

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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February 28, 2014

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B E F O R E:  
DONOVAN J. RICHARDS  
Chairperson

COUNCIL MEMBERS:

Stephen T. Levin  
Costa G. Constantinides  
Rory I. Lancman  
Eric A. Ulrich  
Inez D. Barron  
Carlos Menchaca  
Helen K. Rosenthal

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

Carter Strickland  
Commissioner  
Department of Environmental Protection

Dr. Thomas Matte  
Assistant Commissioner for Environmental  
Surveillance and Policy  
Department of Health and Mental Hygiene

Gerry Kelpin  
Director  
Air & Noise Enforcement and Policy Unit  
Department of Environmental Protection

Michael Seilback  
Vice President  
Public Policy and Communications  
American Lung Association of the Northeast

Peggy Shepard  
WE ACT

Eddie Bautista  
New York City Environmental Justice  
Alliance

Frederica Perera  
Director  
Columbia Center for Children's  
Environmental Health

Rebecca Bratspies  
CUNY Center for Urban Environmental Reform

Arthur Mychal Johnson  
South Bronx Unite

Dr. Melissa Barber  
South Bronx Unite

Juan Camilo Osorio  
New York City Environmental Justice  
Alliance

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

Beryl Thurman  
Executive Director  
North Shore Waterfront Conservancy of  
Staten Island, Inc.

Robert Gautier  
Brooklyn Resident  
140 CPW Peace and Quiet Committee

Norris McDonald  
President and Founder  
African American Environmentalist  
Association

Dan Durett  
Director  
African American Environmentalist  
Association

Rebecca Sanchez  
UPROSE

Ana Melendez  
Program Manager  
We Stay/Nos Quedamos  
Member of New York City Environmental  
Justice Alliance

Justin Wood  
Community Organizer  
New York Lawyers for the Public Interest

Eric Goldstein  
Natural Resources Defense Council

Omar Rodriguez  
Representative  
The Point, A.C.T.I.O.N.

Dan Wiley  
Community Coordinator  
Office of Congresswoman Velazquez

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

Angela Tovar  
Director of Policy and Research  
Sustainable South Bronx

Denise Katzman  
EnviroHancement

Geoffrey Mullings  
Editor-in-Chief  
The Blinker

Alok Disa  
Litigation Assistant  
Earthjustice

Maya Pinto  
Senior Researcher and Policy Analyst  
ALIGN

Dave Powell  
Coordinator  
Southern Bronx River Watershed Alliance

Annie Wilson  
New York Environmental Law

Frances Davis  
Resident

Data Hunt  
Resident

Franka Joya [phonetic]  
Resident

Carol Tweedy  
Executive Director  
Asphalt Green

Kirsten Feldman  
Board Member  
Asphalt Green

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

Andy Lachman

Parent Leaders of UES Schools (PLUS)

Female

Resident

Asphalt Green Member

Christina Parisi

Congresswoman Carolyn Maloney's Office

Joel Kupferman

New York Environmental Law and Justice  
Project

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COMMITTEE ON ENVIRONMENTAL PROTECTION 6

CHAIRPERSON RICHARDS: Alrighty, we will now call this hearing in order. Welcome this afternoon everyone; I am... we're ready to start? Alright. Okay, we're ready to start. We're gonna have council members coming in and out of here; there are several hearings going on at the same time, so I will start now.

Good afternoon; I am Chairman Donovan Richards, Chair of the Committee on Environmental Protection and today's hearing is an Oversight Hearing on the topic, air quality impacts, measures and mitigation in environmental justice communities.

I want to note for the record that President Obama proclaimed February 11, 2014 as the 20th anniversary of Executive Order 12898 on Environmental Justice called upon all Americans to observe that day with programs and activities that promote environmental justice and advance a healthy, sustainable future.

Air pollution in New York City is a major concern, contributing to approximately 6 percent of all deaths. According to the Department of Health and Mental Hygiene's own numbers, 2,200 people die prematurely annually from poor air quality or 6

2 persons a day. New York City undertook a number of  
3 programs under the Bloomberg Administration to  
4 improve New York City air quality; one program, the  
5 Clean Heat Program, was created to facilitate the  
6 conversion of buildings from No. 4 and No. 6 oil to  
7 No. 2 oil or natural gas. This program, as well as  
8 improved efficiency of various municipal vehicle  
9 fleets and expanded access to biking opportunities,  
10 has seen results.

11 These initiatives combined with federal  
12 and state restrictions on sulfur content in fuels  
13 contributed to significant decreases in PM 2.5 oxides  
14 of nitrogen and sulfur dioxide. As a result of these  
15 actions, according to the Department of Health and  
16 Mental Hygiene, the Department of Health and Mental  
17 Hygiene, the City moved from 7th to 4th best among  
18 big American cities for PM 2.5, according to the  
19 Department of Health and Mental Hygiene. However,  
20 despite the initiatives and progress of the New York  
21 City Community Air Survey, the air in New York City  
22 is not healthy to breathe. New York City is not in  
23 compliance with national air quality standards for  
24 ozone and particulate matter; according to the New  
25 York City Department of Health and Mental Hygiene,

1  
2 judged just by asthma hospitalizations, five times as  
3 many African-Americans and four times as many  
4 Hispanics of all age groups are hospitalized for  
5 asthma for every 10,000 people hospitalized. Asthma  
6 is the most frequent chronic disease in children and  
7 outdoor air pollutants acutely aggravate asthma in  
8 children. Outdoor air pollution from mobile sources  
9 also plays a large role in asthma morbidity, with  
10 evidence showing that asthma events are less likely  
11 as the distance between a residence and a primary  
12 road increases.

13           According to a recent report by Mount  
14 Sinai Hospital, asthma rates have tripled in the past  
15 three decades and are now the leading cause of  
16 emergency room visits, hospitalizations and school  
17 absenteeism for children. Asthma is particularly  
18 common among minority children and children living in  
19 poverty. Birth defects are now the leading cause of  
20 infant death and they are believed to be strongly  
21 associated with multiple environmental toxics.  
22 Childhood cancer, once relatively rare, has  
23 skyrocketed and now has surpassed traumatic injuries  
24 to become the leading cause of death among children  
25 ages 5-14 and the second leading cause of death among



2 children ages 1-19. Asthma, cancer and autism are  
3 believed to be associated with environmental  
4 exposures, poor air quality and breathing  
5 carcinogens.

6 The Bloomberg Administration left a  
7 number of air quality problems unaddressed, including  
8 measures to address air toxics, mitigation of airport  
9 impacts, adverse impact from the small area sources  
10 and disproportionate environmental health burden and  
11 environmental justice communities. Additional  
12 measures need to be undertaken to reach the City's  
13 goal of having the cleanest air of any major city and  
14 to protect public health. It is important to examine  
15 air quality, as well as the impacts of these  
16 initiatives in environmental justice communities in  
17 order to ascertain what else should be done.

18 Now we will hear from the administration  
19 and I will ask the Commissioner, Carter Strickland,  
20 DEP Commissioner, to raise his right hand; I'm gonna  
21 swear you in, and you can repeat after me. I swear  
22 to tell the truth and the whole truth.

23 CARTER STRICKLAND: I swear to tell the  
24 truth and the whole truth.

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CHAIRPERSON RICHARDS: Got you; you may begin, sir.

CARTER STRICKLAND: Okay. Thank you Mr. Chairman. Good morning Chairman Richards and Members. I'm Carter Strickland, Commissioner of the New York City Department of Environmental Protection. Thank you for the opportunity to testify on air quality impacts and ways to measure and address them in New York City environmental justice communities. I am joined here at the table by Dr. Tom Matte, Assistant Commissioner for Environmental Surveillance and Policy at the Department of Health and Mental Hygiene. First, congratulations to you, Mr. Chairman, for your election and appointment to this committee. DEP looks forward to working with you and this committee for the next four years.

I will say, we have submitted extensive written testimony; I will not try to read every word unless that's what you wish, but rather to summarize the high points and then make ourselves available for questions and answers, if that's the way you would like to proceed. Dr. Tom Matte of course is here with me in part because... in great part because he is

1  
2 an expert on health impacts, and asthma in  
3 particular.

4 Attached to our testimony we have two  
5 sets of maps, which I think most people have; one is  
6 a map of DEC, that's the State, Department of  
7 Environmental Conservation air monitoring sites, and  
8 I'll talk about the difference between those; there's  
9 also a map of the New York City Department of Health  
10 Community Air Survey monitoring locations, which you  
11 can see are pretty evenly spread throughout the City,  
12 and then finally, in a separate handout we have the  
13 map -- that's attached to the testimony itself -- and  
14 then you have the map that you're holding in front of  
15 you, which is the results, which I think are pretty  
16 striking of the New York City Community Air Survey  
17 and you can see PM 2.5, or fine particulate matter,  
18 concentrations throughout the City, which are very  
19 illuminating. And then we have a time series of two  
20 maps showing in 08-09, wintertime sulfur  
21 concentrations and because it's wintertime and  
22 because it's measuring sulfur, it's really a marker  
23 for heating oil and if you then look at, you know the  
24 same area four years later, the sulfur concentrations  
25 on the same scale, it's much lighter and that is

1 progress, although there are pockets we're getting  
2 to.

3  
4 So that's pretty dramatic change and I  
5 will go over that, but I wanna make sure that  
6 everybody has at least access to this and all of this  
7 information, Tom, is online?

8 DR. TOM MATTE: Yeah.

9 CARTER STRICKLAND: All of this  
10 information is online for folks who are doing  
11 research as well. To my statement.

12 Improving our city's air quality remains  
13 an important public health goal and one in which city  
14 government can play a large role. Now that emission-  
15 reduction control strategies have been applied to  
16 most of the stationary and mobile sources of air  
17 pollution inside and outside the City's boundaries,  
18 federal, state and local governments are focusing on  
19 finding control strategies for smaller sources that  
20 could be better regulated or that have been  
21 unregulated to date. In 2007, PlaNYC, the City's  
22 first long term sustainability plan, set the  
23 ambitious goal of achieving the cleanest air quality  
24 of any big U.S. city by the year 2030. Since then  
25 we've made significant strides toward achieving that

2 goal, as you see from the sulfur maps. Along with  
3 air quality initiatives by other city agencies, DEP  
4 is responsible for updating and enforcing the Air  
5 Pollution Control Code, or Air Code, which has the  
6 goal of preserving, protecting and improving the air  
7 resources of the City. We hope to come before you  
8 soon to testify on the re-introduced revised Air Code  
9 for its adoption this year; this is a revised Air  
10 Code that we did submit in September of 2013 to the  
11 Council, it didn't get through, I think the clock.. we  
12 didn't beat the buzzer and the clock had run down,  
13 but we're ready again to resubmit that and refine it  
14 as appropriate.

15 While New York City's air quality has  
16 improved, air pollution in New York City remains a  
17 significant health threat. The Health Department  
18 estimates that fine particulate pollution -- our most  
19 harmful pollutant overall -- causes an average of  
20 more than 2,000 deaths, approximately 1,500 hospital  
21 admissions for lung and heart conditions, and 5,000  
22 emergency department admissions for asthma every  
23 year, and that's based on levels from 2009-2011, and  
24 we're using that period only because there's a time  
25 lag in assessing and analyzing data. But suffice it

1  
2 to say, I think since then it hasn't changed all that  
3 much and so, you know while we have improved things,  
4 that's too many.

5           Particulate pollution and other harmful  
6 air pollutants in cities, like nitrogen oxide, sulfur  
7 dioxide and ozone, come from fuel combustion -- we  
8 burn fuel to move cars, to heat buildings, create  
9 electricity and the like. These pollutants affect  
10 all New Yorkers in all kinds of neighborhoods and  
11 demographic groups. As you see from the map, our PM  
12 2.5 level, actually the highest levels are in  
13 Manhattan, just because of the density of traffic and  
14 buildings, essentially, on both sides of 96th Street,  
15 and that pattern is true for other transportation  
16 corridors and areas with high concentrations of large  
17 buildings that some of which continue to use dirtier  
18 grades of heating oil. However, we're fully aware  
19 that a disproportionate burden of public health harm  
20 from air pollution falls on the most vulnerable New  
21 Yorkers -- very old, very young, and those living in  
22 neighborhoods with the highest rates of poverty and  
23 preexisting respiratory and cardiovascular health  
24 conditions, all of which are exacerbated by air  
25 pollution. For example, Health estimates the rates

2 of emergency department visits for asthma are four  
3 times higher in high-poverty neighborhoods compared  
4 to low-poverty neighborhoods. In other words, in New  
5 York City, unlike other cities or nationwide, we do  
6 not observe consistent difference in levels of fine  
7 particulate matter by neighborhood poverty, but there  
8 are strong differences in PM 2.5 -- that's fine  
9 particulate matter -- attributable health events due  
10 to underlying neighborhood susceptibility. So while  
11 all New Yorkers have a stake in cleaner air, those in  
12 our most vulnerable neighborhoods have the most to  
13 gain from efforts to reduce emissions in their own  
14 communities and elsewhere in the City.

15 In the rest of my testimony, which I will  
16 summarize, I will talk about what the City is doing  
17 to monitor air pollution, and you have the resident  
18 expert next to me, its sources and impacts and how we  
19 are working to reduce local emissions. I will then  
20 speak to the implications of air pollution, control  
21 efforts for environmental justice communities and  
22 finally, I will touch on remaining challenges,  
23 including passage of a revised, updated Air Code.

24 DEC, as I mentioned -- that's the State  
25 -- conducts routine air quality monitoring in New

1  
2 York City and that's really to get a sense of overall  
3 regional trends. Those monitors are located at about  
4 25 sites around the City, mostly on rooftops and  
5 they're trying to... it was a well thought out approach  
6 in the sense that they want to minimize local  
7 variations to get a sense of an overall impact for  
8 the area, and so for that purpose it's well designed  
9 and they're looking at statewide attainment of  
10 certain pollutants; EPA also does some monitoring,  
11 and that's really to address the large regional state  
12 and sources that the state and federal government can  
13 address. So for example, Title V Permitting Program  
14 applies to power plants and other sources over  
15 certain threshold limit; those are heavily regulated,  
16 there's an environmental analysis done for each one,  
17 and that's wonderful, and also, city governments and  
18 states for that matter are preempted from certain  
19 controls on cars, trucks and other mobile sources,  
20 because they cross state boundaries and you can't put  
21 on a tailpipe control once you cross from New York  
22 into New Jersey or vice versa. So that's a federal  
23 matter; state and local governments can't address as  
24 a general regulator matter, although we can do a lot  
25 of things with our own fleet, as we have done.



1  
2 Airports also, by the way, another source of  
3 preemption, both from noise purposes and for air  
4 purposes. So we can report, but there's limited  
5 ability for cities to play in that space.

6           However, we can do a lot with smaller  
7 sources and that's what we do. I mean in New York  
8 City Air Code is unique in that respect in that we  
9 fill the gaps by controlling smaller but widespread  
10 emission sources such as boilers that are just too  
11 small for the state or federal government, as well as  
12 other sources not addressed by those regulatory  
13 regimes. We also have enforcement mechanisms, so we  
14 have our 311 system -- citizens will call in  
15 complaints -- and we have a core of inspectors who go  
16 out, report on that; if they find a problem they can  
17 issue tickets and notices of violation and then we  
18 process that.

19           In order to understand local controls and  
20 how best to review New York City Air Code, Department  
21 of Health, together with Queens College, is  
22 conducting the New York City Community Air Survey,  
23 and you can see attached to the testimony the much  
24 more extensive network of monitoring sites. These  
25 are designed to be mobile, so they move around the

1  
2 City on a rotating, regular basis, the locations have  
3 changed at times -- I think there are a few  
4 significant differences from the state and federal  
5 permitting system.

6 One, they're street level, so we are  
7 interested in neighborhood variations, because that's  
8 what we can affect, and they're randomly disbursed  
9 throughout the City, about 80 percent, we wanted to  
10 make sure we had at least one monitor in every  
11 community district, so that was the balance of the  
12 location.

13 From 2009-2011 there were 150 locations  
14 through the City in each season; again, on a two-week  
15 rotating basis they would go through that uniquely  
16 proprietary designed air monitors, they had to be  
17 vandal-proof, they had to be sturdy to survive in New  
18 York City on our street poles and by and large they  
19 have done that and provided some really, really  
20 interesting data.

21 Here are some of the key findings. New  
22 York City Community Air Survey has shown that any of  
23 the important local sources of air pollution affect  
24 neighborhoods across the City to some extent, but  
25 they have the greatest impact on ambient air quality

1  
2 in the most densely developed and trafficked  
3 communities. High-density neighborhoods burn more  
4 fuel for heat and hot water and have more emissions  
5 from other sources such as commercial cooking. They  
6 also tend to have more traffic and emissions from  
7 vehicles. All fuels burned to heat buildings produce  
8 some air pollution. Heating equipment in many large  
9 City buildings that are concentrated in the most  
10 developed and populous neighborhoods burn residual  
11 oil, known as No. 4 and No. 6 oil, which emits more  
12 pollution than regular home heating oil.

13 New Yorkers burn more than one billion  
14 gallons of heating oil every year, which, prior to  
15 recent heating oil policies, accounted for about 14  
16 percent of PM 2.5 pollution. It also contains many  
17 pollutants that are associated with respiratory and  
18 cardiac diseases, such as nickel and the like, and  
19 other heavy metals. Stack controls found on large  
20 power plants are just impractical for controlling  
21 emissions from relatively small building burners, so  
22 what the City has done over the last years has gone  
23 to a fuel strategy. We cleaned up the fuel and  
24 therefore we can clean up the emissions from that  
25 sector. First we worked with the State to lower

2 statewide the amount of allowable sulfur, which is,  
3 you know, one of the main pollutants in heating oil,  
4 from an allowable level. And number two, heating  
5 oil, which is like diesel in some respect, for cars,  
6 from about 2,000 parts per million to about 15 parts  
7 per mission, so it's ultra-low sulfur diesel. That's  
8 now what is mandated for the mobile sector and that  
9 is an enormous decrease in pollution-containing  
10 materials in that.

11 Then we worked with the City Council to  
12 pass legislation that limited the sulfur content of  
13 number fuel oil, which is a boutique fuel, very  
14 specific to New York City -- it's a blend of No. 2  
15 and No. 6; then get to 4 -- and we capped that at  
16 about 1,500 parts per million after October 1, 2002,  
17 so we've had more a year of burning that fuel and  
18 that is actually cleaner than the old No. 2 oil, so  
19 already we're doing well.

20 And finally, we promulgated a rule -- DEP  
21 did -- that bars permits for new No. 6 oil boilers  
22 after July 1, 2012, so we're not issuing those new  
23 permits, and we're requiring all existing No. 6  
24 boilers, when they roll off their permits, it's a  
25 tri-annual permit, so need to get it every three

2 years, it's on a cycle; when they roll off the permit  
3 they're shifting from that No. 6 fuel oil to the  
4 No. 4 and that'll happen throughout the whole boiler  
5 fleet of about 10,000 that regulate by 2015. And  
6 then finally, we're requiring all boilers to burn the  
7 cleanest fuel, ultra-low diesel or natural gas, by  
8 2030.

9 The second component of the legislation  
10 was to have all new boilers meet the emission  
11 equivalent to combustion of new ultra-low sulfur  
12 No. 2 fuel oil and that, as I mentioned, will happen  
13 by 2030.

14 When this is fully done, these  
15 regulations will reduce the amount of fine  
16 particulates emitted from heating buildings by at  
17 least 63 percent and could reduce the overall  
18 concentration of fine particulate matter in the  
19 City's air from all sources by about 5 percent. So  
20 that will be a tremendous air quality improvement  
21 that could prevent approximately 200 deaths, 100  
22 hospitalizations and 300 emergency room visits every  
23 single year.

24 DEP has been aggressively reviewing those  
25 buildings that are not in compliance with this

1 regulation and we've been very successful. Out of  
2 over 5,000 buildings that burn No. 6 fuel oil,  
3 approximately 650 buildings still need to convert to  
4 No. 4 fuel or cleaner those buildings have been  
5 issued a violation. After one violation, DEP can  
6 issue a cease-and-desist and we try to force  
7 compliance with penalty. We've also made it easier  
8 for building owners to comply with these clean  
9 heating regulations by development of a Clean Air  
10 Tracking System, an online process for building  
11 owners to submit new applications and that expedites  
12 the process.  
13

14 Before turning to mobile sources, I also  
15 wanna say that the City, through the Office of the  
16 Long Term Planning and Sustainability, also has a  
17 program called The Clean Heat Program, which is in  
18 addition and on top of regulations, to try to give  
19 financing to building owners, some of whom are  
20 obviously affordable housing providers who can't  
21 afford upfront costs, provide a rotating loan basis  
22 for them to fund conversions, and that has been very  
23 successful too, so that Clean Heat Program is meant  
24 to accelerate compliance with this rule.  
25

1                   To mobile sources. Traffic is a  
2  
3 significant mobile source of pollution; it causes a  
4 substantial increase emissions from cars, buses and  
5 trucks on a daily basis. Vehicles contribute  
6 approximately 11 percent of local PM 2.5 and 28  
7 percent of nitrogen oxide emissions. Nitrogen oxide  
8 is important, particularly in the summer, when it can  
9 cause, together with atmospheric conditions, ozone  
10 levels, high ozone emissions at ground level.  
11 Certainly the City has made investments to expand the  
12 use of mass transit, zero emissions active transport,  
13 like cycling and walking, greening of city-owned  
14 fleets and encouraging hybrids, passing and enforcing  
15 rules to use cleaner fuels across the City and  
16 reducing unnecessary emissions from idling.

17                   One such important proposal became a law  
18 when DEP worked with the Council to further reduce  
19 idling affecting one of our most sensitive  
20 populations; that is school children, by limiting  
21 vehicle idling to no more than one minute adjacent to  
22 a school -- it's three minutes everywhere else. This  
23 is a perennial enforcement issue, I can say, with a  
24 limited core of air pollution inspectors; you have to  
25 be there during the three minutes or one minute when

1  
2 the idling is happening to catch people. We've been  
3 conducting extensive outreach to motorists to educate  
4 them about the law, distributing literature about  
5 pollutants emitted from idling vehicles near schools,  
6 we've been working with the Department of Education,  
7 parent-teacher associations and the like and we've  
8 also increased enforcement through periodic  
9 enforcement sweeps.

10 In addition to the one-minute idling law,  
11 DEP has proposed amending the Air Code to prohibit  
12 all refrigeration trucks, including the secondary  
13 diesel engines, from idling longer than three  
14 minutes. DEP would then promulgate a rule that would  
15 set forth technologies that a refrigeration truck  
16 with an independent refrigeration system shall use to  
17 prevent the truck, including auxiliary power units,  
18 from idling longer than three minutes at a particular  
19 location. Such a rule would allow DEP to be flexible  
20 in enforcement and we're hoping the Council looks  
21 favorably upon it when we submit that proposal.

22 Over the past decade there have been a  
23 number of local laws that have improved the City's  
24 fleet -- again, the city-owned fleet -- as an owner  
25 we can do a lot; as a regulator; we can't do so much



1 with general mobile fleet sources. But we have  
2 worked on our fleet, Local Law 77 of 2003 was the  
3 first aimed at reducing emissions from various types  
4 of vehicles. It requires diesel-powered non-road  
5 vehicles, meaning cranes, bulldozers; the like, that  
6 are 50 horsepower and greater, owned, operated or  
7 leased by or on behalf of a City agency, to be  
8 powered by ultra-low sulfur diesel fuel and use best  
9 available technology -- this addressed in those  
10 construction vehicles used on City projects. DEP  
11 promulgated a rule specifying that diesel particulate  
12 filters that reduce particulate matter by 85 percent  
13 are deemed to be best available technology and we  
14 continue to review that technology every six months.

15  
16 Local Law 39 of 2005 required city-owned  
17 and -operated diesel-powered vehicles greater than  
18 8,500 pounds, such as garbage collection trucks and  
19 DEP's truck fleet, to use ultra-low sulfur diesel to  
20 reduce pollutants. This was ahead of federal  
21 requirements; now those federal requirements kicked  
22 in for diesel fleet, but at the time it was visionary  
23 in that lower emissions.

24 On-road vehicles powered by ultra-low  
25 sulfur diesel -- all the City on-road vehicles use

1  
2 ultra-low sulfur diesel. We're also requiring the  
3 entire fleet to use a diesel particulate filter,  
4 without enabling a waiver to use less-effective  
5 emission control. As of Fiscal Year 2012, 93 percent  
6 of the required vehicles used an emission reduction  
7 device, which falls just short of the required  
8 mandate of 100 percent by Fiscal Year 2012; we are  
9 preparing the Fiscal Year of 2013 report, which we  
10 submit to the Council and the Speaker and the Mayor  
11 every year, so it takes a while for us to gather some  
12 data from agencies, 'cause we report on the entire  
13 vehicle fleet.

14           The City is doing even more to ensure  
15 compliance with this law by requiring the use of 5  
16 percent biodiesel in the City's fleet during the  
17 fall, spring and summer months, as well as a pilot  
18 program to use 20 percent biodiesel blend  
19 successfully through the winter. This is a good  
20 thing for two reasons -- one, biodiesel doesn't  
21 contain any sulfur, so it burns cleaner in that  
22 respect and two, it can be powered by local sources  
23 and developed locally by taking restaurant grease and  
24 converting it to biodiesel, which is a win-win; keeps  
25 it out of the City solid waste stream.

2 Local Law 73 of 2013 required city-owned  
3 buildings to use a minimum of 5 percent biodiesel in  
4 heating oil as of October 1st, 2014, with a pilot  
5 program to use 10 percent biodiesel in city-owned  
6 buildings, so we're taking biodiesel, it's been in  
7 the mobile sector, the City's fleet; now we're  
8 putting it in the City's boilers.

9 Local Law 41 of 2005 required city-  
10 licensed sightseeing diesel buses to use ultra-low  
11 sulfur diesel and also best available retrofit  
12 technology. And I'm please to report that as of  
13 Fiscal Year 2012, 100 percent of the required  
14 vehicles use best available retrofit technology. So  
15 the very competitive sightseeing bus market is  
16 burning a lot cleaner than it was.

17 Local Law 42 of 2005 required that by  
18 September 1, 2006, school buses be powered by ultra-  
19 low sulfur diesel; again, that was ahead of the  
20 federal requirements. In addition, it required best  
21 available retrofit technology; as of Fiscal Year  
22 2012, the Department of Education is using, of  
23 course, ultra-low sulfur diesel for their fleet of  
24 buses; it's also going beyond the scope of the  
25 requirements to try to reduce the emission of

1 pollutants from Type C and D general education school  
2 buses by retrofitting special ed buses with best  
3 available retrofit technology. Of the total fleet of  
4 school buses, 96 percent are using emission control  
5 devices, with 43 percent using the best available  
6 devices. And that piece of legislation obviously is  
7 particularly beneficial in environmental justice  
8 communities, as many of those bus depots are in  
9 environmental justice areas, not to mention the truck  
10 routes and the children who are riding in those  
11 buses.  
12

13 To go even further than the existing  
14 regulations, DEP and DOE have proposed in the  
15 revision of the Air Code, which will be introduced,  
16 an earlier phase-out for Type A and B buses. The  
17 proposal would require pre-2007 buses to be retired  
18 from the Department of Education fleet by September  
19 1, 2020. The thing with diesel trucks and buses is  
20 they're extremely durable, they last a long time,  
21 which means you're stuck with old technology, so  
22 increasing that equipment replacement cycle is just  
23 good for the environment. The existing Code  
24 currently requires all diesel fuel-powered buses to  
25 be retired 16 years from date of manufacture. The

1  
2 proposal sets forth an accelerated timeframe for this  
3 type of bus to be retired, as they cannot be  
4 retrofitted with a closed crankcase ventilation  
5 system, as required by the current Code, due to  
6 technical reasons.

