 CHAIRPERSON FOSTER: Thank you very
19 much. Our next panel--Lin Seltzer, William
20 Belaschi--did I say that wrong, too? Bialaschi.
21 I'm going to get it right. Jonathan Levy. Thank
22 you, Jonathan. Yeah, okay. And Larry Swartoff.
23 Larry? He left? Okay, Larry left. Can we have
24 someone in place of Larry? Marty Lyons, are you
25 here? Oh, come, Marty. Come on down. Okay, we

1
2 can get started. Thank you.

3 Hello, my name is Lin Seltzer, I'm
4 the Fields Coordinator for the Manhattan Kickers
5 Travel Soccer Program, and I'm here representing
6 the Cosmopolitan Junior Soccer League, as well. I
7 wish to speak about which I am most familiar,
8 which have the three turf fields in East River
9 Park. Prior to the installation of artificial
10 turf early this decade, the fields were of
11 extremely poor quality. Built on landfill,
12 natural grass cannot be sustained, resulting in
13 surfaces of dirt, rock and brick, that were not
14 conducive to quality play and were quite
15 dangerous. Furthermore, the fields were often
16 rendered unplayable by even a moderate rainfall.
17 The installation of synthetic turf has been a
18 godsend, both to the Cosmopolitan Junior Soccer
19 League, and to our program in particular. The
20 smooth consistent surface facilitates development
21 of basic soccer skills such as dribbling, passing
22 and trapping. Kids become more adept, allowing
23 them to enjoy soccer more, and encourage them to
24 want to play more. Practices and matches almost
25 never have to be canceled due to weather related

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2 field conditions. Now the safety of our kids is
3 of primary concern, and this recent controversy
4 over lead exposure deserves the serious attention
5 you are giving it. In preparing for this hearing,
6 I researched this matter, and found that virtually
7 every major study conducted in the last couple of
8 years has concluded that synthetic turfs do not
9 pose a significant health risk to children. These
10 include reports issued by the Consumer Products
11 Safety Commission and the Center for Disease
12 Control. And if you bear with me for a second,
13 I'd like to read just two sentences from the U.S.
14 Consumer Products Safety Commission, issued July
15 30, 2008. "The U.S. Product, Consumer Products
16 Safety Commission staff today released its
17 evaluation of various synthetic athletic fields.
18 The evaluation concludes that young children are
19 not at risk from exposure to lead in these fields.
20 CPSC staff evaluation showed that newer fields had
21 no lead, or generally had the lowest lead levels.
22 Although small amounts of lead were detected on
23 the surface of some older fields, none of these
24 tests released amounts of lead that would be
25 harmful to children."

1
2 WILLIAM BIALASKI: Good afternoon,
3 my name is William Bialaski, I'm an architect, a
4 parent, a soccer coach, and the president of the
5 Downtown Manhattan Youth Soccer League, a
6 community based, not-for-profit serving over 900
7 children in Lower Manhattan. I speak today for my
8 own organization, as well as for the other large
9 leagues in Lower Manhattan, which include the
10 Downtown Football League, serving over 400
11 children, and the Downtown Little League, which
12 will enroll over 800 children this spring, in
13 general. As the committee is aware, the large
14 mainstream recreation providers, from the little
15 leagues to the soccer leagues to the YMCAs and so
16 on, have supported and applauded this committee's
17 desire to explore sensible, workable ways to make
18 this city's overused, overstressed playing field
19 safe, healthy and available. The legislation now
20 before this committee, Intro 739 in particular,
21 will not advance these goals in any way. Indeed,
22 the all but certain outcome of this bill would be
23 the shutting down of many existing sports fields
24 and the delays in the opening of others. By far
25 the biggest health crisis we face in this city, in

1 regards to sports fields, is the lack of them.
2 Epidemics of obesity and diabetes are rampant in
3 New York, with a proven connection to lack of
4 physical activity. Kids who play sports are less
5 likely to be depressed, to commit suicide, to drop
6 out of school, or get into other kinds of trouble.
7 Why are more and more kids and adults being turned
8 away from recreation programs? Because there
9 aren't enough open, accessible fields. For this
10 reason, a broad coalition of community leaders,
11 from PTA presidents, to community board committee
12 chairs, as well as over 20 league presidents wrote
13 to this committee to oppose a prior moratorium on
14 all-weather field upgrades. I attach a copy of
15 that letter as an exhibit to my testimony. Like
16 the ill-conceived moratorium scheme of last year,
17 the main initiative before this committee today,
18 Intro 739, would be destructive and disruptive to
19 virtually all users of public sports fields. 739
20 would halt or delay many immensely popular park
21 upgrades which neighborhood residents have long
22 been fighting for. The requirement that
23 approximately 90 fields be closed until the Parks
24 Department meets an arbitrary and unrealistic goal
25

1
2 of a total retrofit within a year, would lead to
3 the widespread padlocking of these fields in many
4 communities, especially in the current budgetary
5 environment. Intro 739 would be a disaster for
6 community recreation programs in all five
7 boroughs, and we urge our parents, and those of
8 our affiliated programs, to oppose it strongly.

