

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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B E F O R E:

MARK LEVINE  
Chairperson

COUNCIL MEMBERS:

ALAN N. MAISEL  
ANDREW COHEN  
DARLENE MEALY  
FERNANDO CABRERA  
JAMES G. VAN BRAMER  
MARK TREYGER

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

Liam Kavanagh  
First Deputy Commissioner  
New York City Department of Parks and Recreation

Kathryn Heintz  
Executive Director  
Audubon Society

2 [gavel]

3 CHAIRPERSON LEVINE: Good morning

4 everybody and welcome to the Committee on Parks and  
5 Recreation. I'm Mark Levine. Today we're going to  
6 be examining two bills that relate to the use of  
7 pesticides by the New York City Parks Department.

8 The first is Intro 754 which is sponsored by  
9 Council Member Helen Rosenthal which would create a  
10 system in which park goers can register to receive  
11 advanced notifications via email or text message  
12 whenever an area under the Parks Department's  
13 jurisdiction will be sprayed with pesticides.

14 Second is Intro 833 sponsored by Council Member...  
15 which would require the Parks Department to publish  
16 and post online a manual that sets forth its policy  
17 regarding the reporting of its pesticide use. In  
18 2005 New York City enacted the most comprehensive  
19 municipal pesticide law in the nation. It  
20 prohibited a host of pesticides declared to be  
21 toxic or carcinogenic by the EPA on city owned or  
22 leased property and created a strict protocol for  
23 record keeping, reporting, and notification for  
24 city agencies that apply pesticides. The Parks  
25 Department does continue to use pesticides

1 throughout its 29,000-acre system while restricts  
2 the substances used to those not currently  
3 identified by the EPA as carcinogens. This includes  
4 the chemical glyphosate which is the active  
5 ingredient in the herbicide Round-Up. But last year  
6 the World Health Organization declared glyphosate a  
7 quote "possible human carcinogen" unquote. And  
8 recent research has linked the weed killer to  
9 antibiotics resistance and hormone disruption. The  
10 EPA is now reportedly reevaluating the risks posed  
11 by glyphosate. New Yorkers need to know to what  
12 extent is Round-Up still being used in our parks,  
13 what other pesticides are in use, where and when  
14 are they being applied, what exactly are the  
15 department's policies for reporting pesticide use.  
16 The two bills we are considering today will the  
17 first time mandate that the answer to these  
18 important questions are regularly made available to  
19 the public. I look forward to a robust discussion  
20 on this topic today. And I want to welcome my two  
21 colleagues on the committee who are here with us;  
22 Council Member Mark Treyger from Brooklyn, Council  
23 Member Andy Cohen from the Bronx. And I want to see  
24

1  
2 whether Council Member Cohen would like to speak on  
3 his bill.

4 COUNCIL MEMBER COHEN: Just briefly.

5 Thank you Chair Levine. As I've said often at this  
6 committee the... the 11<sup>th</sup> council district we have a  
7 lot of... proudly have a lot of park land. The  
8 district is approximately a third park land; you  
9 know Van Cortland Park, the Oval, Wave Hill...,  
10 there's a lot of green. And I want to thank the  
11 constituents that... you know particularly the  
12 community board 8 parks committee that has done  
13 rigorous community work on the use of pesticides  
14 and herbicides in our parks. I think that currently  
15 that local law 37 gives us sort of a... a macro sense  
16 of what the Parks Department is doing in terms of  
17 the use of pesticides. But I think it's important  
18 that people... the actual park user... the information  
19 is not that helpful if we have you know this large  
20 sense of what Parks Department is doing because  
21 people care about what's happening in their park,  
22 in their green space. And I think people are  
23 entitled to the confidence to know that these  
24 things are being used in accordance with how  
25 they're designed to be used. And so we think that

1  
2 having that information online would be very very  
3 helpful. And I also think you know information is  
4 power and I think this is an opportunity again to  
5 empower our constituents and by giving them this  
6 information. So I look forward to what the  
7 administration has to say. And thank you very much  
8 chair.

9 CHAIRPERSON LEVINE: Thank you. We are  
10 expecting Council Member Rosenthal to arrive any  
11 moment. But in the meantime I'm going to turn it  
12 over to the administration for their opening  
13 remarks. And I'm going to ask I guess committee  
14 counsel to please read the affirmation.

15 COMMITTEE COUNSEL SARTORI: Chris  
16 Sartori, Committee Counsel. Do you affirm to tell  
17 the truth, the whole truth, and nothing but the  
18 truth in your testimony before this committee  
19 today?

20 COMMISSIONER KAVANAGH: Yes.

21 CHAIRPERSON LEVINE: Commissioner.

22 COMMISSIONER KAVANAGH: Good morning  
23 Chair Levine and members of the Committee on Parks  
24 and Recreation. My name is Liam Kavanagh, First  
25 Deputy Commissioner at the New York City Department

1 of Parks and Recreation. Joining me on the panel is  
2 Matt Drury, our Director of Government Relations.  
3 And we have with us today Jennifer Greenfeld, Chief  
4 of Forestry, Horticulture, and Natural Resources,  
5 and Marshall Brown, Director of Horticulture for  
6 the Parks Department. Thank you for inviting me to  
7 testify today regarding Intro 754 pertaining to  
8 notification for pesticide application in city  
9 parks and Intro 833 regarding the reporting of  
10 pesticide usage. I'd like to begin by providing  
11 some context about New York City Parks. We are the  
12 steward of approximately 29,000 acres of parkland  
13 which is roughly 14 percent of the city's land mass  
14 including 10,000 acres of natural area. We oversee  
15 more than 5,000 individual properties ranging from  
16 parks and playgrounds, community gardens, and green  
17 streets. We operate more than 800 athletic fields  
18 and nearly 1,000 playgrounds, 66 public pools, 48  
19 recreation facilities, 17 nature centers and 14  
20 miles of beach. Each of these properties requires  
21 very specific maintenance and it is important to  
22 note that some of the specific challenges we face  
23 in keeping New York City park land in the best  
24 possible condition. As a major hub of international  
25

1 trade and shipping New York City hosts an abundance  
2 of unwanted species from the plant and animal world  
3 perhaps more so than any other city on the  
4 continent. Numerous plant species have arrived on  
5 our shores intentionally as imports or  
6 unintentionally attached to materials entering the  
7 country. A significant number of these species have  
8 negatively impacted local ecosystems by  
9 outcompeting native and desirable ornamental plants  
10 for water, air, and light. And I should note that  
11 two of the worst pesticide outbreaks, pests of the  
12 20<sup>th</sup> century Chestnut blight and Dutch elm disease  
13 were first discovered in New York City and most  
14 likely entered the country as imports into New York  
15 City. To effectively manage the presence of weeds  
16 and invasive species New York City parks utilizes  
17 an integrated pest management approach that  
18 prioritizes the least toxic methods and  
19 incorporates various practices and strategies  
20 including cultural, mechanical, and biological  
21 controls to control invasive... biological controls  
22 and protocols rather to control invasives and other  
23 nuisance species that impact public health, safety,  
24 and wellbeing. Though expanded citywide use of IPM  
25



1 methodology is now mandated by Local Law 37 of 2005  
2 Parks has been committed to furthering IPM  
3 practices throughout the agency for years before  
4 the law was enacted. In coordination with the New  
5 York City Department of Health and Mental Hygiene's  
6 Interagency Pest Management Committee New York City  
7 Parks has made strides in exploring innovative  
8 messes through product trials and staff IPM  
9 training. This approach encompasses a variety of  
10 methods. For example, appropriate plant selection  
11 to meet the conditions of a given site, heavy  
12 mulching and dense planting to prevent weed  
13 colonization during a garden and landscape  
14 establishment, intentional selection of desirably  
15 aggressive plant species such as Goldenrods and  
16 Asters to colonize areas and out-compete weed  
17 species and hand weeding and manual trimming and  
18 mowing. Though our preference is to avoid the use  
19 of herbicides where possible but even in ideal  
20 world mechanical or manual efforts alone would  
21 neither reverse the damage done by invasive  
22 species, nor support the broad scale establishment..  
23 successful establishment of healthy suitable plants  
24 in our parks. More nuanced and targeted strategies  
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1 including herbicide applications are necessary for  
2 us to reverse the damage of invasive plant  
3 colonization. Though our maintenance and  
4 horticulture staff do a tremendous job of keeping  
5 our parks looking their best mechanical and manual  
6 efforts require significant resources often  
7 requiring frequent visits to a given site several  
8 times a season where as a single appropriately  
9 applied herbicide treatment can maintain those  
10 areas for an entire year. The Parks Department  
11 utilizes licensed pesticide applicators and  
12 technicians to primarily apply herbicides in the  
13 public right of way or areas of hardscape where  
14 weeds grow through cracks or sidewalks or grow in  
15 walkways creating possible tripping hazards. Staff  
16 will spray advanced weed infestations in green  
17 streets and street tree beds if regrowth is  
18 unmanageable by mechanical means of control. Or if  
19 the location makes it difficult or unsafe for our  
20 employees to manually complete the work. Also our  
21 staff will at times apply herbicides at the outset  
22 of a natural area of restoration projects in  
23 locations that are removed from general public  
24 activities. These worksites are frequently overrun  
25