7           Local Law 40 required all contractors  
8 managing solid waste disposal program or recycling  
9 program for the Department of Sanitation to use  
10 ultra-low sulfur diesel and also required  
11 retrofitting with emissions reduction technology. As  
12 of Fiscal Year 2012, all contractor vehicles were in  
13 compliance with this legislation or had received an  
14 appropriate waiver. As many of the transfer stations  
15 are located in EJ communities, that law, we think, is  
16 especially valuable.

17           The point is, that the combination of all  
18 these regulations has dramatically reduced emissions  
19 from the City fleet or the City contractor fleet.  
20 The estimated average particulate matter emission  
21 percent reduction per vehicle from Fiscal Year 2011  
22 through Fiscal Year 2012 is about 49 percent, which  
23 is pretty remarkable.

24           Finally, at the end of 2013, the City  
25 Council passed Local Law 145, which requires all

1 operators of heavy-duty trade waste vehicles that  
2 provide commercial waste removal services in the  
3 City, meet the 2007 EPA standard by 2020.

4  
5 Essentially what it's doing is aligning, and that was  
6 the one piece of the Air Code we were able to get  
7 through at the end of 2013; it was a great effort and  
8 I think we'll have really tremendous results. It put  
9 the private service provider, private waste haulers  
10 on the same footing as the City's effort to upgrade  
11 its own sanitation fleet. The policy was promoted by  
12 the Business Integrity Commission, the City agency  
13 that licenses all the commercial operators, and was  
14 strongly supported by environmental groups. We're  
15 gonna work closely with them to ensure full  
16 compliance across the private fleet.

17 Heavy-duty trade waste vehicles are found  
18 in every city neighborhood, of course where they do  
19 the pickups and expose residents to pollutants, but  
20 the impact is even greater in areas where there are  
21 transfer stations, commercial corridors and high  
22 construction levels. Today 85 percent of the private  
23 fleet is composed of truck model years 2007 or older  
24 and so we're looking at accelerating that turnover,  
25 which will reduce pollution.

1  
2           There is another vehicle initiative  
3 that's helping to improve the air quality in  
4 environmental justice communities. The Hunts Point  
5 Clean Trucks Program is funded with U.S. Federal  
6 Highway money, a grant program that provides funding  
7 for programs in air quality nonattainment and  
8 maintenance areas for ozone, carbon monoxide and  
9 particulate matter. It's a unique environmental  
10 initiative led by the City Department of  
11 Transportation, a sister agency to ours, and it aims  
12 to support sustainable transportation and a cleaner  
13 environment in the South Bronx. It targets truck  
14 owners serving Hunts Point and Port Morris  
15 communities and it has rebate incentives for  
16 purchasing advanced technologies such as new diesel,  
17 hybrid electric, compressed natural gas and batter  
18 electric vehicles. And there's also incentives for  
19 scrapping your old truck that is highly polluting or  
20 installing exhaust retrofit technologies.

21           Through the use of advanced vehicle  
22 technologies, the program is seeking to retire,  
23 replace, repower or retrofit 500 older trucks.  
24 Again, that will have a great benefit; air quality is

1  
2 an important component of making the City's air  
3 cleaner.

4           The analysis behind each regulation and  
5 permitting process is a significant component in  
6 ensuring that the process is transparent and fair.  
7 The City Environmental Quality Review manual requires  
8 a socio-economic assessment as well as several other  
9 criteria that are listed below in the enumeration of  
10 factors to be considered in the State Environmental  
11 Quality Review regulations. The manual guides the  
12 process not only in the context of developing a  
13 particular development project, but also in deciding  
14 on certain regulations, such as the No. 6 fuel oil  
15 rule, and certainly legislation, for that matter as  
16 well, like the private hauler retrofit language. All  
17 of that underwent SEQR review. In essence, the  
18 environmental review encapsulates many issues that  
19 would be reviewed under an environmental justice  
20 analysis.

21           For example, SEQR regulations state that  
22 a project may have a significant effect on the  
23 environment if it may reasonably be expected to have  
24 any of the following consequences: a substantial  
25 adverse change in existing air quality, ground or



1 surface water quality or quantity, traffic noise  
2 levels; substantial increase in solid waste  
3 production; a substantial increase in a potential for  
4 erosion, flooding, leaching, etc. The list  
5 continues, but specific to this hearing we think the  
6 relevant factors are; you have to analyze the  
7 creation of a hazard to human health; changes in two  
8 or more elements in the environment, no one of which  
9 has a significant impact on the environment, but when  
10 considered together results in a substantial adverse  
11 impact on the environment; or two or more related  
12 actions undertaken or approved by an agency, none of  
13 which has a significant impact on the environment,  
14 but when considered cumulatively would meet one or  
15 more of the above-stated criteria.  
16

17 The reduction of particulate matter from  
18 large sources that I have discussed, including  
19 residential and commercial fuel combustion as well as  
20 non-road and on-road diesel fuel, has greatly  
21 benefited the City. However, there is a significant  
22 source of particulate matter that is largely  
23 unregulated at any level of government and that's  
24 from commercial char broilers. We estimate that an  
25 estimated 1,400 tons of particulate matter per year

1  
2 are derived from this sector, are created by this  
3 sector. Health estimates that those emissions, which  
4 are concentrated in our most populous neighborhoods,  
5 contribute to hundreds of the premature deaths caused  
6 by PM 2.5 and that the use of control technologies  
7 could prevent more than 80 percent of those premature  
8 deaths. DEP is hopeful that by working with the  
9 Council we can revise the Air Code, again, and  
10 require those char broilers install control devices  
11 which will help all communities.

12 In short, we've used data to set  
13 priorities and improve air quality across the City.  
14 However, air pollution remains at levels that do  
15 cause serious illness and premature mortality and we  
16 can and must do more to protect all New Yorkers and  
17 including those most vulnerable populations. In  
18 particular, ozone levels have not improved  
19 substantially in recent years, and this is a trend  
20 seen across the country; it's formed downwind from  
21 major sources of nitrogen oxides and reducing  
22 nitrogen oxide emissions in metro area counties,  
23 particularly power plants upwind of New York City,  
24 are important to bring down ozone levels in the City  
25 itself.

1  
2 Further improvements in nitrogen oxide  
3 and traffic-related pollutants will require a multi-  
4 pronged effort and a log of cooperation with the  
5 State and Federal governments to address those on-  
6 road sources.

7 Turning to what is squarely within our  
8 control; that is New York City Air Code; in partial  
9 revisions over the last four years the Air Code has  
10 focused on the reduction of particulate matter from  
11 large sources, including residential and commercial  
12 fuel combustion, as well a non-road and on-road  
13 diesel fuel. The regulation of these large sources  
14 now allows the City to focus on smaller, pervasive  
15 sources that, when viewed as a whole, contribute a  
16 significant amount of particulate matter and these  
17 sources include commercial char broilers, coal- and  
18 wood-fired ovens and fireplaces. By focusing on  
19 these sources, a revised Air Code will continue to  
20 reduce particulate matter throughout the City and  
21 save lives.

22 Thank you for the opportunity to testify.  
23 I will be glad to answer any questions, along with  
24 Tom Matte and members of DEP staff that are in the  
25 room.

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CHAIRPERSON RICHARDS: Mr. Tom; do you have any testimony? [background comment]

DR. TOM MATTE: No, sir, Mr. Chair; I didn't bring here testimony... [crosstalk]

CHAIRPERSON RICHARDS: Okay. Great.

DR. TOM MATTE: but I'd be happy to answer your questions and thank you for having this hearing.

CHAIRPERSON RICHARDS: Thank you for coming. I just want to acknowledge some of my colleagues who have joined -- Inez Barron, we have Costa Constantinides -- did I get it right this time? [background comment] I got it close enough -- and Council Member Steve Levin, and I also want to thank my counsel, Samara Swanston for her work and the rest of the Council Members to the Committee. So we'll start with questions, Mr. Commissioner.

First question I have is; how many small area source air permits are issued by DEP?

CARTER STRICKLAND: Let me confer -- while... Gerry Kelpin, who runs our air permitting program comes up -- I will tell you that... have a seat, Gerry, we need you... we have about 10,000 boiler permits that are burning the heavy fuel; I believe

2 the number's about 30,000 overall in the boiler  
3 sector... industrial sectors... [crosstalk]

4 CHAIRPERSON RICHARDS: So 30,000 permits?

5 CARTER STRICKLAND: Universal... universal,  
6 about 30,000.

7 CHAIRPERSON RICHARDS: Okay, universal.

8 CARTER STRICKLAND: Hold on; I'll ask  
9 Gerry to clarify. [crosstalk]

10 CHAIRPERSON RICHARDS: Okay. Okay.

11 GERRY KELPIN: Those are fuel-burning  
12 permits for residential buildings or... it's basically  
13 your heating and hot water...

14 CHAIRPERSON RICHARDS: Uhm-h.

15 GERRY KELPIN: I think that you're  
16 looking... what you're asking about are permits that we  
17 issue for businesses that are in... [interpose]

18 CHAIRPERSON RICHARDS: Industrial...

19 GERRY KELPIN: have an industrial nature.  
20 [crosstalk]

21 CARTER STRICKLAND: Yeah.

22 CHAIRPERSON RICHARDS: Uhm-hm.

23 GERRY KELPIN: Those are more in the  
24 several hundred at this point; most of the industry  
25 is, as you know, has left the City...

2 CHAIRPERSON RICHARDS: How... So several  
3 hundred you said; how many in the several hundred?

4 GERRY KELPIN: Uh... uhm we... I don't  
5 actually have an absolute... [crosstalk]

6 CHAIRPERSON RICHARDS: Okay.

7 GERRY KELPIN: number on that; I'm  
8 getting it... [crosstalk]

9 CHAIRPERSON RICHARDS: If you guys can  
10 get that back to me.

11 CARTER STRICKLAND: We certainly will...  
12 [crosstalk]

13 GERRY KELPIN: We'll... [crosstalk]

14 CHAIRPERSON RICHARDS: Okay.

15 GERRY KELPIN: I'm trying to get it now,  
16 but...

17 CHAIRPERSON RICHARDS: And who's  
18 monitoring those permits? DEP; I mean are you guys  
19 enforcing; are you... have there been any problems with  
20 those... [crosstalk]

21 CARTER STRICKLAND: So yes, we do  
22 enforce... you know it's... it's [background comment]  
23 maybe if... if... they're slightly different from Title V  
24 permits in that [background comment] Title V permits  
25 from major stacks, like power plant stacks, have in

1  
2 them requirements for continuous air monitors; you  
3 know, it's very expensive, but they're... because they  
4 are such a large source they can afford it.

5 [background comment] We certainly don't require  
6 building owners to do that kinda thing, for example,  
7 for boiler permits. However, we certainly are  
8 responsive to 311 complaints, if people see smoking  
9 boilers and the like, and we will send an inspector  
10 team out and make sure it's burning properly. In  
11 addition, the New York City Community Air Survey does  
12 give us a fairly good sense, with all those locations  
13 throughout the City, of the types of sources that are  
14 creating air pollution, but we do not require  
15 monitoring for specific sources. One thing we do do,  
16 for example, is sources have to meet what's called  
17 opacity requirements, and that's essentially smoke  
18 levels, and we have folks we've trained -- actually  
19 in response to Hurricane Sandy we sent folks down to  
20 New Orleans on an emergency basis because there was a  
21 lot of air monitoring that we did post Hurricane  
22 Sandy, during the cleanup -- and they're trained  
23 using EPA methods to assess opacity levels.

24

25

1  
2 CHAIRPERSON RICHARDS: So you guys are  
3 reviewin' the data from DEC and the EPA, their air  
4 toxic data?

5 [background comments]

6 DR. TOM MATTE: Yes, Mr. Chairman, we did  
7 both monitoring of air toxics at many of our New York  
8 City Community Air Survey sites and compared what we  
9 saw in the monitor data to the EPA data, where they  
10 estimate at census tract level the impacts of the  
11 important air toxics, which are things like benzene,  
12 [background comment] which comes from motor fuels and  
13 other petroleum fuels; formaldehyde, which is a  
14 byproduct of fuel combustion, and our data, I would  
15 say in the main, are generally consistent with what  
16 the EPA estimates for New York City, which is in  
17 high-traffic neighborhoods, neighborhoods with a lot  
18 of fuel combustion from other sources; we tend to see  
19 higher levels of those two air toxics, which are  
20 among the most important for health in New York City  
21 and I will say it's very similar to what we see for  
22 other pollutants that are emitted directly from fuel  
23 combustion, like PM 2.5. And I think it's also worth  
24 noting that recently the WHO and IRARC have  
25 classified air pollution generally, including PM 2.5,



2 as a human carcinogen, [background comment] as well  
3 as these here toxics that we think of more  
4 traditionally in terms of cancer concerns.

5 CHAIRPERSON RICHARDS: Uhm-hm. So you're  
6 monitoring at airports too?

7 DR. TOM MATTE: We have two monitor  
8 locations that are near... one near LaGuardia, one near  
9 JFK -- and just a couple of things to point out about  
10 airports, for a variety of reasons it's not very  
11 practical for us to monitor on the airport  
12 [background comment] property, so we're monitoring  
13 within a mile, in some cases less, of the airport  
14 perimeter, but not specifically... our monitoring  
15 methods are not, with just a single monitor,  
16 sufficient to understand all the different sources of  
17 airport air pollution, which include... both of our  
18 major airports are major magnets for traffic and  
19 there's a lot of traffic congestion on the roads that  
20 are actually -- those sources are closest to the  
21 surrounding neighborhoods -- and then there's ground  
22 equipment and the aircraft themselves, which tend to  
23 be operating mostly away from the perimeter. What we  
24 see in our two monitors, we... I will say for just as a  
25 general comment... for data that we've shared in public

1 reports on air quality that we estimate across the  
2 city and in entire neighborhoods, not just where our  
3 monitors are located -- people can go to  
4 NYC.gov/health/tracking -- and I brought some cards  
5 that people can take as a reminder of that... to look  
6 up some of this data, but if we look at the  
7 neighborhoods say near JFK and near LaGuardia, our  
8 monitors there generally show for the primary  
9 pollutants, so by a primary pollutant, I mean a  
10 pollutant that comes out of the tailpipe or the  
11 exhaust of a boiler as such, so that would include  
12 PM 2.5, oxides of nitrogen SO<sub>2</sub>; for those primary  
13 pollutants, they tend to be at or near the city  
14 average at these monitors near the airport, or in  
15 some cases somewhat below, compared to the citywide  
16 average our monitors distributed across the five  
17 boroughs. Ozone, which as Commissioner Strickland  
18 mentioned, is a secondary pollutant, so it's formed  
19 in the atmosphere downwind of the actual emission  
20 sources; ozone levels... the highest ozone levels that  
21 we measure at any of our monitors in the City are  
22 actually in the Rockaways and that's not from  
23 emissions in the Rockaways, it's from the impact of  
24 upwind emissions. So certainly the air quality in  
25

1  
2 neighborhoods across the city is not where we would  
3 like it to be; near the airports, based on our  
4 monitors and based on our models that estimate air  
5 pollution everywhere in the city, they're not the  
6 worst neighborhoods; they're not the best and we  
7 believe they're impacted both by emissions from the  
8 airports themselves and from the heavy traffic that  
9 surrounds those facilities.

10 CHAIRPERSON RICHARDS: So what are we  
11 doing to help aid those communities -- for instance,  
12 I represent Rosedale and Springfield Gardens and the  
13 Rockaways -- and I think there is not enough being  
14 done to protect the local community that, you know,  
15 is around the airport, so is there more you guys can  
16 do? I mean you're monitoring, you're saying that the  
17 ozone levels are not where you necessarily think they  
18 should be; what are we doing to address the issue?

19 DR. TOM MATTE: Well, I can speak to what  
20 our role is [background comment] and the City's air  
21 quality management strategy and what I think could be  
22 done. So our role as the Health Department, we don't  
23 regulate sources, [background comment] we don't  
24 regulate the Port Authority, but we've established,  
25 as part of the City's sustainability plan, the most

1  
2 ambitious urban air monitoring program that we're  
3 aware of. Our role is really to use that data and  
4 data that we analyze on population health, to  
5 estimate what are the important local sources, what  
6 are the impacts on populations and we have a report  
7 on health impacts of the major pollutants in  
8 different neighborhoods, and then to use that  
9 information to work with our partners at the  
10 Sustainability Office, DEP; DOT to advocate for  
11 policies that can address them. Ozone is  
12 challenging; the City does not really own a solution  
13 to the ozone problem itself, because communities like  
14 the Rockaways are impacted by emissions that occur  
15 not only in the urban core, like in Manhattan's  
16 central business district, but even in New Jersey.  
17 So we believe that going forward -- this is... this... I  
18 made note of your comment that there's a lot of  
19 unfinished business with air quality and we certainly  
20 agree at the Health Department -- requires a regional  
21 cooperation approach to... you know, one thing that can  
22 be done certainly in the transportation sector, which  
23 contributes a lot to the ozone problem, is to make  
24 sure we're providing the right incentives for people  
25 to take cleaner, more sustainable forms of

1  
2 transportation and that means more, you know, good  
3 funding for public transit that is available,  
4 accessible and affordable. So that's one of the  
5 things that can be done. And you know, continuing to  
6 advance on some of the things that Carter described  
7 to reduce emissions of the source pollutants that  
8 contribute to downwind ozone within the city, like  
9 cleaner heating fuels, like cleaning up municipal  
10 fleets and including some of the energy-efficiency  
11 measures that are being enacted as part of PlaNYC,  
12 because the less energy we consume in buildings the  
13 less fuel needs to be burned to support that energy  
14 consumption.

15 CARTER STRICKLAND: Mr. Chairman, if I  
16 might add... just add to that, 'cause there are a  
17 number of things that I left out of my testimony that  
18 I think are good for air quality and a number of  
19 efforts that have been attempted and that either  
20 failed or are ongoing. So one thing that's good I  
21 think is promoting, obviously, hybrid technology  
22 throughout the fleet, but including the taxi fleet,  
23 which is a lot cleaner than it used to be and I think  
24 that is a very good thing. As Dr. Matte mentioned,  
25 traffic, and really, transportation strategies have a

1 huge impact on air quality, promoting mass transit is  
2 a big part of that; I think the City's valiant, but  
3 unsuccessful attempt to put through congestion  
4 pricing was an attempt also to have a really positive  
5 impact on public health from air emissions; there's  
6 obviously a lot of strategies being talked about now,  
7 in terms of bridge pricing and the rest, that... those  
8 strategies could improve or exacerbate air pollution.  
9 One thing that I do wanna mention and a particular  
10 partner -- I was reminded of this by Dr. Matte's  
11 mention of the Port Authority, which now owns the  
12 airports -- we have... the City has worked, through the  
13 Office of Long Term Planning and Sustainability and  
14 Economic Development Corporation, worked with the  
15 Port Authority on a clean air strategy for its ports  
16 and port processes and they had a clean air strategy  
17 the Port had adopted of a 5 percent reduction per  
18 year greenhouse gases, 3 percent in primary  
19 pollutants like PM; obviously the Port Authority  
20 could be a big partner in terms of an airport control  
21 strategy that would be more or less, you know, a  
22 voluntary strategy, but I know the Port's strategy  
23 has had a very big impact in terms of port emissions  
24 and that would include also... that could be extended  
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to marine sources, which are not well regulated, including cruise ships. So that is I think an area where the City could do more in partnership with those entities that have more direct control over those kinds of operations.

CHAIRPERSON RICHARDS: I'm not completely sold on the answer of the airports; I think that, you know we... DEP and certainly DOH must play a greater role in ensuring that we are doing more to protect communities surrounding the airports and obviously a lot of communities, especially black and Latino communities, who got an unfair burden share of truck traffic as well and I just can't see us pushing it off to doing better public transportation; that the same people should get on the bus more, which I think is a noble... I think we must do more with transportation, but I think that we have a greater responsibility in working with Port Authority and I'm interested in knowing; are there conversations... for instance, I think New Jersey has come up with something called Environmental Benefits Agreements where communities surrounding airports are getting more trees and they're looking at ways to help those surrounding communities, because a lot of these

1 communities obviously are overburdened by the  
2 airports. You know, and once again, the communities  
3 with the highest amount of ozone and carcinogens are  
4 black and Latino neighborhoods from the Bronx to  
5 Southeast Queens, parts of Brooklyn, and I think  
6 that, you know, we have a greater responsibility to  
7 look at these areas and really focus on them. So I'm  
8 just interested in hearing; are there some concrete  
9 things we can do with the Port Authority? Yes, I  
10 understand they're federal, but are there some things  
11 that we can do better to protect communities who are  
12 overburdened at this moment? Because I think you  
13 said that... Mr. Commissioner, you said that, you know,  
14 you're monitoring the air and you know it may be  
15 average, but I find that hard to believe; I know that  
16 we are overly impacted by airports in our  
17 communities, including LaGuardia Airport as well.

19 DR. TOM MATTE: Yeah, I don't want to  
20 imply that there's no air quality impacts from the  
21 airports or that more couldn't be done. I will say,  
22 I'm not aware of anything we're doing as a health  
23 department currently working with the Port Authority,  
24 but I appreciate the suggestion. You know, just  
25 thinking in terms of practical measures, things that



1 we have advocated for that might be beneficial to  
2 communities, especially those impacted by high ozone  
3 levels, so ozone, as you may know, it's a summertime  
4 pollutant, it goes up especially during heat waves;  
5 the Department, we've been working hard to understand  
6 the public health risks of these heat waves and how  
7 to mitigate them and one of the things we've  
8 advocated for is better funding from the State for  
9 the air conditioning for vulnerable New Yorkers who  
10 can't afford it, because our data show that really,  
11 the lack of air conditioning at home is one of the  
12 strongest risk factors for heat-related mortality and  
13 actually, being able to close your windows and be  
14 comfortable in an air conditioned environment at home  
15 for vulnerable seniors who are vulnerable to air  
16 pollution is one of the best ways to reduce exposure  
17 to ozone. Is there the potential for doing something  
18 with the Port Authority to work on that for  
19 vulnerable populations near the airport? You know, I  
20 can't speak to that, but I think that's a practical  
21 measure that could be helpful for residents in  
22 communities impacted by air pollution.

24 CARTER STRICKLAND: Can say also for DEP,  
25 we don't have anything right now that's specific to

1 airports. A number of years ago the Council mandated  
2 and we conducted a noise study at airports; again, it  
3 took that form because the City operates under  
4 preemption, and so can't directly regulate airport  
5 noise; that doesn't mean there's not an impact; in  
6 fact it probably means there's, you know, a greater  
7 impact in those areas. But we have the same kind of  
8 legal considerations... but that... with in terms of air  
9 emissions from airports and airplanes in particular  
10 which have gone unregulated from carbon and other air  
11 emissions... but that doesn't mean that those are the  
12 only tools the City has, so if you talk about working  
13 with the State in Iserta **[sic]** in terms of the  
14 allocation assistant benefit charges, all of which,  
15 you know, paid and really near the population in  
16 terms of the collection of those revenues, but not  
17 necessarily the distribution; in terms of  
18 retrofitting the ground fleet that Tom mentioned,  
19 which are the heavy-duty diesel that push back an  
20 airplane or the big engines, that fleet or even the  
21 truck fleet that is taking... you know, a lot of air  
22 cargos handle in particular out of JFK and cleaning  
23 up that truck fleet which does also go through the  
24 local streets would have an impact. So there's  
25

2 certainly things that the City can do; it's gotta be  
3 in partnership with the Port Authority.

4 CHAIRPERSON RICHARDS: Okay, I'm going to  
5 move this hearing, so I'm going to start with Costa,  
6 who had some questions and then we'll go to Council  
7 Member Inez Barron.

8 COUNCIL MEMBER CONSTANTINIDES: Thank you  
9 Mr. Chair. Good afternoon Mr. Commissioner; great to  
10 see you again.

11 CARTER STRICKLAND: Good to see you.

12 COUNCIL MEMBER CONSTANTINIDES: I have a  
13 couple of questions; I actually represent Western  
14 Queens and I definitely wanna echo the sentiments of  
15 the Chair when I know that we... in my particular  
16 community, we have what I call a wealth of  
17 challenges; we have what provides the power plants,  
18 which I'll get into a second, which provide the City  
19 with anywhere between 45 to 65 percent of its power,  
20 depending on who you speak with; we have LaGuardia  
21 Airport, and in the western end we have the Grand  
22 Central Parkway that runs right through the middle of  
23 our district, the Triborough Bridge right there, so  
24 we have a number of environmental challenges in  
25 Western Queens that add to the poor air quality and

1  
2 the asthma rates that have really shot through the  
3 roof. In the western portion of my district, in Zone  
4 126, which covers the zip code 111, 1102, 1106, the  
5 number one reason that children under 14 are  
6 hospitalized is asthma and those kids miss between 10  
7 and 30 days a year. So those are really sort of  
8 sobering numbers for us here in Western Queens and  
9 I'm just trying to get a sense... we have... power plants  
10 I know are not regulated by the City, but we do... you  
11 did mention that they do have air monitors there, so  
12 we'd like to talk a little bit about the power plant  
13 for a moment; so what are we doing to improve the air  
14 quality around power plants?

15 DR. TOM MATTE: So I wanna just make a  
16 couple points in response to your question. One is,  
17 in terms of power plants and how they impact air  
18 quality. They do certainly do have an impact; power  
19 plants though have a different kind of an impact from  
20 the ground level sources like traffic and buildings  
21 and the impacts tend to be spread out over a larger  
22 area where the plume from the stack actually impinges  
23 at ground level. So our own data don't tend to show  
24 higher levels of air pollution right in proximity to  
25 the plants and that's not surprising, that's

1 consistent with what people who have done similar  
2 kinds of monitoring in other cities say and it's  
3 because... not because there are no impacts, it's just  
4 they spread out over a larger area because the  
5 emission of the pollutants occur at a high level in  
6 sort of free air. In terms of health impacts, you  
7 know I'm really, you know, glad you're pointing out...  
8 asthma is one of the air pollution-sensitive  
9 conditions; the more people with asthma live in a  
10 neighborhood, the more air pollution will impact that  
11 neighborhood, but I also wanna make note of the fact  
12 that the biggest public health burden from air  
13 pollution is actually from cardiovascular disease;  
14 most of the deaths are from cardiovascular disease  
15 and so I say that only to indicate that there's a  
16 broad constituency in New York City that should be  
17 very concerned about air quality; that includes  
18 people who have diabetes, who have high blood  
19 pressure; people who are at risk of cardiovascular  
20 events and you know, neighborhoods in your part of  
21 the city are definitely impacted by traffic and we're  
22 very... at the Health Department we're very supportive  
23 of, you know, comprehensive solutions that can  
24 increase the use of sustainable and active  
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2 transportation and decreased traffic and traffic  
3 congestion -- a. because it will improve air quality  
4 and b. it's a healthier way for people to get around  
5 than driving.

