

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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January 21, 2020

Start: 2:17 PM

Recess: 2:35 PM

HELD AT: Committee Room - City Hall

B E F O R E: COSTA G. CONSTANTINIDES

COUNCIL MEMBERS: Rafael L. Espinal, Jr.  
Stephen T. Levin  
Carlos Menchaca  
Donovan J. Richards  
Eric A. Ulrich  
Kalman Yeger

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

2 (sound check) (pause)

3 CHAIRPERSON CONSTANTINIDES: Good

4 brother. How are you? (gavel) You ready. (background  
5 comments) Alright, fantastic. Good afternoon. I am  
6 Costa Constantinides, Chair of the Environmental  
7 Protection Committee, and today the Environmental  
8 Protection Committee hold a hearing and a vote 4-2-  
9 420-B, a local law that requires the Parks Department  
10 to test for lead concentration levels in areas of  
11 parks. Under Parks jurisdiction they exposed soil,  
12 and are used for active play or passive recreation  
13 whenever a capital project occurs in such area.  
14 Where the tests indicate that a bare soil are has a  
15 lead level at or above the limit set forth in Title  
16 40 of the Coded of Federal Regulations currently 400  
17 parts per million DPR must cover, replace or  
18 otherwise remediate the lead level in the area. Lead  
19 was ubiquitous in the environment particularly in the  
20 air more than 45 years ago when lead was used as an  
21 additive to gasoline. EPA commends the phase out of  
22 lead in all gasoline in 1973. Today, lead can still  
23 be found in some soils although lead levels in soils  
24 have generally declined over time as lead was phased  
25 out of gasoline. Based on 84 soil lead studies

1 across 62 US-62 US cities, evidence suggests that  
2 soil lead quantities in city centers were highest and  
3 tended to decline towards the suburbs and exurbs of  
4 the city. The presence of lead in the environment  
5 has been reduced in all types of environmental media,  
6 but approximately 1% of all women of child bearing  
7 still have blood levels greater than or equal to 5  
8 micrograms per deciliter. This means the health  
9 effects of chronic low-level exposure to lead  
10 including—including adverse reproductive outcomes  
11 remain unaddressed. Lead crosses the placenta, and  
12 it's been detected in fetal brain as early as the  
13 first trimester. Elevated blood levels in pregnancy  
14 has also been associated with adverse health outcomes  
15 including to gestational hypertension, spontaneous  
16 abortion, low birth weight, impaired neurological  
17 development. Recent studies suggest that a maternal  
18 lead exposure inversely related to fetal growth.  
19 Larger numbers of studies indicate that prenatal lead  
20 exposure impairs neural development. This Local Law  
21 require the elimination of lead hot spots in our  
22 parks. While we have done much to eliminate lead  
23 over the years, we need to do more. This is one more  
24 important step to get away—lead from vulnerable  
25

2 populations and particularly our children. I  
3 recommend a yes vote on this legislation. I want to  
4 thank our Council staff here Samara Swanston, our  
5 Legislative Attorney and Nadia Johnson our Policy  
6 Analyst, John Seltzer our financial analyst, Ricky  
7 Charla our Policy Analyst as well, and then, of  
8 course, from my team Nicholas Wazowski my staff  
9 attorney. I also want to recognize that we're joined  
10 today by Council Member Kalman Yeger from Brooklyn,  
11 Council Member Eric Ulrich from Queens, and Council  
12 Member Carlos Menchaca from Brooklyn as well. With  
13 that, I'd recommend a yes vote.

14 CLERK: William Martin, Committee Clerk  
15 roll call vote Committee on Environmental Protection,  
16 Introduction 420-B. Chair Constantinides.