1  
2 by invasive plants which have outcompeted native  
3 vegetation to dominate the area considerably  
4 reducing habitat quality and vitality. We rarely  
5 apply herbicides in horticulture beds...  
6 horticultural beds in parks and we never apply  
7 herbicides in playgrounds, dog runs, or on athletic  
8 fields except if a field is closed for a total  
9 renovation. When it is determined that application  
10 of herbicides or other pesticides is necessary our  
11 staff does its best to be sure that the application  
12 is strategically targeted. In instances where  
13 herbicide application is necessary Parks  
14 understands the importance of advanced notice and  
15 transparency to ensure that local residents and  
16 park users are made aware. In accordance with state  
17 and local law Parks provides onsite notification  
18 signage 24 hours before an herbicide application is  
19 completed and... and... and for 72 hours following the  
20 application. These notifications include  
21 descriptions of the product being used, the  
22 product's active ingredients, the pest or plant  
23 being targeted and the method of application.  
24 Though many other significant forms of pesticide  
25 applications on park land are exempt from

1 notification requirements we provide notification  
2 signage as a public service in select circumstances  
3 such as when we deploy containerized baits and our  
4 parks were rodent controls. Specifically, in  
5 reference to Intro 754 Parks recognizes the  
6 interest in broadening the notification methods to  
7 include alternate forms of communication. While  
8 Parks does not currently have the capacity or  
9 infrastructure to enact a notification... effort as  
10 described in the current legislation we are open to  
11 continuing to work with the council and other  
12 agencies to discuss what approaches might be  
13 viable. There would be significant challenges  
14 involved in expanding notification but we can  
15 explore whether existing alternatives would be  
16 logistically feasible and cost effective while  
17 serving our common goal of providing better  
18 information for New Yorkers regarding their local  
19 parks. With regards to Intro 833 New York City  
20 Parks shares the council's objective of full  
21 openness and transparency regarding the monitoring  
22 and reporting of pesticide and herbicide usage. New  
23 York City Parks works closely with the New York  
24 City Department of Health and Mental Hygiene to  
25

1  
2 monitor our herbicide applications as we implement  
3 our integrated pest management strategy regarding  
4 invasive plants and weeds. Parks annually reports  
5 levels of pesticide use, the DOH which compiles all  
6 of this data citywide by individual agency and  
7 publishes an annual report which is publically  
8 accessible through its website including details  
9 regarding the reporting requirement of state and  
10 local law. Considering the ongoing reporting and  
11 transparency efforts currently being led by DOH  
12 regarding pesticide usage. We feel that local...  
13 Intro 840... 833 would require efforts that duplicate  
14 what's already underway though we are certainly  
15 open to finding way that meet the spirit of Intro  
16 833. We appreciate the council's interest in  
17 advocacy on this topic. We look forward to  
18 continuing to work with you and your colleagues to  
19 make New York City's parks even greater for all to  
20 enjoy and we would be now happy to answer any  
21 questions you may have.

22 CHAIRPERSON LEVINE: Thank you Deputy  
23 Commissioner. I'd like to cue my colleague Council  
24 Member Rosenthal if she would like to read opening  
25 statement... [cross-talk]

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COMMITTEE ON PARKS AND RECREATION

COUNCIL MEMBER ROSENTHAL: It will be brief.

CHAIRPERSON LEVINE: ...your bill.

COUNCIL MEMBER ROSENTHAL: It will be brief.

CHAIRPERSON LEVINE: Take your time.

COUNCIL MEMBER ROSENTHAL: Especially because I... I think the Parks Department you've answered some of the questions. Wow this is...

CHAIRPERSON LEVINE: For the recording equipment I'm afraid we need to...

COUNCIL MEMBER ROSENTHAL: Okay.

CHAIRPERSON LEVINE: ...use the mic.

COUNCIL MEMBER ROSENTHAL: What if I stand over here? Can you hear... Alright... scary. Kind of like... and Hillary last night. If you heard the debate they were off... Alright sorry thank you Chair Levine for holding this hearing and being such a great leader in championing our city's parks. And thank you so much Liam for being here today. You're an amazing commissioner. Our paths have crossed a couple of times and I really appreciate all the effort you put into the city's parks. So I think the point of this bill... and then if I can Segway

1  
2 into a first question Chair. Thank you. The point  
3 of this bill is really to say two things; one that  
4 there's no doubt that the Department of Parks is  
5 doing a tremendous job in doing its job right.  
6 You're... you're trying to keep the parks as  
7 beautiful as everyone wants them to be and as  
8 usable.

9 COMMISSIONER KAVANAGH: Yes.

10 COUNCIL MEMBER ROSENTHAL: As everyone  
11 wants them to be. And... and I applaud you for that.  
12 But... but there... we can always question whether or  
13 not the means used to abate weeds are... or invasive  
14 species are safe or not. There's always wiggle room  
15 for debate in that. And secondly that we're at a  
16 point in time in history as my... as we all take out  
17 our cell phones that technology has advanced  
18 significantly. So with those two thoughts in mind  
19 the notion you know why not have a system where  
20 people can be notified well in advance of the use  
21 of some type of herbicide should they be  
22 interested... in being notified why not give them an  
23 opportunity to know that... that these materials have  
24 been used. So that's the idea of the bill. And I  
25 really appreciate your time being here to think

1  
2 about it and to help us explore some ideas around  
3 it. And I truly appreciate in your statement when  
4 you noted that you're willing to work with your  
5 sister agencies to discuss what approaches might be  
6 available to us and might be viable. Well for your  
7 terminology of the word sister which is incredibly  
8 important to me in this day and age and your  
9 willingness to work with the other agencies because  
10 I think that's exactly what it's going to take is  
11 working with the other agencies to get this done in  
12 particular perhaps do it which can help with the  
13 technology that would be required. So that's the  
14 extent of my opening statement. Thank you so much.  
15 Andy really you were here first so you should get  
16 first... I shouldn't.

17 CHAIRPERSON LEVINE: But I trump you  
18 all. And don't you forget it. Thank you Council  
19 Member Rosenthal. Commissioner I didn't hear a  
20 specific number so could you clarify for us how  
21 many times a year you're applying herbicides and  
22 pesticides?

23 COMMISSIONER KAVANAGH: In all category  
24 we have close to 7,000 herbicide applications in  
25 the course of the year... pesticide applications,



1  
2 excuse me. That includes rodenticides, fungicides,  
3 insecticides which you know we use in... in  
4 recreation centers to control pests in there as  
5 well as herbicides.

6 CHAIRPERSON LEVINE: How many of them  
7 are round up applications?

8 COMMISSIONER KAVANAGH: The... the...  
9 approximately there are... there are approximately  
10 2,000 Round-Up applications. We have 22 hundred and  
11 46 herbicide applications in 2014. The majority of  
12 them were Round-Up or... products.

13 CHAIRPERSON LEVINE: How does that  
14 compare to years past? Is there a trend? Is it  
15 stable?

16 COMMISSIONER KAVANAGH: It... it varies  
17 for two factors. One weather is a... is a big  
18 consideration. You cannot apply herbicides during  
19 rainy weathers, during windy weather, things like  
20 that. And you know for example in 2013 we  
21 experienced a very cool and rainy summer and... many  
22 fewer applications. The other driver is a product...  
23 one... the presence of a specific pest and for  
24 example in some years we've seen outbreaks of  
25 poison Ivy in natural areas and that's something we

1  
2 have to control because it does have a direct  
3 impact on people. We don't see that every year, we  
4 don't see it every place. And then another major  
5 driver are the reforestation projects that we've  
6 undertaken over the last few years. Herbicide  
7 applications are part of the process. Those spaces  
8 are fenced off on those applications are made and  
9 they are in you know relatively remove areas with...  
10 with little direct public contact. So it varies  
11 from year to year whether sort of seasonal pests  
12 that arise and projects that we're undertaking.