9 Chairwoman Foster, and members of
10 the committee, good afternoon. My name is
11 Jonathan Levy, and I'm the Director of State and
12 Local Programs for the Institute of Scrap
13 Recycling Industries. We act, we represent the
14 guys that actually take those tires and turn it
15 into crumb rubber. The legislation before you,
16 Introductory Number 739, gives ISRI great concern
17 as its scope is so sweeping it would cause great
18 disruption to scrap tire recycling and hinder
19 environmental protection. I'm going just to refer
20 you to my written comments, but basically the one
21 thing, one of the big concerns that we have is
22 that there are very few things that you can do
23 with a tire. You can burn it, you can landfill
24 it, you can leave it alone and let it grow and
25 become a scrap tire pile, or you can responsibly

1
2 recycle it. Now, synthetic turf in New York, is
3 about 13 percent of all scrap tires used in New
4 York State, go to synthetic turf uses. If you ban
5 the use of crumb rubber, or crumb--if you ban the
6 use of crumb rubber, which is basically what this
7 bill will do, it's not only going to force the
8 city to pull out all of the synthetic turf fields,
9 but the rubber mats, all the rubber tiles, all the
10 rubber that is used in any sort of product within,
11 within the park system. And that, that's talking
12 about door stops, I mean, it goes to the way the
13 legislation is worded. It says, "crumb rubber or
14 crumb rubber infill." Crumb rubber, ground
15 rubber, is used in such a wide array of products,
16 that I think this is something that the committee
17 needs to understand. Now, if you do close down,
18 if you do shut down this type of use, I just have
19 a question, and that would be: Where exactly will
20 all of the tires that would have gone to this
21 purpose, where will they go? Again, 13 percent of
22 all scrap tires used in the process in New York
23 State, go to synthetic turf fields. So, we're
24 concerned about the environment, we're concerned
25 about making sure that illegal tire piles don't

1
2 form, due to the shutting down of a viable market,
3 and we've just asked the committee to think about
4 these environmental concerns as well. Thank you
5 very much.

6 CHAIRPERSON FOSTER: Thank you.

7 Good afternoon, my name's Marty
8 Lyons. I represent LandTeK Plus Field Turf.
9 First of all, I want to thank the committee for
10 staying with us, I know it's been a long process,
11 along with all the people here that have been in
12 the audience. This is a very sensitive situation,
13 not just to an installer, but also to a parent.
14 I'm a parent of four children, plus I also install
15 synthetic grass fields. I spent twelve years in
16 an, the NFL, playing on the old conventional turf.
17 At the start of 2000, the new turf started to come
18 around where they started to use an infill
19 process, basically taking synthetic grass that was
20 the concept of shag carpet, and building an infill
21 into it, just as if it was a root zone. For the
22 last seven years, we've been affiliated and a
23 distributor for field turf, which is an engineered
24 system, consisting of polyethylene yarn, silica
25 sand, and cryogenic rubber. That cryogenic rubber

1
2 is also SBR. We're very proud to stand by our
3 track record, and I think the one thing that you
4 do going through history, is you look at track
5 records, you look at data, you look at research,
6 we have not had one child--and one child would've
7 been too many, if we had one--one child gets sick,
8 by playing on the SBR rubber. We are a builder,
9 we are a construction company, which we also take
10 into consideration that if people are concerned,
11 and it is a concern that a lot of parents have,
12 about the heat being generated on these turfs.
13 What we have done is we've installed water
14 cannons, which is an underneath system, that will
15 have a quick connect at the 50 yard line, or
16 somewhere down by the 20 yard line, so if the air
17 temperature gets too hot, and the families feel
18 that the temperature on the turf is too hot, you
19 can saturate the field and let it drain vertically
20 down into the stone, and the athletes can go out
21 to participate. I believe the New York State High
22 School Athletic Association has a heat index in
23 place, which stipulates if the air temperature
24 gets over 95 degrees, there will be no sports
25 played on any field. I would like to see the New

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2 York City Parks adopt that same type of
3 philosophy. And I also agree with the committee
4 today that the individuals working with the, with
5 the parks, that we are coming here to provide a
6 safe product for the children, and safety for the
7 parents that are here to voice their opinions
8 today, that we should go on and be tested, for
9 that eight year warranty period, which we have to
10 turn over when do our submittal, that there's an
11 eight year warranty with our product. And I'm
12 very proud to say that field turf was not the
13 installation at Thomas Jefferson, and it should be
14 known to the public that the company that the
15 Parks selected back when that field was installed
16 is now out of business. So they did us all a
17 favor. So thank you very much.

18 CHAIRPERSON FOSTER: Thank you very
19 much. Our next panel is Tonya Murphy, Joel
20 Kupferman, Jason Racine, and Richard Kappell--
21 Richard? How do I say it, so I'm not--

22 RICHARD CACCAPPOLO: It's
23 Caccappolo.

24 CHAIRPERSON FOSTER: Oh, I wasn't
25 even close. You can get started, Ms. Murphy.

1
2 TONYA MURPHY: That would be great.
3 Thank you for letting me speak, I appreciate your
4 calling on me today. I'm a soccer mom, I have a
5 seven year old son who's been playing soccer,
6 thankfully on grass for the past three years. I
7 am also involved with two organizations that
8 educate the public about the relationship between
9 the environment and human health, especially as to
10 how it relates with children. And these
11 organizations basically are trying to let us know,
12 and one of the founders of the organization is
13 Phil Landrigan at Mt. Sinai School of Medicine,
14 Children's Environmental Health Center. And he
15 lets us know that children have a very unique
16 vulnerability when they're exposed to a pollutant
17 in their environment. They go from a one-celled
18 organism to almost fully developed by the age of
19 six, and so if they come into contact with a
20 carcinogen, such as the PAHs that have been found
21 in crumb rubber, or with lead, which is a heavy
22 metal, or a neurotoxin, it can damage them
23 forever. So, I'm strongly advocating that
24 children under the age of seven should not be
25 playing on these fields. I am also very concerned