6 CHAIRPERSON RICHARDS: To Member Barron;  
7 then followed by Levin.

8 COUNCIL MEMBER BARRON: Thank you for  
9 your testimony. I represent East New York and a part  
10 of Canarsie and a part of Brownsville; part of East  
11 Flatbush and the asthma rates in my community are  
12 among the highest in the City. In your report you  
13 talk about... you have 25 sites where there are  
14 monitors located around the City and it says that  
15 most of them are on rooftops and that the monitoring  
16 is not designed to compare pollution levels at  
17 different locations within the City, but to get a  
18 trend. So would it be more accurate to have more  
19 monitors and are the monitors only at those 25 sites  
20 or are those sites rotated?

21 DR. TOM MATTE: Thank you for the  
22 question. So the monitors that... of which there are  
23 25 on rooftops, those are the State Department of  
24 Environmental Conservation monitors that are being...  
25 they're operated to meet EPA requirements for just

1  
2 looking at the general trends in air quality across  
3 the City. What the City did to supplement that  
4 monitoring; not to replace it, was to provide support  
5 for our New York City Community Air Survey, which is  
6 a unique local effort. So citywide, the number 25  
7 for DEC is actually an overstatement of how many  
8 sites there are, 'cause for some pollutants, like  
9 nitrogen dioxide, [background comment] which is an  
10 important traffic pollutant, there are only three  
11 sites in the City, not 25. We started out with 150  
12 sites; we currently have 60 that operate in  
13 neighborhoods across the City. We also, in designing  
14 the study, we consulted with researchers in air  
15 pollution from around the country and elsewhere in  
16 North America, to look at how could we measure in a  
17 way that we could say something about locations  
18 across the City, because even 150 sites is not a lot  
19 when you think of how big New York City is. And we  
20 also recognized that no one monitor can represent air  
21 quality in an entire neighborhood. So we developed  
22 the methodology and our reports are all available  
23 online; I brought some with me, that uses a network  
24 of monitors to learn about how air quality varies in  
25 relation to sources, like traffic, truck traffic,

1 building, different types of boilers, and to use that  
2 information to be able to estimate air quality, even  
3 in locations that we don't monitor. Now that's not  
4 to say that we couldn't miss something in a very  
5 particular location; our monitoring is not designed  
6 to evaluate each individual facility in the City, but  
7 we're trying to get at what are the widespread  
8 sources that are affecting air pollution across the  
9 City, so we do have more than the DEC monitors.

11 COUNCIL MEMBER BARRON: Okay. And that  
12 gets to my point. So there may in fact be  
13 communities that are more subjected to these  
14 pollutants than what [static] we are actually saying  
15 is a trend that we have here; there may be some that  
16 have...

17 DR. TOM MATTE: I... I... I'm sorry; that...  
18 that... [crosstalk]

19 COUNCIL MEMBER BARRON: I'm really... uhm-  
20 hm... oh, that's you. There may be others then... some  
21 communities that are in fact more impacted with these  
22 pollutants than what we think is the trend for the  
23 City?

24 DR. TOM MATTE: We look at the health  
25 impacts of air pollution by taking into account what



1 we estimate the air pollution concentrations to be  
2 and we do think our monitoring network, it's  
3 scientifically valid; it gives us a good idea of, at  
4 the neighborhood level, which neighborhoods are  
5 highest; which are lowest. But in terms of health  
6 impacts, there are two things that determine... well  
7 there's three things that determine what the health  
8 impact is; in our report we have -- one; it's the  
9 first of its kind for New York City; looks at health  
10 impacts at the neighborhood level, and we've had  
11 this... we published this a couple of years ago; we  
12 recently updated it. The things that influence the  
13 health impact of air pollution are not just the  
14 concentrations of air pollution; it's the  
15 concentration, it's what we know from scientific  
16 research about the relationship between concentration  
17 and increase in asthma exacerbations or  
18 cardiovascular health events, and it's how many  
19 people in the neighborhood, what proportion of people  
20 are susceptible to those conditions. So our analyses  
21 show that in fact even though air quality doesn't  
22 show the same strong association with neighborhood  
23 poverty as it does in some other cities, that the  
24 health impacts are concentrated, are disproportionate  
25

1 in high-poverty neighborhoods in New York City and  
2 that's because of a wide range of factors that lead  
3 to health disparities -- disparities in asthma, which  
4 have many causes, not just air pollution, disparities  
5 in cardiovascular disease risks and disparities in  
6 other health conditions that put people at risk. So  
7 it is definitely true that the health impacts of air  
8 pollution are greatest in our most disadvantaged  
9 neighborhoods because of the population  
10 vulnerability. As it happens, in New York City many  
11 or our most affluent neighborhoods also have been  
12 attractive places to live for people; they've been  
13 affluent, but they also attract a lot of large  
14 buildings and a lot of traffic and the sources that  
15 contribute to air pollution elsewhere. So we  
16 [static] you know our... I echo Commissioner  
17 Strickland's position that every neighborhood in New  
18 York, every New Yorker has a stake in cleaner air  
19 quality. Many of the solutions I think do need to be  
20 systematic, structural solutions, things like public  
21 transit, but the benefits will be... if we can improve  
22 air quality, the benefits will be greatest in  
23 neighborhoods like the one you represent.

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25 COUNCIL MEMBER BARRON: Thank you.

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CHAIRPERSON RICHARDS: Council Member  
Levin.

COUNCIL MEMBER LEVIN: Thank you very  
much Mr. Chairman, thank you Commissioner; I  
appreciate your service to the City and I wanna thank  
you very much for that; Dr. Matte and Miss Kelpin.

I wanted to ask about enforcement of  
vehicular pollution. I represent Community Board 1  
in Brooklyn, which... I can't recall off the top of my  
head what percentage of private waste transfer  
stations for the City, but it's in the, like... you  
know, some 30 percent of... in terms of the waste  
transfer stations, we have an enormous amount of  
truck traffic that goes through our community  
district on the Newtown Creek and it's... that  
district, along with a couple of other districts in  
the South Bronx and Southeast Queens represent the  
vast majority of vehicular waste transfer stations in  
the City. What type of enforcement... you mentioned,  
Commissioner, that there is increased enforcement...  
you said we... when discussing compliance on vehicular  
regulations and local laws with regard to vehicular  
traffic; what type of enforcement are we doing about  
private vehicles that are not in compliance? I mean

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I woke up this morning, for instance, and right outside my door... because I live on a block that's kinda half industrial; there was a truck doing a delivery, idling, spewing black smoke into my apartment window. How do we enforce that... how do we enforce both the idling law and also, how do we make sure that these trucks are up to standards?

CARTER STRICKLAND: Well that's a good... you're raising a very valid issue and I guess to take the second point first, which is the truck standards, that was one of the reasons why BIC developed the private waste hauling piece of legislation that the Council passed in the fall of 2013, so we're very much looking for... we think there's a huge need for that; very much looking to working through with BIC and in enforcing that provision, and that will accelerate... you know there's a kind of organic... as the really old trucks go out of service and new trucks come in, that's good for air quality, but that can be a slow process, particularly in low-margin businesses, where they hold onto trucks as long as they can. So the BIC provision is putting that private waste hauling fleet on the same footing as the City's fleet; the City did lead by example and

2 retrofitted sanitation trucks and the like and that  
3 was good, but obviously we have some regulatory  
4 authority in terms of, you know licensing in the BIC  
5 scheme over private waste hauling and we're using  
6 that to make sure they have a clean fleet.

7 On idling; I mean your very example does...  
8 we have... our air inspectors to respond, 311 calls;  
9 it's very helpful to us when there's repeated idling  
10 in a certain spot... because it's a three-minute rule,  
11 so we have to get the 311 call, dispatch an  
12 inspector, they have to get there; the truck has to  
13 still be idling and stay idling for three minutes and  
14 not turn off the ignition key, so you can imagine  
15 kinda cat and mouse games that happen.

16 COUNCIL MEMBER LEVIN: That didn't  
17 happen.

18 CARTER STRICKLAND: Yeah... oh, didn't turn  
19 it off. Okay. So you know and if it's there... but  
20 very often we'll send an inspector and then the truck  
21 will have moved on 'cause it completed its delivery,  
22 so... you know, it's not the easiest thing to do; we  
23 have been able to have our... you know when there's  
24 idling rules specific to specific locations or types  
25 of locations like schools, we're able to enforce.

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But we do, you know, try to educate drivers and also will find from time to time idling that we can enforce against. Gerry runs... [crosstalk]

COUNCIL MEMBER LEVIN: What kind of private...

CARTER STRICKLAND: Sorry; Gerry runs her program. Gerry, do you wanna add anything to that? [background comment]

GERRY KELPIN: As the Commissioner indicated, finding one truck idling based on a 311 call is very difficult, however, there are certainly patterns of deliveries to different locations, neighborhoods and what we often do is put a team of inspectors in an area and issue for idling for whatever vehicles are there. There's an additional problem which we're trying to address we hope in revisions to the Air Code is that delivery trucks may idle when they're using process equipment, like if they're using their lift gate and their engine is tied to that; that's... [interpose]

COUNCIL MEMBER LEVIN: Right, so that's what this guy was doing this morning, yeah. [interpose, background comment]

1  
2 GERRY KELPIN: Yeah. If it's the  
3 auxiliary engine, which sometimes they use a  
4 secondary engine for their equipment; to date that is  
5 not covered by the Air Code; that's a major change we  
6 would love to see go into place, because it would  
7 require them... it would then put them into idling  
8 also. So in terms of right now, it's... we look at  
9 areas where there are deliveries and we'll go in at  
10 different times and issue in that way; it is not a  
11 one to one to the 311 complaints though.

12 COUNCIL MEMBER LEVIN: Thank you.

13 CARTER STRICKLAND: So Council Member, I  
14 just wanna emphasize that we are looking at idling  
15 and auxiliary power units in part because, those are  
16 actually carve-outs from the general rule about  
17 preemption of mobile sources. So that's why we're,  
18 you know exploiting that existing authority to the  
19 greatest extent we can, but it's limited.

20 COUNCIL MEMBER LEVIN: 'Cause I noticed  
21 like this guy this morning, just as my anecdotal  
22 example... [interpose]

23 CARTER STRICKLAND: Yeah. Yeah.

24 COUNCIL MEMBER LEVIN: the smoke, it was  
25 just pouring smoke out...

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CARTER STRICKLAND: Yeah.

COUNCIL MEMBER LEVIN: and it was coming out of the middle of the truck, so it must... that might be logical that it was this auxiliary engine that was being used... the muffler was coming out of the middle of the truck, it wasn't coming out...  
[interpose]

CARTER STRICKLAND: Yeah.

COUNCIL MEMBER LEVIN: of the back of the truck. So those auxiliary engines are not covered under the Air Code right now?

GERRY KELPIN: The auxiliary aren't covered for idling. I think we... if we saw that truck smoking, there's another provision that we would have issued under, which is... we actually have a provision about the exhaust, smoke from vehicles. [background comment] So it sounds like actually there was [background comment] a hole in the muffler and it was spewing, so if we had seen that truck we would've issued for probably both if we had been able to find it.

COUNCIL MEMBER LEVIN: Okay. Now and I was wondering; what could private citizens do, like if a private citizen sees it, should they write down



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the license plate number or the business number and  
call 311 and report it and take a picture...  
[interpose]

GERRY KELPIN: We...

COUNCIL MEMBER LEVIN: what should they  
do; how should they... [crosstalk]

GERRY KELPIN: Uhm...

COUNCIL MEMBER LEVIN: how should they go  
about reporting it?

GERRY KELPIN: The license number and/or  
the name of the company and [background comment] the  
truck... the truck might have a number. 'Case we... we  
are doing some outreach to different companies,  
saying that, you know their vehicle was observed; it  
looks like you have a maintenance problem and we're  
doing some follow-up along those lines as well. The  
other thing is, if it is, again, if the deliveries  
happen fairly consistently, like three or four times  
a week, you know, between 7 and 9, that kind of  
information in a complaint allows us to put together  
an enforcement team to go after different locations.

COUNCIL MEMBER LEVIN: This is a... I mean  
I... as I said before, a very big issue in my district,

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in any district [background comment] that has a significant number of... [interpose]

GERRY KELPIN: Absolutely.

COUNCIL MEMBER LEVIN: of commercial buildings and manufacturing buildings. One other question about sightseeing buses, because I also represent Downtown Brooklyn, 'cause we have this endless stream of buses going down to Dumbo to see the Brooklyn Bridge; so what's the... they are idling all the time; I mean I have constituents complain to me all the time about those sightseeing vehicles idling; what's a way in which we could kinda step up some enforcement on those guys?

CARTER STRICKLAND: Go ahead.

GERRY KELPIN: Sorry. In the current Air Code also, there is a provision that if they're loading and unloading passengers they're not actually idling... it's not part of the three-minute idle...

COUNCIL MEMBER LEVIN: Okay.

GERRY KELPIN: so again, there's some language that we were trying to toss around to make it much clearer what is loading or unloading of passengers for the buses, because there's some... sometimes there are issues with being able to

2 maintain temperature and things like that, but it's  
3 difficult on enforcement, so very often we'll go and  
4 we'll just talk to them about being able to turn off  
5 more often than they do.

6 COUNCIL MEMBER LEVIN: Okay.

7 GERRY KELPIN: The other thing that comes  
8 up about the sightseeing buses; they are... all of the  
9 double-decker ones in city tours are retrofitted with  
10 emission control devices.

11 COUNCIL MEMBER LEVIN: So every single  
12 one of them and if they don't they risk losing their  
13 licensing agreement?

14 GERRY KELPIN: Yeah, they... on...

15 [crosstalk]

16 COUNCIL MEMBER LEVIN: They receive  
17 fines?

18 GERRY KELPIN: I think we have maybe  
19 three or four that have a waiver; all of the others  
20 have the diesel particulate filter, which is the most  
21 effective.

22 COUNCIL MEMBER LEVIN: Okay. Thank you  
23 very much. Thank you, Commissioner.

24 CARTER STRICKLAND: Thank you.

25 [crosstalk]

1  
2 CHAIRPERSON RICHARDS: We're gonna have  
3 Carlos Menchaca... I just wanna ask two questions  
4 before then; just going back to the trucks. In the  
5 idling, how closely are you guys working with the  
6 NYPD? You know, I think that there needs to be more  
7 coordination obviously between the agencies. For  
8 instance, just going back to the trucks and the  
9 idling, we get a lot of trucks who go off route and  
10 may spend the night in particular neighborhoods, so I  
11 know PD is exploring and we're trying to push them  
12 to... I don't know, how do you get boots for these  
13 particular trucks, these big wheelers, but you know,  
14 are you guys working with PD on enforcement or can we  
15 do better in terms of coordination with them?

16 CARTER STRICKLAND: Sure. You know, we  
17 can do better; I think one thing that did happen a  
18 few years ago is that ticket enforcement agents have  
19 authority now to issue violations under the idling  
20 provisions of the Code, so you know that's helpful.  
21 You know, if the Council makes clear that that's a  
22 priority for the legislative body, then that  
23 certainly would be important in terms of allocation  
24 of resources.

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CHAIRPERSON RICHARDS: And I think also, the increase in the fines, because I think what's happening is a lot of the trucks are eating the tickets, it's... you know, they're coming in from Texas or wherever they're coming from and they're willing to pay the little \$100 ticket... you know; I don't know if it's \$100, it may be more than that... [interpose]

CARTER STRICKLAND: There is... [crosstalk]

CHAIRPERSON RICHARDS: but...

CARTER STRICKLAND: For the record, it's \$350; not that cheap. [crosstalk]

CHAIRPERSON RICHARDS: It's \$350, well that would... yeah. No, it is cheap according... for these companies... [interpose]

CARTER STRICKLAND: Yeah, maybe.

CHAIRPERSON RICHARDS: so they're willing to eat the ticket and go before a judge and pay it, because they're gonna save more money in the short-term and long-term in the first place, so I think we probably should look at [background comment] probably increasing the fine and obviously that's a City Council issue. And just the last thing before we get to Carlos... two other questions... sorry Carlos. Do you

2 guys regulate boilers in NYCHA or no? [background  
3 comments] You do?

4 CARTER STRICKLAND: Yeah, we do..  
5 [crosstalk]

6 CHAIRPERSON RICHARDS: Great.

7 CARTER STRICKLAND: We do regulate  
8 boilers [background comment] in NYCHA, we do  
9 regulate... [crosstalk]

10 CHAIRPERSON RICHARDS: Okay.

11 CARTER STRICKLAND: I know there's a  
12 story in Daily News today... [interpose]

13 CHAIRPERSON RICHARDS: Yes.

14 CARTER STRICKLAND: about temporary  
15 boilers [background comment] and actually is not any  
16 different from our regulation last year... [background  
17 comment] well not around this time... by February they  
18 were all done, but post Sandy, Lower Manhattan had,  
19 you know, truck trailer size generators in all the  
20 buildings to power these skyscrapers and we regulated  
21 those, issued permits, drove them to the best  
22 technology and cleaner fuels and the like. It's the  
23 same with NYCHA... Gerry Kelpin is telling me that  
24 they're all running on ultra-low sulfur diesel...

25

2 [background comments] temporary, sorry. Yes.

3 [background comments] So... [interpose]

4 CHAIRPERSON RICHARDS: If I can suggest,  
5 because we're gettin' a lot of complaints citywide  
6 for... [background comment] and we were just in Coney  
7 Island yesterday, but we get a lot of smog from these  
8 boilers, and one of the things I wanna know is; would  
9 you guys be open to doing air monitors in the NYCHA  
10 facilities that have these temporary boilers in  
11 place, because we don't know what, you know,  
12 emissions these things are giving off and we wanna  
13 make sure that NYCHA residents are not bearing the  
14 brunt because NYCHA can't get themselves together  
15 post Sandy, because they're gonna have these boilers  
16 in place I think, Carlos, 2016... [background  
17 comments]

18 CARTER STRICKLAND: 2016; we did read  
19 that today.

20 CHAIRPERSON RICHARDS: and there is a  
21 huge issue with those temporary boilers, so I would  
22 [background comments] ask you to take a look at that.  
23 And then the last question is just; what alternative  
24 fuels are available in terms of the airports, again?

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What alternative fuels are available to be used instead of leaded gas?

CARTER STRICKLAND: Well, it depends what fleet you're talking about. I do know that...

[interpose]

CHAIRPERSON RICHARDS: I'm talking about the air... the airplanes. [crosstalk]

CARTER STRICKLAND: the airplanes...

[crosstalk]

CHAIRPERSON RICHARDS: Yes.

CARTER STRICKLAND: themselves, Virgin Atlantic just had a pilot flight with 100 percent biofuels; [background comment] you know, I didn't look at the cost of that; the environmental impact was probably pretty good and it stayed in the air and landed safely, which is good. [laughter] I don't know if it was a special plane; I mean I don't mean to be flippant about it, but I... you know I don't know if it was a specially modified plane or if that can be a drop-in fuel at just any fleet; obviously you wanna take those technological considerations very seriously. So that's one example for that.

[crosstalk]

CHAIRPERSON RICHARDS: Can we do more...



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2 CARTER STRICKLAND: You know, aviation  
3 fuel is very specialized [background comment] fuel,  
4 it's not the same as regular diesel [background  
5 comment] and the like, so you have to make sure that  
6 performance requirements are there. It may be, as  
7 EPA considered with all the other mobile sources,  
8 that you... you wanna clean the fuel, but you also have  
9 to make technological changes in the engines,  
10 [background comment] and at the same time, to accept  
11 those fuels to be compatible, the two have to work  
12 together and the issue, as with heavy-duty diesel  
13 trucks, which last a long time, you know, 20 years or  
14 so, can be compared to cars, which turn over on a  
15 regular basis, ferries, tugs, other sources last an  
16 even longer time and airplanes can last a very long  
17 time. So that is a challenge there in terms of  
18 working on an international level, really, with...  
19 because, you know plans will refuel overseas as well,  
20 so you have to make sure that they can accept all  
21 those fuels, so it's a lot to coordinate...

22 [crosstalk]

23 CHAIRPERSON RICHARDS: The reason I'm  
24 saying that is because the City needs to do more with  
25 the Port Authority [background comment] and I think

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we have to do more with the Port Authority.  
Alrighty, Carlos Menchaca, Council Member Carlos  
Menchaca.

COUNCIL MEMBER MENCHACA: Thank you  
Chair, and thank you for coming and testifying today;  
it's been an important conversation to have as we  
move forward. I also wanna thank all the  
organizations and folks here testifying; as you can  
see, there's a lot of, I think conversation that  
should happen and translate to some action and  
especially the NYC Environmental Justice Alliance and  
UPROSE, for example, who brought youth here; I hope  
you or your staff can stay to listen to some of their  
testimony; it's incredibly... [crosstalk]

CARTER STRICKLAND: Yeah, we'll have  
staff here.

COUNCIL MEMBER MENCHACA: important that  
we hear from our communities, directly from the folks  
that are impacted. But I wanted to zero in on a  
couple things that we heard today about cruise ships  
and [background comment] really just to confirm that  
there is current... what monitoring is actually  
happening for cruise ships? For my district, for  
example, a very waterfront heavy district and with a

1  
2 cruise ship terminal, Red Hook continues to be  
3 impacted by that; just wanna confirm exactly what  
4 you're doing on that.

5 DR. TOM MATTE: As part of our overall  
6 monitoring effort and analysis we've been looking at  
7 the levels of vanadium in fine particulate matter.  
8 Vanadium, as it happens, tends to be especially  
9 emitted in higher concentrations from the marine  
10 fleet and we do see, from our monitors that we do  
11 have out, which are not intended to evaluate one  
12 specific facility, but across the city where we have  
13 monitors that are near to the marine traffic, that  
14 vanadium levels are higher the closer we get to the  
15 marine facilities. So we're always open to doing  
16 additional special studies to look at a particular  
17 place, but that requires more than just a single  
18 monitor to really understand what's going on, but we  
19 certainly see an influence of marine traffic on  
20 certain chemical composition of particulate matter.

21 COUNCIL MEMBER MENCHACA: Okay. And I  
22 think we're gonna be able to follow up with you on  
23 that and making sure if there's anything that we can  
24 do to increase that level of monitoring. And I'll  
25 add another thing to your kinda understanding of mold

1 really and the impacts of mold. Three of our  
2 districts were impacted by Sandy; this is an issue in  
3 our NYCHA apartments, this is an issue in our private  
4 homes and our apartments and there are communities,  
5 for example, that have whole homes that have been  
6 abandoned with mold, is a farm in these homes,  
7 impacting... people are impacted as they walk across  
8 the street. What are you doing to monitor the mold  
9 impacts in communities that were affected by Sandy  
10 and throughout the City?

12 DR. TOM MATTE: I'll speak to that at  
13 some level, but there's another program in our agency  
14 that is really focused on mold; the City Health  
15 Department has been a leader in developing guidelines  
16 for how to manage mold in housing. We did monitor  
17 general ambient air quality in communities impacted  
18 by Hurricane Sandy; we analyzed data from our own  
19 monitors and also from DEC monitors, DEC monitors  
20 that were set up for the... specifically to look at the  
21 event and we were concerned about... you know, it was  
22 mentioned the temporary boilers and generators;  
23 debris movement operations as sources of outdoor air  
24 pollutants that we understand, we know how to compare  
25 them to standards and so that include fine

1  
2 particulate matter. Generally what we saw in those  
3 neighborhoods for fine particulate matter were  
4 similar levels to what we see at other times of year  
5 and in past years. As far as mold goes, the City  
6 Health Department is collaborating with Columbia  
7 University on a study, federally-funded research  
8 study of mold in housing impacted by Sandy that's  
9 undergoing different types of repair, looking at both  
10 the mold levels and the health of children living in  
11 those residences. In terms of monitoring outdoor  
12 mold, you know mold is present in the outdoor air in  
13 New York City all the time; we don't have... our  
14 monitoring effort has really been driven by  
15 monitoring... it's not really a research study; we're  
16 monitoring pollutants that we understand how they  
17 affect human health and so that's the monitoring that  
18 we do. We know that people living in homes that are  
19 heavily affected by mold can... that it can have health  
20 affects and we've issued guidance on how to repair  
21 that safely.

22 CHAIRPERSON RICHARDS: Just one... oh...

23 COUNCIL MEMBER MENCHACA: Go ahead. Are  
24 you gonna stay on mold; I'm gonna move... 'cause I know  
25 we wanna hear from the public, but just know that

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that's gonna be something that is on our radar and we're gonna wanna follow up and I'm hoping to hear from... for the Committee to hear more on mold. But the other component is the high heat events in EJ communities and really understanding how you're monitoring those events and really the last piece that kinda brings all this together in communities, high heat events, monitoring those things with our cruise ship terminals, with mold and what happens in this concept of cumulative monitoring on all these impacting one community and I think that's gonna be something that's important to work together and understand.

DR. TOM MATTE: Thank you Councilman; I'm really glad you brought up the issue of heat and its impact on public health, because we... at the Health Department we recognize it as... on average, year in and year out, it is the biggest cause of preventable death of any type of natural hazard, on average, across the country that's true and in New York City it's certainly true. In 2006, for example, there was a severe 10-day heat wave that affected the city and we studied the health impact of that afterwards and determined there were 40 direct deaths caused by

1  
2 hyperthermia that our medical examiner could detect  
3 and in addition, there were about 100, we estimated,  
4 excess natural caused deaths and most of the deaths  
5 caused by heat waves are from exacerbation of chronic  
6 health problems. We feel like we've made some  
7 progress, but we also recognize there's more to be  
8 done. So what we've done is, we studied the problem  
9 and we worked with the National Weather Service and  
10 the Office of Emergency Management to change the  
11 threshold for when heat advisories are issued and  
12 when the City activates its heat emergency plan. So  
13 there's a special, for New York City, set of criteria  
14 because we have a vulnerable population and that's  
15 been in place since 2007. We've also been looking  
16 at, in collaboration with researchers at Columbia,  
17 how the mortality during hot weather increases and  
18 differences in different populations in neighborhoods  
19 and we have a publication that's been submitted,  
20 we've presented this at conferences, and basically  
21 what we're seeing is neighborhoods where there is  
22 poor health status, 'cause that predisposes to  
23 chronic health problems that are exacerbated by heat  
24 waves; less air conditioning. Some neighborhoods in  
25 the City are hotter, they have higher surface

1  
2 temperatures because they have less vegetative cover  
3 and we see greater impacts in those neighborhoods.  
4 It's not an easy problem to solve; we think it needs  
5 a multifaceted response; we're trying to use that  
6 information to work with a program; it started as  
7 part of the sustainability plan, called New York City  
8 Cool Roofs, to paint roofs with reflective materials,  
9 and as I mentioned earlier, we believe that for  
10 vulnerable populations, and we can open cooling  
11 centers; not everyone will go to a cooling center;  
12 many people do need air conditioning to be safe in  
13 our urban environment. We think there's a way to do  
14 that responsibly with reducing overall electric use  
15 if it's done in the right way. And right now you  
16 know there is a low-income heat energy assistance  
17 program; in New York State, less than... the ratio of  
18 heating assistance to cooling assistance is more than  
19 60 to 1. We would like to see more support for  
20 people who are vulnerable and who can't afford a  
21 residential air conditioner to protect them on the  
22 hottest days of the year and we think there are ways  
23 to at the same time reduce electric power use in  
24 commercial facilities and other residential buildings  
25 where there's... you know we've all experienced a



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sweater on the hottest day of the year at the office;  
reduce that kind of wasteful air conditioning use.  
So we're very interested in working with the Council  
on doing more about protecting the population during  
heat waves during the summer.