13 CHAIRPERSON LEVINE: Got it. How many  
14 staff at the department are authorized to apply  
15 pesticides? Is there a special training, a  
16 certification for this?

17 COMMISSIONER KAVANAGH: We have 104  
18 certified applicators within the Parks Department  
19 in... in a variety of categories.

20 CHAIRPERSON LEVINE: To what extent do  
21 you use contractors?

22 COMMISSIONER KAVANAGH: We... we...  
23 contractors are limited in terms of the number of  
24 applications but you know for example every capital  
25 project has an item in it for rodenticide

1  
2 applications. That is a pesticide. It's something  
3 that we do to prevent rodents from... from you know  
4 becoming a problem in the surrounding community. We  
5 don't always use it but when... you know when we see  
6 signs of rodents in parks that are being  
7 constructed we do apply pesticides. The majority of  
8 contract applications of herbicides are in those  
9 natural area restoration project. So they're very  
10 limited in number though the amount of herbicide  
11 might be higher than the typical application.

12 CHAIRPERSON LEVINE: Obviously the  
13 contractors have to comply with the same laws..  
14 [cross-talk]

15 COMMISSIONER KAVANAGH: Absolutely.

16 CHAIRPERSON LEVINE: ...a city worker  
17 would.

18 COMMISSIONER KAVANAGH: They have the  
19 same requirements that we and every other entity  
20 that applies pesticides has to conform to in New  
21 York City.

22 CHAIRPERSON LEVINE: And it would be on  
23 the department to oversee the contractors for..

24 COMMISSIONER KAVANAGH: Yes.

25

1  
2 CHAIRPERSON LEVINE: ...to assure  
3 compliance. Have you ever found contractors to fail  
4 to comply with the relevant laws?

5 COMMISSIONER KAVANAGH: No we haven't.  
6 There were a couple of instances where DEC in  
7 reviewing our... our work in specific instances had  
8 some suggestions about how we can become more  
9 effective in our work but we've never been... never  
10 been a violation administered for our contract  
11 work.

12 CHAIRPERSON LEVINE: Got it. You're  
13 obviously applying these chemicals for the good of  
14 park users and... and the broader ecosystem but do  
15 you ever apply any kind of pesticides, herbicides...  
16 for public health goals? For example, related to  
17 West Nile Virus.

18 COMMISSIONER KAVANAGH: We have not  
19 recently. You know years ago when West Nile first  
20 started we used to apply larvicide in specific  
21 location as... in... in concert with the Health  
22 Department but the Health Department does all of  
23 the West Nile vile treat... West Nile Virus  
24 Treatments.

25 CHAIRPERSON LEVINE: Including in parks?

1  
2                   COMMISSIONER KAVANAGH: Including in  
3 parks, yes.

4                   CHAIRPERSON LEVINE: Got it.

5                   COMMISSIONER KAVANAGH: And you know  
6 rodenticides are of course a public health issue so  
7 we do apply rodenticides. We also work very closely  
8 with the health department in you know developing  
9 strategies for addressing rodent problems that are...  
10 are comprehensive and don't just involve  
11 rodenticide applications.

12                  CHAIRPERSON LEVINE: Got it. So does the  
13 Health Department maintain... do they perform a  
14 review of the chemicals that you're using?

15                  COMMISSIONER KAVANAGH: Well all the  
16 chemicals that we use have to conform to the  
17 requirements of Local Law 37. So we... they do review  
18 the material that we... we use. They ensure that it  
19 does conform with Local Law 37 and you know we... we...  
20 we discuss these things with them on a regular  
21 basis.

22                  CHAIRPERSON LEVINE: But in the case of  
23 a chemical like Round-Up which is not yet on the  
24 EPA's list of carcinogens...

25                  COMMISSIONER KAVANAGH: Mm-hmm.

1  
2 CHAIRPERSON LEVINE: ...though there is  
3 like mounting concerns in the scientific community  
4 about its impact... And if you don't think that's a  
5 fair characterization I'd like to hear... but would...  
6 would or does the Department of Health conduct  
7 additional review, perhaps apply more stringent  
8 standards in cases where we don't feel the EPA has  
9 caught up to science?

10 COMMISSIONER KAVANAGH: Well you know as  
11 you noted the... the World Health Organization did  
12 issue a finding about glyphosate last year as a  
13 possible carcinogen. There is some... I... I don't know  
14 how to characterize it accurately, question within  
15 the scientific community, not just the industry, as  
16 to whether that finding was valid. And even in the...  
17 even in the report that they issued they... you know  
18 they... they did say it was probably carcinogenic to  
19 humans but it also stated there's limited evidence  
20 in humans for carcinogenic. So there is some  
21 question there. EPA I... I believe has agreed to  
22 review glyphosate and its application as used right  
23 now under Local Law 37. We follow the directives of  
24 EPA and... and California which has a very stringent  
25 and aggressive environmental sort of focus on... on...

1  
2 on pesticide uses. And they have not to my  
3 knowledge taken any action on glyphosate yet  
4 either. So you know we think that as long as it's  
5 approved, if it's applied according to label  
6 directions, within the context of the regulations  
7 which are meant to be protective of public health  
8 by certified applicators that we can still safely  
9 use it.

10 CHAIRPERSON LEVINE: I believe Local Law  
11 37 does give you the right to apply for a waiver to  
12 the Health Department for if you want to use a  
13 banned substance. Have you ever done that?

14 COMMISSIONER KAVANAGH: We have. And...  
15 and most recently we've gotten a waiver to use  
16 specific herbicides that are used to treat Dutch  
17 Elm disease. They're applied directly to the tree  
18 itself, they're injected. There's you know very  
19 little potential for any type of exposure. When the  
20 bill first passed we did have a waiver for a few  
21 years to use a permanent herbicide for a couple of  
22 years while we tested other means and methods of  
23 weed control. But we no longer use that.

24 CHAIRPERSON LEVINE: Okay. I'm going to  
25 pause for a moment, acknowledge that we've been

1  
2 joined by Council Member Alan Maisel from Brooklyn,  
3 Council Member and Majority Leader Jimmy Van Bramer  
4 from Queens. And I'm going to see if any of my  
5 colleagues have... Council Member Cohen has  
6 questions. Go ahead.

7 COUNCIL MEMBER COHEN: Thank you Chair.  
8 Good morning Commissioner.

9 COMMISSIONER KAVANAGH: Good morning.

10 COUNCIL MEMBER COHEN: I was wondering  
11 if you could just sort of first give us a sort of a  
12 thumbnail sketch of what the status is of invasive  
13 species you know in our city parks. I know in Van  
14 Cortlandt Park it's an ongoing perpetual battle.  
15 And just sort of give us a thumbnail of what's  
16 going on citywide.

17 COMMISSIONER KAVANAGH: We are in a  
18 constant battle with invasive species which are...  
19 are aggressive, can colonize spaces very quickly  
20 and degrade the environmental quality of... of public  
21 spaces. In Van Cortlandt Park you have... we have an  
22 enormous number of invasive weeds and vines that  
23 can completely dominate a landscape, can crowd out  
24 more native species that provide you know a greater  
25 range of benefits to a bigger number of species



1  
2 over a longer period of time. The invasives... you  
3 know they do have some environmental function to  
4 them, there is no question about it, but it's  
5 limited to the season, to the type of nutrients  
6 they provide, to a range of plant... of insects and  
7 animals, and we think... and many others in the field  
8 think that a more diverse ecosystem that's based on  
9 native plants is much healthier overall for the  
10 environment and it's a goal that we... we strive to  
11 obtain but it's... it could be a... a difficult battle  
12 you know given the amount of space that we manage  
13 and the... and I guess the tenacity of some of these  
14 invasive species.

15 COUNCIL MEMBER COHEN: Could you talk a  
16 little bit about the impact of the use of  
17 rodenticides... I don't know if that's the right word  
18 or not or what we were calling them, how do you  
19 limit that to not affect other wildlife that we  
20 actually... we like in our parks?