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2 about the environment, obviously, because of the
3 heat effect. I watch these skyrocketing rates of
4 autism and cancer and asthma, and all of these so-
5 called childhood diseases, I know that's not what
6 they're called, but children are being struck with
7 them at an alarming rate, and we have to look at
8 what might be causing these. And science is
9 increasingly pointing towards environmental
10 factors. So, it's been said that no one has
11 gotten sick from playing on one of these fields,
12 and unfortunately people don't get sick right
13 away, when they're exposed to environmental
14 toxins. Rachel Carson coined the phrase, "Our
15 body burden," which means that we are exposed over
16 our lifetimes, and if we have a genetic
17 predisposition to a certain type of cancer, then
18 we can possibly be a candidate for that. I do
19 want to just show one thing. When, in New Jersey,
20 the fields were closed down, I went to our local
21 field, which is at an elementary school called
22 Saugatuck Elementary in Westport, Connecticut, and
23 I pulled up some crumb rubber, and I put it in
24 plain water with a squeeze of lemon juice to
25 simulate acid rain, which is what it tells you to

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2 do on a lead testing kit. And this is what it's
3 turned into. So this is what's going into our
4 water ways, this is what's going into our drinking
5 water, this is what is potential that we could be
6 exposing our kids to, especially after we water
7 the field. After these particles or these, this
8 crumb rubber pulverizes, it turns into a fine dust
9 that then goes onto our kids' skin, that can be
10 absorbed through their skin, which is our largest
11 organ, it operates the same way our stomach lining
12 does, goes into the, our bloodstream and there we
13 have the problem. So, anyway, I just really would
14 encourage all of us to use the precautionary
15 principal, if there are any questions about their
16 safety, that we do the right thing for our kids.

17 CHAIRPERSON FOSTER: Thank you.

18 RICHARD CACCAPPOLO: Hi, my name is
19 Rich Caccappolo, I come in to speak to you today
20 as President of Greenwich Village Little League,
21 where a baseball and softball youth program that
22 runs from 59th Street to Canal Street on the west
23 side of Manhattan. Each year we have about 750
24 players and over 250 parent volunteers. I'm here
25 to speak for these families who will be some of

1
2 the many thousands of families who will suffer if
3 Intro 739 becomes law. I think it's important to
4 note that the first three crumb rubber fields in
5 New York City were installed in our community.
6 They have not been, they haven't been replaced,
7 they continue to operate and to work very well.
8 All of the fields in our neighborhood are of this
9 type. We play about a thousand baseball games on
10 these fields each year, and we share these fields
11 with other programs, other youth programs, other
12 adult programs, and the schools in our
13 neighborhood. Families in our program truly
14 appreciate these fields, help take care of them,
15 because twelve years ago we didn't have these
16 fields, and the fields we had were natural grass,
17 so they were often unusable. And when they were
18 open, we saw many more injuries from bad bounces
19 and from falls from the kids. I wanted to tell
20 you that we appreciate your efforts here to make
21 the fields as safe as possible, and we truly
22 support your leadership efforts. We believe they
23 have helped inspire the industry to offer many new
24 solutions. We'd love to continue to help with
25 you, to find this ultimate, the ultimate solution

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2 to the field situation, but we're absolutely
3 adamant that that solution's not going to be
4 natural grass fields. We don't believe the city
5 has the resources to replace the fields that are
6 in place. And that closing this, that passing
7 this law would be a mandate for closing the fields
8 for a long, long time. One other point I want to
9 make, we talked a lot about the benefits of
10 athletics for these kids. There's another point
11 for the families overall. For the families, the
12 leagues provide a small town experience, a real
13 sense of community in our big city. It's an
14 important and often unique opportunity to create
15 friendships across social and economic boundaries.
16 Closing these fields will disrupt the community
17 health and happiness, not just in our community,
18 not just in CB2, but in every council district.
19 Thank you.

20 CHAIRPERSON FOSTER: Thank you.

21 JOEL KUPFERMAN: Joel Kupferman,
22 New York Environmental Law and Justice Project.
23 It seems like my semiannual visit before City
24 Council, to counter the City's claim that the air
25 is safe or the ground is safe or the water is

1 safe. I think you're speaking to a jaded audience
2 here that's really tired of being told by the City
3 that the water is safe, that it's--It also
4 behooves me that when you question the City, they
5 told you that they weren't aware of any of the
6 California actions, and to make life easy I'm
7 going to read into the record the news release for
8 the Center for Environmental Health, which states
9 that "More artificial turf found with lead as
10 California Attorney General files lawsuits.