COUNCIL MEMBER MENCHACA: Thank you for  
that.

CARTER STRICKLAND: If I can add to Dr.  
Matte's testimony just two small points. One -- you  
know, urban heat island is, you know, a very  
significant issue and I think that's wise; the City  
pulled it together and tried to get all the benefits  
from every single one of its expenditures of scarce  
resources. We looked at the clean water side on  
strategies that do encourage the adoption of more  
vegetation throughout the City; we call that a Green  
Infrastructure Plan; it's been very successful, it's  
getting off the ground now. A lot of where we're  
building green infrastructures will be street-side  
bioswales, will be a grand program for green roofs;  
it's really aspiring throughout Central Brooklyn,  
Queens, but also down in your district as well and  
also areas in the Bronx. So those are the areas  
we're focusing our initial efforts and that should

1  
2 have an impact as well. So I think, you know,  
3 anything we can do to build planted areas and  
4 encourage that throughout the City will help to some  
5 degree, and actually, Con Edison had some very  
6 compelling studies about the impacts of green roofs  
7 on... we like it for storm water management, but on  
8 keeping buildings cool [background comment] naturally  
9 and lowering cooling loads.

10 Also of course in a more... you know, in a  
11 more traditional New York City way, there's hydrants  
12 in the summer; it's not as good as cooling centers  
13 and the like, but it's inevitable [background  
14 comment] and we do... every time there's a, you know, a  
15 heat emergency, 90 plus degree day and the Mayor and  
16 Health Commissioner and DEP Commissioner and other  
17 people get out there urge seniors especially, and  
18 others to go to cooling centers open throughout the  
19 city; we also have on the ground our Heating  
20 Assistance Program, DEP does and hydrant emergency  
21 access teams; we go around, primarily Washington  
22 Heights and areas in Brooklyn and also in South  
23 Bronx, and we hand out hydrant caps and these... if  
24 people open a hydrant it's illegal, shouldn't do it;  
25 that's 1,000 gallons per minute of water that's

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wasted; you put on our sprinkler caps and it's 25 gallons per minutes, it's actually more cooling and [background comment] we urge people to contact the local fire department which has these caps and could put it on. So it's another way to help New Yorkers stay cool.

COUNCIL MEMBER MENCHACA: Well thank you and just to underscore the importance of understanding collectively as a community, with all the stakeholders in this room, climate change is here and our response is gonna be incredibly important, how we do this together as one community, but clearly we need more monitoring and all these things play a cumulative role in our EJ communities and so I'm hoping we can work together. Thank you.

CHAIRPERSON RICHARDS: 'Kay I wanna thank you for coming to testify, Commissioners; it has been an honor to serve with you; god willing you'll be back. And once again, I just wanna underscore what Carlos said, there are a lot of EJ issues that have not been addressed to the capacity we believe that they could have in the past, but certainly moving into the future with the new administration, we hope that we'll be able to resolve a lot of these issues.

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So thank you for coming; I'm gonna call the first panel... [crosstalk]

CARTER STRICKLAND: Thank you.

CHAIRPERSON RICHARDS: Thank you. Gonna call the first panel, if you're still here; I hope I pronounce your name right -- Michael Seilback from the American Lung Association, Peggy Shepard of WE ACT, Eddie Bautista of the New York City Environmental Justice Alliance, Frederica Perera, Columbia University Center for Children's Environmental Health and Rebecca Bratspies, CUNY Center for Urban Environmental Reform. [background comments] In that order, [background comment] this...

[pause]

We have a lot of people who wanna testify, so Sergeant of Arms, we're gonna ask you to use the clock and each person has three minutes.

[background comments]

[pause]

Sergeant of Arms, we're gonna use the clock; we have a lot of people... and we're gonna ask if after you testify, because there individuals waiting there out in the lobby, if you can leave to

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make room for them to come into this room, that would be appreciated. Thank you.

COMMITTEE COUNSEL: Can you please raise your right hands? Do you swear or affirm to tell the truth, the whole truth and nothing but the truth today? [background comments]

CHAIRPERSON RICHARDS: Alright, so we'll start in... we'll go from my right to left. Thank you.

FREDERICA PERERA: Thank you very much for this opportunity to speak. I'm Frederica Perera; I'm Director of the Columbia Center for Children's Environmental Health and professor at the Mailman School of Public Health and our Center was funded back in 1998 -- seems a long time ago -- to study the effects of environmental pollutants on children's health, beginning when they were in utero, in other words, what exposures were harmful when the mother was exposed, and we knew at that time something about the problem, we knew there was substantial exposure; [background coughing] we knew that rates of chronic disease in children were increasing -- asthma, obesity, developmental disorders -- and we knew that there were multiple causes but that environment was contributing, more and more evidence was emerging on

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that, and we knew that the placenta does not adequately protect the fetus; a lot of people thought before, in decades past, that that was a perfect, impermeable barrier and no worries, but that's certainly not true.

We also understood that by their nature, environmental exposures are preventable by definition, so even though they're not the whole cause, they are a major preventable cause of chronic disease in kids.

So we started a study in close collaboration with Peggy Shepard and her colleagues at West Harlem Environmental Action, WE ACT, and other community partners, but WE ACT has been our primary partner; we started a study in Northern Manhattan and the South Bronx; that's where we're based; that's our catchment area, and we began enrolling Latina, African-American and Latina, Dominican women during their pregnancy; these are women from these low-income communities, so-called environmental justice communities. We enrolled them, we began our studies, monitoring women in pregnancy, administering questionnaires, collecting biospecimens -- blood, urine -- not to get too gory, but samples

2 that we could analyze from markers of exposure and  
3 potential risk and one class of exposure that we were  
4 very worried about was air pollutants and  
5 particularly combustion-related pollutants known as  
6 polycyclic aromatic hydrocarbon, just PAH for short,  
7 and they're found in the fine particle fraction and  
8 they are an important component. And so we measured  
9 those very carefully by various measures and then did  
10 preclinical assessments, so the kids... now the oldest  
11 children are now 14, even going on 15, so we've been  
12 at this for a long time and have had a continuum of  
13 measurements of exposure, clinical outcomes and so  
14 forth all the way through, from the time they were in  
15 utero till preadolescence and adolescence.

16 So I'd like to share one or two findings  
17 -- hope I have another minute... [interpose]

18 CHAIRPERSON RICHARDS: I will allow you...  
19 if you're coming...

20 FREDERICA PERERA: Thank you.

21 CHAIRPERSON RICHARDS: coming with a  
22 solution, so that's... [laughter] well that's...  
23 [interpose]

24 FREDERICA PERERA: Well I... I'm coming...  
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CHAIRPERSON RICHARDS: that's what I'm waiting for.

FREDERICA PERERA: I'm certainly... [interpose]

CHAIRPERSON RICHARDS: Or recommendation; I should use the word... [crosstalk]

FREDERICA PERERA: going to give you some... some, you know, evidence for the need to protect [bell] this vulnerable population. So through uh... okay? [background comment]

CHAIRPERSON RICHARDS: I'm gonna allow you to give your... the two. Be very strict on time... [crosstalk]

FREDERICA PERERA: Okay.

CHAIRPERSON RICHARDS: your two recommendations.

FREDERICA PERERA: Okay. So in the years of research we have linked the air pollutants to a variety of health outcomes: asthma incidents, developmental problems, including anxiety, depression, lowered IQ, and problems that can affect children's academic performance. We also have linked them with obesity and these chronic conditions have long-lasting affects, they can affect kids over their



1  
2 entire lifetime, and 25 percent of the children in  
3 our cohort have asthma; that's among the highest  
4 rates in the country. We found that living in  
5 neighborhoods with high density highways, traffic,  
6 particularly truck traffic, and also residential oil-  
7 burning of the low-quality oil were associated with  
8 asthma. And with respect to development, I mentioned  
9 those outcomes, children who are exposed to more of  
10 these pollutants were more likely to obese, and there  
11 were interactions between pollutants, various kinds,  
12 and also with socioeconomic stress due to poverty.  
13 So women who had more material hardship and exposure  
14 to pollutants, their children had suffered greater  
15 affects.

16 To the evidence from our research right  
17 here in New York City indicates that air pollution  
18 does pose serious risks to the health and development  
19 of children, especially when experienced prenatally  
20 and in the early years during these highly  
21 susceptible periods and those warrant more stringent  
22 measures to reduce air pollution.

23 So here's my solution. [laugh] A child-  
24 centered policy, one which focuses on our most  
25 vulnerable children in low-income environmental

2 justice communities; as other speakers have said,  
3 that will protect children throughout this region and  
4 also other members of the population, so my solution  
5 [laugh] is child-centered policy.

6 CHAIRPERSON RICHARDS: Thank you so much.

7 [static]

8 PEGGY SHEPARD: So good afternoon. For  
9 the past 25 years WE ACT has been working in Northern  
10 Manhattan on the nexus between transportation, air  
11 quality and public health and we partner with  
12 Dr. Perera at the Children's Center to better  
13 understand the exposure of residents to environmental  
14 toxins and the health outcomes.

15 So the Northern Manhattan neighborhoods  
16 of East, West, Central Harlem and Washington Heights  
17 housed two sewage treatment plants, one-third of New  
18 York City's diesel bus fleet, with buses idling  
19 outside homes, schools and playgrounds and we have  
20 millions of trucks annually crossing into Northern  
21 Manhattan from the Triborough and George Washington  
22 Bridge, and in Washington Heights, buses coming into  
23 the Port Authority Station at 181st Street, have no  
24 mandate to use diesel retrofits and are still a major  
25 cause of concern in that neighborhood. Now the MTA

2 has invested totally in diesel retrofits and hybrids;  
3 the Port Authority has not and so they are rebuilding  
4 right now; there is an opportunity for that to be  
5 resolved.

6 So Northern Manhattan has no monopoly or  
7 negative impacts from transportation and you'll hear  
8 from my other panelists here about those issues.

9 Dr. Perera has really documented the  
10 problem, so I'm gonna discuss ways that I think we  
11 can address it.

12 Mayor de Blasio should issue an executive  
13 order on environmental justice that builds on  
14 President Clinton's order and on Obama's  
15 reaffirmation of that order, it should direct New  
16 York City agencies to develop plans to address the  
17 disparate impact of pollution in communities of color  
18 and low-income.

19 The New York City Council should develop  
20 legislation that mandates the use of an equity and  
21 health screening tool, such as a health impact  
22 assessment, to assess the impacts of potential  
23 regulations, land use and other decision-making.

24 We need to draft legislation to establish  
25 funding and criteria for a technical assistance grant

1  
2 program to assist the public in the permit review  
3 process.

4 We need to begin conducting supplemental  
5 compliance and enforcement inspections of regulated  
6 facilities to ensure that they are in compliance with  
7 the environmental compliance law.

8 We should establish a workgroup to  
9 develop recommendations for conducting a  
10 disproportionate adverse environmental impact  
11 analysis as a component of the EIS and a workgroup to  
12 identify reliable sources of existing human health  
13 data and recommend means to incorporate that data  
14 into the environmental review process.

15 We should propose draft revisions to the  
16 full environmental assessment form to include  
17 information that can be used to identify adverse  
18 environmental impacts which bear disproportionately  
19 on EJ areas.

20 We should increase penalties for  
21 noncompliance with clean heat regulations and develop  
22 an earlier timeframe for the phase-out of No. 4.

23 We need to make NYSERDA grants available  
24 to small landlords in EJ communities for conversion  
25 to clean heat. [bell]

1  
2 We need the targeted enforcement of  
3 idling laws, especially for delivery trucks and  
4 school buses and in conclusion, we need to develop a  
5 public hearing on indoor air quality and its impacts  
6 on health, because 80 percent of outdoor air  
7 pollutants come indoors. There needs to be a focus  
8 on the impacts of building materials and products on  
9 health, as well as a focus on poorly maintained  
10 housing, as well as housing code enforcement of mold  
11 repairs. And the Natural Resources Defense Council  
12 has recently developed an agreement with NYCHA and  
13 the City around mold repairs and asthma as a  
14 disability and I think this committee should look  
15 further into that as a precedent for developing that  
16 kind of regulation for all City-sponsored housing.

17 EDDIE BAUTISTA: Thank you Mr. Chair and  
18 appreciate the opportunity to testify as well as what  
19 may be in my lifetime my... this is the first time I  
20 can recall an environmental justice hearing that the  
21 City Council has, whether air quality or not, so  
22 congratulations on your leadership and thank you so  
23 much for sponsoring this hearing.

24 Before I get to solutions, I think I need  
25 to provide some context. Whether mistakenly or

1 cynically, there are some people who try to  
2 misappropriate the context of environmental justice  
3 as meaning equal opportunity for all. Environmental  
4 justice is a path to get there, but that's not what  
5 environmental justice is. Environmental justice is  
6 the struggle to correct decades of chronic, ongoing  
7 disproportionate environmental burdens on low-income  
8 communities and communities of color; that's what  
9 environmental justice is.  
10

11 In terms of whether or not we're looking  
12 at what the burdens are, the people here representing  
13 environmental justice communities are not here to  
14 talk about one particular piece of infrastructure, we  
15 don't have that luxury. We're talking about  
16 communities that have the lion's share of the city's  
17 waste transfer stations, 70 percent, in the South  
18 Bronx, North Brooklyn, Southeast Queens, all of the  
19 New York Power Authority turbines, plus additional  
20 power plants, literally thousands of ac... over 4,000  
21 acres of brownfields. So when we talk about  
22 disproportionate environmental burdens, we're talking  
23 about air, water, soil quality; it's across the  
24 board; again, we don't have the luxury to talk about  
25

1  
2 one piece of infrastructure; as the lady said, we  
3 crave a different kind of buzz. [laughter]

4 In terms of our solutions, we've been  
5 championing solutions for decades, whether it was a  
6 solid waste management plan in 2006, which by the way  
7 looks to reduce 5.5 million vehicle miles traveled  
8 per year, so we're talking about, in our communities  
9 marine transfer stations as well, but also rail  
10 facilities; we're talking about a way that's gonna  
11 improve the regional air quality, not just our  
12 communities as well. We talked about the need to.. in  
13 fact; the City Council just passed at the end of last  
14 session a bill that we had been championing for  
15 decades to clean up commercial carting trucks so that  
16 we could finally see some relief from the clustering  
17 of these transfer stations and the commercial carting  
18 trucks that are killing our communities. But there's  
19 so much more to do.

20 In terms of actions that the Council  
21 could take, we need to, for the first time, push  
22 cumulative impact analyses. Environmental impact  
23 statements are not enough; you can't just look at one  
24 facility, you're missing the context; cumulative  
25 analyses look at all and when we're talking about

1 communities that are disproportionately burdened,  
2 you're talking about, literally, tens of thousands,  
3 as DEP testified, of permits that are impacting  
4 mostly industrial neighborhoods, and this fails that  
5 industrial neighborhoods are somehow bereft of  
6 residences; we can look at our communities; literally  
7 hundreds of thousands of people live in and around  
8 industrial areas and we're not against industry, but  
9 we are against polluting industry.  
10

11 In addition to cumulative impact  
12 analyses, we need health impact analyses. This is  
13 something that other cities in other parts of the  
14 country have already started championing; we can't  
15 just look at this without the context of what health  
16 impacts truly mean.

17 We also need to look at the community air  
18 monitoring network. This community air monitoring  
19 network... [bell] and I'll wrap up in a second... that  
20 DEP and the Mayor's Office has been championing is  
21 something that the environmental justice communities  
22 started pushing in the 90s, so for the first time we  
23 have a widespread network of community air monitors,  
24 but they are not in industrial neighborhoods or near  
25 them and they're nowhere near the length of what we



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need and they're not capturing all of the pollutants that we need measured when it comes to our communities.

I'll stop there because our other recommendations are in our written comments. Thank you so much.

CHAIRPERSON RICHARDS: Thank you.

REBECCA BRATSPIES: I'm Rebecca Bratspies from the CUNY Center for Urban Environmental Reform and I also wanna thank you for holding this hearing on this tremendously important topic.

I'm here to make a pitch for information. We heard a lot today about all kinds of data that actually is being collected and is available, but what's not happening is it's not available in a form that's useful and usable for communities that want to make change; that's something the City Council could do. Alright, this information is out there; what needs to happen is the information needs to be digested into forms that are usable for regular old people who care about their children, who care about their cities and care about their communities, who care about their schools and wanna make things

1  
2 better. It's not hard to do; it just takes somebody  
3 doing it.

4 I'm delighted to see so many young people  
5 here today and what I wanna talk about... I wanna make  
6 a real pitch for working with young people and I  
7 wanna talk just very briefly about an initiative that  
8 CUER is involved in.

9 You all have a copy of our environmental  
10 justice comic book, which is called "Mayah's Lot" and  
11 we use it in public schools; we work with children  
12 and high school students to build their civic  
13 capacity to help them understand how decisions are  
14 made, at what point in the decision-making process  
15 they could fruitfully intervene and what kind of an  
16 intervention might be likely to elicit a response.  
17 We teach them citizen science, we teach them how to  
18 collect information that is data rather than anecdote  
19 and put it into a form that can be used to persuade a  
20 decision-maker. And young people, when given these  
21 tools and these opportunities can do amazing things.  
22 One group I'm working with at PS 85 in Council Member  
23 Constantinides district, it's a Title I school; we're  
24 working with 5th graders, these are very young  
25 students. From their school windows they can see the

1  
2 Triborough Bridge, they can see Astoria Generating,  
3 LaGuardia is right nearby and yet when asked what  
4 their most pressing environmental justice concern  
5 was, their answer was the subway train that's 50 feet  
6 from their school windows. The train goes by every  
7 two minutes, the students collected sound information  
8 within the school, 90 decibels on a routine basis.  
9 The World Health Organization recommendation is 35  
10 decibels, as is the New York City Noise Code  
11 recommendations; obviously New York City doesn't have  
12 authority over the MTA. The ANSI recommendations are  
13 also 35, the New York authority... I'm blanking on the  
14 name... for building and retrofitting schools has a 45  
15 decibel requirement for any school they are building  
16 or... [background comment] oh thank you, just blankin'  
17 on the name... [background comment] and because sound  
18 decibels is a logarithmic scale, 90 is not just  
19 double, it is vastly louder. This harms the  
20 children; if you ask them, they will tell you that  
21 they can't think, they can't concentrate; they can't  
22 hear their teachers. We made a video that... the New  
23 York Times picked up the story and wrote a story  
24 about it, they posted our video; there's a link to it  
25 in our prepared remarks, and the students collected

1  
2 the information that made the case, they wrote a  
3 petition and passed it around for signatures among  
4 themselves and among the wider community; they helped  
5 parents of the school organize a rally that Council  
6 Member Constantinides attended, along with Council  
7 Member Vallone and a number of other elected  
8 officials; this is not... but the reason I'm bringing  
9 this up is it's not just a one-school issue, there  
10 are 20 schools around the City that suffer from this  
11 situation and this a huge impact on education.

12 I think we've shown through the CUER  
13 project that young people can make a tremendous  
14 difference if given the tools and given the  
15 opportunity and we urge you, first of all, to support  
16 them in this struggle and to really try to get the  
17 DOE and the MTA to do what needs to be done, not just  
18 for this school, but for all the schools that are  
19 affected; these children are among the most [bell]  
20 vulnerable, they are overwhelmingly minority  
21 children, they come from low-income communities and  
22 they deserve an opportunity to learn and to hear.  
23 Thank you.

24 CHAIRPERSON RICHARDS: Thank you. Next.

25 [static]

1                   MICHAEL SEILBACK: Thanks. My name is  
2 Michael Seilback and I'm the Vice President of Public  
3 Policy and Communications for the American Lung  
4 Association of the Northeast. I've submitted more  
5 detailed comments for the record, but healthy air is  
6 central to our mission, which is to save lives by  
7 improving lung health and preventing lung disease.  
8 Air pollution can harm anyone, even healthy adults,  
9 but for many, pollution can threaten their lives and  
10 leave them with long-term [static] consequences.  
11 Children and teens, older adults, people with chronic  
12 lung diseases like asthma, those who have  
13 cardiovascular disease and diabetes and those with  
14 low incomes are all more vulnerable from air  
15 pollution. Children and adolescents are at risk of  
16 developing complications now that could follow them  
17 for the rest of their lives, lives that may be cut  
18 short from exposure to harmful pollutants. We need  
19 every step we can take to provide cleaner, healthier  
20 air for all of us. The American Lung Association is  
21 committed to reducing the disproportionate health  
22 burdens born by too many communities.

23                   In the interest of time, I just wanted to  
24 quickly go over some recommendations that we have.  
25

1  
2 In New York City we need to do a better  
3 job of obtaining localized neighborhood-level air  
4 quality data. We need to do a better job of making  
5 sure that EJ voices are at the decision-making table  
6 and we need to continue working on progress to reduce  
7 air pollutants. We need enforce existing laws;  
8 without adequate enforcement, strong laws are  
9 somewhat meaningless. We wanna make sure that the  
10 Department of Health and Mental Hygiene's Community  
11 Air Survey is codified; this landmark program and the  
12 data it's collecting has been used to help illustrate  
13 major air quality concerns, including vehicle traffic  
14 and home heating oil. But we don't need to just  
15 codify it, we need to expand it. We should ensure  
16 that EJ communities are being monitored and analyzed  
17 in a way that leads to healthier air across all  
18 boroughs and in the EJ communities themselves. We  
19 need to ensure that EJ groups have a say in how this  
20 program is run. While these programs have been very  
21 successful, many of us are unaware of exactly how the  
22 decisions are made about where these are being placed  
23 and what's coming out of them.

24 As has been said in multiple cases, we  
25 need to encourage a quicker retirement of the old

2 dirty heating fuel, 2030 is far too long. We need to  
3 improve indoor air quality; major sources of indoor  
4 air quality problems include secondhand tobacco  
5 smoke, mold and rodents. New York City should expand  
6 the pilot mold remediation program that was launched  
7 and expand it to include as many buildings as  
8 possible. We need to support state and federal  
9 efforts that work and prevent rollback of air quality  
10 initiatives. It's becoming increasingly common to  
11 see proposals originating in Albany and D.C. which  
12 wanna roll back the Clean Air Act and other state-  
13 level healthy air initiatives. The Council and DEP  
14 must use all tools necessary to prevent that from  
15 happening.

16 We need to continue pushing forward, we  
17 need to move forward on greening the Air Code,  
18 dealing with the many small sources of air pollution  
19 that the city has jurisdiction over. Thank you very  
20 much, [bell] we look forward to working with you.

21 CHAIRPERSON RICHARDS: Alright, I have a  
22 question for you. So what year... I know 2030 is far  
23 away, god willing I'll still be here; what year would  
24 you suggest we push? I mean I would love to do next  
25 year, but to meet in the middle, what year would you

2 recommend [static] that... if we were to amend that we  
3 do? [background comment]

4 MICHAEL SEILBACK: I mean I think it's  
5 something that we would have to all discuss, but we  
6 talked about a... I think it was a 15-year window at  
7 one point, and this obviously was 20. So you know I  
8 think anything that's gonna push it forward, I think  
9 expanding the clean heat program so that we're doing  
10 it voluntarily is also good, but 2030, I mean  
11 hopefully we'll all be here, but I don't know if  
12 we'll be here.

13 CHAIRPERSON RICHARDS: Costa had a  
14 question.

15 COUNCIL MEMBER CONSTANTINIDES: Thank you  
16 Mr. Chair; great to see you again, Professor  
17 Bratspies and Mike and Eddie. I just wanna second  
18 what Professor Bratspies had talked about earlier --  
19 at PS 85, definitely looking in, not only to PS 85,  
20 but all 20 of the schools that are affected by the  
21 noise pollution from trains that rattle by. My son  
22 goes to PS 85 and I was just there yesterday for  
23 their biography day and having to watch the teachers  
24 do this [holds up fingers to sign stop] every time a  
25 train... this means stop... it not only interrupts their



1  
2 education, but the long-term health effects that go  
3 along with that noise pollution to their and the  
4 teachers' years, which I'm sure... I don't think we've  
5 done any studies, but those teachers in those same  
6 classrooms year after year being affected by that  
7 noise, I'm sure that can't be good for their long-  
8 term health, so.

9           But very, very quick, just ask a question  
10 about indoor air quality. When it comes to NYCHA  
11 buildings, do we have any idea what the indoor air..  
12 have we done any studies for City-owned buildings; do  
13 we know what's happening in those particular, you  
14 know, developments and as far as the quality of the  
15 air in there?

16           EDDIE BAUTISTA: To the best of my  
17 knowledge there has not been a comprehensive indoor  
18 air study done for NYCHA. [background comments]  
19 Long overdue; it's something that, especially in the  
20 wake of Hurricane Sandy, which affected, what was it,  
21 over 30 percent of NYCHA's housing stock, 35,000  
22 units; the mold problems continue unabated. And now  
23 that the, thankfully, the de Blasio administration  
24 has managed to get rid of this kind of really  
25 backwards charging of NYCHA for basic city services

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like sanitation and police; the extra \$50 million is gonna go for all kinds of needs, but the time is long past when... especially now if we're looking at Sandy rebuilding and the influx of literally tens of millions of dollars for NYCHA rebuilding, some of that money has to be diverted to, not just a study, but obviously mold abatement.

COUNCIL MEMBER CONSTANTINIDES: I

definitely... wholeheartedly agree with you on that and as far as... you referenced the pilot program for mold; have there been any initial results from that particular pilot program yet or do we know what the findings have been from that and I know you called to expand it; do we know what's sort of happening with that?

MICHAEL SEILBACK: You know, I know it's

been rolled out, I know that it's... I've heard some, you know, anecdotal stories that it's being done well where it's being done, but it's barely being done. And you know, I would slightly differ on kind of the indoor air quality question in terms of... I don't know if it's that you need indoor air quality testing; you need to make sure that when there's problems being raised that they're being fixed and they're being

2 fixed in a way that's actually dealing with the  
3 problem instead of just painting over it [background  
4 comments] or spraying some bleach.

5 COUNCIL MEMBER CONSTANTINIDES: Right.

6 CHAIRPERSON RICHARDS: Okay. Thank you  
7 guys for testifying and we will certainly... we thank  
8 all of you for the years you've struggled on these  
9 issues and this Committee will certainly look forward  
10 to addressing these issues with the new  
11 administration. Thank you.