21 COMMISSIONER KAVANAGH: Well one of the  
22 things that we do is during raptor nesting season  
23 which is coming up around the corner is that we... we  
24 suspend using rodenticides in parks where there are  
25 actively breeding raptors or we see breeding raptor

1  
2 pairs in the vicinity. That's something we've done  
3 for a number of years. We... we you know we deal with  
4 the rodent problems as best we can during those  
5 periods. You know there are other things that we do  
6 to address rodents. We certainly look to improve  
7 our sanitation practices, try to educate people who  
8 use the parks so they're not leaving food around  
9 that potentially attracts the rodents. We do work  
10 on harborage that is sort of plantings that  
11 encourage rodent activity. And we look at you know  
12 businesses around parks that might be inadvertently  
13 contributing to rodent problems. So we do all those  
14 things in addition to applying rodenticides but  
15 there are definitely some points where we have to  
16 use rodenticides in order to control rats. But as I  
17 said during breeding season we... we don't use them  
18 in places where we see you know birds of prey and  
19 things that we want to preserve in our parks.

20 COUNCIL MEMBER COHEN: Besides birds of  
21 prey the... I mean as you know there's a menagerie of  
22 wildlife...

23 COMMISSIONER KAVANAGH: ...there are.

24 COUNCIL MEMBER COHEN: ...from... in the  
25 Bronx or wherever they're coming from but I mean

1  
2 you know coyotes, opossum, skunks, raccoons, are  
3 they impacted by the use of rodenticides?

4 COMMISSIONER KAVANAGH: No. We see... we  
5 see all those animals and... and we're you know sort  
6 of adapting to them both in our management approach  
7 and... and our education of the public. But we tend  
8 to apply rodenticides and the... the rat problems  
9 exist where heavy concentrations of people are and  
10 those animals tend to be in the... in the natural  
11 areas more. So... so I don't know of any case where  
12 one of the animals you just... you just mentioned  
13 was... was... may have been you know affected by... by a  
14 rodenticide application.

15 COUNCIL MEMBER COHEN: In terms of  
16 information the... the data is available that you  
17 know how... you know in the 7,000 application you...  
18 you know where each of those applications was made,  
19 where and when?

20 COMMISSIONER KAVANAGH: Yes, we do.

21 COUNCIL MEMBER COHEN: So that... that  
22 information ultimately could be made available on a  
23 more granular level online?

24 COMMISSIONER KAVANAGH: Yes, it could.  
25

1  
2 COUNCIL MEMBER COHEN: Okay. Thank you  
3 very much.

4 CHAIRPERSON LEVINE: Thank you Council  
5 Member Cohen. Council Member Rosenthal. Okay.

6 COUNCIL MEMBER COHEN: I... I forgot to  
7 ask... what... also one of the issues in the Northwest  
8 Bronx is I have golf courses. Are... are the... are the  
9 same rules that are applied in the other parts of  
10 the parks applicable to these concessions and  
11 franchises?

12 COMMISSIONER KAVANAGH: Golf courses do  
13 have to report their pesticide use as any other  
14 entity within New York City. They do have different  
15 regulations covering them. In general golf courses  
16 are treated differently not just in New York City,  
17 around the state. I believe it is because the... the  
18 potential for exposure is very different on golf  
19 courses than it is in other public spaces. They're  
20 fenced in. The clientele tends to be adults who  
21 don't have direct contact with... you know with dirt  
22 or in the surfaces which can lead to potential you  
23 know hand to mouth transference of... of pesticides.  
24 That's what I believe to be the... the basis for

1  
2 treating them differently in these kinds of  
3 instances.

4 COUNCIL MEMBER COHEN: Do we know if the  
5 applications particularly in Van Cortland Park are  
6 having any impact on the wetlands? Do we monitor  
7 that in any way? Is there any way to monitor that?

8 COMMISSIONER KAVANAGH: I'll be honest I  
9 don't know the answer to that question. I will ask  
10 our experts and... and see if there is some way to  
11 monitor it.

12 COUNCIL MEMBER COHEN: I appreciate  
13 that. Thank you. Thank you.

14 CHAIRPERSON LEVINE: Thank you Council  
15 Member Cohen. And now Council Member Rosenthal.

16 COUNCIL MEMBER ROSENTHAL: Thank you so  
17 much. I think mostly my questions are going to be  
18 for DoITT. But I just want to get a sense of the...  
19 follow-up on what Chairman Levine asked you about  
20 in terms of the number of times that sprayings  
21 occur. And I just want to confirm I heard you  
22 right... that it was roughly 7,000 times a year?

23 COMMISSIONER KAVANAGH: There was  
24 roughly 7,000 pesticide applications that includes  
25 rodenticides...

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COUNCIL MEMBER ROSENTHAL: Right.

COMMISSIONER KAVANAGH: ...fungicides, and insecticides which are used for wasps in trees and.. and you know when we have insects in... in recreation centers and things like that. There were approximately 22 hundred herbicide applications...

COUNCIL MEMBER ROSENTHAL: Yeah.

COMMISSIONER KAVANAGH: ...made during 2014.

COUNCIL MEMBER ROSENTHAL: Are there any other 'isides' that were used in addition to the pesticides?

COMMISSIONER KAVANAGH: No... none that I'm aware of. We're very careful about managing it, making sure that it's only applied by... by certified applicators...

COUNCIL MEMBER ROSENTHAL: Sure.

COMMISSIONER KAVANAGH: ...and... and that we're reporting everything that we do.

COUNCIL MEMBER ROSENTHAL: Yeah and...

COMMISSIONER KAVANAGH: It's something we take very seriously.

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COMMITTEE ON PARKS AND RECREATION

COUNCIL MEMBER ROSENTHAL: ...I have no doubt about that. I just wanted to know the... the breadth of... of the amount of work.

COMMISSIONER KAVANAGH: Yes.

COUNCIL MEMBER ROSENTHAL: So hypothetically if people were in... in the situation of my bill signing up to get notifications beforehand it would be on average 7,000 times a year they would get a notification?

COMMISSIONER KAVANAGH: If... if it were... if the... you know if the...

COUNCIL MEMBER ROSENTHAL: If the bill... [cross-talk]

COMMISSIONER KAVANAGH: If the initiative covered all pesticide applications...

COUNCIL MEMBER ROSENTHAL: Right.

COMMISSIONER KAVANAGH: ...yes.

COUNCIL MEMBER ROSENTHAL: If they just did the...

COMMISSIONER KAVANAGH: The herbicides.

COUNCIL MEMBER ROSENTHAL: ...herbicides it would be limited...

COMMISSIONER KAVANAGH: Yes.

1  
2 COUNCIL MEMBER ROSENTHAL: ...to 22  
3 hundred. And could you just send us the numbers for  
4 each category?

5 COMMISSIONER KAVANAGH: I'm sorry could  
6 you repeat that Council Member.

7 COUNCIL MEMBER ROSENTHAL: Could you...  
8 yeah I don't know if you have it now but could you  
9 send us the break out of the 7,000 pesticides and  
10 the different...

11 COMMISSIONER KAVANAGH: Yes.

12 COUNCIL MEMBER ROSENTHAL: ...'icides'?

13 COMMISSIONER KAVANAGH: Yes, we can do  
14 that.

15 COUNCIL MEMBER ROSENTHAL: And then  
16 secondly and I don't mean to steal the thunder of  
17 the Audubon Society who's going to testify today  
18 and I'm... I really appreciate their being here but  
19 do you... they as part of their work track... try to  
20 track the impact on... on birds right. So the impact  
21 of the pesticides. And I... does your... does the Parks  
22 Department do that as well or does... is that in the  
23 purview of the Department of Health?

24 COMMISSIONER KAVANAGH: We don't  
25 specifically track impacts...



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COUNCIL MEMBER ROSENTHAL: Sure.

COMMISSIONER KAVANAGH: ...on bird life or others but we're very aware of it. If... if we see something that is adversely affecting any animal life in our parks it's something that we're going to notice and we're going to investigate.

COUNCIL MEMBER ROSENTHAL: How many times has that happened over the last three years?

COMMISSIONER KAVANAGH: I can't think of an instance with... with birds. It happens periodically with fish.

COUNCIL MEMBER ROSENTHAL: Okay.

COMMISSIONER KAVANAGH: There's a number of causes for fishes... fish to expire in our... in our waters. It has to do with... with the heat, nutrients in the water, a number of other factors. Jennifer Greenfield is... okay something different? I... I don't recall any significant... or... or sort of widespread instance where we've seen a number of birds or specific species being affected in a particular park.

COUNCIL MEMBER ROSENTHAL: I mean except for the rodents of course.

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2 COMMISSIONER KAVANAGH: Yes, the  
3 rodents.