11 Testing shows high lead levels in turf from Field
12 Turf, Tiger Turf, Echo Alliance and turf purchased
13 from Costco, among other companies. Oakland,
14 California, the Center for Environmental Health
15 announced today, that independent testing has
16 found high levels of lead in varieties of
17 artificial turf from ten more companies. The
18 testing found that the lead level in one turf
19 sample produced by the nation's leading installer
20 of sports of fields, Field Turf, was more than
21 five, 150 times higher than federal child safe
22 lead standards, that will ultimately come into
23 effect as a result of recent congressional action
24 to ban lead in products for children. In June,
25

1
2 CEH initiated the first legal actions under
3 California law against 15 other producers and
4 retailers of artificial turf at indoor and outdoor
5 grass carpeting. Today [that's September 2nd]
6 California Attorney General, the Los Angeles City
7 Attorney and the Solano County District Attorney
8 filed suit against three of the turf producers
9 identified by CEH, while CEH filed suit against
10 three other producers, and notified ten other
11 companies that their turf violates California law.

12 'Our testing of products from dozens of companies
13 show that artificial turf contained high amounts
14 of lead that could easily come off into children's
15 hands when they play on turf fields,' said Michael
16 Green. The artificial turf industry must
17 understand that their products need to meet our
18 state's strict lead safety standards. We welcome
19 the action by the attorney general and other
20 government officials who are working to clean up
21 this threat to California's children." The fact
22 that they claimed they weren't aware of this, of
23 the California actions and the California studies
24 is an indication that the City just doesn't know,
25 they don't want to know. Okay, and I think it's

1
2 really, really important to look at the pictures
3 that I submitted into evidence at Thomas Jefferson
4 Park. The sign that was up there on the wall
5 said, "Field Closed for Renovations, Potential
6 Lead Hazard to Young Children. For information
7 for the ball fields, call the Parks Department."
8 That sign was there on December 23rd. Yesterday,
9 at yesterday's press conference, the sign is down.
10 It's incumbent upon the City to at least notify
11 people that lead is present. The fact that this
12 sign was down is not only immoral, it's illegal.
13 Okay? Thank you very much.

14 CHAIRPERSON FOSTER: Thank you very
15 much. Our next panel, and we still have 21 more
16 to go, so I know people are sending notes, they've
17 signed up, you're in this pile. Deborah Kling?
18 Colin McLear. Colin? Colin? Joseph Abatelo?
19 Savannah, Savannah help me. Tchaikovsky? Irv
20 Smalls. Genie Milo. Rosalie Fendaza. Judith
21 Wolfe. Michael Blumenthal. Ian Walker. Oh,
22 good. You can start. Thank you.

23 DEBORAH KLING: Okay. Thank you.
24 I'm Debbie Kling, I'm president of the West Side
25 Little League. I'm here to testify to offer our

1
2 experience and support for the turf fields at 103rd
3 and 104th and Riverside. These are fields that our
4 organization helped finance, and we've enjoyed
5 using them for almost three years. The West Side
6 Little League is a baseball and softball league
7 for boys and girls age six to 17. We field almost
8 a 100 teams in the spring, serving 1,300 families.
9 We offer extensive scholarship program for
10 children from low income families, as well as a
11 Challengers Division, which includes handicapped
12 youngsters from all five boroughs. Our experience
13 with the turf fields has been entirely positive,
14 and much superior to our experience with the grass
15 and dirt and stone fields that preceded them. And
16 other little league presidents have offered
17 testimony to how games aren't canceled because of
18 inclement weather, and you get to play more, and
19 that's all true. In addition, the playing surface
20 is even and regular and balls bounce truer, with
21 fewer bad hops. Rocks and stone do not rise up
22 from the underlying bedrock, which often happens
23 when dirt fields are leveled by dragging them.
24 So, we found them to be safer in many ways. And
25 just to sum up, I'm going to say that our turf

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2 fields have resulted in fewer canceled games due
3 to bad weather, turf fields have produced more
4 games, more activity, more exercise, more physical
5 development, more excitement and more pleasure for
6 the 1,300 families of the West Side Little League.
7 Thank you.

8 SAVANNAH TCHAIKOVSKY: Hi, my name
9 is Savannah Tchaikovsky, and I'm here on behalf of
10 the New York Metropolitan Women's Soccer League.
11 I'm a player in the league as well as throughout
12 the city. Sorry [laughs]. First I'd like to
13 thank you, council members, for staying and say
14 that I'm very disappointed that more council
15 members haven't stuck around to hear the
16 statements from everyone who came to listen today.
17 [of mic comments] Okay. Okay. Over 400 girls
18 play in our league. These are professional women
19 who have day jobs and go on the weekends to play.
20 You know, they look forward to on a Sunday going
21 out and playing with their teams. Before the turf
22 fields were put in, many of these fields were what
23 you would call grass fields, but they weren't
24 grass, they were rocks, and dirt, and there was
25 potholes and girls got injured not just, you know,

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2 scrapes and cuts, but serious ankle injuries and
3 knee injuries. With the synthetic turf fields,
4 those injuries have become less. I would also
5 like to point out that FIFA and most of the major
6 international soccer leagues all approve the use
7 of the turf fields, and use them for their regular
8 play. Very few professional organizations, soccer
9 organizations, have grass fields anymore. In
10 addition, you know, you're, you were talking about
11 the health benefits, or health hazards of the
12 artificial fields, but for turf, I mean, sorry,
13 for turf fields, but for regular fields, there's
14 still the health implications of pesticides and
15 herbicides, in addition to feces from birds and
16 other animals that may go and, you know, use the
17 fields, you get that less on the artificial
18 fields. And we don't know what health
19 repercussions come from those as well.
20 Ultimately, the proposal, we're obviously strongly
21 against the proposal. It would shut down
22 numerous, numerous fields throughout New York
23 City, which would shut down probably most likely
24 our league, as well as many other leagues,
25 recreational, meet-ups, that sort of thing. And

1
2 that would just be a really sad thing to see for
3 New York State, New York City.