12 Alrighty, next panel, Beryl Thurman of  
13 North Shore Waterfront Conservancy of Staten Island,  
14 thank you, Juan Camilo Osorio, hope I said it right,  
15 The New York City Environmental Justice Alliance,  
16 Mychal Johnson, from South Bronx Unite, Melissa  
17 Barber, South Bronx Unite, Anisha, I think I'm saying  
18 that right; I'm gonna mess your [background comment]  
19 last name up, Vinacaramin [phonetic] of El Puente..

20 COMMITTEE COUNSEL: She's not here?

21 CHAIRPERSON RICHARDS: She's not here?

22 Okay.

23 COMMITTEE COUNSEL: Okay. Call him.

24 CHAIRPERSON RICHARDS: Alrighty. Roberto  
25 Gautier [static] from 140 CPW Peace and Quiet

2 Committee. [static] [background comments] Roberto  
3 here? No? Okay. [background comments] Ana  
4 Melendez from Nos Quedamos.

5 COMMITTEE COUNSEL: Are they here?

6 [background comments]

7 CHAIRPERSON RICHARDS: They got you in  
8 the other room. Okay, so we'll go Juan... alright, so  
9 we'll do Juan and you'll be in the next and uh... So  
10 you'll sit there. [background comment] Thanks.

11 COMMITTEE COUNSEL: Can you please raise  
12 your right hand? Do you swear or affirm to tell the  
13 truth, the whole truth and nothing but the truth  
14 today? [background comments]

15 CHAIRPERSON RICHARDS: 'Kay, we'll start  
16 from my right and you'll say your name, which  
17 organization you're with and you'll have three  
18 minutes.

19 ARTHUR MYCHAL JOHNSON: Okay, Chairman,  
20 thank you for havin' us here today... [interpose,  
21 background comment] Thank you Chairman for having us  
22 here today. Actually my... my colleague here, Melissa  
23 Barber and I will do a joint testimony, if we could  
24 do six minutes together we'll make ours really brief  
25 and... [interpose]

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CHAIRPERSON RICHARDS: I'll make it... You can make it work.

ARTHUR MYCHAL JOHNSON: Thank you. Thank you.

Good morning... well good afternoon; my name is Arthur Mychal Johnson; I'm a resident of the Mott Haven neighborhood of the South Bronx and a member of South Bronx Unite, a coalition of residents, organizations and allies. I am here with my neighbor and colleague, Dr. Melissa Barber, to give you testimony to this Committee about the critical need for additional oversight on air quality impacts and measures and mitigations in the Mott Haven and Port Morris sections of the South Bronx and to ask for both immediate intervention as well as long-term enhanced protections to guard against further harm to our community and other similar environmental justice communities.

Over the course of the last several decades our community has been plagued with devastating health impacts of extensive concentration of highway systems encircling our communities and over-saturations of industrial and diesel truck-intensive facilities inundating our neighborhood.

1  
2 DR. MELISSA BARBER: The South Bronx  
3 community suffers from asthma rates eight times  
4 higher than the national average and asthma  
5 hospitalization rates... [background comment] [static]  
6 Can you hear better? The South Bronx community  
7 suffers from asthma rates eight times the national  
8 average and asthma hospitalization rates 21 times  
9 that of other New York City neighborhoods. We in the  
10 South Bronx have 30,000 cases of pediatric asthma,  
11 100,000 cases of adult asthma, 40,000 cases of  
12 chronic bronchitis and 300,000 cases of  
13 cardiovascular disease.

14 Twelve years ago Congressman Jose Serrano  
15 sponsored and the U.S. EPA administered the South  
16 Bronx Environmental Health and Policy Study in which  
17 NYU researchers had 40 students from South Bronx  
18 schools located near major highways and industrial  
19 facilities wear backpacks capable of monitoring  
20 diesel soot from air samples. They found that on  
21 every third day particulate matter exceeded the  
22 federal limits, the levels of asthma in the South  
23 Bronx were significantly contributed to by diesel  
24 truck emissions from the area's highways and  
25 industrial facility saturation and the solution to

1  
2 this problem was to reduce the already overburdened  
3 rates of truck traffic in the community and to  
4 provide for more open space.

5           ARTHUR MYCHAL JOHNSON: Some of our own  
6 agencies perpetuate this unconscionable cycle by  
7 overlooking the effects of policy decisions that have  
8 increased harm to our environmental justice  
9 communities. In the case of South Bronx, the New  
10 York City Economic Development Corporation and the  
11 Industrial Development Agency have been acting to not  
12 only encourage but to heavily subsidize more diesel  
13 truck-intensive businesses to relocate to the South  
14 Bronx, [static] particularly Mott Haven; Port Morris  
15 from other parts... from... and from... this is coming from  
16 other parts of the City. The most egregious and  
17 recent example is the proposed relocation of the  
18 FreshDirect trucking operation to the South Bronx  
19 waterfront.

20           In February of 2012, then Mayor Bloomberg  
21 and Governor Cuomo publicly announced their joint  
22 intention to give nearly \$130 million [bell] in  
23 public subsidies to FreshDirect. Two days before the  
24 sole public hearing on the City portion of the  
25 subsidies, the company seeks to build 500,000-square-

2 foot warehouse facility and fueling station on public  
3 waterfront land, a Zone A flood zone, and would bring  
4 3,000 vehicle trips per day, including 1,000 diesel  
5 truck trips every day through our community. EDC and  
6 IDA staff oversaw and approved the company's cursory  
7 environmental assessment that was based off of a 20-  
8 year-old environmental impact statement. EDC and IDA  
9 concluded 1,000 additional daily diesel truck trips  
10 would not negatively impact our local community, but  
11 we along with more than 50 South Bronx and other  
12 citywide organizations disagree and are supported by  
13 scientific findings.

14 DR. MELISSA BARBER: Research has  
15 documented the gravity of diesel exhaust,  
16 particularly in vulnerable environmental justice  
17 communities. Diesel exhausts contain many  
18 carcinogens which have been [static] linked to  
19 lymphomas, leukemia, lung, larynx, bladder and  
20 stomach cancers; diesel exhaust also increases fine  
21 particle pollution, especially that of PM 2.5.  
22 PM 2.5 is a complex mixture of small particles and  
23 liquid droplets less than 2.5 microns in size and  
24 dust particles that reach the lungs' alveolar space,  
25 penetrate the blood and cause systemic effects.



2 These systemic effects include but are not limited to  
3 asthma, coughing, difficulty breathing, decreased  
4 lung function, delayed and stunted fetal growth and  
5 premature death in people with heart or lung disease.

6 ARTHUR MYCHAL JOHNSON: So we have today  
7 two requests of you, one of which is immediate and  
8 one of which is long-term. First, we ask you to join  
9 the call of our local City Council Member and now  
10 speaker of the City Council, Melissa Mark-Viverito,  
11 along with City Council Member Maria del Carmen  
12 Arroyo, U.S. Congressman Jose Serrano and all of whom  
13 have called for an immediate moratorium on all  
14 development on the Harlem River Yard, which is the  
15 public waterfront land on which FreshDirect proposes  
16 to build. Until a thorough review of the current  
17 uses of the land and the cumulative effects of such  
18 uses on the residents of the South Bronx is  
19 completed, taking into full account the socioeconomic  
20 makeup of the neighborhood and the current  
21 overburdened siting of waste transfer stations,  
22 fossil fuel power plants and diesel truck-intensive  
23 businesses that line the inaccessible waterfront.

24 DR. MELISSA BARBER: Second, we ask you  
25 to consider passing legislation that will require a

2 form of heightened review for projects proposed to be  
3 sited in overburdened and vulnerable communities;  
4 such legislation could also require further  
5 implementation and maintenance measures to improve  
6 air quality standards in environmental justice  
7 communities and it could address current poor air  
8 quality by allocating immediate funding for planting  
9 thousands of trees, building green walls by highways  
10 and industrial facilities, restoring and remediating  
11 open green space and allowing access to shorelines,  
12 [bell] among other included in the Mott Haven-Port  
13 Morris waterfront plan. [interpose]

14 CHAIRPERSON RICHARDS: Thank you so..

15 DR. MELISSA BARBER: Thank you for your  
16 opportunity to talk today. [interpose]

17 CHAIRPERSON RICHARDS: Thank you. Thank  
18 you.

19 JUAN CAMILO OSORIO: Good afternoon  
20 Chairperson Richards; my name is Juan Camilo Osorio  
21 and I'm here to testify on behalf of the  
22 Environmental Justice Alliance.

23 Cleaner air will result in improved  
24 quality of life, reduce rates of asthma and other  
25 chronic respiratory diseases and better health

1 outcomes. But in order to reduce the vulnerability  
2 of environmental justice communities, we urge this  
3 Committee to consider the following recommendations:

4 1. The cumulative impact of multiple sources of air  
5 pollution in environmental justice communities poses  
6 an important challenge to public health. The City  
7 should analyze the cumulative impacts of air  
8 pollutants in neighborhoods with a disproportionate  
9 burden of major emitters, clusters of small sources  
10 of air pollution and polluting truck traffic.

11 2. Unnecessary truck traffic, congestion and  
12 pollution generated by thousands of waste trucks  
13 result in a disproportionate burden on the three  
14 communities that concentrate New York City's waste  
15 transfer stations -- South Bronx, North Brooklyn and  
16 Southeast Queens. Reducing the number of diesel  
17 truck trips in and out of these communities and the  
18 full implementation of the Comprehensive Solid Waste  
19 Management Plan, as well implementing strategies for  
20 a cleaner truck fleet, will result in cleaner air for  
21 all New Yorkers. 3. The New York City Community Air  
22 Survey demonstrates how citywide air quality  
23 monitoring can improve our understanding of air  
24 pollutants and inform policy decisions. The City  
25

1 should build on the work begun with it by, a.  
2 codifying it into law to secure a long-term  
3 commitment to ongoing air quality monitoring,  
4 increasing resources for additional air monitoring  
5 and improve neighborhood-level data; b. targeting  
6 additional air quality monitors in environmental  
7 justice communities; c. funding continuous year-round  
8 air quality monitoring; d. expanding the monitored  
9 pollutants to included additional air toxics, and  
10 e. ensuring that most impacted communities can  
11 participate in its design and implementation.

12 Recommendation 4. Extreme heat events associated with  
13 climate change are a major risk for those with  
14 chronic respiratory conditions. The City should  
15 prioritize mitigation efforts that reduce the  
16 disproportionate impacts of poor air quality during  
17 heat waves in vulnerable communities, improving alert  
18 systems and outreach to vulnerable populations; in  
19 particular, dirty peaker power plants, the most  
20 polluting mini power generators that kick in when  
21 energy consumption is highest and the grid is taxed,  
22 should be replaced with renewable energy sources.

23 And finally, recommendation 5. the impact of mold on  
24 indoor quality and public health is a major concern  
25

1  
2 in low-income communities living in poor housing  
3 conditions. The City should consider legislation  
4 that would regulate mold remediation, building on  
5 previous efforts to address lead exposures. NEJA  
6 commends the New York City Council Committee on  
7 Environmental Protection for holding this hearing,  
8 creating an opportunity for public comment on this  
9 important discussion to improve air quality for all  
10 New Yorkers. Thank you.

11 [bell]

12 BERYL THURMAN: Good afternoon Chair  
13 Donovan... O'Donovan... excuse me; no O... Donovan  
14 [background comments] Okay. On behalf of the North  
15 Shore Waterfront Conservancy of Staten Island, Inc.  
16 and the environmental justice communities that we  
17 advocate on behalf of, we would like to thank Chair  
18 Donovan and other members of the Committee on the  
19 Environmental Protection for the opportunity to  
20 testify today on the air quality impacts to Staten  
21 Island's north shore EJ communities. For residents  
22 living on Staten Island's north shore waterfront,  
23 which incidentally is also the location where  
24 industrial activity takes place, it is not uncommon  
25 to begin and end each day questioning what is that

2 odor. This question goes along with difficulties in  
3 breathing, a tickle in the back of the throat,  
4 coughing, throat and eye irritation and of course,  
5 asthma inhalers. We have approximately 51 locations  
6 that contribute to our air quality problems,  
7 everything from New York Container Terminal at the  
8 New York/New Jersey Port Authority Howland Hook  
9 facility to numerous auto body shops, salvage yards,  
10 dry docks, dredging equipment in the Kill Van Kull  
11 and Lower New York Bay to New York City DEP Port  
12 Richmond sewer treatment plant, truck routes, such as  
13 Richmond Terrace, as well as heavily traveled  
14 Commercial River, Kill Van Kull, Arthur Kill and  
15 Lower New York Bay, to the 11 or so construction  
16 projects that are taking place on Staten Island's  
17 north shore simultaneously, most of which are all  
18 claiming that no mitigation is required for their  
19 activities. Their odors can be tasted on our tongues  
20 that are chemicals and/or metallic odors, there are  
21 also odors that smell as if plastic is being burned  
22 and/or wood; the odors that are sometimes acidic,  
23 sulfur-smelling and fumes from diesel-operated  
24 equipment. There is also the ever-present odor of  
25 VOCs, volatile organic compounds, that are so

1  
2 frequent that most people barely look up from  
3 whatever they're doing to notice.

4           Staten Island's industrial waterfront is  
5 also across from New Jersey's industrial waterfront  
6 and to our knowledge, the only government agency that  
7 has jurisdiction over the two is the U.S.

8 Environmental Protection Agency, which in previous  
9 discussions with the EPA, they have stated that they  
10 do not want to be in a position of having to mediate  
11 between the two states. In addition, because of how  
12 the winds travel, Staten Island receives air  
13 pollution from as far away as Ohio and Pennsylvania.

14 Staten Island has some of the highest numbers of  
15 residents with cancer in New York City and until  
16 recently those numbers were contributed to smoking.

17 But NSWG has said frequently that not everyone on  
18 Staten Island smokes, therefore there must be a  
19 common factor that is also at play with these high  
20 cancer numbers, such as what is in our environment.

21 In recent studies by the World Health Organization,  
22 they stated that lung cancer is in direct  
23 relationship to air pollution and even though this  
24 news confirmed our suspicions, nothing has been done  
25 in our communities to mitigate these findings, nor

1 does there seem to be a plan to do anything. For  
2 starters, what we're asking for are air monitors, air  
3 monitors that are sophisticated enough to be able to  
4 distinguish what is in our air so that the point  
5 source can be identified and the problem corrected.  
6 This project should be handled by the environmental  
7 agencies and not left up to the residents to try and  
8 perform, especially since we have neither [bell] time  
9 nor resources. Okay. This endeavor may require a  
10 partnership of environmental agencies, city, state  
11 and federal levels, to place air monitors in  
12 locations that are known to have emissions and/or air  
13 pollution problems. It will also require government  
14 agencies sharing information with one another and  
15 with the public to combat this problem. It shouldn't  
16 be enough to treat the illness, we really should be  
17 working simultaneously to eliminate the things in our  
18 environment that can cause serious upper respiratory  
19 illnesses and cancer that can lead to death. Thank  
20 you for your time and consideration and we look  
21 forward to hearing back from you and the New York  
22 City Environmental Protection Committee on this most  
23 urgent matter. Okay.



1  
2 ROBERTO GAUTIER: Is this on? Okay,  
3 yeah. My name is Roberto Gautier and I live in  
4 Brooklyn; I look out my 23-story apartment and see  
5 the Brooklyn Bridge, the Manhattan Bridge, the BQE,  
6 the Cadman Plaza West; we hear the trains that are  
7 going over the Manhattan Bridge in our apartment;  
8 we've had regular decibel readings made in our  
9 apartment and they're just terrible; you know,  
10 basically this whole meeting sounds like we're at a  
11 trial, we're at a trial and someone is committing  
12 attempted murder, so [interpose, background comments]  
13 so these are the stories of all of these people who  
14 are running around like little mice, you know,  
15 measuring things; how many times do you have to  
16 measure anything and do a survey and collect data;  
17 how many times; [background comments] do you have to  
18 put your head, you know, in an exhaust pipe and say,  
19 oh, pollution [laughter]? But at any rate, what I  
20 wanted to do is say that my particular situation,  
21 along with my neighbors, because I organized this  
22 Peace and Quiet Committee, 'cause we haven't been  
23 sleeping since 2010. So this morning, by the way, I  
24 was awakened by construction on the Brooklyn Bridge  
25 at 4 a.m. and this is going on... this is another

1 waiver, just like the mitigation that you talk about  
2 [background comment] is permitted; they permit you to  
3 be assaulted, basically, we're all assaulted. So I  
4 feel that this whole discussion is a human rights  
5 issue. I know that in Copenhagen, Denmark, this past  
6 week, the city council was sued to allow construction  
7 and pollution to go on when they were digging a  
8 subway for Copenhagen. The U.N. is investigating  
9 Copenhagen; do we need the United Nations to  
10 investigate New York City? Because we apparently  
11 don't have any protection from the EPA, you know,  
12 they're trying to get rid of that. The previous...  
13 there was a previous speaker that talked about the  
14 subways going by and bothering the children and the  
15 teachers; that study was done years ago by Dr. Arline  
16 Bronzaft; she did that study years ago. So at any  
17 rate, I'm not talking so much about our situation,  
18 I'm just... this is our collective situation. And so  
19 what I'd... I want to put in a plug for the New York  
20 City Community Air Survey and one of the managers of  
21 it, Holger Eisl, [bell] who is a scientist who has  
22 been talking to me on the phone and just giving so  
23 really human expressions and translating all of the  
24 scientific jargon about chemicals that are killing  
25

1  
2 us. These people are heroes, the scientists that are  
3 really passionate are following this other U.S.  
4 scientist, Barry Commoner, and that Center at Queens  
5 College, the Center for the Study of Biology of  
6 Natural Systems, is fantastic; also, the people who  
7 are doing the studies at the Newtown Creek. By the  
8 way, one more thing about tug boats; tug boats are  
9 not cute, they're going to be pushing garbage all  
10 over the place on our rivers, they are one of the  
11 greatest sources of pollution; we have to have laws  
12 to protect us. So we'll be in touch. Thank you for  
13 having this committee meeting; I wish that the  
14 Committee was composed of more members. [laughter]

15 CHAIRPERSON RICHARDS: Oh it's okay,  
16 everybody's busy today [background comments] there's  
17 a lot of hearings going on, so it's okay.  
18 [crosstalk]

19 ROBERTO GAUTIER: Thank you.

20 CHAIRPERSON RICHARDS: Thank you for  
21 coming. Thank you all. [background comment] Thank  
22 you. [background comments] Next panel -- Ana  
23 Melendez from We Stay Nos Quedamos... think I said it  
24 right... Rebecca Sanchez from UPROSE, Norris McDonald  
25 from the African American Environmentalist

2 Association, Dan Durett from the African American  
3 Environmentalist Association, [background comments]  
4 Justin Wood, New York Lawyers for the Public  
5 Interest. Can the two from the African American  
6 Environmentalist Association, if you're not gonna  
7 say... [interpose]

8 COMMITTEE COUNSEL: They gonna testify  
9 together.

10 CHAIRPERSON RICHARDS: Oh you're gonna  
11 testify together? Okay, great.

12 COMMITTEE COUNSEL: Yes. And they came  
13 from Washington D.C. [interpose]

14 CHAIRPERSON RICHARDS: Oh...

15 COMMITTEE COUNSEL: they came from...  
16 [crosstalk]

17 CHAIRPERSON RICHARDS: you came from  
18 Washington D.C.? [static] Wow. Well welcome.  
19 [static] So we'll start for now... okay. Alright, so  
20 we'll start with the African American  
21 Environmentalist Association, Mr. Dan Durett and also  
22 Mr. Norris McDonald. Thank you. You can begin.  
23 [background comment]

24 NORRIS MCDONALD: Mr. Chairman, I'm  
25 Norris McDonald; I'm the founder and President of the

1 African American Environmentalist Association; thank  
2 you so much for having this hearing today and  
3 congratulations on your chairmanship; I'm actually  
4 here today because of you; [background comment] I  
5 appreciate it. I take asthma and air pollution very  
6 seriously; the African American Environmentalist  
7 Association is the oldest African-American-related  
8 environmental organization in the country. I take it  
9 very seriously because I've almost died twice from  
10 asthma, literally, I've been intubated twice, once in  
11 1991; once in 1996, for four days each time and I  
12 don't know whether I should say it, but I will, the  
13 Counsel also lost a husband to asthma and a daughter  
14 to asthma. I take it very seriously; I take children  
15 suffering from asthma very seriously; as such, and  
16 you have it in front of you, we drafted environmental  
17 justice legislation for the City Council that was  
18 introduced by Council Member Barron in 2004; that  
19 legislation was derived from national legislation  
20 that we drafted, that we've been trying to get passed  
21 in Congress forever, but nobody wants to pass the  
22 legislation because it has teeth in it, it has teeth  
23 in it; everybody wants councils and they want  
24 advisory committees and stakeholders testifying, but  
25

1 nobody wants anything with any teeth. We've met with  
2 numerous members; you know I was at the 20th  
3 commemoration anniversary ceremony for the 20th  
4 anniversary of the executive order on environmental  
5 justice on Wednesday down at EPA headquarters and it  
6 was very nice, but an executive order does absolutely  
7 nothing; communities have absolutely no protection,  
8 there's not a national law, there is no state law,  
9 there is no city law to protect communities and the  
10 thought of children on buses and subways having  
11 asthma attacks, trying to get to the hospital  
12 infuriates me and I take no prisoners in working on  
13 these issues. I'm an asthmatic and I know how to  
14 deal with it, I don't panic; I learned pursed lip  
15 breathing in the emergency room; I mean I can treat  
16 all of that, so I appreciate the chairman's hearing  
17 here today, it is absolutely important; there is no  
18 law to protect New York City. You will make history  
19 if you can get a law with teeth; the law that we  
20 drafted for Council Member Barron has teeth, it has a  
21 petition provision that... a petition provision has to  
22 do with the study that we do that has a moratorium on  
23 affected environmental justice areas. I would like  
24 to talk to you and I met with Councilwoman Barron and  
25

1 her staff this morning and briefed them and I  
2 appreciate her; hopefully you or whoever introduces  
3 will follow up and get this done. A weakness in what  
4 we have there though is the lawsuit provision. Our  
5 petition provision is a decision by the Commissioner,  
6 the DEP Commissioner; well if he decides that there  
7 is a need, then they can still approve the project;  
8 we would like to see a lawsuit provision that would  
9 fill that hole. [bell] Thank you, sir. [background  
10 comments]  
11

12 CHAIRPERSON RICHARDS: Go ahead, sir.

13 DAN DURETT: Good afternoon. I'd like to  
14 begin by saying that environmental justice,  
15 injustice, is this cold weather that we're having  
16 [laughter, background comments] and that  
17 environmental justice is being in a room with more  
18 than 20, 30, 40, 50 people. There is a correlation  
19 that I'll bring to that statement. Mr. Chairman,  
20 Members of the Committee, all protocols observed, my  
21 name is Dan Durett; I'm Director of the New York  
22 office; I'm a native of New York; I've had three  
23 decades of experience working in environmental  
24 justice and just by way of background, I was raised  
25 in Brooklyn; you heard NYCHA brought up several

1 times, well I grew up in the flagship of NYCHA  
2 housing, Marcy Houses; you know that because Jay Z  
3 came out of Marcy Houses [laughter] and his family  
4 grew up on the 5th floor, my family was on the 1st  
5 floor; we were one of the first ones; I state that  
6 because of some history that I'll bring to your  
7 attention in just a minute. I worked in  
8 environmental justice with local, state and federal  
9 agencies; in 1994 I authored a study called  
10 "Environmental Justice: Breaking New Ground," I  
11 worked with United Negro College Fund, I managed an  
12 \$8 million historically black colleges and  
13 universities, environmental justice research project,  
14 so the prior speakers are right on the money; we have  
15 the research, we have the information; the matter is,  
16 what do we do with it and what standards do we use  
17 when we begin to promulgate policy.

18  
19 I'd like everyone in the room to just  
20 take a deep breath... you are breathing in the same air  
21 that the dinosaurs breathed, you are breathing in the  
22 same air that emanates from street pollution, trucks,  
23 cars, from all polluting sources -- the matter is the  
24 exposure. There's a standard that I haven't heard  
25 mentioned today [static] today and it's the NYC 1625



1 standard. Mr. Chair, I respectfully ask that you  
2 turn around and you look at the seal of New York,  
3 there's a 1625 seal; on that seal there's a windmill,  
4 there's a windmill there for a reason, because the  
5 quality of the air in 1625; here we are 400 years  
6 later and I dare say those gentlemen and that bioda  
7 [phonetic] comes to New York now, they will be dead.  
8 My family has 85 years in New York; I grew up right  
9 down by the Brooklyn Navy Yard, 63 Flushing Avenue; I  
10 invite everyone in the room to leave here and go to  
11 534 Flushing Avenue with me and we will talk about  
12 indoor air quality, we will talk about standards, we  
13 will take it to the United Nations; I understand  
14 there's a new gentleman that's doing something on  
15 environmental issues and climate change, I think the  
16 last name is Bloomberg; let's get him to look at  
17 environmental justice from an international  
18 perspective and bring it back to Brooklyn to Bed-Stuy  
19 so that... when I grew up we had to listen and hear the  
20 whistle from farther... give me 10 seconds... because  
21 when you heard that whistle in the 50s and in the  
22 60s, it was because the air quality from Pfizer  
23 [bell] was putting out particulate matter that fell  
24 on Marcy Projects. I don't may; maybe Jay Z's  
25

2 brilliance comes from that particular matter that he  
3 inhaled. [laughter] I thank you for the opportunity  
4 to speak; all due respect to everyone else that's  
5 speaking, you are setting history and I thank you for  
6 it.

7 CHAIRPERSON RICHARDS: Thank you, sir.  
8 Thank you for traveling in this weather, to the cold.  
9 [static]

10 REBECCA SANCHEZ: Good afternoon; my name  
11 is Rebecca Sanchez and I'm an UPROSE member. I'm  
12 here on behalf of UPROSE, founded in 1964. UPROSE is  
13 Brooklyn's oldest Latino community-based  
14 organization; we are dedicated to environmental and  
15 climate justice.

16 Sunset Park is the largest, significant  
17 maritime industrial area in New York City, it is also  
18 a community with 130,000 people with the most  
19 vulnerable living amidst the environmental burdens.  
20 Among the environmental burdens in our community  
21 there is one waste transfer station, one marine  
22 transfer station and three power plants using 957  
23 megawatts in Sunset Park. The Gowanus Expressway,  
24 with 200,000 cars per day and 15,000 trucks and  
25 brownfields and the lack of the open space, according

1  
2 to Lutheran Medical Center's Community Service Plan,  
3 asthma is one of the top five health concerns,  
4 predominantly affecting low-income and population of  
5 color in an area where 37 percent of the residents do  
6 not have health insurance. In order to reduce the  
7 vulnerability of our community the Environmental  
8 Protection Committee should consider the following  
9 recommendations. The cumulative impact of multiple  
10 sources of air pollution in environmental justice  
11 communities poses a huge challenge to public health,  
12 look at the polluting sources. Extreme heat events  
13 associated with climate change are a major risk of  
14 those with chronic respiratory conditions, pollution  
15 mitigation measures near highways like the Gowanus  
16 Expressway, this is where the poorest people live.  
17 Full implementation of the solid waste management  
18 plan, as well as implementing strategies for a  
19 cleaner truck fleet will result in cleaner air for  
20 all New Yorkers. Support community-based efforts to  
21 monitor local air quality, train local residents on  
22 how to collect and interpret air quality data and  
23 implement mitigation measures; we want to do this, we  
24 are the community scientists. Adjust the impact of  
25 mold on indoor air quality and public health is a

1  
2 major concern in low-income communities burdened with  
3 poor housing stock. Cleaner air will result in a  
4 better life for my 2-year-old brother, for me and my  
5 community. Thank you. [laughter, applause] Oh...