4 COUNCIL MEMBER ROSENTHAL: When that  
5 happened with... no... no with the raptors.

6 COMMISSIONER KAVANAGH: Yes.

7 COUNCIL MEMBER ROSENTHAL: Which...

8 COMMISSIONER KAVANAGH: Yes, there were  
9 a couple of instances a few years ago where... where  
10 raptors you know where... they you know... it was  
11 determined by the state DEC that the cause of death  
12 had to do with... with a pesticide that they consumed  
13 after... after consuming a rat. That... that has  
14 absolutely happened. And that's one of the reasons  
15 why we limit the type of pesticide we use to have  
16 the lowest possible you know secondary impact and  
17 that we do suspend it during the breeding seasons.

18 COUNCIL MEMBER ROSENTHAL: Okay. I just  
19 wanted to note... the point of my question was just  
20 to note the value of the scientists...

21 COMMISSIONER KAVANAGH: Yes.

22 COUNCIL MEMBER ROSENTHAL: ...who can  
23 study the impact and that they provide that value  
24 so well. You know Parks Department may or may not  
25 know about it. There is... that work is happening,

1  
2 not necessarily with the Parks Department but with  
3 another group.

4 COMMISSIONER KAVANAGH: No we... we very  
5 much value a scientific approach to managing our  
6 natural areas. It is the... the... the approach that we  
7 have adopted within our natural resources group and  
8 we certainly respect that the... the many people who  
9 work in the field who contribute to our  
10 understanding of how nature works in the city.

11 COUNCIL MEMBER ROSENTHAL: Thank you.  
12 And then similarly of the 2,200 applications of the  
13 herbicides could you... would it be possible for your  
14 data folks to analyze geographically how many were  
15 in each borough?

16 COMMISSIONER KAVANAGH: Yes, we know how  
17 many were in each borough.

18 COUNCIL MEMBER ROSENTHAL: Okay so you  
19 can send me that?

20 COMMISSIONER KAVANAGH: Yes.

21 COUNCIL MEMBER ROSENTHAL: Do you break  
22 it down in... in even greater detail than that,  
23 probably by park, I don't know by community  
24 district?

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2           COMMISSIONER KAVANAGH: We... we've been  
3 looking at that as a result of you know the  
4 inquiry, or the introductions, these two  
5 introductions that we're discussing today. Our...  
6 the... the... the reporting system doesn't lend itself  
7 to... to that level of detail without a lot of sort  
8 of... a lot of research. But we... we are looking into  
9 ways that we can make more detail available.

10           COUNCIL MEMBER ROSENTHAL: Okay. Could  
11 you off the top of your head say which of the 22  
12 hundred, which are in which borough roughly?

13           COMMISSIONER KAVANAGH: Well it's hard  
14 to say because it does vary from year to year but  
15 Queens tends to have more applications only because  
16 Queens has the most green streets in the system.  
17 And green streets are a place where herbicides are  
18 likely to be used one because of the... working in  
19 traffic you know exposes our staff to potential  
20 injury and so we want to limit that to the greatest  
21 extent possible. And... and we also don't want to be  
22 you know constantly interfering with traffic  
23 because that also does not make us beloved in the  
24 communities. But you know it... it's... it's an  
25 effective way to control weeds that can block you

1  
2 know sight lines and things like that. And these  
3 are places where you know public contact is... is  
4 relatively limited. There are similar situations in  
5 Staten Island along roadways that boarder natural  
6 areas where you do get extensive weed growth and  
7 trying to control that manually would be very  
8 difficult and... and again would expose our workers  
9 to constant you know traffic and something that we...  
10 we hope to limit; we try to limit as much as we  
11 can.

12 COUNCIL MEMBER ROSENTHAL: Oh that's  
13 interesting. So different... so that's not  
14 necessarily a playground or a park spraying. It's  
15 interesting I haven't... you heard that word before,  
16 a green street, you mean where there's lots of...

17 COMMISSIONER KAVANAGH: It's usually a  
18 triangle or a median in the middle of a roadway  
19 that we have planted as a... as a you know... for  
20 aesthetic purposes. They're very popular. We... we  
21 like them. We like to keep them as... as green and as  
22 colorful as possible. And sometimes herbicide  
23 applications are the best means of doing that.

24

25

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2 COUNCIL MEMBER ROSENTHAL: Okay if I  
3 could get a breakdown... exact breakdown by borough  
4 that would be great.

5 COMMISSIONER KAVANAGH: Yes.

6 COUNCIL MEMBER ROSENTHAL: Thank you.

7 CHAIRPERSON LEVINE: Thank you Council  
8 Member Rosenthal. I'd like to acknowledge we've  
9 been joined by our colleague Fernando Cabrera from  
10 the Bronx. Colleagues if you have questions let me  
11 know otherwise I have one or two more. Liam you  
12 were... you were talking about some of the  
13 limitations on reporting that are specific to your  
14 processes for using pesticides. Can you explain why  
15 it is that if the Health Department when it does a  
16 spraying for West Nile Virus has a pretty robust  
17 and I think effective public notification system in  
18 place why that wouldn't be easily transferable to  
19 the Parks Department.

20 COMMISSIONER KAVANAGH: Well I think it  
21 has to do with the scale and... and the number of the  
22 applications. The Health Department and the West  
23 Nile Virus applications there are a limited number,  
24 there are dozens in the course of a year. Yes.  
25 There are dozens in the course of the year as

1  
2 opposed to the... if we looked at just the herbicide  
3 applications we have 22 hundred. We have to cancel  
4 our applications frequently because of weather  
5 conditions. And so you don't want to be constantly  
6 notifying, cancelling, and notifying for the same  
7 application because it... it might make it appear,  
8 using the method that the Health Department uses,  
9 it might make it appear that there are you know  
10 many more applications than were actually being  
11 applied. The other thing is the Health Department's  
12 West Nile Vile treat... Virus treatments cover you  
13 know fairly broad geographic areas where our  
14 applications can be limited to one specific area of  
15 a green street, of roadside in a natural area, and..  
16 and in a park as well. We don't spray in  
17 playgrounds as I mentioned before. But you know  
18 there... they're small. They may get cancelled for  
19 environmental reasons. And we think that that  
20 constant notification cancellation will... will just  
21 create an... perhaps an inaccurate impression of.. of  
22 what we're doing and how often we're applying it.

23 CHAIRPERSON LEVINE: So the city manages  
24 I think 35 recreation centers. Like every other  
25 building in New York City I presume that there are

1  
2 rodent problems there. You can tell me if I'm  
3 wrong. I'm curious to know what your protocols for  
4 pest control in those buildings are since they're  
5 so heavily used and probably a greater risk of  
6 contact between people and... and the pesticides.

7 COMMISSIONER KAVANAGH: Yes, we do  
8 experience some pest problems in our recreation  
9 centers. We... we treat them very carefully of course  
10 because there is a potential for public exposure.  
11 When we do applications we... we do it in a way that  
12 does not lend itself to any public contact what so  
13 ever. We do it after hours. We do it in places  
14 where you know the public is... is not going to  
15 access the material.

16 CHAIRPERSON LEVINE: Going to pause for  
17 questions from my colleague Mark Treyger.

18 COUNCIL MEMBER TREYGER: Thank you Chair  
19 Levine for holding this important hearing. I want  
20 to really commend my colleagues, both Council  
21 Members Cohen and Rosenthal for I think very  
22 important bills. Just... just to get clarity. So is...  
23 is the Parks Department currently require... just...  
24 just... I want to be crystal clear on this. Are they  
25 required to report to the public when they're using



1  
2 these types of pesticides and through what  
3 mechanism is the public notified just... just to be  
4 clear? In... under Local 37 there are specific  
5 pesticides that we must post in advance at the  
6 location where we're spraying. We put up a sign  
7 stating that a certain product is going to be  
8 applied on a certain date. We... it includes the...  
9 the... the chemical ingredient that the product  
10 includes and the pests that we're trying to treat.  
11 We post that 24 hours in advance at the sight where  
12 the application is to be made and it has to remain  
13 in place for... for 72 hours after the application is  
14 made.