4 MICHAEL BLUMENTHAL: Good
5 afternoon, Madam Chair, board member, council
6 members, my name is Michael Blumenthal. I'm a
7 Vice President of the Rubber Manufacturers
8 Association. We're the trade group that
9 represents the eight U.S. tire manufacturers, and
10 I'm here to talk about the much maligned tire. We
11 are opposed to the introduction of 739. The other
12 three we have no basic problem with. In the
13 packet of information I gave you, we have one of
14 our most recent studies, as was mentioned. This
15 topic has been vetted throughout the world. In
16 Europe there are many health reports on this
17 exposure, it's behind the testimony. And this
18 thing has been looked at by the Europeans, by the
19 Japanese, it has been tested. We feel confident
20 that this is a good, solid, safe material to use
21 in any of the many different applications. One of
22 the things that is not well understood about tire
23 manufacturing is how tires are made. Tires are
24 composed of many different materials, but lead is
25 not one of them. lead is not used in tire

1
2 manufacturing. When you make the tire, you
3 combine all these different materials together,
4 and in the process of making the tire, under heat,
5 steam and pressure, all the various chemical
6 components merge into a new rubber form. So
7 whatever goes into the tire no longer is, you
8 can't make it identifiable, and it's not bio--
9 there's no bio-availability. And we do challenge
10 the study done by the folks at City University. I
11 know some people in New Jersey looking at this
12 same study, and what we say is you have to use
13 good science in all of these reports. In the
14 documents that you'll see, we go into looking at
15 what good science is, but the bottom line is that
16 the wealth of information overwhelmingly endorses
17 the use of ground rubber in a wide array of
18 applications. This state produces 20 million
19 tires a year, they have to go someplace, the
20 markets are very limited, the marketplace is
21 moving too the higher value added markets. This
22 is what the industry wants, this is what the state
23 is getting behind. We ask you to look at the good
24 science that is out there, and make your choice
25 accordingly. Thank you.

IAN WALKER: Hi, my name is Ian Walker and I'm President of Metro Soccer New York, which is an adult soccer league that plays in New York and that underwrites our 501(c)(3) play study WIN, which provides soccer sources to underserved communities around New York City through the after school movement, and through the Department of Education's Champs programs. Seems to me we're throwing the baby out with the bathwater a little bit on this. As I hope not to repeat my, to repeat what's been said earlier, but natural turf isn't necessarily better turf, even perfect natural turf. We were up in Randall's Island just in, in December, with the Department of Education, with a culminating event for hundreds of children up there, and our coaches had to spend an hour cleaning goose doodoo--you can put that in record [laughs]--off the fields. I mean, I can imagine worse things than having my child's face rubbed into ground rubber. Secondly, there seems to be some tension also between, the old tension between in Parks and Rec between people who want parks for parks, parkland, and people who want it for organized recreation. I'd imagine that most of

1
2 these crumb rubber fields are for organized
3 recreational fields, which are permitted. So one
4 solution may be, and Parks and Rec may not thank
5 me for saying this, to mandate some sort of
6 training for permit holders, who can learn about
7 heat issues and who can learn about health and
8 safety issues through the Parks and Rec when
9 they're, if they're going to get their permit.
10 Finally, if I remember correctly, Erin Brokovich
11 was mentioned earlier, but if I remember
12 correctly, she was instrumental in getting a crumb
13 rubber field filled in the East River Park back in
14 the early '90s, I think one of the first ever
15 fields.

16 FEMALE VOICE: That's true.

17 IAN WALKER: Thank you.

18 CHAIRPERSON FOSTER: Thank you very
19 much. Our next panel, if they're still here,
20 Darren Gill. Alfonso Vargas. Alfonso? No.
21 Pedro Kim. Albert Campos. Carol Tweedy. Evedera
22 Herrera. Ana Quiontes, Quiones. Anna? Henry
23 Bunch. We're getting there. Mitchell Colton.
24 Cohen, oh that's a H, I'm sorry. [off mic] Okay.
25 Oh. If you can start, just say your name for the

record, thank you.