6 ANA MELENDEZ: 'Kay. Good afternoon; my  
7 name is Ana Melendez; I'm the Program Manager of We  
8 Stay Nos Quedamos and a member of the New York City  
9 Environmental Justice Alliance. I would like to  
10 thank Council Member Richards and your colleagues for  
11 your time in hearing our concerns today.

12 For over 20 years We Stay Nos Quedamos  
13 has worked to improve the quality of life for the  
14 South Bronx community, we participated in early air  
15 quality studies and are well aware of the correlation  
16 between poor communities and poor health. We  
17 strongly believe in the importance of green space to  
18 mitigate the effects of poor air quality in our  
19 communities, so much that we designed a community  
20 that reflects the green Bronx that we wanted to see,  
21 the new Bronx, as our borough president proclaimed.

22 The reality of this new Bronx today was  
23 the vision of our organization's founder 20 years  
24 ago. We continue to fight for the quality of life  
25 that includes every person's right to clean air and

1  
2 good health. As a community organizer for over 10  
3 years and a single mother who has battled against  
4 many issues that come with being a person of color,  
5 living in communities with the highest poverty rates,  
6 less resources and oftentimes the most vulnerable, I  
7 know firsthand how our communities are overlooked and  
8 how too often those in power fail to take into  
9 account that every community has a right to the  
10 basics. Our air quality and health should not be  
11 compromised. Last year the City announced that New  
12 York City's air quality has reached the cleanest  
13 levels in more than 50 years, an improvement which  
14 prevented over 800 deaths from lung and  
15 cardiovascular disease. Meanwhile, the South Bronx  
16 is still dealing with exhaust from excessive truck  
17 traffic and an increase in waste transfer stations,  
18 which means that there's still a lot of work to be  
19 done.

20                   According to the Bronx-Lebanon Hospital  
21 Center's 2013 Community Health Needs Assessment, the  
22 South Bronx ranked highest in mortality rates from  
23 lung diseases, even higher in all of New York City.  
24 Health issues identified include high rates of  
25 asthma, cancer and coronary-related illnesses.

1  
2 Asthma rates alone were 10 out of every 1,000 adults  
3 and 32 out of every 1,000 children ages 0-4, which  
4 means that there's still a lot of work to be done.

5 This is why I'm here today as an active  
6 community member, a concerned parent and a resident  
7 of the South Bronx to ask the City to analyze air  
8 quality in our neighborhoods, reduce the number of  
9 diesel truck trips in and out of our communities,  
10 strengthen air quality monitoring and most  
11 importantly, prioritize the needs of the vulnerable  
12 communities. Thank you.

13 JUSTIN WOOD: Thank you Chairperson  
14 Richards and members of the Council for the  
15 opportunity to testify. [bell] My name is Justin  
16 Wood; I'm a community organizer with New York Lawyers  
17 for the Public Interest and the environmental justice  
18 program and we've heard a lot of testimony and  
19 commentary today on the air quality problems that  
20 plague particularly overburdened communities in New  
21 York and indeed spread to much of our city. I wanna  
22 touch on a few policy proposals that we urge this  
23 Committee and the Council to take up this year that  
24 we think present innovation solutions to these  
25 problems.

1  
2 First of all, we urge full and expedient  
3 implementation of this 2006 Solid Waste Management  
4 Plan and completion of the marine transfer stations  
5 and recycling facilities at Gansevoort and we urge  
6 the City to continue that; we think it'll reduce  
7 millions of unnecessary vehicle miles, truck miles,  
8 particularly through three overburdened communities  
9 that have the majority of the solid waste transfer  
10 stations; those are of course the South Bronx, North  
11 Brooklyn and Southeastern Queens.

12 In conjunction with that, there was  
13 legislation introduced later in 2013, Intro 1170-A,  
14 that we urge the Council to take up again, which  
15 would reduce and limit capacity of waste transfer  
16 stations in those overburdened communities and would  
17 allow DSNY to limit capacity, particularly of the  
18 worst and dirtiest operators in that industry that  
19 are having the most harmful effect on those  
20 communities.

21 Quickly I also wanna introduce another  
22 policy proposal that we think you'll be hopefully  
23 hearing more from us and our coalition partners about  
24 this year. We're an active member of the Transform  
25 Don't Trash New York coalition and we'd like to see...

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we think additional millions of truck miles throughout the City can be reduced by the City increasing regulation and an exclusive franchise system for commercial waste. There is, I believe, four million, over four million tons of commercial waste are generated by New York City each year; it's almost completely unregulated and there's a lot of redundancy of the private haulers that are driving trucks through all of our commercial districts in all of our neighborhoods and a lot of other cities have taken the lead in regulating this by bidding out zones to one hauler to drastically reduce unnecessary truck miles, increase recycling rates; composting rates and improve worker safety and health for what's a very dangerous industry for workers.

Finally, just to wrap up, we're also actively supporting the call of South Bronx Unite to increase oversight of siting for the Harlem Rail Yards and oppose the public subsidies to FreshDirect. Thank you very much. I can submit written testimony as well. [background comments]

CHAIRPERSON RICHARDS: Thank you; look forward to meeting with you too. Thank you. Thank you. Thank you everyone. [pause] [background



2 comments] We'll call Dan Wiley [static] from  
3 Congresswoman Velazquez' Office, Angela Tovar from  
4 Sustainable South Bronx... [background comment] [pause]  
5 ...Point. [pause] Eric Goldstein, Natural Resources  
6 Defense Council... [background comments] and The Point...  
7 [background comments] oh, The Point is here. Okay,  
8 can we... [pause] 'Kay, we'll start from my right...  
9 [background comment] to the left. [background  
10 comments] Thank you. I just want to acknowledge...  
11 Councilwoman Helen Rosenthal has walked in and joined  
12 us.

13 ERIC GOLDSTEIN: Good afternoon Chairman  
14 Richards, congratulations to you on your appointment.  
15 The City Council has historically played a very  
16 significant role on air pollution issues over the  
17 years; we're delighted that you're heading up this  
18 Committee with a lot of vibrant new energy and we  
19 hope that on air pollution and other environmental  
20 issues we'll make some real progress.

21 My name is Eric Goldstein; I'm with the  
22 Natural Resources Defense Council, which is a  
23 national environmental organization; we've been  
24 active both nationally and in New York City on air  
25 quality since helping so spearhead the public

1  
2 campaign to get lead out of gasoline in the early  
3 1970s. This has really been a terrific and  
4 empowering hearing and so I congratulate you and all  
5 the other witnesses on that as well. I'll summarize  
6 my prepared testimony with three quick points.

7           First, air quality has significantly  
8 improved across New York City since I was a kid  
9 growing up in Brooklyn, playing stickball in the  
10 streets and having motor vehicle pollution waft into  
11 our faces every day, every minute and breathing smoke  
12 from apartment house incinerators. Really, if you  
13 were growing up in the 60s and you looked compared to  
14 today, there's been a lot of progress across the  
15 City. But like many densely populated urban areas,  
16 we still have very significant air quality problems  
17 and as DEP has concluded, particulate matter alone  
18 still causes or contributes to 2,000 deaths a year,  
19 4,800 emergency room visits for asthma; 1,500  
20 hospitalizations. If this took place, if those  
21 illnesses and deaths took place in a single incident,  
22 it would be front page news and the City would mount  
23 an intensive campaign to address it and what we  
24 all need to do collectively is to find that same  
25 level of energy to address these problems even though

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they occur as chronic conditions rather than as a single episode. And with climate change, things are probably gonna get worse.

One of the most significant characteristics of air pollution in New York City is its localized nature. Pollution differs from neighborhood to neighborhood, from block to block, even from house to house. If you live near a highway, near an airport, near a gas station, near a construction site, near an industrial facility, near a building burning dirty fuel, near a source of asbestos or mold or other indoor source of pollution, you're gonna have problems, even if the air around you is of higher quality. And of course, one source of localized air pollution is the large number of land-based commercial transfer stations that plague a limited number of communities, primarily communities that have more than their fair share. And you've noticed the consequences and you've noted them -- asthma hospitalization rates eight times higher in East Harlem than the Upper East Side, four times higher in Southeast Queens than Little Neck.

Let me briefly mention a couple of recommendations; I'm sure we'll be working together on

1  
2 them as the weeks and years move forward. One; we  
3 need to continue to discourage cigarette smoking and  
4 secondhand smoke pollution, it's the number one  
5 source of lung cancer, it's preventable, we've made  
6 progress; we need to do more. Two; we need to  
7 continue, as others have said [bell] to expand  
8 neighborhood air monitoring. The Queens College New  
9 York City Community Air Survey is terrific, but we  
10 need even more and particularly to develop an  
11 emergency response air monitoring system so that when  
12 there's a problem, like Hurricane Sandy, we could get  
13 pollution monitors where the problem is suspected  
14 immediately and not have to wait six or eight weeks,  
15 as was the case. Third; we need to revise the Air  
16 Code, bring it up to modern standards, accelerate the  
17 phase-out of high pollution fuels; we know you'll be  
18 working on that in the weeks and months ahead.  
19 Fourth; we need to strengthen the DEP enforcement  
20 staff and add a rapid response function so that you  
21 don't have to make a complaint and schedule a visit  
22 three weeks in advance or down the line, when the  
23 pollution has dissipated. We need to get a way to  
24 get those enforcement agents out when the problem is  
25 noticed. Fifth; we need to reduce unnecessary

1 vehicular traffic and find the mechanism to fund,  
2 enhance long-term transit funding, because we can't  
3 beat something with nothing, we've gotta have our  
4 transit system in good shape if we wanna discourage  
5 automobile traffic. Sixth; we believe the 91st  
6 Street community is entitled to commitments that the  
7 MTS there will meet the highest standards, with  
8 trucks and tugs that are the cleanest possible and  
9 with enforceable assurances that it won't operate in  
10 a way that threatens public health, but we believe  
11 that the existing 2006 Solid Waste Management Plan  
12 oughta be implemented; that's a good step for clean  
13 air, and we look forward to working with the  
14 community to get those assurances. Finally, as to  
15 your point on airports, we're delighted to hear of  
16 your interest in that; in 1990 NRDC identified the  
17 City's two airports as two of the number one  
18 pollution hot spots in the city; we haven't made a  
19 lot of progress on that issue; there are some  
20 preemption problems, but we've look forward to  
21 working with you on that issue in the months to come.

22  
23 Two last points -- Councilman Levin asked  
24 about idling and enforcement -- I'm sorry that he's  
25 not here now, but there is a provision of the

1 existing Air Code that allows citizens to file  
2 pollution complaints. It isn't used very much; we  
3 used it in the 1980s, when we went out and videotaped  
4 on old fashioned videos, diesel buses coming in from  
5 out of the city that were idling; we got about 20  
6 videotapes -- again, there's a three-minute idling  
7 provision; the buses were waiting for minutes and  
8 minutes -- we videotaped those, we brought those  
9 before the City's Environmental Control Board; all of  
10 those bus operators were fined. We thought that that  
11 would lead to a long-term commitment of enforcement  
12 on bus idling; it was a short-term effort, but it  
13 didn't happen. But there's no reason why we can't  
14 use some of the youth energy around this room and in  
15 this city to get back and use that citizen  
16 supervision and videotape idling violations; they'll  
17 get a good experience in civic activism by being able  
18 to file those complaints; NRDC will be glad to help  
19 and work with folks on that. And then finally,  
20 regarding Council Member Menchaca's question about  
21 the hot weather issues, let's not forget the benefits  
22 of tree plantings and greenery. Shade trees can make  
23 an enormous difference, not only in cooling city  
24 neighborhoods on the hottest of days, but in

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transforming communities and making them more livable, improving the quality of life throughout the year, so that's one easy program that we oughta make sure it continues and expands to all neighborhoods, particularly where there are residents of limited means who can't necessarily afford, you know, the most modern air conditioner and all that.

We thank you and we look forward to working with you.

CHAIRPERSON RICHARDS: I look forward too.

OMAR RODRIGUEZ: Alright. My name is Omar Rodriguez and... My name is Omar Rodriguez and this statement is on behalf of all members of our Teen Group A.C.T.I.O.N, Activists Coming to Inform Our Neighborhood. A.C.T.I.O.N. is a group of youth from the South Bronx who meet three times a week after school as a part of a program at The Point Community Development Corporation. We work to identify social and environmental justice issues facing the Hunts Point section of the South Bronx with the goal of creating and implementing ongoing youth-led solutions. We are also members of NYCEA, New York City Environmental Justice Alliance.

1  
2 As representatives of the Hunts Point  
3 Community, we feel compelled to talk about the  
4 negative impact poor air quality has had on our  
5 quality of life and what you could do about it as  
6 members of the City Council Environmental Protection  
7 Committee.

8 In years past, members of A.C.T.I.O.N. in  
9 The Point, along with other local community  
10 organizations and concerned residents fought for  
11 closing of New York Organic Fertilizer Company, known  
12 as NYOFCO, premises on the Hunts Point Peninsula.  
13 NYOFCO converted the city's sewage sludge into  
14 fertilizer pellets used for commercial agricultural  
15 crops, emitting the most noxious smells from its  
16 smokestack as far as a two-mile radius, its toxic  
17 fumes sickened residents, preventing us from enjoying  
18 the outdoors and became an unbearable nuisance,  
19 especially during the summertime. After much  
20 organizing by community members and groups, we were  
21 able to secure the closing of NYOFCO's waterfront  
22 plant in Hunts Point in 2010. Although its closing  
23 should have been heralded an era of cleaner air and a  
24 safer, greener environment for all South Bronx  
25 cities... Bronx sites, something... sorry... [laugh]



1 [background comment] the truth is that we have a  
2 long, long way to go before that becomes a reality.  
3 The South Bronx has one of the highest concentrations  
4 of truck traffic in New York City; this includes  
5 truck trips to and from nine waste transfer stations,  
6 constituting the destination of hundreds of  
7 contaminating diesel trucks per day and food  
8 distribution trucks to and from the Hunts Point Food  
9 Distribution Center and the Fulton Fish Market.  
10 Asthma rates in the South Bronx are some of the  
11 highest in the country, eight times the national  
12 average; so are rates of other diseases and illnesses  
13 tied to air pollution. Also, until recently, Hunts  
14 Point had one of the smallest resident-to-park land  
15 ratios while being surrounded by three major highway  
16 arteries -- the Bruckner Expressway, the Cross Bronx  
17 Expressway and the Sheridan Expressway.

18  
19 Cleaner air will result in improved  
20 quality of life, reduce asthma rates and other  
21 chronic respiratory diseases and better health  
22 outcome for the most vulnerable communities,  
23 particularly for low-income communities of color. In  
24 order to reduce the vulnerability of designated  
25 environmental justice communities, the Environmental

1  
2 Protection Committee [bell] should consider the  
3 following recommendation outlined by NYCEA previously  
4 -- analyze the impacts of air pollutants in  
5 neighborhoods with disproportionate burdens;  
6 prioritize the needs of vulnerable communities by  
7 prioritizing mitigation efforts that reduce  
8 disproportionate impacts of poor air quality during  
9 heat waves and heat days; the City must make a  
10 commitment to reducing the number of diesel truck  
11 trips in and out of EJ communities; demonstrate how  
12 air... New York City Community Air Survey demonstrate  
13 how air quality monitoring can improve our  
14 understanding of air pollutants, inform policy  
15 decisions; City should codify New York City Community  
16 Air Survey into law, increasing resources for  
17 additional air monitoring; target additional air  
18 quality monitors in environmental justice  
19 communities, support base efforts to monitor local  
20 air quality, train... I mean, train local residents on  
21 how to collect and interpret air quality data and  
22 implement the mitigation, and pass more legislation  
23 that is modeled after previous legislation designed  
24 to address these exposures.

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We need our elected officials to step up and do the job we have hired them for -- fight for us. I thank the members of the City Council Committee on Environmental Protection for their time and courtesy in hearing my community's position on this matter. I look forward from hearing from you and working with you towards achieving these goals in the very near future. Thank you.

CHAIRPERSON RICHARDS: Thank you. It's always good to see young people. [background comments, applause]

ANGELA TOVAR: Okay. Good afternoon; my name is Angela Tovar; I'm the Director of Policy and Research at Sustainable South Bronx and we're a non-profit and environmental justice organization; also we're the neighbors with The Point and we're located on the Hunts Point Peninsula, we're also members of the New York City Environmental Justice Alliance.

I wanted to begin by thanking you, Chairperson Richards and the Environmental Protection Committee for the opportunity to testify.

Just to underscore some of Omar's testimony and to provide additional context; the South Bronx has a long history of being overburdened

1 with unfavorable land uses that's resulted in poor  
2 air quality and health and quality of life issues for  
3 community residents. It's well-known that South  
4 Bronx residents suffer from overwhelmingly high rates  
5 of asthma; as he mentioned, it's eight times higher  
6 than the national average and so are rates of other  
7 diseases -- obesity, diabetes and cancer, other  
8 illnesses that are also tied to air pollution. In  
9 Hunts Point alone it's estimated that there's  
10 approximately 15,000 trucks that pass in and out of  
11 the community on a daily basis, 15,000 trucks, many  
12 of which are going back and forth to the Food  
13 Distribution Center. We also have a high  
14 concentration of waste transfer stations in the  
15 neighborhood that also contribute significantly to  
16 the challenges, we're home to nine waste transfer  
17 stations; on a typical day it's about 6,000 tons that  
18 are hauled in and out of the community, requiring  
19 1,400 diesel truck trips, and even worse, because of  
20 the current configuration of the transportation  
21 network, trucks travel locally to enter the  
22 Peninsula, which means that they get off and travel a  
23 mile each direction and they travel by sensitive  
24

1  
2 receptors, including schools, parks and senior  
3 centers along the way.

4           There are other issues that contribute to  
5 poor air quality beyond diesel trucks. As he  
6 mentioned, we have very few parks and green spaces  
7 that mitigate air quality in the community; while  
8 there are 7,002 acres of park space in the Bronx, we  
9 only have 3.5 percent of that in our council  
10 district. We are also home to hundreds of multi-  
11 family buildings that have yet to undergo conversion  
12 and are still at No. 4 and No. 6 oil and haven't  
13 converted to a cheaper... or a cleaner alternative, I'm  
14 sorry; not cheaper, but cleaner.

15           But we believe that there are plans in  
16 motion and ideas proposed that will allow air quality  
17 mitigation to move forward. As many people  
18 mentioned, I think that we all agree that that begins  
19 with a strategy to address cumulative impacts and so  
20 maybe looking at impact assessments that analyze and  
21 document cumulative impacts on vulnerable populations  
22 and mitigate negative health impacts for any new  
23 major projects, especially projects that South Bronx  
24 Unite mentioned that would bring additional diesel  
25 truck traffic to the community. We'd also like to

1  
2 encourage the City to move forward on existing  
3 legislation and plans to alleviate truck traffic on  
4 local streets; that includes full [bell]  
5 implementation of the Solid Waste Management Plan,  
6 capacity reduction legislation and Intro 0015, which  
7 looks at the Sheridan footprint; part of that plan is  
8 to provide direct access to the Hunts Point Peninsula  
9 from the Bruckner Expressway and would require the  
10 construction of a four-way ramp to do so. And then  
11 finally, just a couple of smaller other things --  
12 it's not only about providing shade trees and green  
13 space in our communities; it's about maintenance as  
14 well. You know, Sustainable South Bronx is part of  
15 an initiative a few years back where we planted 500  
16 street trees with Department of Park and we've had a  
17 challenge working with them to maintain those trees,  
18 so it's about providing resources for that. And as  
19 he also mentioned, just involving communities and  
20 providing resources for community-based local air  
21 quality monitoring as well. So thank you for your  
22 time; I appreciate it.

23 CHAIRPERSON RICHARDS: Thank you.

24 DAN WILEY: Great. I'm Dan Wiley; I'm  
25 with the Office of Congresswoman Nydia Velazquez, the

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New York 7th Congressional District, it used to be called 12th, and it covers the Lower East Side, it goes down to Councilman Carlos Menchaca's district in Sunset Park and Red Hook; it also goes to North Brooklyn, even Queens and all the way out to Cypress Hills.

So Congresswoman Velazquez, for one thing, she'd be very energized to be here; she's on a plane from Washington, but it's great to see the young people organized, UPROSE and the Environmental Enforcers in the house, as well as our colleagues from the Sustainable South Bronx and The Point; she gets very energized to see you guys come out to these things.

You've heard a lot; I know you've been here since 1:00, so I'll try to be brief, but just to underline the point... also we, by the way, cover Roberto Gautier's building, who testified earlier, who unfortunately is near the Brooklyn Bridge that's being reconstructed and I know the lengths to which he's gone to do extra air monitoring to see what the impacts are; we already know that sleep deprivation is going on as a result of the reconstruction on the Brooklyn Bridge, so we also cover Brooklyn Heights.

1                   But also I want to just reiterate the  
2  
3 support the Congresswoman has had for the Solid Waste  
4 Management Plan in New York City that was approved in  
5 2006, basically overhauling waste export systems and  
6 emphasizing fair share for each borough, basically  
7 exporting in a way that deemphasizes trucks and  
8 increases barge and rail can help to reduce these  
9 emissions and everybody, I think each and every  
10 borough needs to do their part, so she has been  
11 supportive of the marine transfer station on East  
12 91st Street and to talk the walk, she also has  
13 supported the marine transfer station that's in  
14 Sunset Park. Sunset Park has a marine transfer  
15 station that's under construction, they're doing the  
16 finishing touches on it; people go by and they think,  
17 what is that, you know it looks like a space ship.  
18 But I think these things are built in a new way to  
19 have stuff covered, have barges; do it in a way that  
20 has less environmental impact. We also have the  
21 City's recycling with the Sims plant also in Sunset  
22 Park, so it's not a question of us saying put it  
23 somewhere else; the fact is that three-quarters of  
24 the City's waste shouldn't be handled by a few  
25 neighborhoods in the South Bronx, North Brooklyn and



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Queens, so therefore, she just wanted to underline that point. And also, we want air monitoring and make sure that we're fulfilling the Clean Air Act; I know that's a challenge and there's a lot we have to do to that, but in order to do that we have to make sure that everybody's doing their part. [bell]  
Thank you.

CHAIRPERSON RICHARDS: Just one question for Eric; you spoke of secondhand smoke, can you elaborate a little bit more on what your suggestions would be?

ERIC GOLDSTEIN: Sorry. In addition, of course, to restrictions on where one can smoke, we have learned, scientists, increasingly over the last decade or so that children inhaling smoke indirectly if it's being exhaled in a home, apartment or office building or business also has adverse health effects, can trigger asthma, bronchitis, emphysema and it's a surprisingly troublesome source of air pollution that, at least in the earlier years of the environmental movement one didn't think of secondhand smoke as a major problem; it is now and it's often children who are at greatest risk; obviously they're not smoking as youngsters, but if they are in a

2 location where they are exposed to tobacco smoke, it  
3 could be a problem.

4 CHAIRPERSON RICHARDS: Thank you. Thank  
5 you all. [background comment] Next panel -- Maya  
6 Pinto of ALIGN, Omar Rodriguez, The Point CDC...  
7 [background comment], Anusha, I won't try to mess up  
8 your last name, from El Puente, Angela Tovar, Sustai...  
9 [background comment] Sus... oh yeah, I thought we did  
10 this already. Yeah, I think we did Angela  
11 [background comment]. Alok Disa from Earthjustice.  
12 [background comments] [pause] So do we have... we have  
13 Alok Disa from Earthjustice, Anusha from El Puente  
14 [background comments]... no? [background comment]  
15 Okay, yes; I didn't wanna mess up your last name.  
16 Omar Rodriguez [background comments]. He's gone.  
17 Okay. Alrighty. Maya Pinto... Pinto from ALIGN.  
18 [background comments]

19 COMMITTEE COUNSEL: Okay. So...  
20 [crosstalk]

21 CHAIRPERSON RICHARDS: Oh...

22 COMMITTEE COUNSEL: So call Gregory  
23 Mullens...

24 CHAIRPERSON RICHARDS: Alrighty. So  
25 we'll have Geoffrey Mullings...

2 COMMITTEE COUNSEL: Mullens, if he's  
3 here.

4 CHAIRPERSON RICHARDS: if he's here.

5 COMMITTEE COUNSEL: Oh, okay. What  
6 about... [background comments]

7 CHAIRPERSON RICHARDS: Denise Katzman.

8 COMMITTEE COUNSEL: Denise Katzman.

9 CHAIRPERSON RICHARDS: from Enviro...

10 [background comment] Hancement. [background

11 comments] And Geoffrey... Okay, great.

12 COMMITTEE COUNSEL: Let me see if she's  
13 out front.

14 CHAIRPERSON RICHARDS: Denise? No.

15 [background comment] Oh, Denise is here. Okay,

16 great. Okay. Denise, you will start and I'll just

17 ask everybody to say their name and what organization

18 they represent and then begin and you have three

19 minutes.

20 COMMITTEE COUNSEL: Can you swear them?

21 Can I swear them?

22 CHAIRPERSON RICHARDS: Oh, and she's

23 gonna swear you in. [crosstalk]

24 COMMITTEE COUNSEL: Can you please raise...

25 Can you please raise your right hands? You swear or

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affirm to tell the truth, the whole truth and nothing but the truth today?

DENISE KATZMAN: Denise Katzman, EnviroHancement. I am extremely grateful that Donovan Richards had the foresight to hold this historic oversight hearing. EJ has gone beyond EPA's original intent; we are all impacted via EJ zones.