15 COUNCIL MEMBER TREYGER: And is that  
16 sign translated in different languages spoken in  
17 that community?

18 COMMISSIONER KAVANAGH: At... at the  
19 moment it is not translated in languages beyond  
20 English.

21 COUNCIL MEMBER TREYGER: So that's a  
22 problem because many of the communities I represent  
23 speak a variety of languages. Throughout the city  
24 we have that. I... I could point to proxy in my  
25 neighborhood, Seth Low Park a very huge you know

1 Asian American population, Russian... Russian  
2 speaking population. So that sign would not even be  
3 helpful to them. So I... I do think that this is  
4 another example, Chair, of language access that  
5 we've been talking about. I... also you mentioned  
6 that some pesticides are required to be posted, not  
7 all. Technically there's no requirement to post  
8 when we apply rodenticides however we have adopted  
9 that practice? But just to be clear Commissioner I...  
10 I appreciate you know your candidness but are all  
11 pesticides being you know... is... are all pesticides  
12 being reported or just again some?

14 COMMISSIONER KAVANAGH: Local Law 37  
15 defines which pesticides require that advanced  
16 posting in that 72-hour period in which the cide  
17 has to remain in place. They're all... we report on  
18 all pesticide applications to the Department of  
19 Health. And that's part of their annual report they  
20 produce. Certain pesticides like the herbicides  
21 there's a requirement that we post that signage in  
22 advance of the application and have it remain in  
23 place for 72 hours. Other pesticides like  
24 rodenticides it's not specifically required under  
25

1  
2 the legislation but we do it because we think it's...  
3 it's a good practice.

4 COUNCIL MEMBER TREYGER: So you report  
5 to the Department of Health but not to the public  
6 at large at that park. Is that what you're saying?  
7 You're reporting all pesticides to the Health  
8 Department but not posting it at the park site.

9 COMMISSIONER KAVANAGH: There are some...  
10 and for us very limited applications that are not  
11 required to post for example when we apply a  
12 fungicide to an elm tree to hopefully prevent Dutch  
13 Elm disease. It's not required to post... it's a very  
14 limited application that only is in the tree itself  
15 and we don't put a notice about that application.

16 COUNCIL MEMBER TREYGER: The only reason  
17 why I believe that these bills are very important  
18 and timely is that you know we... we are reading  
19 reports across the nation of some... these things end  
20 up in water streams. And a lot of our parkland  
21 borders coastlines. They border lakes. They... they  
22 border you know ponds and other things. And so we  
23 need to be very mindful that we're in an era now  
24 where we need to be even more transparent, even  
25 more diligent about making sure that we're not

1  
2 posing any types of risks or... or harm to the  
3 public. I also want to just ask a question about...  
4 we're talk... these bills and this topic covers you  
5 know items that we're spraying we're using to deal  
6 with insects or types of you know... you know to kill  
7 certain things that are harmful to plants and trees  
8 but what about preexisting conditions in the park,  
9 preexisting contaminates. For example, it's... I... I  
10 had heard a report that Calvert Vaux Park Dreier-  
11 Offerman was used as a site to hold some of the  
12 debris from 9/11, is that accurate?

13 COMMISSIONER KAVANAGH: No.

14 COUNCIL MEMBER TREYGER: So it... it did  
15 not have any debris at all from 9/11 what so ever?  
16 Because people in the community noted that to me  
17 but I... there's no official report of saying that. I  
18 just want to get clarity on that. Are there any...  
19 were there any type of debris or contaminates left  
20 behind from any type of disasters dumped in parks.

21 COMMISSIONER KAVANAGH: There... there are  
22 none that I'm aware of. There are a number of parks  
23 that were used as landfills you know back in the  
24 1930s and 40s. I believe Calvert Vaux was one of  
25 those. And to my knowledge and I was working for

1  
2 the Parks Department at the time of 9/11. I... I do  
3 not know of any instance where 9/11 debris was  
4 brought to Calvert Vaux Park.

5 COUNCIL MEMBER TREYGER: So Calvert Vaux  
6 was used as a landfill back how long ago?

7 COMMISSIONER KAVANAGH: I don't remember  
8 the exact dates but a lot of that land was created  
9 using landfill back in the 30s. It was a technique  
10 that Robert Moses used around the city to create  
11 more land for... [cross-talk].

12 COUNCIL MEMBER TREYGER: I can go on and  
13 on about Robert Moses and his... and his plans. The  
14 question though is that is there any requirement  
15 from the Parks Department to notify the public  
16 about what they found in the soil in Dreier  
17 Offerman Calvert Vaux Park. I mean are you aware of  
18 any reports about what is actually in the park  
19 right now?

20 COMMISSIONER KAVANAGH: I'm not aware of  
21 any. If there were contaminates found in a park, we  
22 would certainly have to... have to notify the public  
23 bout them.

24 COUNCIL MEMBER TREYGER: Through what  
25 mechanism and how?

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2                   COMMISSIONER KAVANAGH: I think it would  
3 vary depending on the... on the... on the situation and  
4 the... the material that was found.

5                   COUNCIL MEMBER TREYGER: I'd like to  
6 maybe follow-up with you after this hearing to  
7 discuss Dreier Offerman Park further. And I just  
8 wanted to say to my colleagues this is a very  
9 timely... timely discussion and timely bills. And I  
10 want to commend the chair for holding this hearing.  
11 Thank you.

12                   CHAIRPERSON LEVINE: Thank you Council  
13 Member Treyger. Council Member Cabrera.

14                   COUNCIL MEMBER CABRERA: Thank you so  
15 much Chair Levine and to Council Member Rosenthal  
16 for this... it was said timely bill. First let me  
17 excuse... I'm a little under the weather but I was  
18 very very interested in this topic. I'm just  
19 curious... you were talking earlier... you were talking  
20 about fish and first about birds. The first ones  
21 that came to mind were fish. Is there... I'm asking  
22 because I don't... I really don't know. Is there any  
23 water... any... any place where there are fish where  
24 people can actually fish in New York City or they  
25

1  
2 have access to fishing where pesticides are  
3 applicated [phonetic] around that area?

4 COMMISSIONER KAVANAGH: Fishing is  
5 permitted in... in many parks throughout the city.  
6 However, in all parks the regulations are catch and  
7 release. You... you cannot take a fish out of the  
8 park or out of the water in any New York City lake  
9 or pond. So... excuse me...

10 COUNCIL MEMBER CABRERA: That's okay.  
11 It's all good.

12 COMMISSIONER KAVANAGH: Let me just make  
13 sure that doesn't happen again. Sorry so there..  
14 there... there should not be any instances where  
15 there is a potential for a fish that is ingested  
16 any pesticides to be eaten and should not be. Yes,  
17 there are applications made in parks with lakes and  
18 water bodies. We're very conscious about  
19 applications around water bodies. They are  
20 regulated by the State Department of Environmental  
21 Conservation and... and we work closely with them to  
22 provide the best you know aquatic help that we can.

23 COUNCIL MEMBER CABRERA: Is there any  
24 studies... I see in the notes we were given... we apply  
25 about 100 pounds of pesticides in any two over

1  
2 8,000 gallons of pesticides. Has there been any  
3 studies or any way to calculate how much of that  
4 end up in our waterways? Is there any way to... I  
5 mean does this pesticide... I'm a city boy so please  
6 help me understand. Do... do all the chemicals... I...  
7 I'm... I'm sure there are underground current rivers  
8 that go through the city right?

9 COMMISSIONER KAVANAGH: Cross streams,  
10 yes.

11 COUNCIL MEMBER CABRERA: Okay so how  
12 much of that end up there and where does that water  
13 go to the... end up going back to the public, into  
14 the sea, and if it goes into the sea how much of  
15 this 100,000 pounds end up in the sea?

16 COMMISSIONER KAVANAGH: I don't think I  
17 can answer all of your questions but...

18 COUNCIL MEMBER CABRERA: Okay.

19 COMMISSIONER KAVANAGH: ...the... the... the  
20 herbicide that we use primarily is called  
21 glyphosate, commonly known as Round-Up, it's  
22 applied directly to a growing plant. And as I  
23 mentioned we have to be... state regulates any... any  
24 work around water bodies so we're... we're... we're  
25 extremely careful around that. It does not have a



1 long life. It... it... it poisons the plant, there's no  
2 question about that, but it does not have a long  
3 sort of residual life in... in the soil. It would be  
4 surprising that that pesticide... and that's the  
5 primary one that we use, would contribute directly  
6 to contamination in water bodies. Our water bodies  
7 vary in terms of how they were constructed, where  
8 they... where the source of water comes from, and...  
9 and where they drain into. Some of them are... are  
10 part of the city's infrastructure and drain into  
11 the city's sewer systems other... others are  
12 connected to bigger water bodies such as flushing  
13 meadows where the two lakes are very much connected  
14 to Flushing Bay. So it's a variety of... of different  
15 scenarios when... when it comes to how the water  
16 bodies function.