DARREN GILL: Hi, my name is Darren Gill, representing Field Turf, the world's leader in artificial turf grass systems. Field turf is installed in more than 3,000 high profile stadiums, universities, schools and parks worldwide. Our beloved Giants and Jets play on field turf, as do children and athletes at over 200 installations in New York City. 21 of 32 NFL teams either play or practice on field turf; 42 division 1A football programs, including Ohio State, Michigan, Rutgers, also play on our product. And field turf has been given the gold standard FIFA II star rating by soccer's governing body, which means that field turf can be used for FIFA final round competitions. The technology behind our artificial turf is pretty simple: as they've mentioned, polyethylene blades make up your shag carpet grass; a mixture of sand and rubber make your fake infill. It looks like grass, feels like grass, and we think it plays like grass, as well. I think one issue that's been cleared up as well, that Michael Blumenthal touched on, was the fact that there is no lead in

1
2 the crumb rubber. In fact, lead has been
3 something that's been well discussed in our
4 industry, and we've found it is indeed coming from
5 the fibers. Field turf is proud to say that our
6 fibers at this point are 100 percent lead free.
7 So like anything, I think our industry has taken
8 major strides in making sure our product is as
9 safe as possible, from the crumb rubber to the
10 fibers to make sure that the product we are
11 putting out to the marketplace is as safe as
12 possible. So there is no more lead in the new
13 fibers that are being introduced. And certainly
14 there has been some in some of the older fields,
15 as we've discovered, but more importantly,
16 governing bodies like the CPSC have looked at that
17 issue and have found that, although lead is
18 present, it is not harmful. A great example would
19 be ceramic flooring, if you have any in your home.
20 Ceramic flooring has a lot of lead, but because it
21 is not bio-available to your system, it is not
22 harmful; synthetic turf kind of works in the same
23 way. It was also mentioned regarding PAHs, how
24 barbecues and stoves burning and fireplaces exhume
25 more PAHs than a turf field. The issue that I

1
2 want to get across here is that science supports
3 the safety of crumb rubber. I think there's been
4 a lot of discussion today about whether turf is
5 good or turf is bad, and I think the science is
6 clear. And that's what we need to get across, as
7 there's been work done at the city and state
8 level. Currently right now at the state level,
9 the DOH and the DEC in New York are both doing
10 work. The State of Connecticut has done work as
11 well. And touching briefly on Proposition 65 in
12 California, that relates strictly to a labeling
13 law. Certainly our company and several others
14 have been sued, it relates to labeling for child's
15 products. So, it wasn't safety, State of
16 California did not come out and say "Your products
17 are unsafe." They did contain lead, and that was
18 against Prop 65, so it's a much different issue
19 than we're talking about with safety of kids. And
20 you know, there is not an issue there regarding
21 safety, so that's what I need to bring to this
22 table today. We want to share more information
23 with you, there's been studies done around the
24 world, hundreds of studies, that we're going to
25 get to so you can read. But I encourage you to

1 read the science and to pay attention to it.

2 Thank you.

3
4 CHAIRPERSON FOSTER: Thank you very
5 much.

6 CAROL TWEEDY: Good afternoon, I'm
7 Carol Tweedy, and I'm the Executive Director of
8 Asphalt Green. Thank you for giving me the
9 opportunity to testify. Asphalt Green is a not-
10 for-profit organization that exists on city land,
11 under the jurisdiction of the Parks Department.
12 We operate with and operating agreement from the
13 Parks Department. We're located between 90th and
14 92nd Street, the River to York Avenue. In, I
15 wanted to testify about our wonderful experience
16 with synthetic turf. At this very, very moment,
17 we are ripping up the current carpet that we have
18 to reinstall a new \$750,000 carpet of field turf,
19 with crumb infill. Now, in the early '80s, when
20 the city decided to bring down the asphalt plant,
21 and allow it to be changed for recreational--
22 decided not to bring the asphalt plant and allowed
23 it to be used for recreational use, Asphalt Green
24 came into existence. And at that same time,
25 redeveloped the vacant lots that were near us,

1 starting with grass, but within three years that
2 was a mud mess, so in '85 an Astroturf carpet was
3 laid. We had reinstall once in '97, and now 24
4 years later from the initial installation, we're
5 replacing again. We get incredible use, 80,000
6 visits that we can document, another 100,000 that
7 we can't. As we approach the need to replace we
8 were guided by the Department of Parks and
9 Recreation, they shared the available research
10 with us. And then monitored the site for safety
11 on a regular basis, most recently asking us to
12 take down some - - equipment that was
13 deteriorated. I have to say that as we went
14 through the specifications on the current
15 renovation, as late as December they changed the
16 specification for us on the crumb infill from
17 recycled virgin rubber to, recycled rubber to
18 virgin rubber. And I asked Commissioner Cavanaugh
19 as he was leaving today, why did you not make that
20 distinction between recycled and virgin when
21 you've changed the specification for us, and it's
22 resulted in increased cost? He said, "It's too
23 complicated a distinction to make at a hearing
24 like this." But I think it is an important issue
25

1
2 that needs to be addressed in terms of all crumb
3 infill and virgin crumb infill. The advantages
4 were overwhelming, the cost of maintenance on
5 natural turf. Of course cost cannot be the
6 deciding factor, but safety, 66 percent reduction
7 in neural injuries, 15 percent reduction in
8 cranial/cervical, is a very strong data. And I
9 think the minimal risks, questionable science,
10 around crumb infill, have to be balanced against
11 the major risk that we know of, which was the risk
12 of childhood an adult obesity. I think that an
13 advisable public health policy is to allow fields
14 that allow for maximum utilization. Thank you.