On Monday, February the 24th, the Supreme Court heard oral arguments in six cases collectively known as GHG cases. GHG, greenhouse gases, are the primary reason we suck in air toxins daily. Uh, I'm not even gonna... skip, skip, skip, skip, skip... So what industry, once again, wants to do is go for the jugular of EPA to rid EPA of its authority to regulate climate crisis and the justices on the 24th said that they will not walk away from their seven-year-old seminal decision holding EPA's right to regulate. The heart of today's hearing was heard in D.C. on the 24th. On February the 7th, EPA, the National Oceanic Administration, Atmospheric Administration and the Institute of Health commenced an inter-agency special report on the impacts of climate change on human health; EPA wants to go beyond the fence line credits for programs that cut

1  
2 GHG emissions. When Carter Strickland was speaking  
3 about the idling law, he was speaking as if the  
4 idling law was alive and well; it is on the books, it  
5 has not been enforced to any extent. This city is  
6 choking from idling vehicles from the tip to the very  
7 south end of it and I want to speak briefly on the  
8 Hudson River, since it's a huge part of NYC and we  
9 love it even though it's the country's largest super  
10 fun site. The Department of Environmental  
11 Conservation is craving to transport crude and tar  
12 sands oil, which are major contributors to air toxins  
13 and climate crisis via the Hudson minus public input  
14 and an EIS. Two quotes from a recent press release,  
15 Kate Sinding, NRDC: "The horrific spills and  
16 accidents involving the transport of crude oil across  
17 North America have demonstrated not only the serious  
18 threats it presents to human life, health and the  
19 environment, but also the gross inadequacy of current  
20 federal and state safeguards against those risks."  
21 And Senior Attorney Chris Amato at Environmental  
22 Justice, "We call on DEC to require an EIS so that  
23 Global's high risk industrial activities will finally  
24 get the public scrutiny they deserve," that's the  
25 terminal in Albany. I have three platforms to reduce

1 and eradicate air toxins and hopefully bring  
2 solutions. First, non-sensible vehicle idling is  
3 anthropogenic climate crisis. As I said, the law  
4 exists, it must be instituted; it must be  
5 strengthened and enforced, because as we've heard  
6 from too many people, without enforcement we don't  
7 got anything. [bell] Batteries... and batteries can  
8 be given to, i.e., police vehicles on a sponsorship  
9 basis. The methane and CO2 that is poured out from  
10 these vehicles due to the gas that powers them is  
11 increasing greenhouse gases because methane, in the  
12 short term, is the larger trapper of these heat  
13 trapping gases and CO2 in the long term. Co-  
14 generation can be used to capture the methane from  
15 the leaks, the ruptures that happen, it's a resilient  
16 mechanism, it also will allow combined heat and power  
17 to be used and another area of toxicity is LUG, all  
18 combustible fuel lines leak; one of them is gas,  
19 that's why LUG is created, loss of unaccountable gas.  
20 And thirdly, a citizen's energy bill of rights; the  
21 technical term is Community Choice Aggregation, it's  
22 alive in Colorado, Massachusetts, California, New  
23 Jersey, to name a few; New York City can get involved  
24 and do that. Also, California fought... there were

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lawsuits in California over its low-carbon fuel standard for years; as of this January, California won, it is alive and well. When Carter was talking about the fact that we can't regulate, per the fuel, we can absolutely regulate and California has set a great precedent. Thank you. [background comment]

CHAIRPERSON RICHARDS: Next.

GEOFFREY MULLINGS: Thank you for the opportunity. Hi, I'm Geoffrey Mullings; I'm the Editor-in-Chief of The Blinker, a New York-based news sight. We had ran an article using the NATA data that you guys cite in your environmental justice report and I do want to admit from the get go that when we looked at the depth of the data, for New York... first of all, cancer risks by air toxins are the highest in New York nationally, but when we looked at the data, the risk is about 1 in 10,000; when you compare that to the cancer rate in New York City, it's... by national estimate, air toxins may be responsible for a little less than 1 percent of the cancers that are occurring. But the reason that this is still important is because the air toxins that are produced are responsible for a whole range of other health issues. Now while the NATA data doesn't allow

1  
2 for too much localization, at least too much analysis  
3 on a local level, we can look at some of the reports  
4 conducted by New York City government that show that  
5 some of these air toxins, if you laid them... if you  
6 laid the maps over highway maps, it's almost as if  
7 you're looking at the exact same map. The  
8 concentration of these toxins are high in the South  
9 Bronx and Upper Manhattan, and we're talking about  
10 Inwood, Washington Heights, Morris Park, these areas.  
11 The issue with that is that it already overburdens a  
12 highly economically burdened community; we're talking  
13 about black and Latinos with very low incomes; the  
14 Bronx is the highest poverty level, and if you can  
15 think of any measurements of poverty in the country,  
16 the Bronx is the highest among the City. We're  
17 already looking at groups that are economically  
18 burdened and we're burdening them more with our  
19 healthcare costs. As many of us probably know,  
20 healthcare costs is one of the leading causes of  
21 bankruptcy in the nation. If we don't do something  
22 to start addressing these issues, we're only going to  
23 see these communities fall further and further  
24 economically down and if that is not reason enough to  
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1  
2 progress or to at least examine what we can do about  
3 this, I don't know what else would be.

4           As far as solutions, we do see that the  
5 City's making good progress in some ways, as traffic  
6 levels inside the City go down, we're also seeing  
7 asthma rates go down in some of these neighborhoods,  
8 so there may be a correlation between traffic, asthma  
9 rates and such; if we begin to emphasize more public  
10 transportation, especially with the advantage of  
11 millennials and their love of public transportation  
12 over private vehicles, we can probably work to  
13 further progress our already moving... our... the  
14 advantages that we already have. Someone else had  
15 already brought up the Hunts Point Distribution  
16 Center; that is also a big issue; truck traffic into  
17 that Center could be displaced by more emphasis on  
18 rail traffic, public transportation in the Bronx and  
19 Upper Manhattan, aside from buses on the subway  
20 level, is kind of terrible; we need to emphasize more  
21 rail traffic, more access to rail traffic in these  
22 neighborhoods and if for no other reason, so help the  
23 economy in these areas. I think that's about what I  
24 have to say on that issue. Thank you.

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CHAIRPERSON RICHARDS: Saved us three seconds. [laughter] Thank you. You led by example; I'm expecting you to lead now. [background comment] I'm messing with you, take your three minutes; take your time. Thank you.

ALOK DISA: I'll see if I can follow up that. First of all, good afternoon and thank you, Chairman Richards and members of the Committee on Environmental Protection; I'm Alok Disa; I'm a Litigation Assistant with Earthjustice and Earthjustice is a non-profit, public interest law organization dedicated to defending the right of all people to a healthy environment. A main pillar of our work is limiting toxic air emissions and we've heard a lot of great testimony on various sources of those emissions, but of all the toxic elements spewed out into the environment from industrial activity, one of the most dangerous is lead and great strides have been made in eliminating lead from gasoline and from paint, but significant sources lead air pollution remain.

The U.S. EPA has identified general aviation aircraft engines as the single largest source of airborne lead emissions. Even though EPA

1  
2 acknowledges the harm from these emissions, this  
3 source remains unregulated, so we appreciate the  
4 opportunity to present testimony before the Committee  
5 to raise awareness of this issue in New York City and  
6 to hopefully highlight some areas where action may be  
7 taken to prevent the harms associated with these  
8 emissions.

9           Lead is one of the most toxic elements  
10 that we know; an entire body of scientific literature  
11 can confirm that, but perhaps the most alarming fact  
12 about lead is that there is no safe level of  
13 exposure. Study after study has shown that even  
14 trace amounts of lead in the bloodstream can be  
15 linked to negative health outcomes.

16           The EPA and the CDC state that the most  
17 important step parents, doctors and others can take  
18 is to prevent lead exposure before it occurs. And  
19 another troubling aspect is that lead is particularly  
20 harmful to children; it's associated with I.Q. loss,  
21 learning disabilities, attention deficit and  
22 behavioral problems and it's also linked to decreased  
23 academic performance. It also disproportionately  
24 impacts people of color and low-income communities.  
25 And lead exposure remains a reality for New Yorkers

1 and communities across the country and lead emissions  
2 from general aviation aircraft, the single largest  
3 source of lead air pollution, continue to contribute  
4 to this problem. Aircraft that burn leaded aviation  
5 gasoline, which is also called AVGAS, generate almost  
6 half of all lead emitted into the air on a yearly  
7 basis. And just for clarification, we're not talking  
8 about big jets, we're talking about mostly private or  
9 air taxis, yeah. Across the country there are almost  
10 20,000 airports in which leaded AVGAS is used and  
11 there are six such airports in New York City alone  
12 emitting an estimated total of .7 tons of lead into  
13 the City's air every year. By our calculations, over  
14 115,000 total flights that emit AVGAS come from JFK  
15 and LGA on a yearly basis. The emission of lead by  
16 aircraft taking off from and landing at the City's  
17 airports presents a risk to the health of the  
18 surrounding communities surrounding the airports, and  
19 especially the children who live, play or attend  
20 school in those communities.

22 A 2011 study out of Duke confirms that  
23 children living near airports could have elevated  
24 lead levels and that the difference was enough to  
25 push some into the range where treatment is advised

2 for lead poisoning. Putting this into a local  
3 context, LaGuardia alone [bell] is responsible for .3  
4 tons of lead air emissions, almost 20,000 people live  
5 within one mile of LaGuardia; over 85 percent of them  
6 non-white and more than 3,000 of those individuals  
7 are below the poverty line.

8 Very quickly I'll just summarize that  
9 we've been asking EPA to regulate lead emissions  
10 since 2006 under the Clean Air Act. Over seven years  
11 have passed, EPA has yet to formerly acknowledge  
12 these dangers, let alone propose any limits. EPA has  
13 estimated that it would take up to three years from  
14 when they first responded to our petition to make a  
15 judgment on whether regulation is warranted and our  
16 argument is that we don't need more studies; the  
17 harms are extremely well documented and frankly,  
18 three years more study is unacceptable and 1 in 38  
19 young children have lead poisoning in the country, so  
20 we urge City Council and concerned members of the  
21 public to make your voice and make this a priority,  
22 an environmental health priority and tell EPA that we  
23 need to act now. Thank you for your time.

24 MAYA PINTO: Good afternoon and thank you  
25 for the opportunity to provide testimony today. My

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name is Maya Pinto and I'm a Senior Researcher and Policy Analyst at ALIGN; ALIGN is a long-term alliance of workers and community organizations striving for a just and sustainable New York.

Firstly, I'd like to comment Chairperson Richards, Members of the Environmental Protection Committee for calling this hearing to shine a light on air quality issues affecting New York City's environmental justice communities. I'm gonna focus my comments on the negative air quality impacts of the commercial waste management system on the City, especially on the low-income communities and communities of color and on the opportunity to dramatically reduce these impacts by transitioning to a franchise system of waste collection. ALIGN and our coalition partners in the Transform Don't Trash NYC Coalition are currently advocating for such a system.

So New York City's businesses currently generate over 4 million tons of solid waste each year and the system in place to handle that waste is highly polluting, inefficient and inequitable. While the City's residential waste is handled by a relatively rational system that utilizes clean trucks

1 and is moving towards borough equity, New York City's  
2 commercial waste collection industry is a wild west,  
3 lacking adequate regulatory oversight. While a  
4 handful of carters struggle to maintain high  
5 environmental standards, hundreds of companies deploy  
6 over 4,000 dirty trucks to collect waste along  
7 crisscrossing routes, emitting diesel pollution that  
8 damages public health. A single block can be  
9 serviced by up to 10 different carters. The vast  
10 majority of waste is transported by heavy truck to  
11 and from waste transfer stations in a handful of low-  
12 income communities and communities of color in North  
13 Brooklyn, the South Bronx and Southeast Queens, which  
14 suffer negative health impacts as a result. These  
15 communities suffer elevated asthma rates up to five  
16 times the City's average rate, even more. And  
17 according to the New York Public Interest Research  
18 Group, diesel pollution causes over 1,100 premature  
19 deaths, over 2,200 non-fatal heart attacks, and  
20 almost 40,000 asthma attacks in New York State each  
21 year. Diesel pollution poses a three times greater  
22 cancer risk than all other 181 EPA-tracked air toxins  
23 combined.  
24

2 Furthermore, diesel-burning waste trucks  
3 emit particulate matter, which includes black carbon,  
4 a global warming agent 2,000 times more potent over a  
5 20-year period than carbon dioxide.

6 So working with many of the groups who've  
7 testified today, including the New York City  
8 Environmental Justice Alliance, New York Lawyers for  
9 the Public Interest, the City took a significant step  
10 toward addressing gross inequity in the solid waste  
11 management system by passing the 2006 Solid Waste  
12 Management Plan; when fully implemented, the SWMP  
13 will more equitably distribute waste transfer  
14 stations and replace long-haul truck transport of  
15 solid waste with rail and barge transport to reduce  
16 diesel emissions by millions of metric tons. And the  
17 City should also be commended, the City [bell] and  
18 the Business Integrity Commission, for the recent  
19 clean truck legislation that places stricter emission  
20 standards on commercial waste trucks. But the City  
21 can and must do more; the clean truck legislation  
22 will not eliminate overlapping truck routes and  
23 reduce the number of commercial waste trucks on the  
24 road and no enacted city policy currently calls for  
25 an enforceable commercial recycling and composting



1 target that will reduce the amount of waste being  
2 sent to overburdened communities.

3  
4 So just to wrap up, we urge the  
5 Environmental Protection Committee to support full  
6 implementation of the SWMP capacity reduction  
7 legislation that will reduce the amount of waste sent  
8 to overburdened communities and to support Transform  
9 Don't Trash NYC's call for a commercial waste  
10 collection franchise system that would accomplish the  
11 following: It would establish a set of franchise  
12 zones throughout the City that would each be serviced  
13 by a single hauler, eliminating overlapping truck  
14 routes and cutting millions of excess waste truck  
15 miles traveled and diesel emissions, and to increase  
16 commercial recycle rates, currently abysmally low, at  
17 16 percent to 26 percent, by establishing an  
18 enforceable recycling target that would reduce the  
19 amount of waste going to waste transfer stations in  
20 overburdened communities.

21 So thank you and we look forward to  
22 working productively with the Committee, the Council  
23 and the Administration to improve air quality and  
24 build an environmentally just solid waste management  
25 system. Thank you.

2 CHAIRPERSON RICHARDS: Thank you all.  
3 Thank you. Next panel. Annie Wilson from New York  
4 Environmental Law and Justice Project, Dave Powell  
5 from the South Bronx River Watershed Alliance,  
6 Natalie Cronin from the New York Family and  
7 Community, slash Community, My Family/Community.  
8 [background comments] Natalie left?

9 COMMITTEE COUNSEL: Natalie left?

10 CHAIRPERSON RICHARDS: Okay. [background  
11 comment] Dave Powell... [background comments] Dave is  
12 here. You give... no, you give it to him. Okay.  
13 Annie Wilson. [background comment] Okay. No Dave  
14 Powell...

15 COMMITTEE COUNSEL: Dave Powell. Okay.

16 CHAIRPERSON RICHARDS: I mean Dave Powell  
17 is... you're Dave Powell, right? [background comment]  
18 Okay.

19 DAVE POWELL: Thank you Councilman and  
20 thank you for convening this hearing. I'm gonna  
21 speak to you a little bit about something that my  
22 colleague Angela Tovar of Sustainable South Bronx  
23 mentioned and that is getting diesel trucks off of  
24 our streets in the South Bronx by way of changing the  
25 transportation network there.

1  
2 My name is Dave Powell; I'm the  
3 Coordinator of the Southern Bronx River Watershed  
4 Alliance; our membership organizations largely  
5 overlap with NYEJA, but our members are Mothers On  
6 the Move, Nos Quedamos, The Pratt Center for  
7 Community Development, The Point CDC, Sustainable  
8 South Bronx, The Tri-State Transportation Campaign  
9 and Youth Ministries for Peace and Justice, so many  
10 of those groups you've heard from today.

11 For over six decades the transportation  
12 network and highway infrastructure of the South Bronx  
13 have produced negative health, safety and economic  
14 outcomes for residents. The South Bronx is host, as  
15 my colleagues mentioned earlier, to the Hunts Point  
16 Food Distribution Center, the largest of its kind in  
17 the nation. With no direct connection to any  
18 highway, the 15,000 plus daily truck trips associated  
19 with the Center must use neighborhood streets to  
20 enter and exit Hunts Point, causing health and safety  
21 issues for residents, aggravation for truck drivers  
22 and lost productivity for local businesses. The  
23 current roadway configuration contributes to some of  
24 the highest asthma rates in the United States and  
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severely compromises pedestrian safety, particularly around the Bruckner and Sheridan Expressways.

In December 2013, the New York City Department of Transportation and the New York City Department of City Planning completed the Sheridan Expressway, Hunts Point Transportation and Land Use Study, or SEHP Study. The recommendations from the SEHP study largely mirror longstanding community priorities for the area. If implemented, these recommendations will dramatically improve resident health and pedestrian safety. And if you're looking a copy of my testimony, the colored slides that you see are the substance of the City's recommendations, which are, again, a codification of a community campaign for environmental justice in the transportation network of the South Bronx; as has been noted, you know our communities disproportionately deal with a Robert Moses era highway infrastructure that, you know, in the Bronx River section we literally call our section the toxic triangle because we're hemmed in by the Cross Bronx, the Bruckner and the Sheridan. The recommendations from the SEHP Study would create construction of ramps for direct vehicular access from the Bruckner

1 directly into Hunts Point, home to the Food  
2 Distribution Center. It would close two Sheridan  
3 ramps that pour traffic currently into busy  
4 pedestrian intersections at Hunts Point Avenue and at  
5 Westchester and Whitlock Avenues. It would also  
6 convert a portion of the Sheridan Expressway, an  
7 incomplete Robert Moses era highway, into a boulevard  
8 that calms traffic and allows residential access to  
9 the Bronx River Waterfront. We have the only fresh  
10 water river in our back yard in our communities, but  
11 we have almost no access to it because of the  
12 Sheridan Expressway and because of this highway  
13 infrastructure, so we're fighting to create a kind of  
14 west side highway/boulevard scenario where the  
15 Sheridan would actually shrink and we would be able  
16 to better access, particularly from the West Farms  
17 neighborhood, some of the beautiful parks that our  
18 environmental justice organizations have brought  
19 online in former brownfield sites, right along the  
20 river.  
21

22 These and other changes recommended by  
23 the SEHP Study team would have multiple impacts,  
24 including taking thousands of commercial vehicles off  
25 of local streets, reducing diesel emissions and

1  
2 especially those routes that run close to schools and  
3 housing where they are most harmful.

4 For Mayor de Blasio and the Council,  
5 these recommendations provide a clear blueprint for  
6 improving air quality and respiratory health in the  
7 South Bronx. We are excited to be working with  
8 Council Members Arroyo and Palma, who have recently  
9 introduced Resolution 15, which also attached to my  
10 testimony, calling on the State to implement the SEHP  
11 Study recommendations. This resolution now sits in  
12 the Transportation Committee and we are hopeful that  
13 it will be passed quickly and unanimously to send a  
14 strong message to Albany that the Council wants  
15 expeditious implementation of health and safety  
16 measures on some of New York City's most dangerous  
17 and polluted streets. We ask that each member of  
18 this committee [bell] support Resolution 15 when  
19 presented for a vote and we look forward to working  
20 with you on that. Thank you.

21 FEMALE: Hi, good afternoon and good to  
22 see you here as the new Chair, Mr. Richards. And I  
23 would like to first address the issues as the air  
24 monitoring sites and the DEC webpage that addresses  
25 only 17 sites for the public to connect with and that

1  
2 it's obvious that we need to expand our community  
3 monitoring and access to that information throughout  
4 the city.

5           As for transportation matters which have  
6 been very covered in this hearing today, I'd like to  
7 address the subways and the air quality on the  
8 subways, and if there's a possibility to have some  
9 kind of monitoring for what's going on down there and  
10 the particulate matter, I think that many New Yorkers  
11 would benefit from better air quality in the subways,  
12 particularly in the summer and given the very high  
13 asthma rates that many people are suffering from.

14           The issues that were raised today, are...  
15 with exception for the South... or the Bronx, which is  
16 obviously much more disfavored than other  
17 neighborhoods in the City, is really a combined  
18 situation that includes a lot of emissions from  
19 different sources, as importations from the west and  
20 so forth and we need to be looking at how to directly  
21 reduce our emissions from power plants and as  
22 stationary emission sources and we need to comply  
23 with what are the federal standards of nonattainment  
24 and hopefully we will consider other options, such as  
25 renewable energy choices and efficiency and bring

1  
2 down the demand. The use of energy in the city can  
3 be brought down significantly, some say up to half  
4 and with this reduction in demand we can substitute,  
5 phase in renewable sources, we could be paving our  
6 parking lots and industrial buildings with solar  
7 panels, we can be hopefully incorporating community-  
8 based initiatives for community ownership of these  
9 systems rather than large-scale utility-owned  
10 systems, we can empower the communities that have  
11 been disfavored, environmental justice communities,  
12 by what are large industrial projects in energy and  
13 as a community benefit initiative, we will all  
14 benefit in New York as a result of some type of  
15 program that would promote and remove the barriers  
16 for this type of deployment of renewable energy.

17 We do have Indian Point, up the river,  
18 which is a nuclear facility that consistently  
19 endangers everyone, particularly vulnerable  
20 populations with hits ongoing operation. [bell]  
21 Sorry, I'll wrap it up. And I would like to add that  
22 relating to what is now an importation of electricity  
23 from hydro dams and in the first nation's lands in  
24 Quebec there is a proposal into Queens by Blackstone  
25 to ship in 1,000 megawatts of power from dams that



2 need to be built. So I will leave it at that for now  
3 and thanks again; good too meet you.

4 CHAIRPERSON RICHARDS: Pleasure.  
5 Pleasure. Thank you for coming to the people's house  
6 everybody. We're gonna have our next panel. Thank  
7 you Mr. Powell as well, thank you.

8 Alrighty, Frances Davis, Michael Cole,  
9 Dara Hunt, Franka Joya [phonetic]... [background  
10 comment] Cindy Hamco and Dr. Maxine Lubner.  
11 [background comment] Sydney left? Okay... Cindy.  
12 Okay. No one. Okay, we'll call... one last time,  
13 Frances Davis, Franka Joya, Dara Hunt, Michael Cole,  
14 Dr. Maxine Lubner. [background comment] Okay,  
15 great. Okay, so we can... [pause] [background comment]  
16 to my right and you'll hit the button. Thank you.  
17 [background comments]

18 FRANCES DAVIS: Hi, I'm Frances Davis;  
19 I'm a resident of New York City housing. I live at  
20 93rd Street and 1st Avenue. And I hadn't got asthma  
21 till I moved there; I lived in New York City all my  
22 life; I became a asthmatic... I've been a diabetic all  
23 my life also and with them puttin' that waste  
24 transfer station there; I don't think it's good for  
25 any of our children, for our senior citiza... citizens,

2 excuse me... [background comment] I'm a bit nervous, I  
3 don't speak in public... [interpose]

4 CHAIRPERSON RICHARDS: Nervous...  
5 [background comments] You're in your house, don't  
6 worry about it, you're fine.

7 FRANCES DAVIS: I don't think it's a good  
8 thing to do for the people of our community, it's not  
9 a good thing to do. I would prefer them building a  
10 park there or schools. Asphalt Green is a good park  
11 for our kids and our seniors also, they go there to  
12 work out, they get a lot of street off them; the  
13 senior citizens I'm speakin' about, and the kids,  
14 they just love it, they go there, they exercise, they  
15 play ball. Asphalt Green and that waste transfer  
16 station is not gonna work together. Thank you.

17 CHAIRPERSON RICHARDS: Thank you.

18 [applause]

19 DARA HUNT: Hi... Thank you, Frances, very  
20 much. My name is Dara Hunt; I'm a... [background  
21 comment] My name is Dara Hunt; I'm a resident of  
22 Yorkville; I'm a retired senior V.P. at the Federal  
23 Reserve Bank of New York. I know this hearing is  
24 largely about environmental justice areas of the  
25 City, but as a resident of Yorkville, Lower East

1  
2 Harlem, I feel that you're about to create a new one  
3 and I think there is a point being missed that there  
4 are over 2,200 residences of NYCHA right within  
5 literal feet of the MTS that is being planned. I  
6 also think that it would probably be a good idea for  
7 Council Members, all Council Members on this  
8 committee, to take a closer look at the Solid Waste  
9 [background comment] Management Plan. I have looked  
10 at it carefully for months and I have studied all the  
11 background documentation and I do not find.. I cannot  
12 find anything except the most trivial reduction of  
13 burden on admittedly overburdened communities in the  
14 five boroughs. I do know though that of all the  
15 boroughs, Manhattan has the highest air pollution by  
16 far and our little neighborhood is among the very  
17 highest on Manhattan. I just hope that you folks  
18 will take a dispassionate look at the SWMP and what  
19 it will achieve; I think you will find that it does  
20 not achieve the goals it sets out to and the only way  
21 we're going to relieve the burden on communities  
22 throughout New York is by reducing waste and it can  
23 be done, by recycling and reusing more. This can be  
24 done, we recycle a paltry amount, other cities in the

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U.S. are triple our rates. Thank you very much for listening to me.

CHAIRPERSON RICHARDS: Thank you.

FRANKA JOYA: My name is Franka Joya, I'm a resident of Yorkville and a volunteer with Pledge to Protect. I speak as a New Yorker, born and raised in Brooklyn and Queens with family still in those boroughs. I make that comment because we're all here to protect our communities as am I, but discussion often pits boroughs against each other and it should not, we should work together as New Yorkers of one city. So my concern, of course, is the East 91st Street transfer station because it will increase local air pollution hot spots right in the area. So the transfer station itself may be safe and with new technology to keep it clean, but the trucks coming to it, the 500 trucks a day coming through it, are not safe and it is in an area where the buffer zone, the legal buffer zone that's required of MTS is not there, it's been grandfathered in, there are 50,000 plus New York City kids that use Asphalt Green from all over the city who come to use there; there is the NYCHA housing one block away with 2,200 units, about, and it is one of the most [bell] densely populated

2 residential neighborhoods in Manhattan, and again,  
3 it's not an environmental justice area now, but it  
4 will be in five or ten years and it's just creating  
5 more of the same problems that we have in other  
6 areas. So creating an injustice in one area does not  
7 alleviate or help other areas that are already  
8 injustice, it doesn't make it even.

9 When this MTS will operate at full  
10 capacity, the emissions will be 1.9 times and 4.1  
11 times higher than the permitted under the MTS'  
12 current operating permit. And I just ask, as Dara  
13 did, that the Committee relook at the 2006 SWMP plan  
14 and look at its goals, because it is not meeting its  
15 goals. Thank you. [background comments]

16 CHAIRPERSON RICHARDS: Thank you.  
17 [background comments] Can I ask you just one  
18 question? So my question is in terms of... if this  
19 thing was to continue and go through the way that  
20 it's proposed to go through, what things would your  
21 community look for that can help mitigate... do you  
22 believe; do you think more trees; what do you believe  
23 are some things... I'm not say... I don't know what's  
24 gonna happen; I believe, you know people have made  
25 their stances very clear, but I just wanna know, if

2 there is ground to meet in the middle somewhere, I  
3 understand... you know, I don't... I understand  
4 pollution, but I do understand that you know there  
5 are communities who have been overburdened as well,  
6 you know throughout, including my community, but what  
7 I am interested in hearing is what... one; if it did  
8 not go there, where should it go? Two; what are  
9 some things that you believe through the trucks; is  
10 there a different route the trucks can go that would  
11 bypass the NYCHA, you know, housing... I don't know,  
12 this is new to me, your council member has reached  
13 out to me recently to sit down, so you know, I'm  
14 leaning here too and just wanna know, are there any  
15 things the city can do and if there are mitigation  
16 things that you believe can aid?

17 FRANKA JOYA: We're not proposing it go  
18 somewhere else, we are proposing that the City relook  
19 at the way that it handles waste altogether because  
20 it doesn't actually need to anywhere else.