17 CHAIRPERSON CONSTANTINIDES: I vote aye.

18 CLERK: Menchanca.

19 COUNCIL MEMBER MEMBCHACA: Permission to  
20 explain my vote?

21 CHAIRPERSON CONSTANTINIDES: You can.

22 CLERK: Awesome. Thank you, thank you,  
23 Chair for leading this discussion and I want to vote  
24 yes on the bill, and part of what really drives me to  
25 this conversation about lead in these spaces really

2 into capital projects are the massive redevelopment  
3 projects in Red Hook and they found lead in those  
4 fields, but not because of discovery that this bill  
5 would have caused, but because of a graduate student  
6 report about an old lead factory in one of the  
7 corners of the field that led to more discovery. So,  
8 this is—this is just not only helpful, but something  
9 that relates to Red Hook in a big way. So, thank you  
10 and I'd like to be added to the bill as well as co-  
11 sponsor. Thank you. I vote aye.

12 CLERK: Yeager.

13 COUNCIL MEMBER YEGER: Mr. Chairman, may  
14 I be excused to briefly explain my vote?

15 CHAIRPERSON CONSTANTINIDES: Absolutely.

16 COUNCIL MEMBER YEGER: Thank you. Mr.  
17 Chair, I congratulate the Chair on this wise piece of  
18 legislation, and I do want to say for the record  
19 first a number of things. Number one is that it is  
20 indeed the very least we can do to require the city  
21 of New York to remediate its own properties at its  
22 own cost, and particularly within parks where I think  
23 it's fair to say that most of the users of the parks  
24 are either very old or very young, and we're looking  
25 to protect them. I do want to say for the record,

2 though, that my concern although I added my name as a  
3 sponsor to the bill earlier today and I intend to  
4 vote for it here and on the floor this week, I want  
5 to make sure and it is on all of us here in the  
6 Council to make sure that the Parks Department, which  
7 is famous for turning a six-month project into a six-  
8 year project, doesn't turn these projects into 12-  
9 year projects simply because it has to spend five  
10 minutes looking for lead, and I think the Parks  
11 Department it's fair to say that we're not alone at  
12 this committee. Most member of the Council probably  
13 feel the same that Parks takes far longer than is  
14 necessary to do the simplest of projects, and I do  
15 have a concern about whether or not this would  
16 unnecessarily elongate it much like my words here  
17 today are unnecessarily elongated this hearing. But  
18 I do want to make sure that that's stated on the  
19 record because when it happens, I want us to able to  
20 go back to this transcript and then go to Parks and  
21 say, stop playing around. Do your job and do it  
22 right, and with that, I proudly vote aye, Mr. Chair  
23 and I congratulate you and honor you for your  
24 leadership again. Thank you.

25 CLERK: Ulrich.

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2 COUNCIL MEMBER ULRICH: Yes.

3 CLERK: By a vote of 4 in the  
4 affirmative, 0 in the negative and no abstentions,  
5 the item has been adopted by the committee.

6 CHAIRPERSON CONSTANTINIDES: Thank you  
7 all for your comments, and your thoughtfulness about  
8 this, and I look forward to partnering with all of my  
9 colleagues, and if we could leave the vote open for a  
10 few minutes to accommodate some of my other  
11 colleagues who are in the next room. Thank you so  
12 much. (pause)

13 COUNCIL MEMBER: I saw you. Yeah.

14 (pause)

15 CLERK: Continuation roll call, Committee  
16 on Environmental Protection, Introduction 420-B,  
17 Council Member Levin.

18 COUNCIL MEMBER LEVIN: Aye on all.

19 CLERK: Council Member Espinal.

20 COUNCIL MEMBER ESPINAL: Aye on all.

21 CLERK: The vote is currently at 6 in the  
22 affirmative. Continuation roll call, Committee on  
23 Environmental Protection, Introduction 420-B, Council  
24 Member Richards.

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2 COUNCIL MEMBER RICHARDS: Aye. I vote  
3 aye.

4 CLERK: Final vote on this item is now 7  
5 the affirmative, 0 in the negative and no  
6 abstentions. (pause)

7 CHAIRPERSON CONSTANTINIDES: With that, I  
8 want to gavel this committee hearing of the  
9 Environmental Protection Committee hearing on Intro  
10 420-B closed. Thank you. (gavel)

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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 January 29, 2020