15 CHAIRPERSON FOSTER: Thank you.

16 Push the button so the light is red.

17 HENRY BUNCH: Okay, thank you.

18 Thank you for letting me speak. My name is Henry
19 Bunch, I am the President of Metro Kids, inter - -
20 soccer league in Flushing Meadow Park. In
21 Flushing we have nine fields, seven of them are
22 turf fields and two are their fields. We have
23 kids, inner city kids, and underprivileged kids
24 playing in our park. These are the only activity
25 that they really have a sport activity that they

1
2 love to perform every Saturday. Removing the
3 fields, taking out the fields, out of the nine
4 fields the two fields, six, the two fields, six
5 and seven, and six and four, they are not usable.
6 Their field, the city spent thousands of dollars
7 trying to fix this field, for many years, and it
8 hasn't work at all. We play there for two months,
9 a month, and they have mud, there's stones, and
10 dangerous for the kids. So far in the last, in
11 last eight years of Metro Kids, we haven't had a
12 single incident of any kid burning his feet or
13 having any respiratory problems or any kind of
14 sickness due to playing in the soccer fields. So,
15 I therefore I ask you to please allow us to
16 continue playing in Flushing Meadow Park, in our
17 fields. We love them and the kids need them.
18 Thank you.

19 CHAIRPERSON FOSTER: Thank you.

20 Hi, my name is Mitchell Cohen, I'm
21 from the Brooklyn Greens and the Green Party. I
22 live right across from Dreier Offerman Park, where
23 they're putting, beginning to put in artificial
24 fields. And some of us in the neighborhood are
25 opposing that, and I'll tell you why. Of course

1
2 people should not have to play on broken glass and
3 rusty pipes and just destroyed areas--the kind of
4 areas that most of us grew up playing on when we
5 were kids, and we wouldn't want our kids playing
6 on that, if possible. That doesn't mean that the
7 solution to that is to put in carpets, artificial
8 carpets. The solution to that is to put in the
9 money that's necessary to maintain, to sod and
10 maintain natural parks and natural grass,
11 throughout the entire region, especially in areas
12 where there are poor people in poor communities,
13 who always get the worst of everything. You know,
14 especially in those areas, people deserve
15 something different, something natural, and that's
16 being taken away. We have billions and billions
17 and billions of dollars to give to bail out the
18 bankers, but we don't have money for parks. We
19 don't have money for the things that we need. And
20 this is outrageous. And there's a relationship
21 between those. We don't have the money we need
22 because we're using that money to bail out the
23 bankers and the billionaires, and that's
24 outrageous. So the real issue is one of economics
25 here. We're calling for the Greens, we're calling

1
2 for the hiring of a Green Corps of workers
3 throughout New York City, to begin sodding and
4 maintaining the parks. In the last ten years or
5 so, under Giuliani, and under Bloomberg, over 70
6 to 80 percent of the staff of the Parks Department
7 have been cut, the workers who would do this
8 maintaining, and that's why we're in this fix we
9 are now, where there aren't enough workers in
10 order to maintain the parks. So they use
11 herbicides and poisons where they used to do
12 natural weeding by hand. It's the same argument.
13 I've also read arguments, at least in the old
14 turf, I'm not sure how it plays out in the current
15 turf that we're talking about, where the
16 pesticides that are used, that we've been
17 opposing, pool on the, on those areas, or bind
18 with the chemicals in the turf, and that needs to
19 be looked at. I'm not sure if that's the case in
20 the new turf that we're talking about, but I
21 haven't heard any reference to that, any studies
22 done on the pesticides, that then kids roll around
23 in. And not only kids, but pets, they walk around
24 their dogs and cats and other jaguars, whatever we
25 have in the city here. So, thank you very much.

2 CHAIRPERSON FOSTER: Thank you very
3 much, and thank you for staying to testify. Our
4 last panelist is Walter Garcia. Walter? And I
5 guess Thelmo Cortez Cordones is going to
6 translate.

7 THELMO CORDONES: Hi, my name is
8 Thelmo Cordones, I'm from Queens, Phoenix Boys
9 Academy, I'm a youth baseball coach. He's Walter
10 Garcia, he's a soccer official from Queens,
11 referee. Go ahead.

12 CHAIRPERSON FOSTER: Hold the mic,
13 turn it on, pull the mic closer.

14 WALTER GARCIA: Okay, and in
15 Spanish?

16 CHAIRPERSON FOSTER: Yeah.

17 THELMO CORDONES: Yeah.

18 WALTER GARCIA: You sure?

19 THELMO CORDONES: Yeah. I'll
20 translate.

21 WALTER GARCIA: Okay. [Spanish not
22 transcribed] We as referees, as soccer referees
23 they spend more than ten hours on the field, on
24 the artificial turf fields in Flushing Meadows
25 Corona Park, Brooklyn, Bronx, Manhattan, eight to

1 ten hours nonstop working on the fields,
2 officiating, with about an hour break for the--In
3 Flushing, Saturday and Sunday, they spend up to
4 eleven hours working. He's been working about
5 five to six years as a referee. And they never
6 have burns on the play--injuries, burn injuries on
7 the players. Maybe because the parents are
8 negligent, the kids risk the injury of getting
9 burned. So he had the experience that he saw kids
10 getting, suffer burns injuries because the parents
11 neglected the kids and they were playing on hot
12 surfaces, turf surfaces, without supervision. The
13 problem with officiating is that on the Astroturf
14 fields is that the temperature, the excessive
15 heat, because of the shoes that you wear when you
16 play soccer, your feet get really hot, when that
17 turf is hot. He has used three different brands
18 of shoes experiencing the same problems, the same
19 heat problems. They constantly be wetting
20 themselves and soaking their feet in water during
21 the games to keep cool. He belongs to about a
22 group of 150 referees, 150 officials. Four to six
23 months during the season, the soccer season, and
24 they haven't had that type of injuries. They
25

1
2 haven't had those injuries in Flushing Meadow
3 Park, the school Metro Kids [off mic discussion]
4 Okay, Metro Kids play on artificial turf.