21 [background comment] It would only... and I don't have  
22 the numbers in front of me, but it would only relieve  
23 the burden by... of truck traffic by 1.5 percent or so.  
24 We... you know, our organization did put out a formal  
25 independent study [background comments]... Pledge to

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Protect did recently publish an independent study with recommendations and with the specific numbers of what it would actually to do relieve the outer boroughs or not. And if you have any [background comment] of the numbers for me.

DARA HUNT: I would just say that in terms of your desire to mitigate the effects, traffic in our neighborhood is among the very highest in the city, there are areas downtown that are higher, but we have so much traffic now and it is so congested and traffic patterns have changed dramatically that it's very hard to envision mitigation and there really is... the ramp to this thing will bisect Asphalt Green and I won't speak more about that, but there's very little that I think we could come up with in terms of mitigation, but others may have ideas.  
[background comment]

CHAIRPERSON RICHARDS: No, no talkin'... no calling out. Alright, we're gonna have the next panel come up. [background comments] Thank you. Thank you. Thank you. 'Kay, got you. Alrighty. Carol Holmes... I don't see Bertha Lewis, 'kay, Kirsten Feldman from Asphalt Green, Andy Lachman, Parent Leaders of UES Schools (PLUS)... [background comments]

2 I wanna call Carol Tweedy and I guess we can call one  
3 more, Diane Courtney. [background comments] Say it  
4 again. [background comments] You may start, sir.  
5 [background comments] Well since she has a better  
6 smile thank you, sure. [laughter] Yes. [background  
7 comments] Oh she'll... okay.

8 CAROL TWEEDY: I'm Carol Tweedy and I'm  
9 the Executive Director at Asphalt Green and I really  
10 don't mind if the room has emptied out a bit, I used  
11 to teach in Minneapolis in the middle of the winter  
12 at 8 in the morning and I'm sort of use to an empty  
13 room. [laughter]

14 Asphalt Green is about fit kids, fit  
15 city, our sports and fitness is to make kids healthy  
16 so that they can have longer, more healthy,  
17 productive lives. One of the things that's been  
18 amazing about the testimony this morning is that  
19 there is something that every single person in the  
20 room agrees on and that's that diesel emissions are  
21 terrible, terrible, terrible for children in any  
22 neighborhood, any neighborhood. Our concern at  
23 Asphalt Green, first with their mission and with the  
24 MTS project on 91st Street, is the health of children  
25 and we have discovered through our independent



1 studies of the Solid Waste Management Plan that in  
2 fact diesel emissions in that area will increase,  
3 there is no significant reduction in truck miles  
4 throughout Manhattan, it's about 3 percent, there's  
5 no reduction in residential garbage to other boroughs  
6 at all by the 91st Street station and there's  
7 reduction citywide of only 1.6 percent commercial  
8 waste that's now going to other boroughs.

10 What's going to happen is that if the  
11 marine transfer station is built, Asphalt Green will  
12 lose some of its fee-paying customers; those  
13 customers, the surplus that their fees produces pays  
14 for all of our free programs. We're currently now  
15 anticipating that our day camp will have 300 less  
16 signers-up than we had last year, we see already how  
17 parents are saying no, no, no, I don't want my kid to  
18 be there. Those 300 kids turns into reducing our  
19 free programs and we provide free services for 35,000  
20 children and seniors; it will reduce those... losing  
21 those 300 fee-paying will reduce the free services by  
22 12,000, it'll affect 26 council districts and 120  
23 schools, it'll affect the districts of Cohen, King,  
24 Cabrera, Arroyo, Viverito, Torres, Gibson, Lander,  
25 Menchaca, Barron, Williams, Espinal, Kallos,

1 Rosenthal, Dickens -- by the way, all these schools  
2 that we work with have at least 75 percent free lunch  
3 -- Margaret Chin, Levine... excuse me... a lot in East  
4 Harlem... this page is all... Melissa Mark-Viverito,  
5 Mendez, Rodriguez, Constantinides, Van Bramer, and  
6 Wills. All of those districts will receive less free  
7 services from us. So this is not a productive  
8 process, a productive plant, we're spending millions  
9 of dollars, so let's pause, let's all come together  
10 on children, let's have a common standard for  
11 children in all boroughs, let's agree that the law  
12 that no waste transfer station should be within 400  
13 feet of children be applied, not only to private  
14 stations, but the City as well, that any that are now  
15 near sensitive locations -- schools, public housing,  
16 parks -- should be closed down or their truck routes  
17 changed, there should be continuous air quality  
18 monitoring, and that would provide immediate  
19 solutions to the worst offenders and create a common  
20 standard for children in all boroughs. Will politics  
21 and neighborhood stereotypes trump substance? Will  
22 we continue this unprecedented experiment with  
23 children's lives?  
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COMMITTEE ON ENVIRONMENTAL PROTECTION

KIRSTEN FELDMAN: I'll go next.

[interpose]

CHAIRPERSON RICHARDS: Oh...

KIRSTEN FELDMAN: Hi, thank... thank you for... you're not on... Thank you for hearing.. [static] my name's Kirsten Feldman; I'm a Board Member of Asphalt Green; I'm also on the board of two other national environmental organizations; this is where my lives intersect about children's health.

I'm here today to talk about air quality and the East 91st Street marine transfer station; it will have a massive [static] negative effect on the air quality for children who already suffer disproportionately from air pollution where they already live. Asphalt Green, as you heard, is a not-for-profit recreational facility, we service 35,000 children on our campus, 52 percent, 20,000, are children of color who receive free services, they live primarily in East Harlem, but also in Brooklyn, Queens and the Bronx. Our most famous athlete was Lia Neal, who comes from Brooklyn, who commuted to Asphalt Green, who got a bronze medal in the Olympics last year. We are the PE department and the after school program for these public schools. Asphalt Green draws

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on two NYCHA housing developments that have 5,700 residents and 1,600 children. This would be the largest public housing population and the largest group of children of color near a transfer station anywhere in five boroughs.

We at the Board wanted to get around rhetoric and get to science, so we commissioned an environmental study and we found three shocking new things that weren't discovered before; people call it barge and rail; it's actually tug boats that pull barges. Tug boats are now much, much dirtier than trucks, 12 times dirtier. There will be toxic tug boat fumes up and down the waterfront communities of Queens, Brooklyn and Staten Island, as tug boats go up and down the narrow East River moving barges to Staten Island. Air pollution on our site will be four times more than the City disclosed, and you know the city actually forgot to include tub boats in their EIS, absent completely. Commercial truck traffic will not go down in overburdened neighborhoods; we've, you know, shown that from our analysis. But more shockingly, the entrance ramp to the MTS, which would be right here, [static] [background comments] the MTS would be literally 11 feet from the entrance to

2 Asphalt Green and you see the school buses that are  
3 lined up idling, along the playing field, those are  
4 gonna be garbage trucks replaced. There is no single...  
5 there's no single place in New York City, I challenge  
6 that, where two million visits intermingle with  
7 hundreds of garbage trucks, fuel tanker trucks;  
8 emergency vehicles every single day; we know a young  
9 man was killed by a garbage truck this past week; we  
10 on the Board feel it's a matter of when, not if a  
11 child will be killed at Asphalt Green.

12 So [static] you know, this is what we  
13 look like right now [static] this is the old transfer  
14 station, the new one's gonna be three times bigger,  
15 this is the playing field, this is the ramp, this is  
16 the park, this is the pool, this is the playground;  
17 [bell] it's outrageous. [static] It is outrageous  
18 that a city as modern and progressive as New York  
19 City, you know will create something like that.

20 So the final air quality point for you  
21 all is that given the proximity to the FDR, and you  
22 can see that on your map, Yorkville is already one of  
23 the only four remaining sulfur dioxide hot spots that  
24 exist in New York City and they talked.. the  
25 Commissioner talked about that this morning; adding an

2 MTS at East 91st Street would only make an unfortunate  
3 situation worse. And you know, I think you guys  
4 looked at this this morning, this; this is Asphalt  
5 Green [background comments]. So Chairman Donovan, we  
6 invite you and all the members of this committee to  
7 come and tour our facility, come see what we do with  
8 kids up there, who we serve. We think it's really the  
9 moral obligation of our city's leaders to protect the  
10 health and safety of all children, all races, all  
11 boroughs. We simply believe that a solution that  
12 involves harming more children is reckless and  
13 irresponsible; it's not a solution at all. New York  
14 can and must find a better way. Thank you.

15 CHAIRPERSON RICHARDS: Thank you.

16 ANDY LACHMAN: My name is Andy Lachman.

17 Mr. Chairman, I wanna thank you for staying and  
18 allowing me to speak, as the dad of two teenage  
19 daughters, I don't get heard too often. [laughter]  
20 And I also wanna give a special thanks to the  
21 councilman who talked about mold. As somebody who  
22 spent every weekend of the last year doing demo and  
23 mold remediation in Averno in Far Rockaway, I can tell  
24 you how devastating that problem is and I sincerely  
25 only hope the masks they provided us do their job.

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I've learned a lot today and as Carol said, there was one common thread to most of what the speakers said -- trucks, trucks, trucks, trucks and the diesel pollution that they emit. But what I didn't hear is an obvious solution -- instead of reducing miles, why don't we reduce the truck pollution? I'll talk more about that later, but I wanna say why we're here. We're here to reduce pollution in neighborhoods of low-income that have borne the brunt and to help environmental justice, and if you're serious about solving this problem, you have to look at the global, but you also have to look at the micro issues and what damage the decisions that have been made to solve the problem.

And I'll tell you this, number one is, you don't solve the problem of pollution in any neighborhood by moving it to another and that's what they're about to do with the SWMP plan. Now there is devastating pollution in those neighborhoods, but here's what I'm gonna tell you; that SWMP plan does not change the pollution from garbage truck sin Manhattan; Manhattan's garbage trucks do not go to any of those boroughs, this SWMP plan will not solve that problem and it's gonna cost \$1 million, but not one

2 Manhattan truck goes to the Bronx, Brooklyn, Queens or  
3 Staten Island. And how do I know that? Because I've  
4 studied the SWMP plan and if you look at Page 84 of  
5 that SWMP plan, it tells you; what will happen if we  
6 don't build the 91st Street transfer station and  
7 clearly it says the waste will be continued to be  
8 driven to facilities in Jersey for disposal in New  
9 Jersey, it doesn't say that it's gonna go to the  
10 Bronx, Queens or Staten Island, because it won't.

11 Secondly, as pointed out by others here,  
12 this SWMP plan will create more pollution than it will  
13 prevent. We learned a lot today from a lot of the  
14 speakers and the City's presentation; they said  
15 Manhattan has the highest pollution of any borough,  
16 they also said kids are most vulnerable [bell] so if  
17 I'm allowed to finish... it's the highest density areas  
18 cause the most pollutions. There's 38 miles of  
19 coastline in Manhattan and some of those areas on the  
20 coastline, no one plays and no one works, but those  
21 weren't considered because the previous administration  
22 was more... felt that they had to protect developers and  
23 not kids.

24 Lastly, this SWMP plan is divisive and as  
25 somebody who fought for education and kids, I've seen



2 what the previous administration has done; they tried  
3 to pit community against community, race against race,  
4 neighborhood against neighborhood; this doesn't  
5 eliminate the problem, we need to work together and  
6 solve it, and you have a rare opportunity, your  
7 committee has a rare opportunity to really solve this  
8 problem and let me briefly get back to the trucks.  
9 Imagine if you took that \$1 billion you were gonna  
10 spend on the plan and bought new garbage trucks, you  
11 could conceivable replace every single garbage truck  
12 in Manhattan, and not only would it be less polluting,  
13 but there would be less noise and they'd be safer for  
14 the workers. So the City mentioned their Hunts Point  
15 Initiative where they're helping small businesses with  
16 the financing from trucks; that's something you should  
17 look into. And one last thing, if I can on secondhand  
18 smoke, there is not law or no way for an apartment  
19 dwelling to prevent their neighbor's secondhand smoke  
20 from coming into their apartment and it's devastating.  
21 The City needs to create a law or some kind of  
22 legislation that will make those people responsible.  
23 Thank you for your time.

24 CHAIRPERSON RICHARDS: Okay, I just have  
25 a question for Asphalt Green. So how many students

2 come from the NYCHA houses that attend.. if you can  
3 give me that number?

4 CAROL TWEEDY: I don't have.. I don't have  
5 that number right at the top of my head; we have a  
6 major program for seniors from NYCHA.. [interpose]

7 CHAIRPERSON RICHARDS: How many seniors  
8 as well?

9 CAROL TWEEDY: I would say there are  
10 probably about... over the course of the year, about 300  
11 seniors and if they go through our orientation  
12 program, they then get free membership [background  
13 comment] to both the fitness center and to the pool,  
14 [background comment] once we've trained them how to  
15 use it, we've documented [background comment] the  
16 effect of that. [background comment] As a matter of  
17 fact, the senior center has had more enrollments  
18 because it's also... it's an amenity now of the senior  
19 center that's located in the housing project.  
20 [background comment] For the kids, if they're in one  
21 of the schools that we work with, then they would be  
22 involved in our waterproofing program, which is a free  
23 learn to swim program for public school students;  
24 there are 2,600 of those that.. [interpose]

2 CHAIRPERSON RICHARDS: And which public  
3 school closest to the facility?

4 CAROL TWEEDY: The public school closest  
5 would be 198...

6 CHAIRPERSON RICHARDS: Okay.

7 CAROL TWEEDY: where we also do recess  
8 and that's on Lexington and 3rd and... excuse me,  
9 between Lexington and 3rd on 96th and we also do  
10 recess enhancement where we help recess be an active,  
11 positive time instead of one where kids beat each  
12 other up, bully or do nothing, uh... [interpose]

13 CHAIRPERSON RICHARDS: And...

14 CAROL TWEEDY: so that's the closest.

15 CHAIRPERSON RICHARDS: Okay. And you're  
16 for-profit or non-profit?

17 CAROL TWEEDY: We are not for-profit, but  
18 the financial model is that we charge a fee for  
19 services and that that spins off of surplus, coupled  
20 with fundraising, we spend two and a quarter million  
21 dollars to provide free services to 35,000 children  
22 all through the city, both on our campus and in other  
23 boroughs.

24 CHAIRPERSON RICHARDS: And how much are  
25 the fees a year about?

2 CAROL TWEEDY: Well a membership fee  
3 would run about \$1200 a year, and a class... say a swim  
4 class runs about \$32 a session.

5 CHAIRPERSON RICHARDS: \$32 a session.

6 CAROL TWEEDY: A third of all of our  
7 services are for free, that's the requirement that the  
8 City has made in order to be on City-owned land and we  
9 also maintain all the buildings, we're responsible for  
10 that, although they're City-owned buildings.

11 [crosstalk]

12 CHAIRPERSON RICHARDS: And I was... I was a  
13 little... I was a little jealous that, you know, there  
14 were students coming from Councilman Wills' district  
15 and you know, none from mine... [crosstalk]

16 CAROL TWEEDY: Talk to me.

17 CHAIRPERSON RICHARDS: But uh... but...  
18 [laughter] but wanted to know. So how often do those  
19 students come; do those school participate... so a  
20 school... Ruben Wills'... [crosstalk]

21 CAROL TWEEDY: Uh if...

22 CHAIRPERSON RICHARDS: right next door to  
23 me; how often do... [crosstalk]

24 CAROL TWEEDY: Ruben Wills' schools are...

25 [interpose]

2 CHAIRPERSON RICHARDS: How many schools  
3 are there?

4 CAROL TWEEDY: Yeah, well that school...  
5 there are 729 students [background comment] in that  
6 school that participate... [interpose]

7 CHAIRPERSON RICHARDS: What school is it?

8 CAROL TWEEDY: It's PS 50.

9 CHAIRPERSON RICHARDS: Okay.

10 CAROL TWEEDY: And the program they  
11 participate in is recess enhancement and we are there  
12 two or three days a week in order to provide recess  
13 for the entire school.

14 CHAIRPERSON RICHARDS: Okay. So his  
15 school... his students come from that particular school...

16 CAROL TWEEDY: From that particular  
17 school.

18 CHAIRPERSON RICHARDS: two or three times  
19 a week?

20 CAROL TWEEDY: Yes.

21 CHAIRPERSON RICHARDS: Okay, got it.

22 Alrighty, thank you.

23 CAROL TWEEDY: No, we go... I wanna clear...  
24 [crosstalk]

25 CHAIRPERSON RICHARDS: Oh you go to...

2 CAROL TWEEDY: we go there, we... we go  
3 there. [crosstalk]

4 CHAIRPERSON RICHARDS: You go to his  
5 school. Okay.

6 CAROL TWEEDY: But that's paid for  
7 [crosstalk]

8 CHAIRPERSON RICHARDS: Is that Casa or...

9 CAROL TWEEDY: with the... with the... with  
10 the... [bell] with the funds that we generate on the  
11 campus at 91st Street. [interpose]

12 CHAIRPERSON RICHARDS: Okay. Alrighty.  
13 Thank you. [background comments]

14 FEMALE VOICE: Sir, you missed one.

15 FEMALE: Hi.

16 CHAIRPERSON RICHARDS: Oh I'm so sorry.  
17 Oh we... Oh, so sorry... [crosstalk]

18 FEMALE: That's okay. But thank you so  
19 much; I... [background comment] I learned a great deal  
20 today from this hearing and I just wanna thank you,  
21 Chairman Richards for the fact that it has happened.  
22 I'm just a regular person in that neighborhood and  
23 member of Asphalt Green and I have been just very  
24 upset that this could even be going on and first of  
25 all, it's talked about as the Upper East Side, which

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it is not, it's nothing to do with Park Avenue and Madison Avenue, it's northern Yorkville and East Harlem, so it's a whole different thing and we are... it's a very dense community and we do have the FDR and the 96th Street people getting onto that, but there's also other things; this isn't a correction that you're planning, this is something.. if you listen to us, this is a quick way to stop something that's gonna add to pollution, if you go ahead with this. It'll be simpler than all these other things you're talking about which would take years to accomplish, at least this is one thing you could just put a stop to. But switching from trucks to tugs is going to increase the nitrous oxide pollution citywide, the reductions in annual miles traveled by trucks, if the East 91st Street MTS is built, will come at the expense of adding substantial new tug boat activity that will increase overall nitrous oxide emissions in the city's air. The relative emissions of tugs and trucks were overlooked in the SWMP debate over truck miles. Tugs will emit eight times more diesel PM and 3.6 times more nitrous oxide than the 2007-compliant trucks. Despite years of debate about the environmental benefits of SWMP, city never answered the questions of

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whether shifting the transport of the city's trash from trucks to tugs and barges were an advantageous thing to do from the standpoint of air quality per their perspective. So this is really not progress. It used to be an asphalt plant, they put a stop to that, they put in this wonderful Asphalt Green, which is a fantastic, and Carol has spoken about what it does, but it's outdoor activity... indoor sports activity for thousands of children and adults and now they're gonna put garbage down on top of it in each green space itself. I just... I can't understand it. But... and it's gonna cost millions more than were ever planned and I don't know, it's dirty old trucks left next to children playing, garbage floating when the East River floods; it's just endless things that I just can't even understand how anyone would think of going ahead with it and I'm just a person in the neighborhood. But thanks for listening.

CHAIRPERSON RICHARDS: If you can, I would request that you get to the Committee the number of kids from the NYCHA facility who utilize the facility. [bell]



2 CAROL TWEEDY: Yes. [background comment]  
3 I will submit to you the list of all the schools that  
4 we serve by council district.

5 CHAIRPERSON RICHARDS: Great. Thank you.  
6 Thank you. [background comments] The last two.  
7 [background comment] Sure, I will keep 'em.  
8 [background comment] Sure, I'll keep 'em. Yeah.  
9 [background comments] I am looking for Christina Ha...  
10 I think I said it right, Pansi or Parisi, [background  
11 comment] representing Carolyn Maloney, great  
12 congresswoman, and Joel Kupferman from the  
13 Environmental Justice Project. Miss Christina, you  
14 will go first.

15 CHRISTINA PARISI: Thank you. So I'm  
16 Christina Parisi from Congresswoman Carolyn Maloney's  
17 office and thank you for giving me the opportunity to  
18 present this statement that she's asked to be  
19 delivered on her behalf.

20 Chairman Richards and members of the City  
21 Council Committee on Environmental Protection, thank  
22 you so much for the opportunity to testify about the  
23 impact of air pollution in my community, the 12th  
24 Congressional District of New York, which I represent  
25 includes many neighborhoods including the Upper East

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2 Side, which is some of the worst air quality in the  
3 city as well as Northwestern Brooklyn and Western  
4 Queens, which also have serious challenges. The  
5 Community Air Survey released by the New York City  
6 Department of Health and Mental Hygiene on September  
7 26, 2013 very clearly illustrates the fact that while  
8 air quality has improved in many areas of the city,  
9 the Upper East Side, and specifically the area near  
10 the proposed marine transfer station continues to be  
11 one of the worst in the city. By every measure, the  
12 Upper East Side has shown none of the air quality  
13 improvements found elsewhere in the city. Over the  
14 past five winters, the average sulfur dioxide  
15 concentration at the air monitor citywide declined by  
16 69 percent, but on the Upper East Side, according to  
17 the chart, it remained close to the upper limit of  
18 greater than 9.8 parts per billion. In fact, if you  
19 looked at the three neighborhood charts contained in  
20 the report, the Upper East Side is the only  
21 neighborhood that is at the worst end of the scale on  
22 all three charts. Putting a marine transfer station  
23 in this neighborhood and bringing hundreds of  
24 sanitation trucks onto the streets of an already  
25 burdened neighborhood means that the possibility of

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2 reducing air pollution in this community is virtually  
3 nil. I believe that the City must take another look  
4 at its plans to place a marine transfer station in a  
5 residential neighborhood at 91st Street. In its Waste  
6 Transfer Stations: A Manual for Decision-Making, the  
7 EPA states it is preferable to avoid routing traffic  
8 through residential areas because traffic generated by  
9 transfer stations contributes to congestion, increased  
10 risk to pedestrians, increased air emissions, noise  
11 and wear on roads and might contribute to litter  
12 problems. The City is not merely routing traffic  
13 through our neighborhood, it is making this  
14 neighborhood the prime destination of those trucks,  
15 which will have to pass through Asphalt Green's  
16 playing field, one of the City's prime recreational  
17 facilities serving children from all over the city.  
18 The facility will have an impact on two adjacent  
19 public housing developments, several schools and three  
20 parks, it will create an air quality disaster that  
21 will severely harm this dense urban residential  
22 neighborhood, waste will then be transported from the  
23 marine transfer station to tug boats which will travel  
24 along the waterfront of Manhattan's East Side, Western  
25 Queens and Brooklyn en route to a rail station in

1  
2 Staten Island. The increase NO2 emissions from these  
3 boats will adversely affect the air quality of  
4 neighborhoods along the East River, including the East  
5 Side, Western Queens and Northwestern Brooklyn as they  
6 pass. If the City is serious about addressing the  
7 appalling air quality on the Upper East Side, the MTS  
8 must be scrapped. I should also mention that my  
9 community in Astoria and Long Island City has long  
10 been referred to as asthma alley because of the large  
11 number of old polluting power plants situated there.  
12 In recent years some of these plants have been  
13 modernized but a lot more needs to be done. In  
14 addition, I represent the neighborhoods of Greenpoint  
15 and Williamsburg in Brooklyn which have the largest  
16 concentration of waste transfer stations in the city;  
17 they are severely burdened by the number of trucks  
18 moving through the community. One set of trucks  
19 brings the garbage to the waste transfer stations and  
20 then a second set of trucks collects the garbage to  
21 take it to landfills outside the city. I have heard  
22 from constituents who tell me that they support a  
23 waste transfer station that would barge garbage out of  
24 their community thereby eliminating half of the truck  
25 traffic. More should be done to reduce the volume of

2 garbage brought to the area and I would strongly  
3 support greater efforts to recycle, compost and reuse  
4 garbage. Thank you.

5 CHAIRPERSON RICHARDS: Thank you.

6 CHRISTINA PARISI: Uhm-hm.

7 JOEL KUPFERMAN: Joel Kupferman, New York  
8 Environmental Law and Justice Project and glad that  
9 you're having this hearing and I just wanna say, we  
10 testified in front of City Council scores of times and  
11 started before 9/11 and it continued after 9/11 and in  
12 some ways the story hasn't changed and I really  
13 believe in sampling [bell] sampling... it's at the  
14 beginning, right? [laughter] I really believe in  
15 sampling, as a matter of fact, it was a Law Project  
16 that grabbed samples in front of the World Trade  
17 Center and had it tested and showed high levels of  
18 asbestos and fiberglass, despite the city and the  
19 federal, you know, government's claim that there was  
20 nothing there. The trouble with all these cases is  
21 that we called upon all these organizations to  
22 represent them in court and ECB hearings and the like  
23 and there's a lack of enforcement, that's where the  
24 problem is. DEP today talked about their enforcement;  
25 yesterday, we were at the hearing dealing with NYCHA

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over the diesel generators and the problem is also underreporting. People called up the Law Project and called the city over and over again about the diesel effects and NYCHA yesterday said that they discounted those complaints 'cause they were exaggerated; that's the problem that we face, this underreporting; there's a problem with the 311 system; when people call in and there's not the right box to check off, it doesn't go anywhere in the right way. And as a matter of fact, there is something.. and DEP does have a citizen complaint provision that's part of the law and the Law Project's one of the first ones to use it. Last year they tried to get rid of it, so in some ways they're telling all the stuff that they're doing and yet they're not allowing enough citizen access, especially on the enforcement level.

There's also.. I was upset that the Buildings Department wasn't here. Most of our cases have to do with construction, bad construction that's going on and this unfettered mitigation that's going on, does it going into people's apartments right next door; when people call Department of Buildings, they come or they don't come and one of the problems that you should look into is that there's definitely a lack

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2 of number inspectors that are out there, but also, the  
3 City should look at the number of fines that are  
4 imposed; those fines haven't increased and also, there  
5 is no history that's recorded. Okay. New York State  
6 and New York City have something called the Bad Actor  
7 Policy and the only way to really stop bad polluters  
8 from going in is to have their tails clipped. The  
9 City continues to refuse to do that. And also, in  
10 terms of lack of enforcement, the City relies... DEP and  
11 Department of Health relies on self-certification... are  
12 you familiar with? [background comment] Okay. Time  
13 and time again we've caught self-certification being  
14 falsely, you know reported and yet the City doesn't go  
15 after any of these people. Why we bring up the Bad  
16 Actor Policy is that the word out on the street is  
17 that these people can get away with a lot in terms of  
18 ongoing pollution and yet there's no stopping them and  
19 part of the problem is people being able to record  
20 [bell] what's going on and also, to localize that  
21 reporting. Part of the problem also is that... Mount  
22 Sinai was one of the leading centers of environmental  
23 occupational health; they're no longer seeing  
24 environmental cases, so that's where part of the  
25 underreporting is going on. Okay.

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CHAIRPERSON RICHARDS: Thank you. Thank  
you everyone for coming out; this will conclude our  
hearing. We made it through the day. Give yourselves  
a round of applause. [background comments]

[gavel]

Thank you. Thank you. [background  
comments]



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                      March 30, 2014