18 COUNCIL MEMBER CABRERA: So you're  
19 saying after a few days or I don't know I'm  
20 assuming after a few days it loses its potency but  
21 the... but what happens to the chemical composition?  
22 Is it still dangerous?

23 COMMISSIONER KAVANAGH: My  
24 understanding... I'm... I will confess I'm not an  
25 expert is that it breaks down and it becomes inert.

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COUNCIL MEMBER CABRERA: Okay.

COMMISSIONER KAVANAGH: But I would... I would defer to a... to a... a much more expert person on that...

COUNCIL MEMBER CABRERA: Okay. And my last question that is how do we compare to other large city when it comes to the amount of pesticides that we use? Is there any data on that compared to LA... you know?

COMMISSIONER KAVANAGH: That's a good question. I don't have that information. That's something we can look and see how we compare.

COUNCIL MEMBER CABRERA: Okay thank you so much Commissioner. I real appreciate your answers. Thank you Mr. Chairman.

CHAIRPERSON LEVINE: Thank you Council Member Cabrera. I'd like to acknowledge we've been joined by Council Member Darlene Mealy from Brooklyn rounding out perfect attendance in our committee today. Very cool. Commissioner there's a lot of concern in the public about Zika virus. And we can't emphasize enough that there appears to be virtually no risk that someone could catch Zika in New York City. The cases that we know of of New

1  
2 Yorkers who've contracted the Zs are people who are  
3 travelling to an affected region and returned here.  
4 So we really want to emphasize there's no cause for  
5 panic. I'm just curious to know whether the Parks  
6 Department has thought about a future time where  
7 when the weather's warmer if it's true that we  
8 start to see mosquitos carrying the virus in  
9 farther north. Currently I think Florida's really  
10 the highest... the farthest north that we've seen  
11 incidence of this. But in theory it could come this  
12 far. I'm wondering whether you've begun to think  
13 about contingencies and... and how you might attack  
14 mosquito habitats in such cases?

15 COMMISSIONER KAVANAGH: Well I... I'm  
16 learning about Zika virus as... as many others are.  
17 My understanding is that it's a specific mosquito  
18 species that transmits the virus. And as I  
19 mentioned earlier we work very closely with the  
20 Health Department to control west Nile virus. We  
21 survey water bodies in parks on a regular basis. We  
22 help them access places. They do regular testing.  
23 And my understanding is that they are going to be  
24 looking very closely for that species of mosquito  
25

1  
2 that... that transmits the disease during their  
3 upcoming mosquito control efforts this year.

4 CHAIRPERSON LEVINE: Thank you. There's  
5 something called an interagency... if I have this  
6 right, Pest Management Committee...

7 COMMISSIONER KAVANAGH: Yes.

8 CHAIRPERSON LEVINE: ...is that right? Is  
9 that still active? Could you explain its role and...  
10 and whether the Parks Department... how the Parks  
11 Department interfaces with this committee?

12 COMMISSIONER KAVANAGH: It... it still  
13 active. We participate in it regularly. Marshall  
14 Brown, our Director of Horticulture, who is here  
15 with me is a representative for... for you know  
16 general pesticide use. It meets at least a couple  
17 of times a year. There are also a... a sort of other  
18 meetings of the committee for specific issues  
19 particularly when it comes to rodent control issues  
20 and we participate in them as well.

21 CHAIRPERSON LEVINE: Thank you. Okay  
22 thank you very much. Oh sorry one more question.

23 COUNCIL MEMBER COHEN: I just want to  
24 relay a brief anecdote mostly because I think my  
25 colleagues will enjoy it but also to let the Parks

1 Commissioner know how we're all in this together.  
2  
3 There's a capital project that you and Park I guess  
4 as part of the protocol... you had laid out the  
5 rodent side. I do, like I said, have constituents  
6 who get very agitated about this. A constituent  
7 discovered a dead squirrel on that park and thought  
8 it appropriate to deliver it to my office, my  
9 district office to convey her concerns. I just want  
10 you to know we're... we are all on this together.  
11 Thank you very much.

12 COMMISSIONER KAVANAGH: Thank you  
13 Councilman.

14 CHAIRPERSON LEVINE: And on that  
15 inspiring note we'll... we'll conclude the  
16 administration's testimony. Thank you very much.  
17 And I'd like to call up to our first panel Kathryn  
18 Heintz from the New York City Audubon Society.

19 KATHRYN HEINTZ: Good morning. While...  
20 [cross-talk]

21 CHAIRPERSON LEVINE: Good morning  
22 Kathryn.

23 KATHRYN HEINTZ: ...testimony is being  
24 passed out to you all I'm going to give you full  
25 disclosure that I don't particularly care for rats

1  
2 and that I'm very allergic to poison ivy and have  
3 contracted it in Van Cortland Park but I'm okay.

4 CHAIRPERSON LEVINE: Just don't send any  
5 dead poison ivy to Council Member Cohen's office  
6 please.

7 KATHRYN HEINTZ: I wouldn't do such a  
8 thing. And in response to Councilperson Rosenthal's  
9 comments earlier we do monitor bird populations,  
10 nesting birds and monitor urban risk factors which  
11 include buildings, glass for collisions which kill  
12 millions of birds in America each year and also  
13 feral cats as well as toxins. So we're looking at...  
14 at everything that affects birds. So thank you  
15 Council Committee Chairperson Levine and esteemed  
16 members of the Committee on Parks and Recreation  
17 for holding this important hearing. I'm Kathryn  
18 Heintz. I'm the Executive Director of New York City  
19 Audubon and we are a science based conservation  
20 organization that protects wild birds and their  
21 habitats in New York City. We represent about  
22 10,000 direct and indirect members. And direct  
23 members are members of national Audubon society  
24 are... we are an affiliated chapter of the National  
25 Audubon Society. And those 10,000 people reside in

1  
2 the five boroughs of New York City. And New York  
3 City Audubon supports this legislation both Intro  
4 754 and 833. Under certain conditions poisons used  
5 to kill insects and vermins... vermin pose risks to  
6 people. They also pose risks to birds. And we are  
7 all concerned and we want to know. Pesticide  
8 spraying to kill mosquitos and mosquito larva also  
9 kills valuable insects which are a necessary and  
10 important source of protein for migrating birds. So  
11 there is a risk to all wildlife that consumes  
12 insects. Birds, bats, amphibians, butterflies,  
13 etcetera. Rodenticides additionally pose a special  
14 risk to hawks, owls, and other raptors when they  
15 capture and eat poisoned rats and mice. And I think  
16 we've talked about that a little bit in the  
17 questions. And these poisons can also kill cats and  
18 dogs. The direct impact of pesticides on wildlife  
19 really depends on the particular pesticide, a  
20 concentration and the method of application. Direct  
21 application to birds is quite harmful to chicks in  
22 the nest especially. There's also the potential of  
23 direct toxicity if insects dying of pesticide  
24 application are consumed. So unfortunately without  
25 knowledge of the particular agent and the

1 concentration it's very hard for us to quantify  
2 risks. We cannot underscore enough the importance  
3 of education and communication when it comes to the  
4 use of pesticides in public parks when such use is  
5 necessary as a matter of public health. And by  
6 pesticides I'm including spraying for mosquitos,  
7 herbicides, rodenticides, all of the things that we  
8 use to keep the public safe when they're in our  
9 public spaces. Notification of the timing and  
10 location of pesticide application in parks no  
11 matter which agency is doing that application will  
12 allow New York City Audubon to adjust start times  
13 or site locations of early morning or evening  
14 activities in New York City parks we're spraying in  
15 particular has very recently occurred. This can be  
16 accomplished through notify NYC what a great  
17 service that is... we all use it in my office and  
18 we're thrilled. Reporting the timing location and  
19 specific pesticides applied potentially influences  
20 conclusions that our science staff will draw using  
21 the data we collect to monitor bird, bat, and  
22 insect populations. And we will continue to look  
23 for changes to bird counts as well as incidences of  
24 unusual bird mortality in park areas where any  
25



1  
2 spraying or applications have... have occurred. And  
3 we're keen to monitor those natural areas away from  
4 neighborhoods where birds and bats eat mosquitos  
5 such as salt marsh... habitats on Staten Island which  
6 we would prefer be excluded from pesticides all  
7 together. And I do say that last part representing  
8 in particular my director of conservation science  
9 who was unable to join us. She is out of the  
10 country. But she sent that from Africa... to please  
11 say that to the council. And I can add too that we  
12 have great confidence in the... the Park's leadership  
13 and their professional judgement as conservation  
14 concerned professionals to make the right decisions  
15 and to make environmentally conscious decisions  
16 about where and when they... they apply pesticides.  
17 So thank you for your... your engagement and concern  
18 on this issue. And we applaud especially the  
19 efforts of... of councilpersons Rosenthal and Cohen  
20 for bringing this legislation forward.