5 CHAIRPERSON FOSTER: Have not
6 gotten those injuries.

7 WALTER GARCIA: And you have not
8 had injuries, he say he has not--

9 CHAIRPERSON FOSTER: Okay, I'm
10 just--

11 WALTER GARCIA: Okay. So, he said
12 the problem is with the heat coming with the
13 shoes, with their equipment, that it seems like
14 there's no shoes that can take that type of heat.

15 CHAIRPERSON FOSTER: And this is
16 from the artificial turf.

17 WALTER GARCIA: Yes.

18 CHAIRPERSON FOSTER: Okay.

19 WALTER GARCIA: When you play on
20 artificial turf, the soccer shoes are made of
21 plastic.

22 CHAIRPERSON FOSTER: Right, right,
23 no, I know, I understand. So, is he in favor of
24 the artificial turfs or the natural turf?

25 THELMO CORDONES: [off mic

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discussion] He would prefer natural grass or dirt.

CHAIRPERSON FOSTER: Okay.

THELMO CORDONES: But he explained to me that he, that the problem is the maintenance with the dirt.

CHAIRPERSON FOSTER: Right.

THELMO CORDONES: That it becomes a mess, and if at least they, if they would leave dirt, they would maintain it during the year, they will prefer dirt over gra--over Astro turf.

CHAIRPERSON FOSTER: Synthetic turf, okay.

THELMO CORDONES: Yes.

WALTER GARCIA: Thank you very much.

CHAIRPERSON FOSTER: Alright, thank you.

THELMO CORDONES: Yes, that's basically it, but I'm a, I got a very short--

CHAIRPERSON FOSTER: Very, very short.

THELMO CORDONES: Very short, yes.

CHAIRPERSON FOSTER: 'Cause you missed the sign up time.

1
2 THELMO CORDONES: Okay. I'm a
3 youth baseball coach from Queens CB4, like I say
4 my name is Thelmo Cordones. And I represent
5 Phoenix Boys Academy, in Queens. I have played
6 division one baseball during college, and I have
7 played on both Astroturf and natural grass. Right
8 now, I see the problem of the heat issues, I am
9 aware of the chemical issues, of the lead and the
10 other chemicals and the polyethylene. As a
11 player, if I was a youth or if I was a parent, I
12 would prefer my kid to play on grass or dirt, just
13 dirt, no grass, but maintained. Because I'd
14 rather get his with a bad hop, which is part of
15 growing up, and risk of playing sports, than to, a
16 few years later, find out that I'm sick because I
17 was exposed to some chemical that somebody ignored
18 or probably knew because of political or business
19 reason, never said it. I have seen it happen
20 before, in other fields, not on the field of
21 sports, but in life. And like I said, like the
22 gentleman said before here today, there is an
23 effect of smelling fresh cut grass, a calming
24 effect. At least for me, I have felt it, as far
25 as relieving the stress, when you are in the

1
2 summer. And if you want to prove there's only two
3 teams in Major League Baseball that have
4 AstroTurf, and they use top of the line turf,
5 which is not the turf that they have on the fields
6 in New York City. All the teams, the AstroTurf
7 was invented in the '70s, with the Houston Astros,
8 and they started taking all that off in the mid-
9 '80s, all through the '90s, and everybody started
10 putting new sod. Yes, it's a highly, it's a
11 therapeutic sod, because if you slide, the grass
12 come off, and you don't get your ankle turned.
13 Yes, it's not the regular grass, but there is a
14 high risk to the joints, also, of constantly
15 running on a carpet, which is like playing in an
16 office, with no, on an office player, on your
17 ankles, on your knees, and on your lower back.
18 And if you doubt it, do research on athletes'
19 injuries, and teams, professional sports, and
20 that's the reason that they started eliminating
21 the AstroTurf from the, at least from the Major
22 League Baseball fields, and the Minor League
23 Baseballs. You do not find those turf fields any
24 more, except on two out of 30 professional
25 baseball fields.

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CHAIRPERSON FOSTER: Thank you.

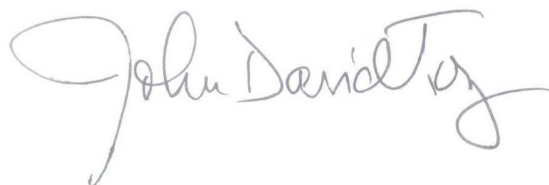
THELMO CORDONES: Thank you.

CHAIRPERSON FOSTER: Thank you very much, thank you everyone for sitting through this hearing, it's been very long, but very informative. So thank you very much, and there being no more testimony, this meeting is adjourned.

[silence until end]

C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned above a horizontal line.

Signature _____

Date FEBRUARY 20, 2009