21 CHAIRPERSON LEVINE: Okay Kathryn thank  
22 you very much. So you have certainly expressed  
23 concern about pesticides but I don't think you  
24 called for a ban on the use on any specific  
25

1 substance, Round-Up or other, do I have that  
2 accurate?  
3

4 KATHRYN HEINTZ: We're not calling for a  
5 ban on specific substances when... when these toxins  
6 are applied properly and in accordance with  
7 accepted procedures and... and allowed procedures  
8 they can be used in effective ways to ensure public  
9 health. I know. [cross-talk]

10 CHAIRPERSON LEVINE: No one collects  
11 more data on the bird population of our parks than  
12 the New York City Audubon. Can you site cases in  
13 which there's been bird mortality because of  
14 pesticides used in parks?

15 KATHRYN HEINTZ: I haven't seen any  
16 lately in pars. We did have one last year. Someone...  
17 we have a transporters group so if we are alerted  
18 about an injured or dead bird it's often brought to  
19 our office. We now have a... a feature called D  
20 hyphen bird dot org where people can report those  
21 birds, they don't have to bring them into the  
22 office... we have a freezer in the office full of  
23 them. You can come and visit and see them. But  
24 someone did bring in a raptor last... at the end of  
25 last winter when we had the very heavy snow and ice

1  
2 and there was a pack for several weeks. When the  
3 thaw occurred it was apparent that there was a very  
4 large red tailed hawk with a wingspan about like  
5 this that was frozen in the ice. And being that it  
6 was frozen it hadn't decayed. And the building  
7 super called us and we asked that they bring the  
8 bird in and they did. And all dead birds... dead  
9 raptors that are collected in the city by Parks as  
10 well as by our... our organization are sent to state  
11 DEC for a necropsy and this bird was unfortunately  
12 killed by rodenticide. So that was not in a public  
13 park and we can only assume that it... it consumed  
14 rodenticide that was placed somewhere in proximity  
15 to a building.

16 CHAIRPERSON LEVINE: Could have been a  
17 building super who was careless in leaving rat  
18 poison out for example.

19 KATHRYN HEINTZ: Well I don't know if  
20 they were careless in leaving it out. There are  
21 certain types of rat poisons where the rat eats the  
22 poison and leaves the trap or... or it consumes the  
23 poison and wanders away. And if that rodent... dead  
24 rodent isn't collected and or if it's still in the

25

1  
2 act of dying the raptors aren't aware of that and  
3 they will consume that... that rodent.

4 CHAIRPERSON LEVINE: Can you make any  
5 overall assessment of whether the bird population  
6 in New York City's green spaces is increasing or  
7 stable or decreasing and whether some species that  
8 are surviving or failing more than others?

9 KATHRYN HEINTZ: Well I would need  
10 Doctor Elbin to be more definitive. Bird  
11 populations are declining all around the world and  
12 in... in north and south America in what we call the  
13 flyway here, the Atlantic flyway. Song birds in  
14 particular are in decline. And... and that's of  
15 concern too. All bird and conservation agencies  
16 what we need to provide for birds is a healthy and  
17 safe habitat and a healthy and safe habitat for  
18 birds is a healthy and safe habitat for people.

19 CHAIRPERSON LEVINE: Amen to that.  
20 Council Member Rosenthal.

21 COUNCIL MEMBER ROSENTHAL: Thank you so  
22 much. And thanks Kate for your testimony and for  
23 coming today. I really appreciate it. One of the  
24 questions that you might be able to help us with is  
25 when the Parks Department has this category of

1  
2 pesticides they break it down into fungicides and  
3 what I'm learning today herbicides and then... I  
4 wrote down rosent...

5 KATHRYN HEINTZ: Rodenticide.

6 COUNCIL MEMBER ROSENTHAL: ...rodenticide,  
7 is that accurate? Yeah... whatever. So are there  
8 categories. What I'm wondering is for the purpose  
9 of the bill it sounds like we can carve out  
10 fungicides as not being appropriately for people to  
11 get notifications about. But certainly we want the  
12 herbicides... all of them I would think... not just the  
13 ones that you know have Round... Round-Up in them,  
14 and then all the rodenticides as well. Would you...  
15 is that a fair statement? Am I... are we missing  
16 anything? Are we including too many?

17 KATHRYN HEINTZ: That's a good question  
18 and I do not have the answer for it. I think you  
19 should look to the scientific community or that  
20 the... the recommendations from the Parks Department.  
21 What's important is that if something is considered  
22 toxic that... that there is notification and there is  
23 a record kept of that toxin's use and what  
24 concentration in which it was used. And... and that's  
25 helpful information. If we... if we see an increased

1 incidence of bird mortality for example we're going  
2 to look for reasons why. And if you have the  
3 metropolitan museum of art and you have a great big  
4 glass window in the park and there is suddenly many  
5 dead birds below your building we're going to draw  
6 the conclusion that it's collisions and not poisons  
7 that are killing those birds. And we can address  
8 that as best we can with a building owner. When it  
9 comes to... to toxins. If they're used properly and  
10 appropriately they shouldn't cause harm that's not  
11 manageable. But you know we have to have data. And  
12 we have to have the information which is why the  
13 reporting piece is important to us. We have to have  
14 that information. And... and again since we do walks  
15 with the public in many parks, not just Central  
16 Park... [cross-talk] Field... We're at Freshkills,  
17 we're in Van Cortlandt Park, and we're out in Alley  
18 Pond and... and in Prospect Park. It's important for  
19 us to be notified or to... to receive a notification  
20 if there is a treatment say at 4:00 in the morning,  
21 if we're going to be there at 7:00 in the morning  
22 our... our... our members want to know.

24 COUNCIL MEMBER ROSENTHAL: Sure. Sure.

25 Do you... I think... great, thank you. Part of what I

1  
2 was trying to get at in my question about the  
3 herbicides and the rodenticides and... including more  
4 than just the Round-Up applications is that my... I  
5 have a gut reaction that the FDA may or may not  
6 have reviewed all the products that are out there  
7 and may or may not have an accurate understanding  
8 of the implications for our... you know our pets but  
9 ourselves, our children... and that I would rather do  
10 a broader swath than a smaller one when giving  
11 notification to people. And I was wondering if from  
12 your point of view if we were capturing the whole  
13 population of when the public should be notified if  
14 we include rodenticides and herbicides.

15 KATHRYN HEINTZ: Communication knowledge  
16 information and engagement are key here. And the  
17 more information you can make available the more  
18 helpful I think that will be. And that would  
19 include note... I would... I would... would expect that  
20 people won't be alarmists.

21 COUNCIL MEMBER ROSENTHAL: Yeah.

22 KATHRYN HEINTZ: Many people don't care  
23 for rats and many people are allergic to poison  
24 ivy. Round-Up is particularly poison and  
25 problematic and I advise people against using it

1  
2 but when it's applied very directly to the stems of  
3 plants in accordance with best practices it can be  
4 extremely effective in removing poison ivy or  
5 eliminating poison ivy. And... and if you know  
6 anybody who's ended up in the emergency room as a  
7 result of poison ivy... and it's not just from the...  
8 the poison ivy itself. You can... you can end up with  
9 a staph infection.

10 COUNCIL MEMBER ROSENTHAL: Right.

11 KATHRYN HEINTZ: A secondary problem  
12 which can kill... kill a young child. And I've been  
13 in the emergency room in Bronx with that situation.  
14 Poison Ivy's a huge huge concern. And just ripping  
15 it out isn't going to work all the time. And so the  
16 Parks Department I think has been showing itself to  
17 be very measured in where it's choosing to... to put  
18 these applications and... and in the case of  
19 rodenticide very cautious about putting rodenticide  
20 near nesting areas and in nesting season. And we...  
21 we absolutely commend them for that.

22 COUNCIL MEMBER ROSENTHAL: Great. Thank  
23 you very much. Thanks for coming today.

24 KATHRYN HEINTZ: You're welcome.  
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COMMITTEE ON PARKS AND RECREATION

CHAIRPERSON LEVINE: Okay thank you very  
much Kate and thanks to my colleagues. This  
concludes our hearing.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date February 22, 2016